AGENDA

Georges River Local Planning Panel

Thursday, 18 December 2025

4:00 PM

Blended Meeting

Online and Council Chambers, Civic Centre, Hurstville

Participants:

Donna Rygate (Chairperson)

David Epstein (Expert Panel Member)

Deborah Laidlaw (Expert Panel Member)

Sophia Ma (Community Representative)

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GEORGES RIVER LOCAL PLANNING PANEL MEETING
ORDER OF BUSINESS

1. ON SITE INSPECTIONS

2. OPENING

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES / LEAVE OF ABSENCE

5. NOTICE OF WEBCASTING

6. DISCLOSURES OF INTEREST

7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

8. CLOSED SESSION – DELIBERATION OF REPORTS

LPP042-25 **Mortdale Master Plan Implementation - Planning Proposal – PP2025/0004 -**
(Report by Senior Strategic Planner)..... 3

LPP043-25 **643A King Georges Road, Penshurst - Penshurst Park – DA2025/0384**
(Report by Principal Planner) 17

LPP044-25 **245 Rocky Point Road, Ramsgate – DA2025/0336**
(Report by Senior Development Assessment Planner) 133

LPP045-25 **1 Marina Street and 61 Moreton Avenue, Kingsgrove – DA2025/0344**
(Report by Development Assessment Planner) 182

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9. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 18 December 2025

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REPORTS AND LPP DELIBERATIONS

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

LPP042-25 MORTDALE MASTER PLAN IMPLEMENTATION - PLANNING PROPOSAL

LPP Report No	**LPP042-25**	**Development Application No**	**PP2025/0004**
Site Address & Ward Locality	Mortdale Master Plan Implementation - Planning Proposal Mortdale Ward		
Proposed Development	Amendments to GRLEP 2021 to implement the adopted Mortdale Local Centre Master Plan		
Owners	Georges River Council		
Applicant	Georges River Council		
Planner/Architect	N/A		
Date Of Lodgement	11/11/2025		
Submissions	N/A		
Cost of Works	N/A		
Local Planning Panel Criteria	Direction from the Minister for Planning and Public Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979 and the charter of the Georges River Local Planning Panel 2018 both specify that the Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	N/A		
List all documents submitted with this report for the Panel's consideration	Attachment 1 - Planning Proposal for Mortdale Local Centre Master Plan Implementation		
Report prepared by	Senior Strategic Planner		

RECOMMENDATION	(a) That the Mortdale Local Centre Master Plan and the associated Planning Proposal, shown in Attachment 1 to this report, be received and noted. (b) That the Local Planning Panel recommends to Council that the Planning Proposal for Mortdale Centre Master Plan (PP2025/0004) be forwarded to the Department of Planning Housing and Infrastructure (DPHI) for a Gateway Determination.

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SITE PLAN

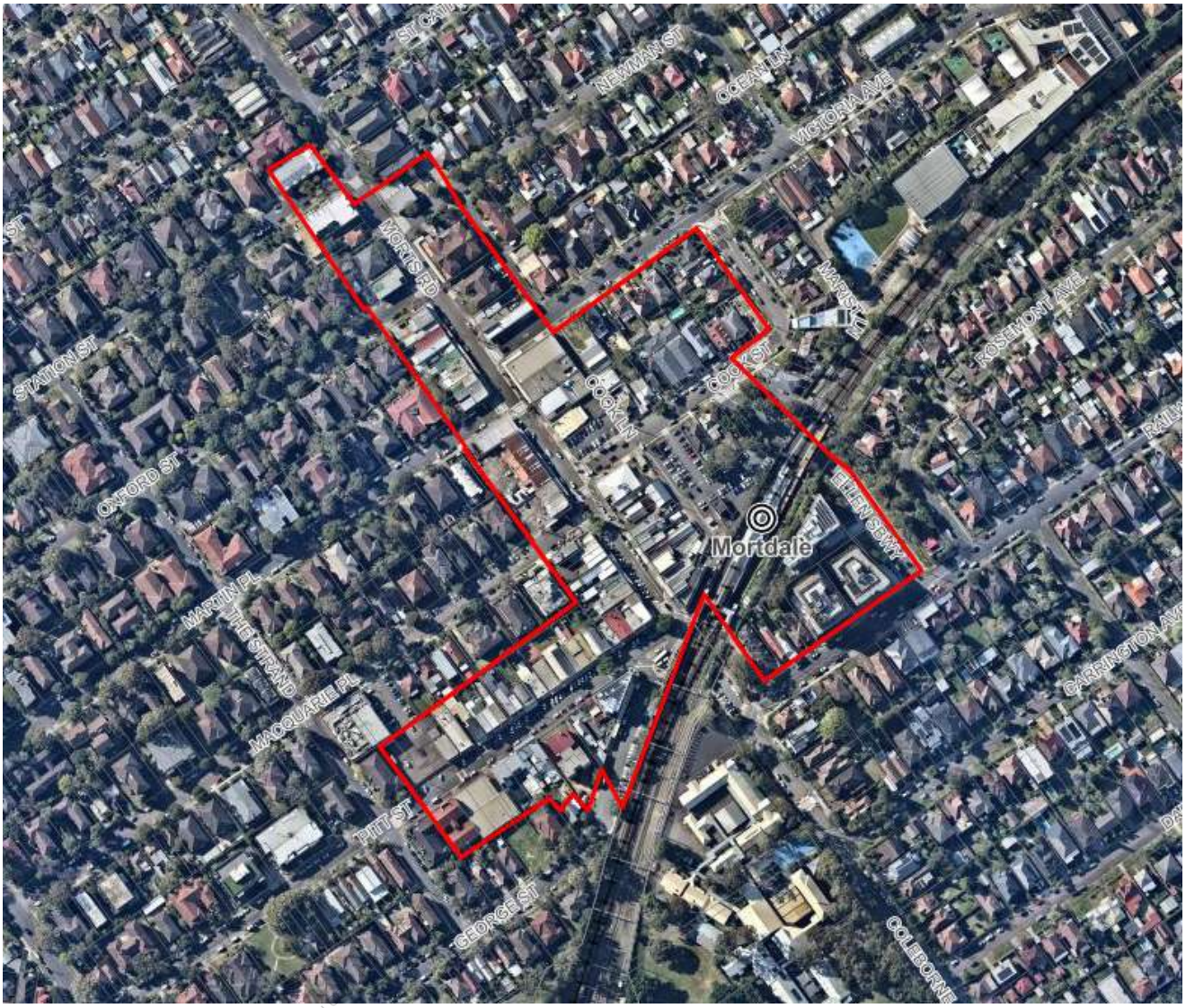

Figure 1. The extent of the land to which the planning proposal applies (outlined in red) in Mortdale Local Centre.

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EXECUTIVE SUMMARY

1. Mortdale Local Centre is identified for future jobs and housing investigation in Council's Local Strategic Planning Statement 2040 and has been identified as a Low and Mid-Rise Housing area under State Environmental Planning Policy (Housing) 2021.

2. The Mortdale Centre Master Plan planning proposal (PP2025/0004) seeks to amend the Georges River Local Environmental Plan 2021 (GRLEP) to:
   - Implement the vision of the Mortdale Local Centre Master Plan.
   - Increase supply of housing, while provide greater housing choice to meet State Government directions and local housing targets for more housing close to public transport infrastructure and services.
   - Introduce appropriate height limits to the E1 Local Centre zone to reinforce the local centre core area around the train station and provide certainty for development.

- Increase the employment floorspace to meet future demand by expanding the E1 zone and increase the minimum non-residential floorspace requirement for new development within the E1 zone.
- Encourage a high quality and activated public domain with good solar access.
- Unlock Council land within Mortdale Centre for redevelopment, delivering new housing, employment floor space and community infrastructure.
- Rezone land to enable a variety of land uses (residential and mixed use) within walking distance of Mortdale railway station.

3. The planning proposal includes rezoning Council owned land at 29 Cook St from SP2 – Infrastructure (carpark) and R2 – Low Density Residential to E1 – Local Centre.

4. The planning proposal would create capacity for approximately 773 new dwellings and 27,685 sqm of employment floorspace in the Centre.

5. This planning proposal gives effect to several planning priorities in the Georges River Local Strategic Planning Statement (LSPS). It is also consistent with other Council-adopted strategies including the Commercial Centres Strategy Part 1, Local Housing Strategy and Transport Strategy.

6. This report seeks endorsement to forward the Mortdale Centre planning proposal to the Department of Planning Housing and Infrastructure (DPHI) for a Gateway Determination.

7. An amendment to Georges River Development Control Plan 2021 (GRDCP) will be made to incorporate specific controls to align with the Planning Proposal upon its finalisation.

8. Extensive community consultation was undertaken during the preparation of the Mortdale Local Centre Master Plan. Further community consultation for the Planning Proposal will be undertaken as per the Gateway requirements and in accordance with Council's Community Engagement Strategy.

9. Additionally, an amendment to the Georges River Development Control Plan 2021 will be prepared to support this planning proposal. An amendment to the Georges River Infrastructure Contributions Plan 2021 will also identify public domain works including the provision of public space on Council owned land.

REPORT IN FULL

BACKGROUND

10. At its meeting held on 24 August 2020, Council resolved to prepare a master plan for the Mortdale Local Centre to provide a strategic framework to guide future growth in the centre and to:
    - increase business floor space and employment opportunities;
    - increase residential choice;
    - improve the public space network, including road closure plazas, town square, new park, library and community hub; and
    - improve the public domain, including active transport upgrades, potential through site links, laneway upgrades and road closure plazas.

11. The first version of the Draft Master Plan was exhibited in 2021. The Draft Master Plan for Mortdale received significant community opposition, primarily concerning the proposed scale of development.

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12. In response, two revised options were exhibited in 2023, accompanied by further community consultation to address these concerns. The adopted 2023 Master Plan reflects these revisions and aims to balance growth with local character.

13. The 2023 Master Plan proposes a modest expansion of the E1 Local Centre zone with maximum building heights of four storeys with a two-storey street wall along Morts Road. Closer to Mortdale Station, along Pitt Street and part of Morts Road, maximum building heights are six storeys with a four-storey street wall. The minimum non-residential floor space ratio (FSR) is proposed to be increased from 0.5:1 to 0.75:1.

14. Surrounding residential areas are upzoned to provide height transitions and housing diversity, including R4 High Density zones (maximum 13m / 4 storeys), R3 Medium Density (maximum 9m / 2.5 storeys) and with lower heights along Victoria Avenue.

15. The 2023 Master Plan focuses redevelopment within a 400m walking catchment of Mortdale Station, creating capacity for an estimated 578 additional dwellings and approximately 27,685sqm of non-residential gross floor area. Figures 2 and 3, along with **Attachment 2**, provide detailed illustrations of the proposed zoning, height, and built form changes.

16. On 23 October 2023, Council resolved to prepare a Planning Proposal, amendment to Georges River Development Control Plan 2021, and amendment to the Georges River Local Infrastructure Contributions Plan 2021 to implement the Mortdale Local Centre Revised Master Plan.

17. On 28 February 2025, DPHI enacted Chapter 6 ‘Low and Mid-Rise Housing’, within the State Environmental Planning Policy (Housing) 2021, to facilitate an increase in housing capacity, throughout the State. The Low and Mid-rise Housing Policy (LMR) permits residential flat buildings up to six storeys within 400 metres of identified stations or centres, and up to four storeys within 800 metres of the station or centres in the R3 Medium Density Residential zone and the R4 High Density Residential zone. The LMR also provides an increase in height and Floor Space Ratio (FSR) to the R2 Low Density Residential Zone, allowing a residential flat building with a maximum of three storeys.

18. Council resolved at its meeting on 28 April 2025 to amend the implementation of the 2023 Master Plan in response to the LMR’s commencement. The amendment:
    - Deletes the proposed R3 zone fronting Newman St, Cross Street, Victoria Avenue and Cooks Lane, Mortdale retaining these areas as R2 zone; and
    - Increases the Floor Space Ratio and building height of the proposed R4 zoned area from 1:1 FSR to 2.2:1 FSR and 15m to 22m.

19. The amendment creates capacity for approximately 773 new dwellings and 27,685sqm of commercial floor space in the Centre (refer to Figure 4).

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Figure 2. 2023 Mortdale Local Centre Master Plan – Proposed zoning, height and built form changes (areas of change shown by dotted line)

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Figure 3. Adopted 2023 Mortdale Local Centre Master Plan

Figure 4. Amended implementation of the Mortdale Local Centre Master Plan (2025)

PROPOSAL

20. This planning proposal seeks to amend certain planning controls of the Georges River Local Environmental Plan 2021 (GRLEP) within the E1 Local Centre of Mortdale and surrounding areas by:
    - Expanding the E1 Local Centre and R4 High Density Residential zone.
    - Amending the height of buildings and floor space ratio (FSR) for the E1 Local Centre and some R4 High Density Residential areas.
    - Increasing the minimum non-residential FSR in the E1 Local Centre from 0.5:1 to 0.75:1.
    - Updating the minimum lot size maps to reflect proposed zoning changes.
    - Supporting concurrent amendments to the Georges River DCP and Infrastructure Contributions Plan.

21. The proposed GRLEP amendments to built form controls (height of buildings and floor space ratio) have been informed by urban design modelling undertaken as part of the Master Plan to account for setbacks, likely future amalgamation patterns and solar access.

Land Use Zoning

22. The proposal seeks to rezone certain lots (outlined in red) in Figure 5, comprising of:
    - Rezone R4 High Density Residential land associated with the Mortdale RSL to E1 Local Centre
    - Rezone SP2 Infrastructure (Car Park) and R2 Low Density Residential land owned by Council to E1 Local Centre
    - Rezone R2 Low Density Residential to R4 High Density Residential to provide a new transition area

Current Land Use Zones	Proposed Land Use Zones

Figure 5. Proposed changes to land use zoning map (areas of change are outlined in red)

Mortdale RSL - 19-25 Macquarie Place

23. It is proposed to rezone certain properties located along Macquarie Place and Pitt Street to the north of Mortdale Station from R4 High Density Residential to E1 Local Centre. The expansion of the E1 zone will provide opportunities for new residential, retail and commercial development supported by areas identified for community facilities and open space in the proposed amendments to the accompanying Development Control Plan.

24. The proposed E1 zoning of the Mortdale RSL (19-25 Macquarie Place) will formalise the existing use to ensure alignment with the broader strategic vision for the precinct.

New Transition Area

25. It is proposed to rezone properties located adjacent to the expanded E1 Local Centre zone, from R2 Low Density Residential to R4 High Density Residential. The block is bounded by Victoria Avenue Cook Lane and Cook Street and provides for a transition between the proposed E1 Local Centre zone and surrounding residential areas.

Council owned land – 29 Cook Street, Mortdale

26. An expansion of the E1 Local Centre zone is proposed to the east of the current E1 zone. This includes Council owned land at 23-29 Cook Street, Mortdale is currently zoned SP2 Infrastructure (Car Park) and R2 Low Density Residential to be rezoned to E1 Local Centre (see Figure 6). The expansion of the E1 zone provides opportunities for greater local employment within the centre and increase in housing supply and diversity.

Figure 6. Aerial of carpark and adjoining sites

27. No.31 Cook Street is a heritage listed electrical substation and will remain zoned SP2 Infrastructure (Car Park).

28. Two lots 21/DP4817 & 22/DP4817 (known as 21R Cook St) are proposed to be split into two zones from R2 Low Density Residential to part E1 Local Centre. These two lots form part of Ellen Subway (road), an adjoining landscaped embankment and footpath access to the car park. The two lots are owned by Transport Asset Manager of New South Wales (TAHE). The proposed split zoning reflects the current GRLEP maps for Floor Space Ratio and Height of Buildings. Refer to Figure 7.

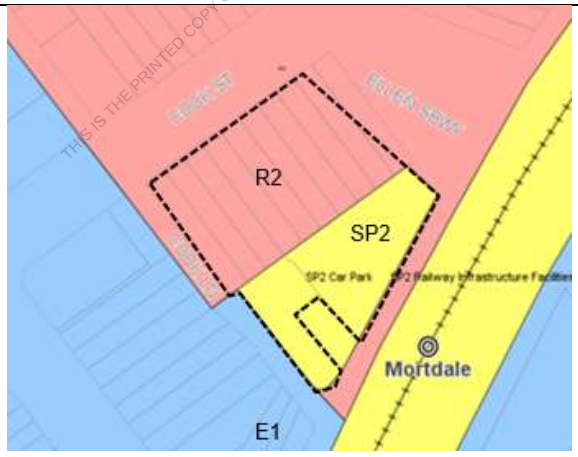
Current land use zoning	Proposed land use zoning
	

Figure 7: Current vs Proposed land use zoning with properties changing from SP2 Car Park and R2 Low Density Residential to E1 Local Centre along Cook Street and Cook Lane

Floor Space Ratio

29. The proposal seeks to amend the Floor Space Ratio Map in Figure 8 to:
    (a) On certain sites increase the FSR in E1 zone from 1.5:1 to 2.5:1
    (b) On certain sites being rezoned from R4 to E1, increase the FSR from 1:1 to 1.5:1
    (c) On certain sites being rezoned from R2 to R4, increase the FSR from 0.55:1 to 2.2:1.

Current Floor Space Ratio	Proposed Floor Space Ratio

Figure 8. Proposed changes to floor space ratio map (areas of change outlined in red)

30. To the north of the station, an increased FSR of 2.5:1 is proposed for E1 Local Centre zoned land in close proximity to the station around Morts Road and Pitt Street intersection. This aligns with the current FSR control for the E1 Local Centre zone to the south of the station on Railway Parade. Other E1 Local Centre zoned land in the centre will remain 1.5:1 FSR to allow density and scale transition to the surrounding residential area.

31. Currently land zoned E1 Local Centre in the centre is identified as “Area 3” on the FSR map, which requires development to provide a non-residential FSR of 0.5:1 under Clause 4.4B Exceptions to floor space ratio – non-residential uses.

32. This planning proposal seeks to require all E1 Local Centre zoned land in the centre to provide a minimum non-residential FSR of 0.75:1, as recommended in the Commercial Centres Strategy – Part 1 (adopted by Council in 2020). The FSR map is proposed to be amended to identify the land as “Area 7”.

33. To support increased housing supply in a well-connected location, a new R4 High Density Residential zone is proposed to the east of Morts Road, with a Floor Space Ratio (FSR) of 2.2:1. This uplift will enable the delivery of higher-density housing options within walking distance of public transport, shops, and community facilities.

34. The existing R4 High Density Residential zoned land within the centre to the west of Morts Road is to remain 1:1 FSR. This area is a well-established area with vast majority of land developed for residential flat buildings and under strata title. This area provides a

transition between the E1 Local Centre and the adjoining R2 Low Density Residential areas to the North and South-West.

Building Heights

35. The proposed building heights aims to reinforce the core area within 400m of the station and support a clear spatial hierarchy within the Centre. The proposed amendments have been informed by urban design modelling undertaken by the Master Plan to account for setbacks, likely future amalgamation patterns and solar access to existing and future public space. It is proposed to amend the maximum height of buildings (HOB) controls in the Mortdale Centre as shown in Figure 9.

Current Height of Buildings in metres	Proposed Height of Buildings in metres

Figure 9. Proposed changes to height of buildings (areas of change outlined in red).

36. Currently there are no height control limits in E1 Local Centre for Mortdale on the northern side of the railway line. The existing height limit of the E1 Local Centre zone south of the railway line is 21m. To foster better compliance with the Apartment Design Guide, it is proposed to increase the 21m maximum height by 1m to 22m. The 22m height is proposed for E1 Local Centre areas around the station and Pitt Street. Other E1 Local Centre areas will have a lower height limit of 15m outside of the 400m core area.

37. A height limit of 22m is also proposed for the upzoned R4 High Density Residential zone to the east of Morts Road. The proposed height limit has been designed to align with the intended FSR of 2.2:1, ensuring that built form outcomes are achievable while supporting the delivery of high-density housing in a manner consistent with the desired urban scale and character.

38. The existing R4 High Density Residential zone to the west of Morts Road is to remain 12m. This area is a well-established area with vast majority of land developed for residential flat buildings and under strata title. This area provides a transition between the E1 Local Centre and the adjoining R2 Low Density Residential areas to the North and South-West.

Minimum Lot Size

39. For lots proposed to be rezoned to R4 High Density Residential and E1 Local Centre, the minimum subdivision lot size maps are to be updated to reflect the change in zone. Refer to Figures 10 and 11.

Current Lot Size Map in square metres	Proposed Lot Size Map in square metres

Figure 10. Proposed changes to minimum lot size (areas of change outlined in red).

Current Lot Size for Dual Occupancy in square metres	Proposed Lot Size for Dual Occupancy in square metres

Figure 11. Proposed changes to minimum lot size for dual occupancy (areas of change outlined in red).

40. An amendment to Georges River Development Control Plan 2021(GRDCP) is currently being prepared to support the planning proposal. These controls will ensure development outcomes are well-integrated, fit with the existing context and local character of the area and are consistent with the strategic intent of the proposed changes

STRATEGIC AND SITE SPECIFIC MERIT

41. The Local Environmental Plan Making Guideline issued by DPHI under section 3.33(3) of the Environmental Planning and Assessment Act 1979 (the Act), requires planning proposals to demonstrate both strategic merit and site-specific merit.

42. The strategic merit is to be tested by addressing whether the proposal will give effect to State and Local planning strategies, or respond to a recent change in planning circumstances.

43. The site-specific merit test requires an assessment of the proposal's demonstrated environmental, social and economic impact on the subject area and the ability to be accommodated within the capacity of the current and/or future infrastructure.

44. A detailed assessment of strategic merit and site-specific merit of the planning proposal, forms part of the planning proposal and is attached. A summary is provided below for the purpose of this report.

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Strategic Merit

45. **Greater Sydney Region Plan – A Metropolis of Three Cities** is the Greater Sydney Commission's strategic plan for Greater Sydney. It is a 20-year plan with a 40-year vision, seeking to transform Sydney into a metropolis of three distinct by connected cities. The planning proposal supports the objectives for housing supply, diversity, infrastructure optimisation, and walkable centres.

46. **South District Plan** is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the vision of Greater Sydney. The South District covers the Canterbury-Bankstown, Georges River and Sutherland local government areas. The planning proposal supports the priorities by delivering housing and employment near transport, enhancing open space and respecting heritage.

47. **Georges River Local Strategic Planning Statement 2040 (LSPS)** sets out a 20-year land use vision for the local government area to manage future growth and realise the regional/district plans. The LSPS structure plan identifies Mortdale Local Centre as a location for future centres expansion for additional jobs and/or housing due to its proximity to the railway corridor. This planning proposal implements several LSPS actions relating to the themes of Housing and Neighbourhoods and Economy and Centres.

48. **Georges River Local Housing Strategy (LHS)** sets out the strategic direction for housing in the local government area over the next 20 years, and identifies the housing demand, gaps and issues as well as establishing housing objectives to manage future growth. This planning proposal implements several actions in the LHS related to creating housing capacity and diversity in commercial centres and being accompanied by infrastructure.

49. **Commercial Centres Strategy - Part 1 Centres Analysis (2020)** was undertaken to inform the preparation of Georges River LEP 2021. It investigates the appropriate mix required between employment and residential floor space in mixed use developments to meet the projected 2036 demand. The planning proposal seeks to expand of the E1 Local Centre zone in Mortdale and to increase the minimum non-residential floor space ratio from 0.5:1 to 0.75:1. This would create capacity for a total of 27,685sqm non-residential gross floor area (GFA) which meets the projected 2036 future demand of 27,014sqm for the centre.

50. **Georges River Transport Strategy** provides policy and directives for Council to enhance existing transport networks and plan for increased transport demand. The Strategy recommends transport actions to improve the network, including actions for the Mortdale Local Centre to work with the DPIE (now DPHI) to implement the Mortdale Masterplan and work with Transport for New South Wales to optimise bus and train services in Mortdale Centre and secure bicycle parking facilities at the station. This planning proposal supports active transport and integrates land use with transport planning. The DPHI and Transport for NSW will be consulted as part of the planning proposal process.

51. The proposal is considered to be consistent with all relevant State Environmental Planning Policies (SEPPs) and Ministerial Directions.

Site-Specific Merit

52. The proposal is supported by detailed urban design and environmental analysis undertaken as part of the Master Plan process. Key merits of the proposed uplift include:
    - Proximity to Mortdale Station and existing infrastructure.
    - Appropriate built form controls to manage overshadowing and amenity.
    - No adverse impact on heritage items or critical habitats.
    - Preliminary site investigation confirms suitability of rezoning SP2 land at 29 Cook Street.
    - Flood risk and contamination issues are addressed through existing LEP provisions and future DA requirements.

53. The associated Public Domain Plan contained in the Master Plan identifies infrastructure works to support the future growth of the Centre. These include street upgrades, through site links and the creation of public space via road closures or on Council owned land. These works will be identified in an amendment to the GRDCP and the Georges River Local Infrastructure Contributions Plan 2021.

CONCLUSION

54. This planning proposal has been prepared to implement the adopted Mortdale Local Centre Master Plan and seeks to make the following amendments to the GRLEP 2021:
    - Expanding the E1 Local Centre and R4 High Density Residential zone.
    - Amending the height of buildings and floor space ratio (FSR) for the E1 Local Centre and some R4 High Density Residential areas.
    - Increasing the minimum non-residential FSR in the E1 Local Centre from 0.5:1 to 0.75:1.
    - Updating the minimum lot size maps to reflect proposed zoning changes.
    - Supporting concurrent amendments to the Georges River DCP and Infrastructure Contributions Plan.

55. The Planning Proposal will create capacity for approximately 773 new dwellings and 27,685 sqm of employment floorspace in the Centre, which will meet the forecasted 2036 employment demands and support Council's vision for a vibrant, well-connected, and sustainable local centre.

56. It is recommended that the Panel support the planning proposal to be referred to the Department of Planning, Housing and Infrastructure for Gateway Determination

ATTACHMENTS

Nil

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Attachments are accessible on Council's website through the following link:
Attachment 1 - Georges River Council - Planning Proposal

- Planning Proposal Report
- Appendix 1 - Mortdale Master Plan and technical studies
- Appendix 2 - Council report and minutes
- Appendix 3 - LEP map changes
- Appendix 4 - Preliminary Site investigation report for 29 Cook St Mortdale

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

LPP043-25 643A KING GEORGES ROAD, PENSHURST - PENSHURST PARK

LPP Report No	**LPP043-25**	**Development Application No**	**DA2025/0384**
Site Address & Ward Locality	643A King Georges Road, Penshurst - Penshurst Park Mortdale Ward		
Proposed Development	Construction of operable fence, ticket booth and footpath extension at Penshurst Park.		
Owners	Georges River Council		
Applicant	Darren Holloway (on behalf of Georges River Council)		
Planner/Architect	Planner: Talis Consultants Architect/Designer: Chris Elliott Architects (CEA)		
Date Of Lodgement	7/08/2025		
Submissions	3		
Cost of Works	$420,000.00		
Local Planning Panel Criteria	Georges River Council is the owner of the subject site		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Georges River Local Environmental Plan 2021 (GRLEP 2021), Georges River Development Control Plan 2021 (GRDCP 2021)		
List all documents submitted with this report for the Panel's consideration	Architectural plans and assessment report		
Report prepared by	Consultant Planner		

RECOMMENDATION	Approval subject to conditions

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

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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?	**Not Applicable** **No variation proposed**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**No, standard conditions have been attached**

SITE PLAN

PROPOSAL

1. Approval is sought for the construction of operable fencing, ticket booth and a signage wall within an existing Community Facility, known as Penshurst Park. The proposal comprises the following components (illustrated below):

    - New ticket booth along the southwestern (Cambridge Street) boundary;
    - New sign (concrete) wall measuring 9.84m x 0.2m x 1.8m to the southeast of the proposed new ticket booth along the Cambridge Street boundary;
    - New concrete green wall (9.84m x 0.2m x 1.8m high) under the existing score board parallel to Cambridge Street;
    - New fixed and operable fencing to the southwest of the field (along the Cambridge Street elevation) and fixed fence to the southeast of the field (along Aquatic Centre elevation), comprising a total length 207 metres with 4 gates;
    - Provision of additional accessible car parking spaces along the Cambridge Street boundary requiring the removal of two (2) car spaces and to provide a wider entry point from Cambridge Street; and
    - Widening of the existing concrete pathway parallel to Cambridge Street by approximately 2 metres (outside of proposed fencing).

2. The proposed operable fencing at the site seeks to achieve compliance with the current Football NSW and NSW Stadium Technical Requirements for player and spectator safety for National Premier League (**NPL**) soccer games. These standards address matters such as field security, controlled access during competition matches, and compliance with insurance and safety regulations. The proposed operable fencing allows the venue to be closed during the NPL matches, which is currently undertaken with the use of temporary fencing, and retracted (closed) to provide public access outside of these times.

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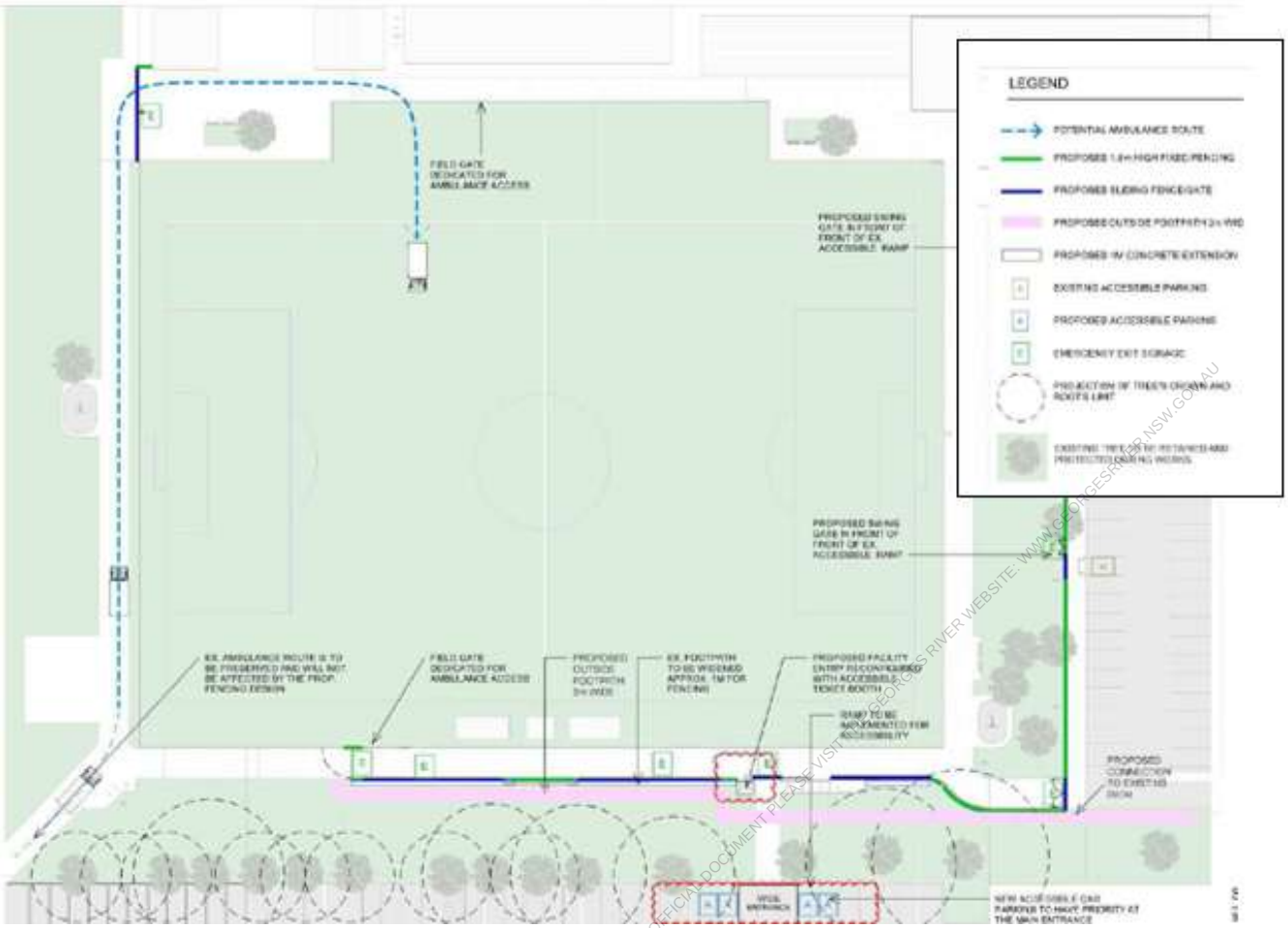

Figure 1 *– Site plan (Source: Architectural Plans)*

Figure 2 *– Concept plan of the fencing – open configuration (Source: Architectural Plans)*

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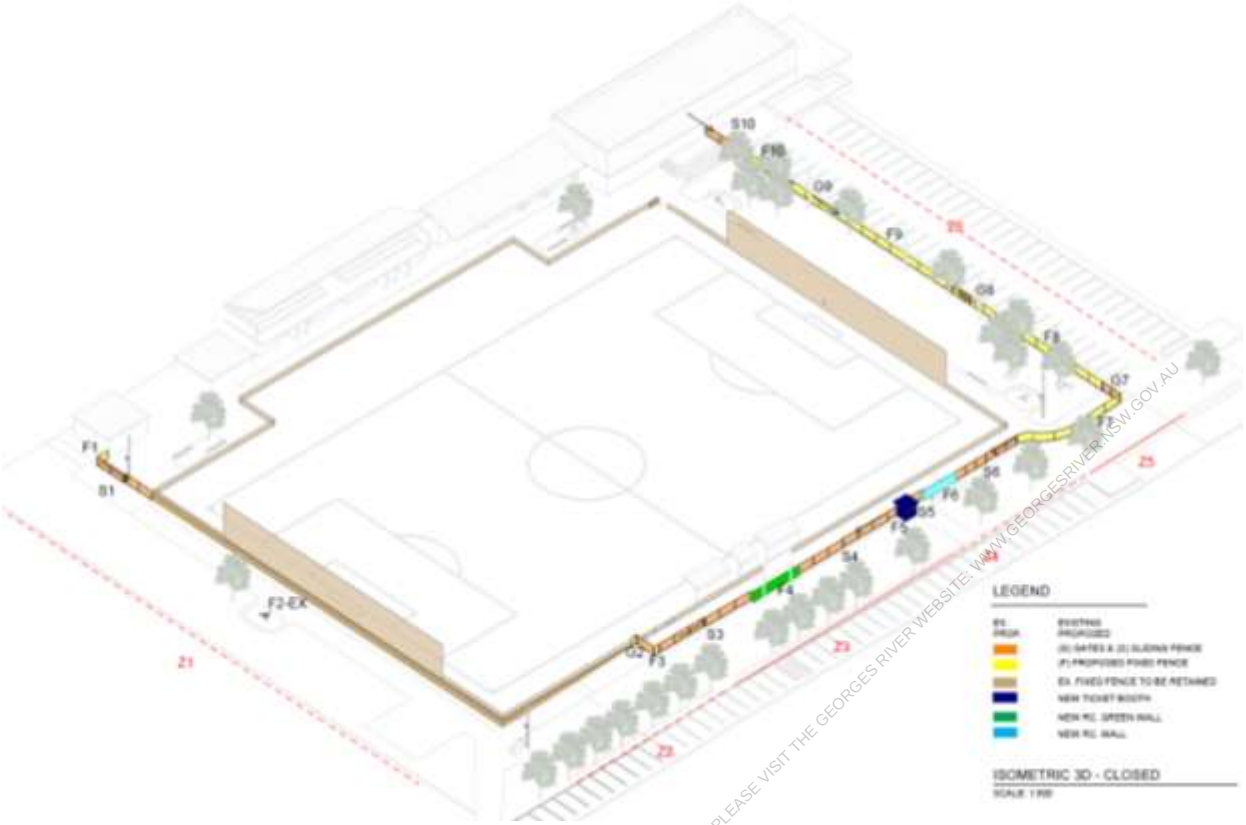

Figure 3 *– Concept plan of the fencing – closed configuration (Source: Architectural Plans*

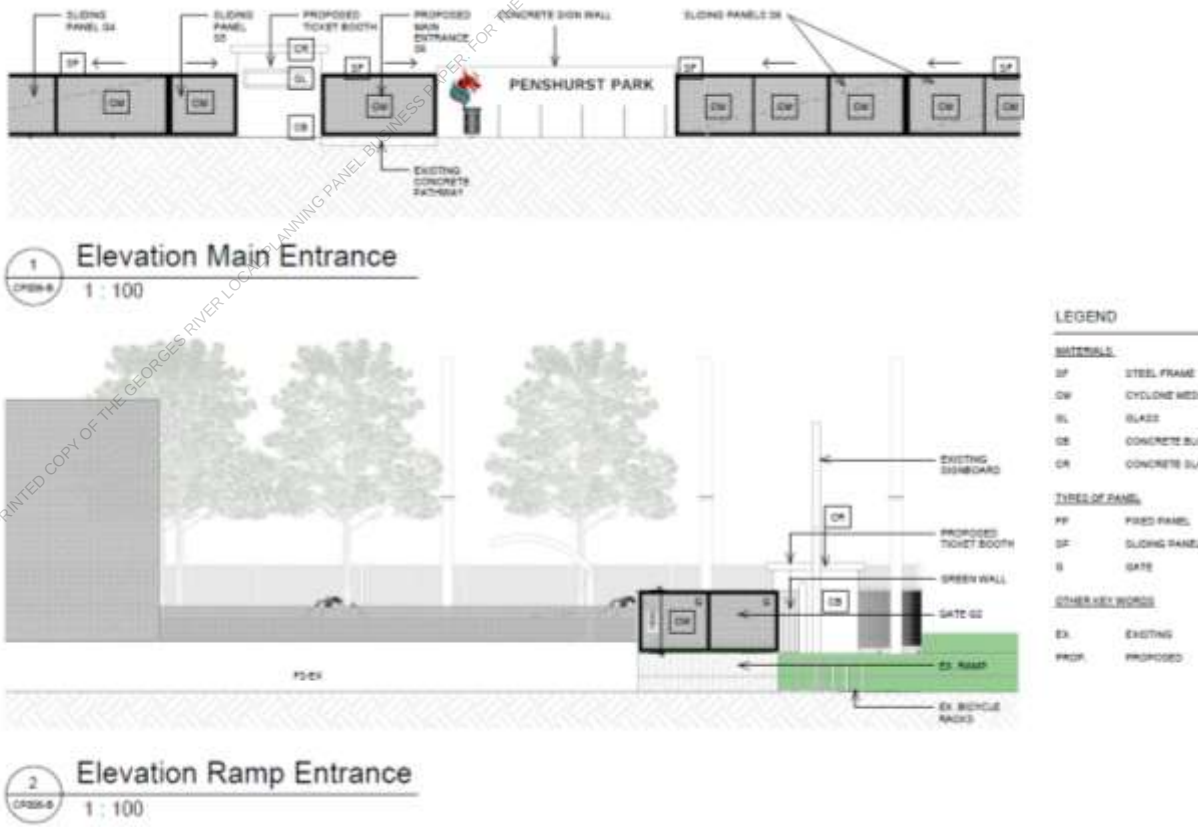

Figure 4 *– Elevation - main entrance and ramp entrance (Source: Architectural Plans)*

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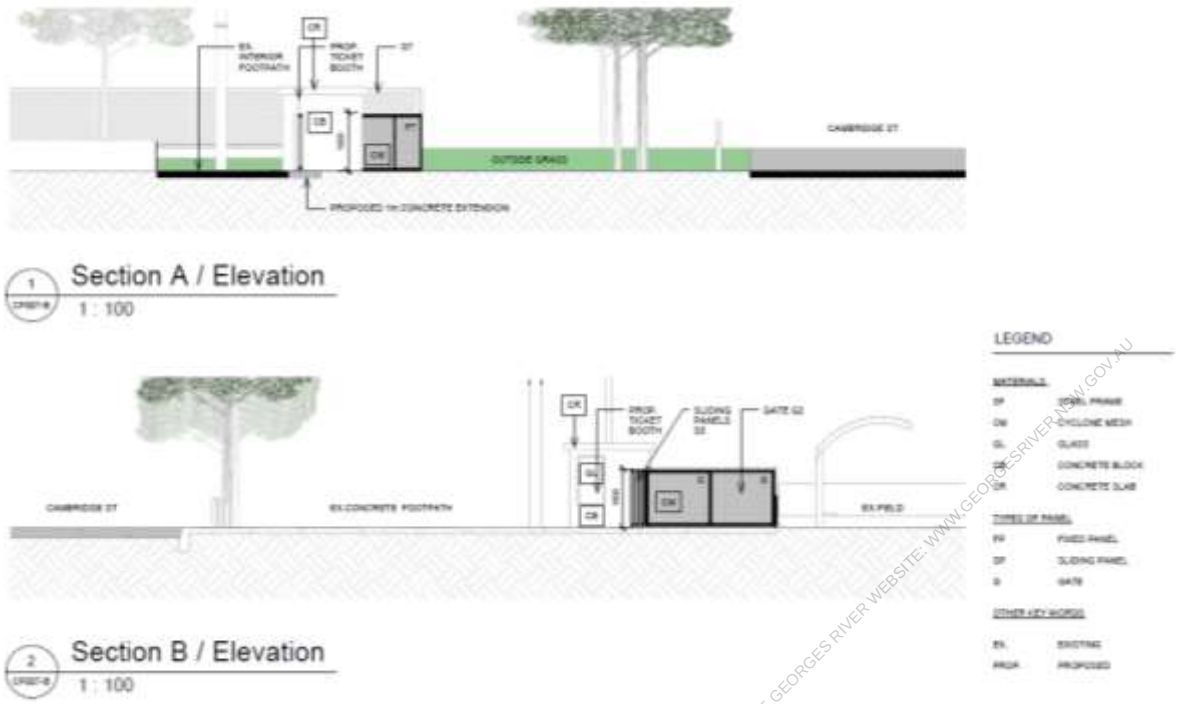

Figure 5 *– Sections - Cambridge Street (Source: Architectural Plans)*

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Figure 6: *View of the existing Cambridge Street boundary (image taken facing north) (Source: Assessing Officer)*

Figure 7: *View of development site (image taken facing south) (Source: Assessing Officer))*

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SITE AND LOCALITY

3. The subject site is legally described as Lot 7051 DP 1027262, known as 643A King Georges Road Penshurst and comprises Penshurst Park. It is a regularly shaped allotment with a street frontage to King Georges Road (northeast boundary), Percival Street (northwestern boundary) and Cambridge Street (southwest boundary).

4. The site is used for public recreation, sportsground and general community use and consists of an Aquatic Centre, Cricket Centre, soccer field and playground with BBQ facilities. The site is generally managed by Council, with the Aquatic Centre and Cricket Centre managed by a commercial operator under license to Council.

5. The site, including the Hurstville Aquatic Leisure Centre, covers 4.73 hectares (47,394m²).

6. The surrounding locality is characterised by predominantly single and two-storey dwelling houses and dual occupancies to the north and east, with the remainder of Penshurst Park to the southeast. Surrounding development to the south and west along Cambridge Street generally comprises 3 to 4 residential apartments buildings.

ZONING AND PERMISSIBILITY

7. The subject site is zoned RE1 Public Recreation under the provisions of GRLEP 2021. The proposed works are defined as a ‘community facility’ which is a permissible with development consent.

8. The proposal is consistent with the zone objectives and is satisfactory.

ASSESSMENT

Built Form

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

Design

10. The proposal does not clearly outline the design of the entry area from Cambridge Street in relation to the ticket booth and entry from the street. Further details are to be provided at the Construction Certificate stage which outlines measures to enhance visibility of the access point and wayfinding features.

Public Access to Park During Ticketed Events

11. Concerns were raised by the community in the submissions in relation to the proposed fencing restricting public access to existing facilities within the park, including the public toilets, water fountains, exercise equipment and footpaths. The majority of footpaths will be accessible during ticketed events with the exception of the path along the King Georges Road boundary, while the majority of drinking fountains and exercise equipment will remain accessible outside of the fencing.

12. The public toilets are located within the existing grandstand building on the site, which will be enclosed by the proposed fencing, and therefore a consent condition is recommended which requires public access to be provided to the toilets during ticketed events (to non-ticket holders) if required and by request.

Signage

13. The proposed sign wall, which display Council's logo and the name of the facility, is compatible with the existing and desired future character of the area, being a park, and will not detract from the amenity or visual quality of any special areas. It is considered to be consistent with the matters for consideration under the Industry & Employment SEPP.

Flooding

14. The subject site is affected by the 1% AEP flood level and the Probable Maximum Flood (PMF). The proposed fencing and signage will not impact the existing flood path. Council's engineer reviewed the proposal and raised no objection.

Plan of Management

15. The *Penshurst Park Plan of Management* (September 2022) (**PoM**) has been prepared in accordance with the requirements for managing Crown land by Council pursuant to the *Crown Lands Management Act 2016* and the *Local Government Act 1993* (**LG Act**). The land is classified as community land under the LG Act.

16. The proposed fencing is considered to align with the vision of the PoM as well as the use of the sports field at the site as it allows the regional sporting complex to be utilised by a

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regional sports team in a national sports competition (organised sport).

17. The proposal is consistent with Action 1.10 of the PoM, which states:

Additional fencing and a ticket box facility is proposed and will be subject to DA approval, public exhibition and funding. The fence and ticket box are to comply with National Premier League 1 (NPL 1) competition requirements. The fencing will be operable to allow public access to the precinct when not used for ticketed games. The use and management of any operable fence and establishing a controlled venue on game day will be detailed in any hire agreements with the football club concerned by Council.

18. Therefore, the proposal is consistent with the PoM.

Traffic & Parking

19. The site contains existing on-site and adjoining on-street car parking spaces, for the existing uses within Penshurst Park. There is no additional floor space being proposed in this application and the existing operating requirements of the site for NPL matches (ticketed events) are to remain the same. While two (2) car spaces are proposed to be removed for the proposed additional accessible spaces and to widen the entry point from Cambridge Street, this is considered acceptable given the extent of car parking provided at the site.

20. It is considered that the traffic and parking arrangements are satisfactory given no additional demand is generated for car parking at the site under the proposal and there are no unacceptable impacts arising from the proposed development.

Trees and Vegetation

21. There are no trees or other vegetation proposed to be removed under the proposal.

SUBMISSIONS

22. In accordance with the provisions of Council's public notification requirements, the application was placed on neighbour notification for twenty-eight (28) days where property owners within a 50m radius from the subject site were notified in writing of the proposal and invited to comment.

23. Three (3) submissions were received during the notification period between 16 September 2025 and 23 September 2025. Concerns were raised in relation to the impacts of the use of a public park by a sporting club, blocking access to the existing facilities in the Park, exacerbating existing traffic, parking and noise problems on the adjoining residences and the number of ticketed events.

24. The proposed development will be subject to conditions requiring strict operation in accordance with the approved Plan of Management and to allow access to public toilets within the ticketed area during events. Conditions of consent are recommended to ensure the proposed fencing is implemented and maintained to ensure minimal disruption to existing park users.

REFERRAL COMMENTS

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

Specialist/Agencies	Comment
Development Engineer	No objection (no recommended conditions).
Urban Design	Initial concerns with some of the design aspects including the ticket booth, footpaths and green wall and entry point from Cambridge Street. Following additional information, no objections were raised subject to recommended conditions.
Traffic Engineering	No objection subject to recommended conditions.
Ausgrid	No objection subject to recommended conditions.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

26. The proposal is located on Council-owned land. In accordance with Schedule 1 subsection 1(a) of the Local Panning Panels Direction, this development requires referral to the Georges River Local Planning Panel.

27. A Management Statement was prepared by the Manager Development and Building, which considered the application as medium risk and is to be referred to the Georges River Local Planning Panel for determination. This Statement was also published on the NSW Planning Portal and Council's website in accordance with the requirement of Council Related Development Application Policy.

CONTRIBUTIONS

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

CONCLUSION

29. The application has been assessed having regard to the matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*, the provisions of the relevant state environmental planning policies, local environmental plans and development control plans.

30. The proposal has been assessed against the provisions of the *Georges River Local Environmental Plan 2021* and the *Georges River Development Control Plan 2021*. The proposed development generally complies with the planning controls, subject to a recommended consent condition requiring further design details for the entry point from Cambridge Street.

31. Having regard to the provisions of the *Environmental Planning and Assessment Act 1979*, the *Georges River Local Environmental Plan 2021*, the *Georges River Development Control Plan 2021* and the submissions received, the proposal is considered to be satisfactory. The development is expected to deliver a positive outcome for the community, and no unreasonable adverse impacts on the surrounding locality are anticipated.

STATEMENT OF REASONS AND DETERMINATION

Statement of Reasons

32. The reasons for this recommendation are:
    - The proposed development is permissible within the subject zone.

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- The proposed development complies with the requirements of the relevant environmental planning instruments.
- The proposed development as conditioned complies with the objectives of the relevant environmental planning instruments.
- The proposal as conditioned via the design change aims to provide a high-quality development that will establish a positive urban design outcome.
- The proposal, subject to condition, will not cause unreasonable environmental and amenity impacts.

Recommendation

33. Pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* (as amended), DA2025/0384 for the construction of an operable fence, ticket booth, sign wall and footpath extension (Community Facility) at Penshurst Park on land known as 643A King Georges Road, Penshurst NSW 2222 is recommended for approval subject to the recommended conditions of consent.

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SPECIFIC DEVELOPMENT CONDITIONS: DA 2025/0384 Penshurst Park

GENERAL CONDITIONS

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

Description	Reference No.	Date	Rev	Prepared by
Plans				
Schematic Diagram	CD001	27/11/25	D	Chris Elliot Architects (CEA)
Floor Plan – Open	CD002	11/03/25	C	Chris Elliot Architects (CEA)
Floor Plan – Closed	CD003	11/03/25	C	Chris Elliot Architects (CEA)
Isometric 3D – Open	CD004	11/03/25	C	Chris Elliot Architects (CEA)
Isometric 3D – Closed	CD005	11/03/25	C	Chris Elliot Architects (CEA)
Elevations – Main Entrance & Ramp Entrance	CD006	11/03/25	C	Chris Elliot Architects (CEA)

Section A/ Elevation & Section B/ Elevation	CD007	11/03/25	C	Chris Elliot Architects (CEA)
Fencing Detail – Superior & Inferior	CD008	11/03/25	C	Chris Elliot Architects (CEA)
Materials Schedule	CD009	11/03/25	C	Chris Elliot Architects (CEA)
Existing Services Plan	CD0010	11/03/25	C	Chris Elliot Architects (CEA)
Erosion and Sediment Control Plan	CD0011	11/03/25	A	Chris Elliot Architects (CEA)
Reports				
Statement of Environmental Effects	TE25028	5 June 2025	2.0	Talis Consultants
Environmental Site Management Plan	TE25028	5 June 2025	2.0	Talis Consultants
Waste Management Plan	TE25028	5 June 2025	2.0	Talis Consultants

Reason: ***To ensure compliance with the plans as assessed by Council.***

Separate Approvals Required Under Other Legislation

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

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

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

   (a) Placing or storing materials or equipment;

   (b) Placing or storing waste containers or skip bins;

   (c) Erecting a structure or carrying out work

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(d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;

(e) Pumping concrete from a public road;

(f) Pumping water from the site into the public road;

(g) Constructing a vehicular crossing or footpath;

(h) Establishing a “works zone”;

(i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);

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

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

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

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

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

Reason: To ensure necessary other approvals are obtained.

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

Any necessary approvals are to be obtained prior to the release of a Construction Certificate, with evidence provided to the Principal Certifier demonstrating the necessary approval has been obtained.

Reason: To ensure the necessary approvals are obtained.

Requirements of Concurrence, Integrated & Other Government Authorities

4. Ausgrid Requirements – Ausgrid Underground Cables are in the vicinity of the development.

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

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It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA)

In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:

- SafeWork Australia – Excavation Code of Practice.
- Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration:

- Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.
- Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

New Driveways - Proximity to Existing Poles

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

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New or modified connection

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Reason: To ensure the requirements of Ausgrid are satisfied for the development.

Prior to the Issue of a Construction Certificate

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	$2,370.00
Inspection Fee for Refund of Damage Deposit	$220.00

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

Reason: To clarify fee payment and to ensure local infrastructure can be delivered.

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

(a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **$2,370.00.**

(b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **$220.00.**

(c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of works, Council will carry out an inspection of its public domain assets. If the inspection is passed, the damage deposit will be returned less the cost of any repairs to damaged Council Assets. The damage deposit will not be refunded until a full Occupation Certificate has been issued for the development.

General Fees

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

Reason: To protect public infrastructure

7. Footpath and pedestrian circulation - The footpath around the field shall provide a minimum 4 metre wide unobstructed area for pedestrian circulation at all times (including when the sliding fencing is open). Details shall be provided with the application for the Construction Certificate.

Reason: To ensure there is adequate pedestrian access through the site.

8. Cambridge Street Entry - The Cambridge Street entry point shall be designed to enhance visibility of the access point and wayfinding. Details are to be submitted to the Principal Certifier prior to release of a Construction Certificate.

Reason: To ensure the design of the entry point to the site is satisfactory.

9. Site Management Plan - A Site Management Plan detailing all weather access control points, fencing, amenities, materials storage and unloading arrangements (as required) must be submitted with the application for the Construction Certificate to the satisfaction of the Principal Certifier.

Reason: To ensure the environment is protected during construction.

10. Erosion & Sedimentation Control – Erosion and sediment controls must be provided to ensure:

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

(b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)

(c) All clean water run-off is diverted around cleared or exposed areas

(d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways

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(e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works

(f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway

(g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar

(h) Compliance with Managing Urban Stormwater – Soils and Construction (Blue Book) produced by Landcom 2004.

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

Reason: To protect water quality and site stability.

11. Compliance with AS2890 - Details of the design shall be submitted to the Certifier for approval prior to the issue of the Construction Certificate and the spaces installed prior to the release of the Occupation Certificate.

Reason: To ensure all traffic and parking faciltiies are constructed in accordance with the relevant requiremnts.

12. Traffic Management - Accessible Car Spaces (Cambridge Street boundary) - The four (4) disabled persons parking spaces proposed on Cambridge Street adjacent to the entry/exit pathway shall be designed and constructed to comply with the requirements of A*S/NZS 2890.6:2020 Parking Facilities, Part 6 – Off Street Parking for People with Disabilities*.

All driveways, access ramps, vehicular crossings and other car parking spaces shall be designed and constructed in accordance with the current version of *Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.2 (for commercial vehicle facilities*).

Details of the design shall be submitted to the Certifier for approval prior to the issue of the Construction Certificate and the spaces installed prior to the release of the Occupation Certificate.

Reason: To ensure all traffic and parking faciltiies are constructed in accordance with the relevant requiremnts.

13. Structural details - Engineer's details prepared by a suitably qualified practising structural engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifier prior to release of a Construction Certificate.

Reason: To ensure the structural adequacy of the development.

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

14. Before you Dig Australia - The applicant shall contact “Before Your Dig Australia” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence

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number obtained from “Before Your Dig Australia” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

Reason: To protect existing infrastructure during construction.

15. Utility Arrangements - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant’s expense.

Reason: To ensure the applicant is responsible for the costs associated with the development.

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During Construction

16. Site sign - Soil & Erosion Control Measures - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

Reason: To protect the environment during construction.

17. Hours of Work and Noise – Work must only take place:

a) Between the hours of 7.00a.m and 5.00p.m Monday to Friday; and
b) 7:00a.m and 5: 00p.m on Saturday
c) No work must take place on Public Holidays
d) No loading or unloading of material or equipment associated any development is permitted outside of the hours detailed above.
e) No operation or preparation of any equipment associated with the development is to occur outside of the hours detailed above.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

Reason: To preserve neighbourhood amenity.

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

Reason: To ensure the condition of public infrastructure is maintained.

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

Reason: To protect public infrastructure.

20. Obstruction of Road or Footpath - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

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Reason: To ensure public safety.

21. Disruption to Penshurst Park – Disruption to the remainder of the facilities at Penshurst Park, including car parking spaces, should be minimised as much as possible to ensure the community can continue to access the facilities on the site.

Reason: To ensure the Community can utilise Penshurst Park during contruction of the approved works.

22. Tree Removal prohibited on adjoining properties - No tree on Council's public footway, public reserves or on neighbouring properties and protected under the *Georges River Tree Management Policy 2019* may be removed, pruned or otherwise damaged without Council consent.

Reason: To protect exitsing trees near and adjoining the site.

23. Public Utility and Telecommunication Assets - The applicant shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines and cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

Reason: To ensure services are provided to the site at the applicant's expense.

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

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

Where required, the receipts (or copied of) must be made available to Council within 7 days of a written request being made by Council.

Reason: To ensure appropriate waste management and disposal.

25. Importation of clean fill - Any fill material, required by this consent, imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. The certification of each delivery is to be kept on site and produced for inspection if requested.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

Prior to the issue of the Occupation Certificate

26. Minor Development – Driveway and Parking Spaces - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

Reason: To ensure driveway and parking spaces are satisfactory.

27. Requirements prior to the issue of the Occupation Certificate - The following shall be completed and or submitted to the PC prior to the issue of the Occupation Certificate:

    (a) construction works, together with the provision for all services, shall be completed in accordance with the approved Construction Certificate plans and any relevant Australian Standards prior to the issue of the Occupation Certificate.

    (b) Construct any new vehicle crossings required and replace any redundant vehicle crossing laybacks with kerb and guttering.

    (c) Construct the parking spaces for people with disabilities in accordance with AS 2890.6:2022.

    Reason: To ensure all necessary works are completed.

28. Survey Report – Completion - A survey certificate is to be submitted to the Principal Certifier at completion stage. The certificate must indicate the location of the building in relation to all boundaries and must confirm the height of the fences and walls are consistent with that approved under this consent.

    Reason: To ensure the development is built in accordance with the approved plans.

Operational Conditions (On-Going)

29. Public toilets – The public toilets within the existing grandstand on the site shall be publicly accessible (on request) during the operation of the fencing at the site.

    Reason: To ensure the community has access to the facilities.

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

    Reason: To ensure the amenity of the neighbourhood is protected.

31. Lighting - General Nuisance - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

    Flashing, moving or intermittent lights or signs are prohibited. To prevent light spill and minimise nuisance external facing lighting fixtures must not be installed higher than 3m above the ground level immediately below.

    Reason: To protect the amenity of the neighbourhood.

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

Reason: To protect the amenity of the neighbourhood.

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Operational Requirements Under the Environmental Planning & Assessment Act 1979

33. Requirement for a Construction Certificate - The erection of a building must not commence until a Construction Certificate has been issued.

Reason: To ensure the development is consistent with the legislative requirements.

34. Appointment of a PC – The erection of a building must not commence until the applicant has:

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

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

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

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

Reason: To ensure the development is consistent with the legislative requirements.

35. Notification Requirements of PC - No later than two days before the building work commences, the PC must notify:

(a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
(b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

Reason: To ensure the development is consistent with the legislative requirements.

36. Notice of Commencement - The applicant must give at least two days notice to the Council and the PC of their intention to commence the erection of a building.

A Notice of Commencement Form is attached for your convenience.

Reason: To ensure the development is consistent with the legislative requirements.

37. Critical Stage Inspections – The last critical stage inspection must be undertaken by the PC. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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Reason: To ensure the development is consistent with the legislative requirements.

38. Notice to be given prior to critical stage inspections – The principal contractor for a building site, or the owner-builder, must notify the PC at least 48 hours before each required inspection needs to be carried out.

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

    Reason: To ensure the development is consistent with the legislative requirements.

39. Occupation Certificate – A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

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

    Reason: To ensure the development is consistent with the legislative requirements.

Prescribed Conditions

1. **Clause 44 - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

2. **Clause 67 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

3. **Clause 75 - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.

4. **Clause 67 - Home Building Act 1989** – If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.

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

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

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

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

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

END CONDITIONS

NOTES / ADVICES

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

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

2. **Appeal Rights -** Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

3. **Lapsing of Consent -** This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

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

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

5. **Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is $50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

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

   (a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.

   (b) In the Application Form, quote the Development Consent No. (e.g. DA2025/0302) and reference this condition number (e.g. Condition 23)

   (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

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

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

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

7. **Ausgrid Underground Cables are in the vicinity of the development** - Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

   It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

   In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

   SafeWork Australia – Excavation Code of Practice.

   Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

   The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

8. **Ausgrid – New or modified connection** - To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected

   Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

9. **Ausgrid – New driveways – proximity to existing poles** - Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

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

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

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

ATTACHMENTS

Attachment ⇩1	LPP Planner Report (External Consultant) - 643A King Georges Road Penshurst (Penshurst Park) - DA 2025_0384
Attachment ⇩2	Penshurst Park - Design Plans Updated-DA2025/0384-Penshurst Park, 643A King Georges Road, PENSHURST NSW 2222.pdf - DA2025/0384

Assessment Report (Community Facility)

S4.15 Environmental Planning & Assessment Act, 1979

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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Introduction

Application Number	DA 2025/0384
PAN	560790
Description	Community Facility - Construction of an operable fence, ticket booth, sign wall and footpath extension at Penshurst Park
Address	643A King Georges Road Penshurst
Lot / DP	Lot 7051 DP 1027262
Applicant	Georges River Council
Owner(s)	Georges River Council
Responsible Officer	Kim Johnston - KJ Planning

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

Site Affectations

Affectation	Y	N	Comment
Georges River Local Environmental Plan 2021			
(5.1) Land Acquisition	☐	☒	
(5.7) Development Below Mean High Water Mark	☐	☒	
(5.10) Heritage Conservation	☐	☒	
(5.21) Flood Planning	☒	☐	The site is affected by the 1% AEP and PMF levels.
(5.23) Public Bushland	☐	☒	
(6.1) Acid Sulfate Soils	☐	☒	
(6.4) Foreshore Area and Coastal Hazards and Risk	☐	☒	
(6.5) Riparian Land and Waterways	☐	☒	

Assessment Report (Community Facility)

S4.15 Environmental Planning & Assessment Act, 1979

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Site Affectations

Affectation	Y	N	Comment
(6.6) Foreshore Scenic Protection Area	☐	☒	
(6.7) Airspace Operations	☒	☐	The site is shown on the Limitations or Operations Surface map for Sydney Airport, however, will not penetrate this surface.
(6.8) Development in Areas Subject to Aircraft Noise	☐	☒	
Others			
Bushfire Prone Land	☐	☒	
Contamination	☐	☒	
Council Owned Land	☒	☐	The site is managed by Council as part of Penshurst Park.
Crown Land	☒	☐	The site is shown as Crown Land on the spatial viewer and is managed by Council as part of Penshurst Park.
Easements	☐	☒	There are no known easements affecting the site following review of the Deposited Plan.
Narrow Lot Housing Precinct	☐	☒	
Rail Noise	☐	☒	
Road Noise	☒	☐	The site adjoins King Georges Road, which is a mandatory road for noise assessments under Clause 2.120 of the Transport & Infrastructure SEPP. However, the proposal is not for any of the land uses outlined in this clause and therefore is not required to be considered further in this assessment.
Road Widening	☐	☒	
Site Area	☒	☐	47,180m²
Topography	☐	☒	The site is reasonably flat and is used as a soccer field.
Zoning	☒	☐	RE1 – Public Recreation

Proposal

Car Parking	No additional car parking is proposed, and two (2) car spaces are proposed to be removed, with the remainder of the existing car parking provided for Penshurst Park to be retained.
Demolition	None proposed.
Estimated Development Cost	$420,000.00
Floor Space Ratio	Applicant: N/A (fencing is proposed)
	Council: N/A (fencing is proposed)

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Assessment Report (Community Facility)

S4.15 Environmental Planning & Assessment Act, 1979

Proposal	
Front Setback	N/A (fencing is proposed behind the existing structures on the site)
Gross Floor Area	Applicant: N/A (fencing is proposed)
	Council: N/A (fencing is proposed)
Land Use	Community Facility
Landscaping Area	No change proposed
Maximum Height of Building	N/A (fencing is proposed)
Minimum Side Setback	No change proposed
Rear Setback	No change proposed
Subdivision	Not proposed
Vegetation Removal	Not proposed

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The Proposal

The proposal comprises the following components:

- A new ticket booth along the southwestern (Cambridge Street) boundary;
- A new sign (concrete) wall measuring 9.84m x 0.2m x 1.8m to the southeast of the proposed new ticket booth along the Cambridge Street boundary;
- A 9.84m x 0.2m x 1.8m high concrete green wall under the existing score board parallel to Cambridge Street;
- A combination of fixed and operable fencing to the southwest of the field and fixed fence to the southeast of the field (total length 207m) with 4 gates;
- Provision of additional accessible car parking spaces along the Cambridge Street boundary requiring the removal of two (2) car spaces and to provide a wider entry point from Cambridge Street; and
- Existing concrete pathway parallel to Cambridge Street to be widened by approximately 2 metres (outside of proposed fencing)

The proposal involves the provision of fencing at the site to achieve compliance with the current Football NSW and NSW Stadium Technical Requirements for player and spectator safety. These standards address matters such as field security, controlled access during competition matches, and compliance with insurance and safety regulations. The operable fencing allows the venue to be closed during the NPL matches (soccer) events, which is currently undertaken with the use of temporary fencing, and retracted to provide public access outside of these times.

Penshurst Park Plan of Management (September 2022)

The *Penshurst Park Plan of Management* (September 2022) (**PoM**) has been prepared in accordance with the requirements for managing Crown land by Council pursuant to the *Crown Lands Management Act 2016* and the *Local Government Act 1993* (**LG Act**). The land is classified as community land under the LG Act.

The vision for the site as outlined in the PoM states:

> *Penshurst Park is a regionally significant open space comprising high profile recreational facilities that provide opportunities for active and passive indoor and outdoor recreational pursuits for the local community of the Georges River local government area (LGA), as well as for users from the broader region including neighbouring LGAs.*

The PoM states that the use of the sports field within Penshurst Park is to be undertaken in accordance with Council policies and is to include:

- Organised sports and sports training
- Representative sports events
- School sports and sports training
- Organised and school sports use of Amenities in Grandstand Building
- General public access and use of toilet facilities in Grandstand building
- General public recreation of field (informal games outside of organised sports use) TBC
- General public use of pathways for access, walking and jogging
- General public use of fitness / exercise station
- General public us of play space

The proposed fencing is considered to align with the vision of the PoM as well as the use of the sports field at the site as it allows the regional sporting complex to be utilised by a regional sports team in a national sports competition (organised sport).

Pursuant to Clause 12.9 of the PoM, the Council must expressly authorise proposed developments on community land under the LG Act. This authorisation in a PoM gives 'in principle' support for activities and developments consistent with the objectives for land categorisation to proceed to development assessment under the *Environmental Planning and Assessment Act 1979*. This PoM does not in itself imply or grant consent for activities or developments. The current development application is submitted seeking consent for works on community land and is considered to be consistent with the zoning, for public recreation.

The PoM allows for the granting of a lease, licence or other estate, but must also be in keeping with the purpose, category and core objectives of the land and must not alienate the park unreasonably (among other considerations). The PoM (in Table 6) outlines that seasonal, one-off, and irregular sporting competitions and training can be held at the site.

In this case, the use of the park for NPL matches has been approved by Council and is considered to be consistent with the zoning of the land, being for public recreation. The park is used for such matches for approximately 20 weekends and the park is otherwise available for general community use. This is considered to be reasonable and consistent with the PoM. The proposed fencing and ticket box were envisaged in Clause 13 of the PoM for the synthetic field, which states (page 49):

> *Additional fencing and a ticket box facility is proposed and will be subject to DA approval, public exhibition and funding. The fence and ticket box is to comply with National Premier League 1 (NPL 1) competition requirements. The fencing will be operable to allow public access to the precinct when not used for ticketed games.*

Clause 15 outlines management actions, which includes:

- *Action 1.3: Develop and maintain through park access to sports field area providing access to facilities and a recreational / fitness loop – management to recognise that loop will be impacted on game / event days.*

  This action acknowledges that there will be some restrictions on access within the site on game days as proposed under this development application.

- *Action 1.10: Additional fencing and a ticket box facility is proposed and will be subject to DA approval, public exhibition and funding. The fence and ticket box are to comply with National Premier League 1 (NPL 1) competition requirements. The fencing will be operable to allow public access to the precinct when not used for ticketed games. The use and management of any operable fence and establishing a*

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controlled venue on game day will be detailed in any hire agreements with the football club concerned by Council.

This action allows for the proposal.

Concerns were raised during the exhibition period for the proposed PoM prior to adoption, that the site should not be used for NPL games as it limits the public's use of the site. Council stated that Council manages the bookings at Penshurst Park that include Football St George, Hurstville Zagreb and St George City, which are hire agreements and not licenses.

Accordingly, it is considered that the proposal is generally consistent with the PoM.

A site plan is provided below:

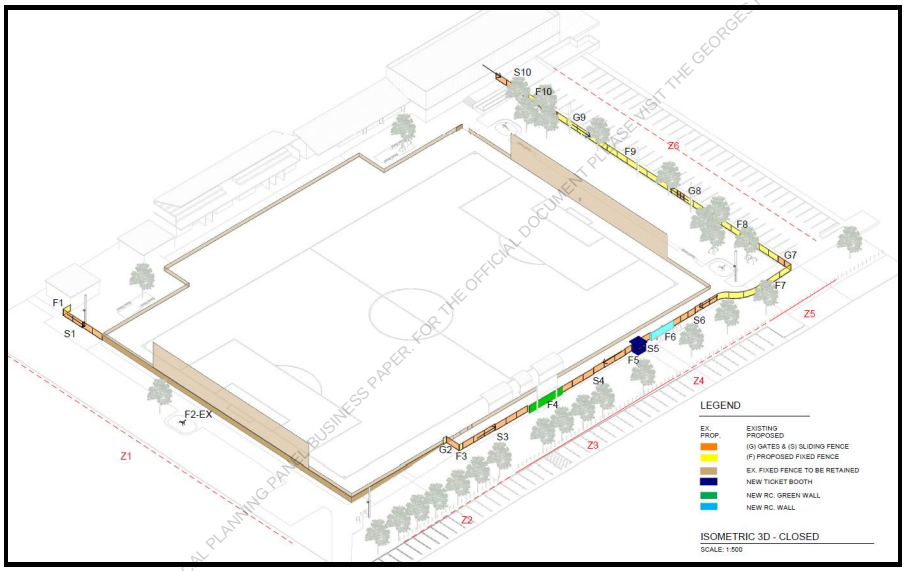

Figure 1 – Site plan *(Source: Architectural Plans)*

Locality	
North	King Georges Road and land zoned R2 Low Density Residential comprising single detached residential dwellings
South	Land zoned R3 Medium Density Residential, comprising 3 to 4 storey residential apartment buildings along Cambridge Street and the Hurstville Aquatic Centre
East	King Georges Road and land zoned R2 Low Density Residential comprising single detached residential dwellings
West	Land zoned R3 Medium Density Residential, comprising 3 to 4 storey residential apartment buildings along Cambridge Street
Wider Area	The area is generally characterised by residential development as well as the large public recreation area of Penshurst Park.

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Assessment Report (Community Facility)
S4.15 Environmental Planning & Assessment Act, 1979

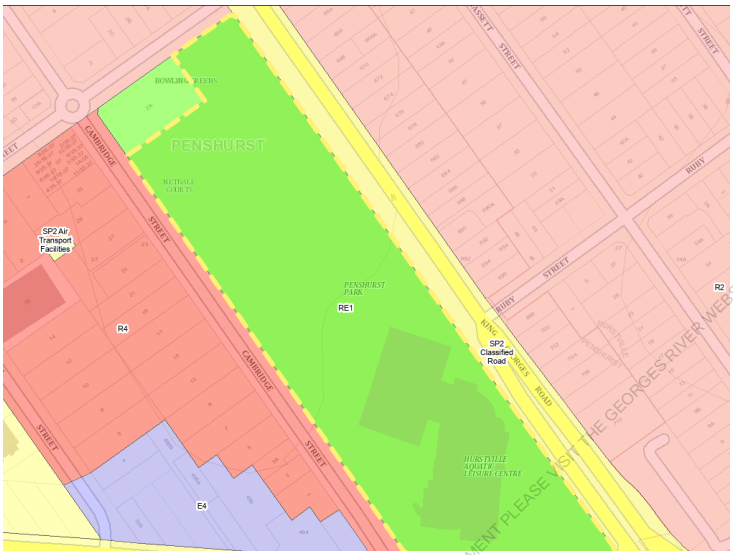

Figure 2 –Aerial view of development site outlined in red *(Source: IntraMaps)*

Aerial Image of Site

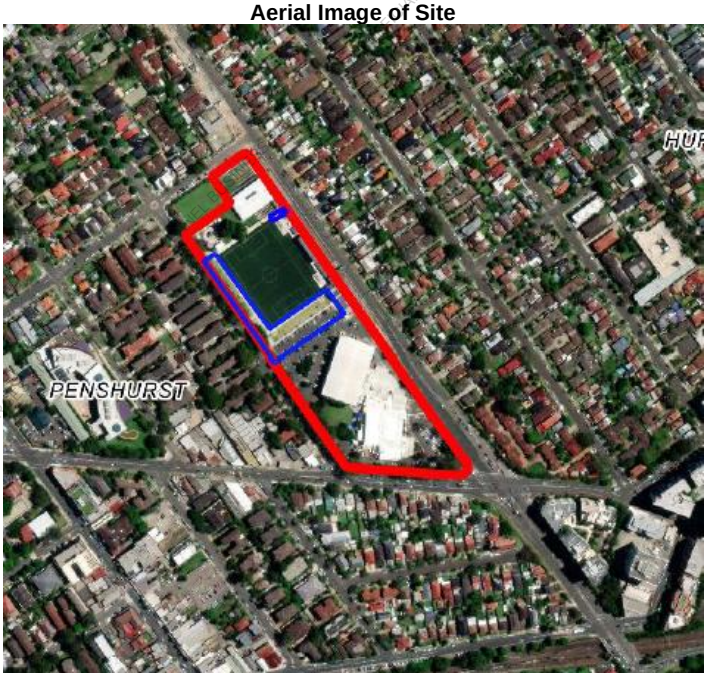

Figure 3–Aerial view of development site outlined in red *(Source:SEE)*

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Assessment Report (Community Facility)
S4.15 Environmental Planning & Assessment Act, 1979

GEORGES RIVER COUNCIL

History

Application Number	Lodged	Determined	Comments
MOD2022/0004	13/01/2022	9/05/2022	Modification of Consent No: DA2017/0354 for Stage 2 and 3 of Penshurst Park Masterplan including a new grandstand, youth facility and amenities, upgrades to existing sporting fields including new surfaces and running track, playground and exercise equipment, landscaping and external lighting. Additional works include extensions to Hurstville Aquatic Leisure Centre to include two multipurpose courts, gymnastics area and café, and additional car parking.
MOD2021/0113	14/07/2021	25/11/2021	Modification of Consent No: DA2017/0354 for stage 2 and 3 of Penshurst Park Masterplan including a new grandstand, youth facility and amenities, upgrades to existing sporting fields including new surfaces and running track, playground and exercise equipment, landscaping and external lighting. Additional works include extensions to Hurstville Aquatic Leisure Centre to include two multipurpose courts, gymnastics area and café, and additional car parking. The modifications seek to modify the location of the buildings, stormwater disposal amendments, the field changing from a cricket pitch to a soccer field, deletion of the playground, grandstand reconfiguration, modification of the internal layouts of the grandstand and youth centre.
MOD2020/0048	16/03/2020	25/03/2020	Modification of Consent No: DA2017/0354 to Stage 2 and 3 of Penshurst Park Masterplan including a new grandstand, youth facility and amenities, upgrades to existing sporting fields including new surfaces and running track, playground and exercise equipment, landscaping and external lighting. Additional works include extensions to Hurstville Aquatic Leisure Centre to include two multipurpose courts, gymnastics area and café, and additional car parking. Modification relates to deletion of condition No. 36 which is inconsistent with condition No. 37
DA2017/0354	23/08/2017	22/03/2018	Stage 2 and 3 of Penshurst Park Masterplan including a new grandstand, youth facility and amenities, upgrades to existing sporting fields including new surfaces and running track, playground and exercise equipment, landscaping and external lighting. Additional works include extensions to Hurstville Aquatic Leisure Centre to include two multipurpose courts, gymnastics area and café, and additional car parking
DA 2016/0171	1/07/2016	27/10/2016	1. Masterplan of Penshurst Park: extensions to Hurstville Aquatic Centre, additional parking, new sports grounds and facilities including grandstand, change rooms; public picnic/barbecue facilities; new youth centre. 2. Proposed development works as part of this application - Demolition of existing structures fronting Percival Street and construction of a new indoor cricket centre and outdoor turf pitches
DA2015/0079	16/03/2015	16/09/2015	Demolition of Blackshaw Pavillion and associated structures
MOD2013/0084	20/11/2013	30/01/2014	s96 modification to approved canteen and amenities - extension of roof and slab surrounding
DA2012/0093	27/03/2012		Construct new amenities block and canteen facilities in Penshurst Park.

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History

Application Number	Lodged	Determined	Comments
DA 2009/0427.02	23/08/2011		S96 Modification to 'Hurstville Aquatic Leisure Centre' - amend parking layout to create one way circulation; new exit from Centre to Cambridge Street; increase parking spaces; delete Condition 10
DA 2009/0427.01	17/09/2010		S.96 Modification to Hurstville Aquatic Centre- Internal modifications & alterations to parking layout
DA2009/0427	28/10/2009		Community Facility - Alterations & additions to 'Hurstville Aquatic Leisure Centre' including extension, refurbishment & increase in parking.
DA2004/0601	17/09/2004		Erection of plant room enclosure
DA 1999/0423	18/05/1999	-	Additional Floodlights
DA1993/0631	16/12/1993		Aquatic Leisure Centre

Processing

Action	Date	Comments
Submission	Not provided by Council	
Lodgement	7/08/2025	
Site Inspection	30/10/2025	
RFI Issued	N/A	
Revised Documents Received	N/A	
Final Assessment Completed	17/11/2025	

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Site Inspection

The site comprises Penshurst Park, which is Crown land (Crown Reserve No 83758), and is used for public recreation, sportsground and general community use. The Park is managed by Council and the Aquatic Centre and Cricket Centre is managed by a commercial operator under license to Council.

Penshurst Park is a District level facility within the Georges River LGA with a broad range of sporting and community facilities. The Park includes a sports field (soccer), cricket nets, children's playground and picnic and BBQ facilities, with mature trees and shrubs located predominantly along the interface with surrounding streets. Facilities.

Hurstville Aquatic Leisure Centre is located on the south-eastern portion of the site and comprises a leisure pool, toddler pool spa, sauna, indoor stadium, gym, cafe, and crèche facilities. In 2019, the Norm O'Neill Cricket Training facility was opened and includes six indoor cricket synthetic wickets and six outdoor turf wickets.

Penshurst Park including the Hurstville Aquatic Leisure Centre and covers 4.73 hectares (47,394m²).

Images from the site inspection are available below:

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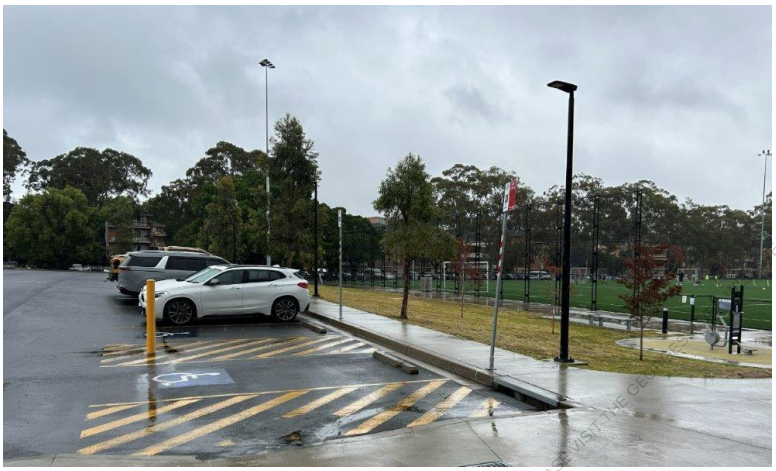

Figure 4 –The site looking SW towards Cambridge Street (*Source: Kim Johnston*)

Figure 5 –The site looking East towards the Aquatic Centre (*Source: Kim Johnston*)

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Figure 6 –The site looking South towards the Aquatic Centre, with Cambridge Street to the right (*Source: Kim Johnston*)

Figure 7 –The site looking North towards King Georges Road (playground to the left) (*Source: Kim Johnston*)

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Figure 8 –The site looking West towards the playground (Cambridge Street to the left) (*Source: Kim Johnston*)

Figure 9 –The site looking NW towards the field with Cambridge Street to the left (*Source: Kim Johnston*)

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Referrals

Authority	Y	N	Date Referred	Comments
Integrated				
Fisheries - Fisheries Management Act 1994 s144, s201, s205, s219	☐	☒	N/A	N/A
Heritage Office - Heritage Act 1977 s58	☐	☒	N/A	N/A
National Parks - National Parks and Wildlife Act 1974 s90	☐	☒	N/A	N/A
Department of Education - Protection of the Environment Operations Act 1997 s43(a),(b),(d), s47, s48, s55, s122	☐	☒	N/A	N/A
Water NSW - Water Management Act 2000 s89, s90, s91	☐	☒	N/A	N/A
Department of Primary Industries – Water Act 1912 s10, s13A, s18F, s20B, s20CA, s20L, s116,	☐	☒	N/A	N/A
Transport for New South Wales - Roads Act 1993 s138	☐	☒	N/A	N/A
Rural Fire Service - Rural Fires Act 1997 -s100B	☐	☒	N/A	The site is not bushfire prone.
Concurrence / Referrals / Determining Authority				
Sydney South Planning Panel	☐	☒	N/A	
Local Planning Panel	☒	☐		The DA involves Council owned land. A Management Statement has been provided.
Designated Development	☐	☒	N/A	
Crown Development	☐	☒	N/A	
Ausgrid	☒	☐		A referral was sent with no objections being raised.
Department of Education	☐	☒	N/A	
Natural Resource Access Regulator	☐	☒	N/A	
NSW RFS	☐	☒	N/A	
TfNSW	☐	☒	N/A	
Water NSW	☐	☒	N/A	
Council Referrals				
Building Surveyor	☐	☒	N/A	
Development Engineering	☒	☐		No objections or conditions required

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Referrals

Authority	Y	N	Date Referred	Comments
Environmental Health	☐	☒	N/A	
Heritage	☐	☒	N/A	
Infrastructure / Assets	☒	☐		No objections, no conditions required
Land Information (GIS)	☐	☒	N/A	
Landscaping	☐	☒	N/A	
Strategic Planning	☐	☒	N/A	
Urban Design	☒	☐		Some concerns with design of the ticket booth, entry point from Cambridge Street and the width of the footpath on the outside of the proposed fencing along Cambridge Street. These matters are primarily addressed in recommended consent conditions.
Traffic	☒	☐		No objections, conditions provided and imposed in draft conditions.
Waste	☐	☒	N/A	

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Assessment - Section 4.15 Evaluation

The Provisions of any applicable Act:

It is noted that there are no referrals required under the following:

- Water Management Act 2000
- Roads Act 1993
- Rural Fires Act 1997

Environmental Planning and Assessment Act 1979:

Section 4.15(1) – Matters for Consideration

The relevant matters are considered below:

- The Provision of any applicable State Environmental Planning Policy (SEPPs) (s4.15(1)(a)(i)):

Environmental Planning Policies	Applicable Y	Applicable N

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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
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).

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 2 – Coastal Management

Section	Text	Comment	Y	N	N/A
The land is not mapped as coastal wetlands or littoral rainforest (or within the relevant buffer areas). The land is also not mapped within the coastal vulnerability area, coastal use area or the coastal environment area. .					

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 RE1 Public Recreation.
- 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.

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SEPP (Industry and Employment) 2021

Chapter 3: Advertising and Signage

Chapter 3 of SEPP (Industry & Employment) provides controls for advertising and signage, which is relevant to the application as the proposal involves a signage wall at the Cambridge Street entry point.

Pursuant to the relevant definitions in Section 3.2 of the SEPP, the proposed signage is considered to be a building identification sign, which is defined as:

> ***building identification sign*** *means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.*
> *Note. Building identification signs are a type of signage—see the definition of that term in this Dictionary.*

Pursuant to Sections 3.3 and 3.4, Chapter 3 applies to the proposed signage as it can be displayed with consent under the GRLEP 2021 (*Signage* is permissible in the RE1 zone (with consent) and is visible from a public place.

Part 3.2 of the SEPP applies to signage generally and pursuant to Section 3.6 of the SEPP requires that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

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

The objectives to be considered include:

> *(a) to ensure that signage (including advertising)—*
> *(i) is compatible with the desired amenity and visual character of an area, and*
> *(ii) provides effective communication in suitable locations, and*
> (iii) *is of high quality design and finish*,

The proposed signage wall is considered to be consistent with these objectives in that:

- The proposed signage has been designed to be part of the proposed fencing (where the fencing will be stacked) and is of a size and design which is compatible with existing signage and other structures in the area. This allows for the integration of the proposed new signage into the site. This also ensures that the proposed new sign does not dominate the visual amenity of the area and is compatible with existing signage in the area.
- The proposed new signage provides for effective communication of the park facility at the site. The proposed new signage is located in a suitable location given there are a number of other signs in the area.
- The proposed new sign will be of a high quality design and finish, consistent with contemporary design features and modern design.
- While the proposed new signage faces adjoining residential developments along Cambridge Street, which will not adversely impact on adjoining residential properties.

The proposal is consistent with the assessment criteria in Schedule 5, which is considered below:

Assessment Criteria (Schedule 5)

1. **Character of the area**

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

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Comment: The proposed sign is compatible with the amenity and visual character of the area as the sign is located within a public recreation zone and is of a suitable scale having regard to the existing development on the site and surrounding sites. The proposed signage is integrated with the other structures and signage on the site, which ensures it does not dominate the vistas in the local area.

The particular theme for outdoor advertising in the area is large signs identifying public open space areas. The proposed sign is generally consistent with the other signs in the area.

2. Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

Comment: The proposal is not located in an environmentally sensitive area, heritage area, natural or other conservation area, waterway or a rural landscape. Notwithstanding, it is considered that the proposed sign is compatible with the amenity of the area and does not detract from the visual amenity of the locality given the proposed signs are to be located to blend with the streetscape.

3. Views and vistas

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

Comment: The proposed sign does not obscure any important views in the locality and does not dominate the skyline given its position at ground level. The viewing rights of other advertisers are respected as no other signs are obscured by the proposed signage.

4. Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- Does the proposal require ongoing vegetation management?

Comment: The scale and proportion of the sign is appropriate for the site and provides visual interest to the street. The proposed sign is a simple form of signage and is not required to screen unsightliness on the site. The sign is reasonably large, however, the site and uses are of a suitable size for the proposed signage and is therefore consistent with the scale of existing development on the site. The proposed sign does not protrude above the level of the building on the site or nearby buildings in the area and will not require ongoing vegetation management. The proposed sign does not replace existing signs on the site.

5. Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

Comment: The scale and proportion of the proposed sign is appropriate for the site, provides visual interest to the street and is of a relatively simple design for the area. There are no special features of the site.

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6. Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Comment: The proposed signage is to be constructed at ground level and safety devices are not required.

7. Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

Comment: The proposed signage does not involve any internal illumination.

8. Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

Comment: The proposed signage is located at an appropriate distance to the road to ensure sight lines are not adversely affected.

The remaining provisions of the SEPP, including Part 3.3, are not relevant to the proposal. Therefore, the proposal is considered to be consistent with the objectives and controls of the Industry & Employment SEPP in relation to the proposed signage.

SEPP (Sustainable Buildings) 2022
Exempt

The application does not propose works which are subject Schedule 1 or 2 to the above and therefore the application is exempt from assessment against SEPP (Sustainable Buildings) 2022.

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.	Application referred to Ausgrid.	☒	☐	☐

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SEPP (Transport and Infrastructure) 2021

2.48(2)(b)	Any response to the above has been considered.	Ausgrid raises no objections.	☒	☐	☐
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.			**Y**	**N**	**N/A**
2.119(2)(a)	Where practicable and safe, vehicle access is from a road other than a classified road.	There are no changes proposed to existing vehicle access.	☒	☐	☐
2.119(2)(b)	The safety and ongoing operation of the classified roadway will not be adversely affected by the development.	There are no changes proposed to existing vehicle access.	☒	☐	☐
2.119(2)(c)	If the development is of a type sensitive to noise, it is appropriately located and designed to reduce impacts.	The type of development is not sensitive to road noise.	☒	☐	☐
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**
2.120(2)	Council must take into consideration the requirements of the Guide.	The development is not a type which is impacted by road noise (fencing only)	☐	☐	☒
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.	The proposal is not for residential development.	☐	☐	☒

Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
1.2 Aims	(a) to provide for housing choices to cater for changing demographics and population needs, (c) to promote and facilitate an ecologically and economically sustainable and vegetated urban	The proposal provides for the recreational needs of the community.	☒	☐	☐

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Section	Text	Comment	Y	N	N/A
	environment in which the needs and aspirations of the community are realised, (e) to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River and to build upon and enhance the character of local areas, (f) to promote a high standard of urban design and built form, (g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use, (h) to protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways,				
2.2 Zoning	Refer to LEP map.	RE1 Public recreation.	☒	☐	☐
2.3 Zone objectives	• *To enable land to be used for public open space or recreational purposes.* • *To provide a range of recreational settings and activities and compatible land uses.* • *To protect and enhance the natural environment for recreational purposes.*	The proposed development provides for an improved use of the area for recreational purposes.	☒	☐	☐
2.5 Additional permitted uses	Refer to Schedule 1.	N/A	☐	☐	☒
2.6 Subdivision	Subdivision may be carried out only with development consent.	Not proposed	☐	☐	☒
2.7 Demolition	The demolition of a building requires development consent.	Not proposed	☐	☐	☒
4.1 Minimum subdivision lot size	Refer to Lot Size Map	Not proposed	☐	☐	☒
4.3 Height of Buildings	(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and	Standard: N/A	☐	☐	☒

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Section	Text	Comment	Y	N	N/A
	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,	Proposed: N/A			
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: N/A Proposed: N/A	☐	☐	☒
4.4A Exceptions to floor space ratio—certain residential accommodation		Refer to FSR assessment.	☐	☐	☒
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	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.	N/A	☐	☐	☒
5.4 Controls relating to miscellaneous permissible uses	**Home businesses:** the carrying on of the business must not involve the use of more than 30 square metres of floor area. **Home industries:** the carrying on of the home industry must not involve the use of more than 30 square metres of floor area. **Secondary dwellings:** the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater— (a) 60 square metres, (b) 10% of the total floor area of the principal dwelling.	Not proposed	☐	☐	☒
5.7 Development below mean high water mark	1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters. 2) Development consent is required to carry out development on any	The site is not affected by a mean high-water mark.	☐	☐	☒

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Section	Text	Comment	Y	N	N/A
	land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).				
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 site does not contain any heritage items.	☐	☐	☒
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 subject site is mapped on Council spatial flood maps within the 1% AEP and Probable Maximum Flood (PMF) area. Existing stormwater infrastructure will be utilised on-site to control runoff, drainage and prevent flooding.	☒	☐	☐
5.22 Special flood considerations	To ensure safe occupation and evacuation during flood events, protect flood-compatible land use and critical infrastructure, and minimise environmental impacts from hazardous development and flood behaviour.	The proposed fence and walls are not considered to increase the risk to life at the site.	☒	☐	☐
5.23 Public bushland	To protect and ensure the ecological viability of bushland in urban areas by preserving biodiversity, habitat connectivity, soil stability, natural hydrological functions, and the environmental, cultural, and recreational values of bushland, while mitigating development-related disturbance.	The site does not contain any public bushland.	☐	☐	☒
6.1 Acid sulfate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	The site is not affected by acid sulfate soils.	☐	☐	☒
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	There are only minimal earthworks proposed for the footings for the proposed fencing and 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	Council's engineer has considered the proposal and raises no objections.	☒	☐	☐
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	The site is not affected by any coastal hazards or foreshore area.	☐	☐	☒

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GEORGES RIVER COUNCIL

Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
	processes or amenity, and promote public access along the foreshore.				
6.5 Riparian land and waterways	To protect and maintain waterway ecosystems by safeguarding water quality, bank stability, aquatic and riparian habitats, ecological processes, and Aboriginal cultural heritage values.	The site is not located in the riparian and waterways area.	☐	☐	☒
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.	The site is not affected by the foreshore scenic protection area.	☐	☐	☒
6.7 Airspace operations	To ensure the safe and uninterrupted operation of Sydney (Kingsford Smith) Airport by preventing development that penetrates its operational airspace and protecting the community from associated risks.	The site is located within the obstacle limitation surface area however does not penetrate this surface.	☒	☐	☐
6.8 Development in areas subject to aircraft noise	To prevent noise-sensitive development near Sydney (Kingsford Smith) Airport, minimise aircraft noise impacts through appropriate building design, and ensure surrounding land use does not compromise the airport's safe and efficient operation.	The site is not affected by aircraft noise.	☐	☐	☒
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.	There are adequate services on the site for the existing uses within Penshurst Park.	☒	☐	☐
6.10 Design excellence	Applies to new dwellings (not secondary dwellings) within the Foreshore Scenic Protection Map Area.	This clause does not apply to the proposal.	☐	☐	☒
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— (a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or	This clause does not apply to the proposal.	☐	☐	☒

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Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
	(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 application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021. The proposal complies with the aims and controls of the EPI.					

- **Provisions of any Proposed Instrument (S4.15(1)(a)(ii))**

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 (S4.15(1)(a)(iii))**

The *Georges River Development Control Plan 2021* applies to the proposal. It is noted that the following provisions do not apply:

- Part 3.4: Bushfire Prone Land (the site is not bushfire prone)
- Part 3.7: Heritage (there is no heritage items on or in the vicinity of the site)
- Part 3.9: Coastal Hazards and Risks (the site is not affected by any of these hazards)
- Part 3.16: Subdivision (subdivision is not proposed)
- Part 3.20: Noise and Vibration (the proposal is not impacted by noise)

Georges River Development Control Plan 2021

Part	Name	Y	N
Part 3	General Planning Considerations	☒	☐
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)	☐	☒

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3.2 Biodiversity

Clause	Text	Comment	Y	N	N/A
3.2.1(1) Biodiversity	Development is to comply with the provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021	There is no significant vegetation on the site.	☒	☐	☐
3.2.2(2) Green Web	Green Web areas are to be landscaped with species indigenous to the Georges River Council area, listed in Council's Backyard Biodiversity Guide on Council's website and Council's Tree Management Policy (and its Appendix 1 – Tree Planting). Trees and landscaping should be provided in a form and configuration that maintains and enhances the core habitat and vegetated linkages	The site is not mapped within a green web area.	☐	☐	☒
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.2. The proposal complies with the objectives and controls of this section of the DCP.					

3.3 Landscaping

Clause	Text	Comment	Y	N	N/A
3.3(2)	Landscape planting should achieve a mature height in scale with the structures on the site.	The site contains existing landscaping, provided for the Penshurst park development, which is to be retained by the proposal.	☒	☐	☐
3.3(3)	Where canopy trees, shrubs and groundcovers are required, preference should be given to incorporating locally indigenous plants listed in GRDCP 2021 Backyard Biodiversity Guide on Council's website and Council's Tree Management Policy (and its Appendix 1 – Tree Planting).	There are no changes to the existing landscaping on the site, which is to be retained by the proposal.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.3. The proposal complies with the objectives and controls of this section of the DCP.					

3.5 Earthworks

Clause	Text	Comment	Y	N	N/A
3.5(1)	Natural ground level should be maintained within 900mm of a side and rear boundary.	Only minor excavation is proposed for footings for the proposed fencing. Natural ground level is maintained within 900mm of the side and rear boundaries.	☒	☐	☐

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3.5 Earthworks

Clause	Text	Comment	Y	N	N/A
3.5(2)	Cut and fill should not alter natural or existing ground levels by more than 1m	Only minor excavation is proposed for footings for the proposed fencing and the proposed excavation is less than 1 metre.	☒	☐	☐
3.5(3)	Habitable rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level	None proposed.	☐	☐	☒
3.5(4)	Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered.	Not proposed	☐	☐	☒
3.5(5)	Development is to be located so that clearing of vegetation is avoided.	There is no vegetation to be removed.	☒	☐	☐
3.5(6)	Cut and fill within a tree protection zone (TPZ) of a tree on the development site or adjoining land, must be undertaken in accordance with Australian Standard AS 4970 (Protection of trees on development sites).	There is no vegetation to be removed.	☒	☐	☐
3.5(7)	Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.	No change proposed.	☒	☐	☐
3.5(8)	Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions, on adjacent land	No changes proposed.	☒	☐	☐
3.5(10)	For sites identified as flood affected, any cut and fill works, included in the development are to comply with the requirements of Council's Stormwater Management Policy, specifically Chapter 6 – Flooding and Overland Flow.	Council's stormwater engineer raises no objections to the proposed development.	☒	☐	☐
3.5.2 Erosion & Sediment Control	Standard conditions of consent would be imposed on any development consent which would adequately restrict erosion and control sediment release.		☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.5. The proposal complies with the objectives and controls of this section of the DCP.					

3.6 Contaminated Land

Clause	Text	Comment	Y	N	N/A
3.6(1)	Each development application is to include information sufficient to allow Council to meet its obligation to determine whether development	The application has been assessed against the relevant provisions of SEPP (Resilience and Hazards) 2021 within this report.	☒	☐	☐

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3.6 Contaminated Land

Clause	Text	Comment	Y	N	N/A
	should be restricted due to the presence of contamination.				
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.6. The proposal complies with the objectives and controls of this section of the DCP.					

3.8 Views Impacts

Clause	Text	Comment	Y	N	N/A
3.8(1)	Development shall provide for the reasonable sharing of views.	The proposal does not obstruct any views.	☒	☐	☐
3.8(2)	View pruning is to comply with Council's Tree Management Policy.	The proposal does not obstruct any views.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.8. The proposal complies with the objectives and controls of this section of the DCP.					

3.10 Water Management

Clause	Text	Comment	Y	N	N/A
Stormwater Management	The development must comply with Council's Stormwater Management Policy, incorporate WSUD principles, ensure on-site detention does not compromise deep soil zones or landscaping, and manage runoff to prevent adverse impacts on neighbouring properties.	Council's stormwater engineer raises no objections to the proposed development.	☒	☐	☐
Flood Risk Management	The development must comply with Council's Stormwater Management Policy and the NSW Floodplain Development Manual, ensuring appropriate controls are applied in identified flood planning, 1% AEP, and PMF affected areas.	The existing stormwater management system will be utilised on-site. Council's stormwater engineer raises no objections to the proposed development.	☒	☐	☐
Water Quality	All development must include measures to control stormwater pollutants and treat runoff to reduce erosion, sedimentation, and nutrient dispersal, especially near waterways and bushland.	The existing stormwater management system will be utilised on-site. Council's stormwater engineer raises no objections to the proposed development.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.10. The proposal complies with the objectives and controls of this section of the DCP.					

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3.12 Waste Management

Clause	Text	Comment	Y	N	N/A
3.12	All development must provide well-integrated, conveniently located waste storage and recycling facilities that support reuse and minimise impacts on streetscape and neighbouring amenity.	The existing waste management system will be utilised on-site and a Waste Management Plan has been provided for the construction of the proposed fences and walls.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.12. The proposal complies with the objectives and controls of this section of the DCP.					

3.13 Parking Access and Transportation

Clause	Text	Comment	Y	N	N/A
3.13(1) Rate	• 1 space per 1 and 2 beds • 2 spaces per 3 beds or more • Home business / industry: 1 per employee not residing at site.	The existing car parking and servicing arrangements are to be retained on the site (with two spaces to be removed for the proposed entry area and additional accessible car spaces.	☒	☐	☐
Design and Layout of Car Parking Areas	Be designed in accordance with the requirements set out in AS 2890.1 (2004) and AS 2890.2 (2002) for off street parking	The existing car parking and servicing arrangements are to be retained on the site.	☒	☐	☐
3.13(16) Basements	Basement car parking is to be located within the building footprint.	Basement car parking is not proposed.	☐	☐	☒
3.13(19) Basements	Integrate ventilation design into the façade of the building, or parking structure, treating it with appropriate features such as louvres, well designed grilles, planting or other landscaping elements.	Basement car parking is not proposed.	☐	☐	☒
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.13. The proposal complies with the objectives and controls of this section of the DCP.					

3.14 Utilities

Clause	Text	Comment	Y	N	N/A
Utilities	Development must provide essential services integrated into building and site design to minimise streetscape impacts and support future occupants.	There are adequate services on the site.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.14. The proposal complies with the objectives and controls of this section of the DCP.					

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3.19 Crime Prevention / Safety and Security

Clause	Text	Comment	Y	N	N/A
3.19(1)	Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of streets, laneways, parking areas, public spaces and communal courtyard space.	The proposal involves mesh fencing and therefore surveillance is maintained throughout the site.	☒	☐	☐

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.19.
The proposal complies with the objectives and controls of this section of the DCP.

Part 5 – Residential Locality Statement

Area	Comment	Y	N	N/A
• Riverwood • Beverly Hills • Kingsgrove • Peakhurst • Penshurst (North / South) • Hurstville (Non-CBD) • Lugarno • Peakhurst Heights • Mortdale • Oatley (East / West) • Hurstville Grove • South Hurstville • Allawah • Carlton (North / South) • Kogarah South • Connels Point • Blakehurst • Carss Park and Kogarah Bay • Beverly Park and Ramsgate • Sans Souci and Ramsgate	The proposed development demonstrates consistency with the Residential Locality Statement by respecting the established and desired future character of the area, integrating well with the surrounding streetscape, and maintaining key features such as building form, scale, setbacks, and landscaping that contribute to the locality's unique identity. The proposed fencing retains and enhances the existing low density suburban residential character and retains consistent setbacks from the street. The proposal also provides for the retention of landscaping within the front setback.	☒	☐	☐

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 5.
The proposal complies with the objectives and controls of this section of the DCP.

6.4.1 Fences and Walls

Clause	Text	Comment	Y	N	N/A
	• Ensure fences and walls improve amenity for existing and new residents and contribute positively to the streetscape and adjacent buildings. • Ensure materials used in fences and walls are of a high quality and in keeping with the existing streetscape character and character of the dwelling. • Ensure fences and walls are sympathetic to the topography of the site.	These controls largely apply to residential areas, however, the proposed fencing is predominantly open form with only minor portions proposed as walls. Pedestrians can still move around the outside of the field (during ticketed events when the fences are in place)	☒	☐	☐

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6.4.1 Fences and Walls

Clause	Text	Comment	Y	N	N/A
• Ensure retaining walls minimise the impact of run off on adjoining properties and public land. • Minimise interference with natural drainage patterns. • Be of a height, design and located so as to not detrimentally impact upon pedestrian and vehicle sightlines		and there will be no impact to the existing stormwater management arrangements.			
1 Front Fences	Fence heights are to be limited to a maximum of: i. 900mm for solid masonry, and ii. 1.2m for open or partially transparent styles such as picket or palisade.	The proposed fencing is 1.8 metres however is not located at the building line.	☒	☐	☐
2 Front Fences	Preferred materials for fencing are masonry, stone, ornate timber or ornate metal.	The proposed fences are to be constructed of metal, with a masonry sign wall to Cambridge Street.	☒	☐	☐
3 Front Fences	For sloping streets, fences and walls must be stepped to comply with the required maximum fence height.	The site is not sloping.	☐	☐	☒
4 Front Fences	Where noise attenuation or protection of amenity requires a higher fence, front fences may be permitted to a maximum height of 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.	Refer above.	☒	☐	☐
5 Front Fences	Fencing (and landscape screening) is to be located to ensure sight lines between pedestrians and vehicles exiting the site are not obscured. Gates are not to open over the public roadway or footpath.	There are no sight lines for vehicles obstructed by the proposed fences and walls.	☒	☐	☐
6 Side and Rear Fences	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.	Refer above.	☒	☐	☐
7 Side and Rear Fences	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.	The site is not a corner lot.	☐	☐	☒

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6.4.1 Fences and Walls

Clause	Text	Comment	Y	N	N/A
8 Side and Rear Fences	Fencing between dwellings within a dual occupancy, multi-dwelling housing, multi dwelling housing (terraces) and manor housing development is to be provided as per controls 6 and 7 above.	The site does not involve housing.	☐	☐	☒
9 Side and Rear Fences	Fencing must have regard for the Swimming Pools Act 1992 on the subject site and adjoining properties where a swimming pool exists or is proposed.	Not applicable to this site.	☐	☐	☒
10 Retaining Walls	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 subject property.	Not proposed.	☐	☐	☒
11 Retaining Walls	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	Not proposed.	☐	☐	☒
12 Retaining Walls	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.	Not proposed.	☐	☐	☒
13 Retaining Walls	Any retaining walls, required as part of the dwelling construction to control 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.	Not proposed.	☐	☐	☒
14 Retaining Walls	Excavation or filling requiring retaining shall be shored or retained immediately to protect neighbouring properties from loss of support and to prevent soil erosion.	Not proposed.	☐	☐	☒

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6.4.1 Fences and Walls					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 6.4.1. The proposal complies with the objectives and controls of this section of the DCP.					

Any Planning Agreement Under Section 7.4

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

The Regulations

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

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

The Likely Impacts of the Development

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

Likely Impacts of the Development	
Natural Environment	The development is located within an established public open space area and is not considered to result in unreasonable impact on the natural environment. There is no proposed removal of vegetation, the existing landscaping on the site is to be retained by the proposal and there are no changes to the existing contours on the site.
Built Environment	The built form and supporting infrastructure are appropriate with its setting and is consistent with the desired future character of the site. The proposed fences and walls are consistent with the use of the site for public recreation and are compatible with the existing infrastructure on the site. There were some concerns expressed by Council's Urban Design Expert, however, it was considered that these matter relating to the proposed entry point from Cambridge Street, can be addressed at the Construction Certificate stage as outlined in the draft consent conditions.
Social Impact	The proposal will have some social impacts on the locality as there are some restrictions to public facilities during ticketed events. However, these impacts are short term and in general the park facilities continue to be available for the community's use. Provision shall be made to ensure the public toilets are accessible during game times.
Economic Impact	The proposal is not considered to result in any unreasonable economic impacts, with some short-term economic benefits arising from the construction of the proposed fencing and gates.

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Site Suitability

The site is zoned RE1 Public Recreation. The proposal is considered a suitable outcome for the subject site for the following reasons:

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

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- The proposed development comprises fences and gates which will only be used at certain times to allow for ticketed use of the field.

Submissions

The application was notified in accordance with Council policy by letter and given twenty-eight (28) days in which to view the plans and submit any comments on the proposal. Three (3) submissions were received during the neighbour notification period.

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

Issue	Comment
Use of a public park by a sporting club	The submissions raised concerns with the takeover of the public park by a sporting club which will have increasing use of the facilities which are meant for all of the public. The proposal does not increase the number or frequency of ticketed events, with the club's existing match schedule to continue under Council's current hiring arrangements. No changes are proposed to existing traffic conditions, with the only change to car parking is the loss of two car spaces to provide additional accessible car parking spaces and a wider entry point from Cambridge Street. There is no additional spectator capacity being created.
Blocks access to park facilities	Concerns were raised that the proposed fences will block access to the drinking foundations, public toilets and exercise equipment with public space being used for a sports club monetary profit potential. The majority of the park facilities will remain accessible to the public during game times (and operation of the fencing), with the exception of the public toilets and some of the exercise equipment. The applicant has indicated that local residents can currently access the public toilets during game times by requesting assistance from security guards, and such a requirement is recommended to be imposed as a consent condition on any consent granted. The walking/riding track will generally remain accessible to the public during game times (and operation of the fencing) with the exception of the fencing along the northeastern boundary adjoining the King Georges Road boundary. It is understood that access to the drinking fountains is retained during the operation of the fencing.
Parking	Concerns were raised with the lack of parking and people blocking access to nearby residential development. The proposal does not require any additional car parking beyond the existing approved arrangements for the site and does not increase the number or frequency of ticketed events. The standard parking rules apply. The proposal involves the removal of two (2) car spaces to allow for a more visible entry point and additional accessible car parking spaces, however, there are no other changes proposed to the existing traffic and parking arrangements, and no additional spectator capacity is being created. The loss of these car spaces are considered acceptable.

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Traffic along Cambridge Street	Concerns raised were that Cambridge Street is already dangerous, as it is used as a 'rat run' to get to Stoney Creek Rd and there is a lot of speeding along this road, including by buses, which will be exacerbated by the proposal. Traffic calming measures were requested and speed restriction to 40km. The proposed fencing will not result in any additional traffic along Cambridge Street and the standard road rules apply along this road.
Procedures for complaints	Submissions requested that a procedure be put in place for residents to make complaints in the future, if the club's use of the park becomes more restrictive and parking and noise become even greater issues. The facility is owned and managed by Council and therefore Council is required to address any concerns arising from the use of the facility at the site.
DA documentation in relation to the purpose and time of the development	The submission stated that the DA documentation does not mention the purpose of this development, the benefits and the disadvantages of the development or the duration of the construction (and time of day). Concerns were also that the documentation was difficult to understand. The plans and SEE are adequate and clearly outlines that the proposed fencing is required to hold NPL games at the venue. The construction of the fencing will be managed through construction management consent conditions to reduce impacts to the local community and users of the park.
Walkway around the park	Concerns were raised that it is unclear if the existing walkway around the park will be within the gated area. The existing path along the King Georges Road boundary in front of the ground stands will be closed during ticketed events. The paths along the northwestern and southeastern frontages will be accessible during ticketed events and operation of the proposed fencing. A wider path along the southwestern side of the field will be provided, ensuring there is public access along three (3) of the four (4) sides of the field during ticketed games.
Number of ticketed events	Concerns with how many ticketed events will increase to justify the building of the proposal and how will this impact traffic and congestion and noise pollution on Cambridge Street. The proposal does not increase the number or frequency of ticketed events, with the club's existing match schedule to continue under Council's current booking and licensing arrangements.
Compliance standards	The submission stated that the technical requirements are not provided and there are concerns that if more changes are made to the requirements there will be more construction. The proposal is to comply with the current technical standards which is the relevant standard to comply with. Future changes may be required, however, cannot be predicted.

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Noise pollution	Concerns were raised that the cumulative increase in sporting facilities at the site have resulted in additional noise to adjoining properties. Suggestions were that changes could be made at the intersection of King Georges Road and Forest Road to reduce the amount of traffic using Cambridge Street. It is considered that the proposal will not result in additional noise or result in additional traffic. The sporting facilities at the site have been subject to detailed assessment in a number of development and modification applications.

The Public Interest

The proposal is in the public interest for the following reasons:

- The proposed use is permissible in the subject zone.
- The proposal will allow the use of the existing soccer facility by NPL1 (soccer) teams and comply with the *Football NSW Stadium Technical Requirements.*
- The proposed development will not result in unreasonable impacts to the natural and built environment.
- The proposed development will not result in unreasonable amenity impacts to the adjoining neighbours.

Contributions

The development is not subject to Section 7.11/7.12 Contributions, in accordance with Section 2.2.2 of the *Georges River Local Development Contributions Plan 2021*, as it proposed public infrastructure by Council.

Conclusion

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

The proposal has been assessed against the provisions of the relevant State Environmental Planning Policy, Georges River Local Environmental Plan 2021 and Georges River Development Control Plan 2021 and complies with the development standards of the Local Environmental Plan and meets the objectives of the Development Control Plan. The proposal is recommended for approval subject to the recommended conditions in Appendix 1.

Determination

Approval of Application

Pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* (as amended), the delegated officer determines DA2025/0384 for the construction of an operable fence, ticket booth, sign wall and footpath extension at Penshurst Park on Lot 7051 in DP 1027262 on land known as 643A King Georges Road Penshurst, as an approval for the reasons below subject to the conditions referenced in Appendix 1:

Signed

Name: Kim Johnston
Title: Consultant Planner
Date:3 December 2025

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GEORGES RIVER COUNCIL

Appendix 1

GENERAL CONDITIONS

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

Description	Reference No.	Date	Rev	Prepared by
Plans				
Schematic Diagram	CD001	27/11/25	D	Chris Elliot Architects (CEA)
Floor Plan – Open	CD002	11/03/25	C	Chris Elliot Architects (CEA)
Floor Plan – Closed	CD003	11/03/25	C	Chris Elliot Architects (CEA)
Isometric 3D – Open	CD004	11/03/25	C	Chris Elliot Architects (CEA)
Isometric 3D – Closed	CD005	11/03/25	C	Chris Elliot Architects (CEA)
Elevations – Main Entrance & Ramp Entrance	CD006	11/03/25	C	Chris Elliot Architects (CEA)
Section A/ Elevation & Section B/ Elevation	CD007	11/03/25	C	Chris Elliot Architects (CEA)
Fencing Detail – Superior & Inferior	CD008	11/03/25	C	Chris Elliot Architects (CEA)

Materials Schedule	CD009	11/03/25	C	Chris Elliot Architects (CEA)
Existing Services Plan	CD0010	11/03/25	C	Chris Elliot Architects (CEA)
Erosion and Sediment Control Plan	CD0011	11/03/25	A	Chris Elliot Architects (CEA)
Reports				
Statement of Environmental Effects	TE25028	5 June 2025	2.0	Talis Consultants
Environmental Site Management Plan	TE25028	5 June 2025	2.0	Talis Consultants
Waste Management Plan	TE25028	5 June 2025	2.0	Talis Consultants

***Reason*: To ensure compliance with the plans as assessed by Council.**

Separate Approvals Required Under Other Legislation

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

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

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

   (a) Placing or storing materials or equipment;

   (b) Placing or storing waste containers or skip bins;

   (c) Erecting a structure or carrying out work

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(d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;

(e) Pumping concrete from a public road;

(f) Pumping water from the site into the public road;

(g) Constructing a vehicular crossing or footpath;

(h) Establishing a "works zone";

(i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);

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

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

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

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

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

Reason: To ensure necessary other approvals are obtained.

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

Any necessary approvals are to be obtained prior to the release of a Construction Certificate, with evidence provided to the Principal Certifier demonstrating the necessary approval has been obtained.

Reason: To ensure the necessary approvals are obtained.

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Requirements of Concurrence, Integrated & Other Government Authorities

4. Ausgrid Requirements – Ausgrid Underground Cables are in the vicinity of the development.

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA)

In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:

- **SafeWork Australia – Excavation Code of Practice.**
- **Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.**

The following points should also be taken into consideration:

- **Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.**
- **Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.**
- **Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.**

Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

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The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

New Driveways - Proximity to Existing Poles

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

New or modified connection

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Reason: To ensure the requirements of Ausgrid are satisfied for the development.

Prior to the Issue of a Construction Certificate

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

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

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

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

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Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	$2,370.00
Inspection Fee for Refund of Damage Deposit	$220.00

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

Reason: To clarify fee payment and to ensure local infrastructure can be delivered.

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

(a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **$2,370.00.**

(b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **$220.00.**

(c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of works, Council will carry out an inspection of its public domain assets. If the inspection is passed, the damage deposit will be returned less the cost of any repairs to damaged Council Assets. The damage deposit will not be refunded until a full Occupation Certificate has been issued for the development.

General Fees

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

Reason: To protect public infrastructure

7. **Footpath and pedestrian circulation -** The footpath around the field shall provide a minimum 4 metre wide unobstructed area for pedestrian circulation at all times

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(including when the sliding fencing is open). Details shall be provided with the application for the Construction Certificate.

Reason: To ensure there is adequate pedestrian access through the site.

8. **Cambridge Street Entry -** The Cambridge Street entry point shall be designed to enhance visibility of the access point and wayfinding. Details are to be submitted to the Principal Certifier prior to release of a Construction Certificate.

Reason: To ensure the design of the entry point to the site is satisfactory.

9. **Site Management Plan -** A Site Management Plan detailing all weather access control points, fencing, amenities, materials storage and unloading arrangements (as required) must be submitted with the application for the Construction Certificate to the satisfaction of the Principal Certifier.

Reason: To ensure the environment is protected during construction.

10. **Erosion & Sedimentation Control** – Erosion and sediment controls must be provided to ensure:

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

(b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)

(c) All clean water run-off is diverted around cleared or exposed areas

(d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways

(e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works

(f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway

(g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar

(h) Compliance with Managing Urban Stormwater – Soils and Construction (Blue Book) produced by Landcom 2004.

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

Reason: To protect water quality and site stability.

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11. **Compliance with AS2890 -** Details of the design shall be submitted to the Certifier for approval prior to the issue of the Construction Certificate and the spaces installed prior to the release of the Occupation Certificate.

Reason: To ensure all traffic and parking faciltiies are constructed in accordance with the relevant requiremnts.

12. **Traffic Management -** Accessible Car Spaces (Cambridge Street boundary) - The four (4) disabled persons parking spaces proposed on Cambridge Street adjacent to the entry/exit pathway shall be designed and constructed to comply with the requirements of *AS/NZS 2890.6:2020 Parking Facilities, Part 6 – Off Street Parking for People with Disabilities*.

All driveways, access ramps, vehicular crossings and other car parking spaces shall be designed and constructed in accordance with the current version of *Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.2 (for commercial vehicle facilities*).

Details of the design shall be submitted to the Certifier for approval prior to the issue of the Construction Certificate and the spaces installed prior to the release of the Occupation Certificate.

Reason: To ensure all traffic and parking faciltiies are constructed in accordance with the relevant requiremnts.

13. **Structural details -** Engineer's details prepared by a suitably qualified practising structural engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifier prior to release of a Construction Certificate.

Reason: To ensure the structural adequacy of the development.

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

14. **Before you Dig Australia** - The applicant shall contact “Before Your Dig Australia” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Before Your Dig Australia” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

Reason: To protect existing infrastructure during construction.

15. **Utility Arrangements -** Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant’s expense.

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Reason: To ensure the applicant is responsible for the costs associated with the development.

During Construction

16. **Site sign -** Soil & Erosion Control Measures - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

Reason: To protect the environment during construction.

17. **Hours of Work and Noise** – Work must only take place:

a) Between the hours of 7.00a.m and 5.00p.m Monday to Friday; and
b) 7:00a.m and 5: 00p.m on Saturday
c) No work must take place on Public Holidays
d) No loading or unloading of material or equipment associated any development is permitted outside of the hours detailed above.
e) No operation or preparation of any equipment associated with the development is to occur outside of the hours detailed above.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

Reason: To preserve neighbourhood amenity.

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

Reason: To ensure the condition of public infrastructure is maintained.

19. **Damage within Road Reserve and Council Assets** - The applicant shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to

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works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.

Reason: To protect public infrastructure.

20. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

Reason: To ensure public safety.

21. **Disruption to Penshurst park** – Disruption to the remainder of the facilities at Penshurst Park, including car parking spaces, should be minimised as much as possible to ensure the community can continue to access the facilities on the site.

Reason: To ensure the Community can utilise Penshurst Park during contruction of the approved works.

22. **Tree Removal prohibited on adjoining properties** - No tree on Council's public footway, public reserves or on neighbouring properties and protected under the *Georges River Tree Management Policy 2019* may be removed, pruned or otherwise damaged without Council consent.

Reason: To protect exitsing trees near and adjoining the site.

23. **Public Utility and Telecommunication Assets** - The applicant shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines and cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

Reason: To ensure services are provided to the site at the applicant's expense.

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

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

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Where required, the receipts (or copied of) must be made available to Council within 7 days of a written request being made by Council.

Reason: To ensure appropriate waste management and disposal.

25. **Importation of clean fill** - Any fill material, required by this consent, imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. The certification of each delivery is to be kept on site and produced for inspection if requested.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

Prior to the issue of the Occupation Certificate

26. **Minor Development** – Driveway and Parking Spaces - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

Reason: To ensure driveway and parking spaces are satisfactory.

27. **Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the PC prior to the issue of the Occupation Certificate:

(a) construction works, together with the provision for all services, shall be completed in accordance with the approved Construction Certificate plans and any relevant Australian Standards prior to the issue of the Occupation Certificate.

(b) Construct any new vehicle crossings required and replace any redundant vehicle crossing laybacks with kerb and guttering.

(c) Construct the parking spaces for people with disabilities in accordance with AS 2890.6:2022.

Reason: To ensure all necessary works are completed.

28. **Survey Report – Completion** - A survey certificate is to be submitted to the Principal Certifier at completion stage. The certificate must indicate the location of the building in relation to all boundaries and must confirm the height of the fences and walls are consistent with that approved under this consent.

Reason: To ensure the development is built in accordance with the approved plans.

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Operational Conditions (On-Going)

29. **Public toilets –** The public toilets within the existing grandstand on the site shall be publicly accessible (on request) during the operation of the fencing at the site.

Reason: To ensure the community has access to the facilities.

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

Reason: To ensure the amenity of the neighbourhood is protected.

31. **Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited. To prevent light spill and minimise nuisance external facing lighting fixtures must not be installed higher than 3m above the ground level immediately below.

Reason: To protect the amenity of the neighbourhood.

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

Reason: To protect the amenity of the neighbourhood.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

1. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.

Reason: To ensure the development is consistent with the legislative requirements.

2. **Appointment of a PC** – The erection of a building must not commence until the applicant has:

(a) appointed a PC for the building work; and

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(b) if relevant, advised the PC that the work will be undertaken as an Owner-Builder.

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

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

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

Reason: To ensure the development is consistent with the legislative requirements.

3. **Notification Requirements of PC** - No later than two days before the building work commences, the PC must notify:

(a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
(b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

Reason: To ensure the development is consistent with the legislative requirements.

4. **Notice of Commencement** - The applicant must give at least two days notice to the Council and the PC of their intention to commence the erection of a building.

A Notice of Commencement Form is attached for your convenience.

Reason: To ensure the development is consistent with the legislative requirements.

5. **Critical Stage Inspections** – The last critical stage inspection must be undertaken by the PC. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

Reason: To ensure the development is consistent with the legislative requirements.

6. **Notice to be given prior to critical stage inspections** – The principal contractor for a building site, or the owner-builder, must notify the PC at least 48 hours before each required inspection needs to be carried out.

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

Reason: To ensure the development is consistent with the legislative requirements.

7. **Occupation Certificate** – A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

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

   Reason: To ensure the development is consistent with the legislative requirements.

Prescribed Conditions

8. **Clause 44 - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

9. **Clause 67 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

10. **Clause 75 - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.

11. **Clause 67 - Home Building Act 1989** – If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.

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

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

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material shall be removed from the site.

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

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

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

END CONDITIONS

NOTES / ADVICES

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

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

2. **Appeal Rights -** Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

3. **Lapsing of Consent -** This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

4. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information

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about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at http://www.longservice.nsw.gov.au.

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

5. **Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is $50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

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

(a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.

(b) In the Application Form, quote the Development Consent No. (e.g. DA2025/0302) and reference this condition number (e.g. Condition 23)

(c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

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

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new stormwater drainage system to be arranged by the

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applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

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

7. **Ausgrid Underground Cables are in the vicinity of the development** - Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

8. **Ausgrid – New or modified connection** - To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

9. **Ausgrid – New driveways – proximity to existing poles** - Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole

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to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

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

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

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

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APPENDIX A
Designs and Design Report

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CEA

Chris Elliott Architects
1/193 Bronte Rd, Queens Park
NSW 2022
Updated 29-02-24

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Design Report

Penshurst Park Sporting Hub Operable Fencing Design

1. Introduction:

This design report outlines a proposed fencing solution for Penshurst Sporting Club, addressing community engagement, sustainability, accessibility, aesthetics and functionality. The design integrates with the existing structures, complying with local regulations and industry standards such as the FNSW Stadium Technical Requirements 2020. Our investigations guide the decision-making process, which will be states on this document and on the supporting A3 size sheets. This introduction provides an overview of the technical aspects in more detail of the proposed fencing design.

2. Client Requirements:

Council requests a functional operable fencing with maximum operability and permeability when ticket games are not underway. It must provide the ability to remain open and fully accessible to the public at all other times outside of the controlled venue conditions;

The design should consider site context, conditions and environmental factors, ensuring appropriate integration with surrounds and existing site features. In addition, should focus on being fit-for-purpose, durable and robust, easy to repair, maintain and replace, life-cycle cost & resource efficiency.

It needs to be compliant with the Football NSW (FNSW) Stadium Technical Requirements, 2020 Competitions and planning control regulations for a future DA lodgement.

3. Regulatory Compliance:

- **Height of Fencing**

According to the Stadium Technical Requirements 2020 Competitions (thereafter STRC), the proposed fencing design is all compliant, with a minimum fence height of 1.8m, and constructed of solid materials without gaps or faults that could allow ineligible entry to the sporting facility.

- **Emergency Services**

In addition, it complied with the STRC since it **does not affect the existing emergency services route**, which uses the 4m wide circulation around the field. The proposed sliding panels and gates are wide enough to facilitate the ambulance flow or other emergency vehicles if needed.

- **Emergency Exits**

The STRC states all Emergency Exits must have clearly visible signage and adequate lighting, in accordance with the Australian Standards, and must be free of any form of obstruction. Overall, the design proposes 10 Emergency Exits which are located near light poles and free from any

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obstructions. They will have **generous and clear Exit Signage to facilitate differentiation between mesh panels.**

- **Outside Footpath**

The **outside footpath** is compliant according to the AS 1428.2. It is recommended a minimum width of **2m** to allow two pairs of people to comfortably pass each other, or a wheel chair and a person to pass each other.

4. General Opportunities Fencing Design

4.1. Community Interaction:

Visual permeability through the fence allows community to see through, interact with the games and be invited to join the club. It also considers accessibility for all community members, including those with disabilities by providing easy access near accessibility parking and short distances between gates. In addition, when the fence is open, the community will have full access to the site.

4.2. Art, Instagrammability and Touristic Opportunities

The fencing design brings an enriched opportunity for art installation and engagement of the local community. The fence may serve as a canvas for visual elements that represent the club's identity, increase potential for social media dissemination, more effective even promotion, public relations and media coverage, which may potentially attract more visitors.

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Images of artwork on cyclone mesh fencing. Source: curbed San Francisco, Warefence UK, Design Museum.

4.3. Fan Engagement and Experience:

When sliding panels are closed, the fencing has the potential to enhance the overall fan experience by creating a designated and controlled fan zone, which may attract more people to join to participate and increase sense of belonging. The more authentic is the experience during games, the more enjoyable is the environment for fans, fostering a positive connection between the club and its supporters.

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4.4. Emergency Response Readiness:

The design facilitates emergency response efforts by promoting ten Emergency Exit all around the field. Moreover, it supports emergency services and enhance the overall preparedness for unforeseen events by creating an effective dedicated ambulance route towards the field (shortest pathway and away from pedestrians).

4.5. Adaptation to Changing Conditions:

The fencing design is a flexible and adaptable system, and its distribution of gates can adapt to changing circumstances, such as varying security needs or evolving event requirements.

4.6. Safety and Risk Mitigation:

The fencing design's high potential of flexibility promotes ways to mitigate risks associated with unauthorised access, accidents, or incidents within the club premises. Safety can be ensured by controlling access points and preventing potential hazards, especially when an emergency is occurring.

4.7. Revenue Generation:

The new fencing design creates opportunities for revenue generation through relocation of ticket booth advertising spaces on the fencing, ticketing, or premium access areas. It contributes to the club's financial sustainability by exploring avenues for additional income.

4.8. Continuous Circulation

The ticket booth has been moved outside the sporting club to maintain an internal spacious 4m-wide circulation around the field free from physical obstacles.

The design considers large gates at the corners of the sporting field, at points of greater visibility and where the main circulation flows intersect.

The design incorporates a distinct pathway for the club entrance and the street footpath to prevent circulation conflicts and simplify wayfinding. Additionally, the street footpath will be situated at a distance from the tree protection zone, aiming to lower construction costs and minimise the risk of depredation from the established tree roots.

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4.9. Safeguarding Club Resources

Even though the main purpose of the fencing design is to keep the sensation of openness for community, the few fixed panels play a relevant key role of safeguarding valuable club assets, including facilities, equipment, and infrastructure. It may drive public behaviours towards less vandalism, risk of theft, damage, or unauthorized use of club property.

4.10. Entrance Wayfinding

Removing a single car space from Cambridge St where the main pedestrian pathway starts provides an opportunity to demarcate and enhance visibility for a key access point while drawing attention to the bicycle racks that encourage sustainable transportation choices.

Images of existing concrete footpath on the Cambridge St end and parking at the front. Source: Google Maps.

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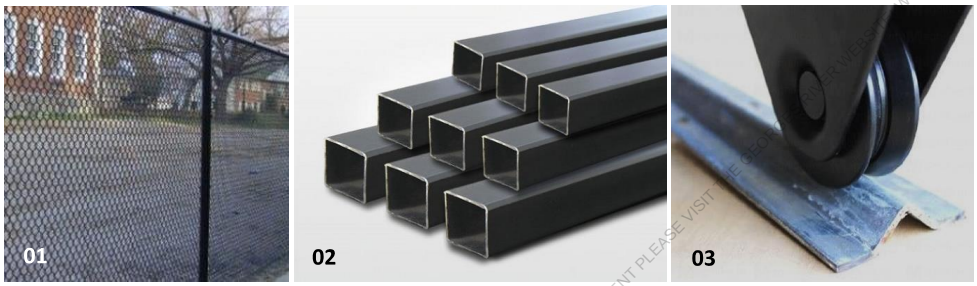
5. Material Details:

5.1 Materials Schedule

01. Black PVC Coated Chain Mesh;
02. Squared Stainless Steel profiles with matt black paint finish;
03. Black V-Groove Gate Roller and Rail



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Advantages / Opportunities

1. Durability and Low Maintenance
2. Visibility
3. Security
4. Cost-Effectiveness
5. Harmony matching existing field mesh
6. Low/none risk of glare

Disadvantages / Risks

1. Not aesthetically appealing:
2. Environmental Impact with production of steel
3. Noise / stronger transmission
4. Potential rust if not properly coated

Mitigation Strategies:

1. Sustainability Measures: choose materials with high recycled content;
2. Aesthetic Enhancements: integrate landscaping at its border and/or combine it with art.
3. Community Involvement: involve the local community in the decision-making process to address concerns about aesthetics and visual impact.

5.2 Fencing Dimensions

STRUCTURE	DESCRIPTION	DIMENSIONS (mm)
F1	FIXED PANEL	COS 2400x1800 – *Approx.*
S1	2X SLIDING PANELS	COS 6100x1800 each – *Approx.*
F2 - EX	EX. FIXED FENCE	-
G2	HINGED GATE	4000x1800
F3	2X FIXED PANEL	1000X1800
S3	2X SLIDING PANELS	9645X1800 each
F4	CONCRETE GREEN WALL	9845X1800 (200 THICK)
S4	2X SLIDING PANELS	9645X1800 each
S5	SLIDING PANEL	2000x1800
S6	SLIDING PANEL	3300x1800
F6	CONCRETE WALL	6800x2000 (200 THICK)
S7	SLIDING PANEL	7000x1800 each (2 panels)
F7	FIXED PANELS	9200x1800 (curved) + 10400x1800
G8	DOUBLE GATE	4000x1800
F8	FIXED PANEL	29720** x 1800 COS
G9	DOUBLE GATE	2000x1800
F9	FIXED PANEL	38000** x 1800 COS
G10	DOUBLE GATE	2000x1800
F10	FIXED PANEL	10460**x1800 COS
S11	SLIDING PANEL	6700*x1800

**Dimensions will depend on where the gates G8 and G9 are to be placed, which is in front of the existing accessible ramps. Therefore, F8, F9 and F10 will need to be adapted.

COS = Check on site.

6. Conclusion

In summary, the proposed fencing design for the sporting club demonstrates a holistic approach that prioritises security, sustainability, aesthetics, and functionality. By incorporating operable features at strategic circulation locations, the design ensures adaptability to varying operational needs and enhances the overall fan experience during events, and emergency service effectiveness.

Ultimately, the design options showcase a balance between meeting the demands of sporting organisations and accessibility of recreational facilities by the community. Overall, the fencing design not only meets the club's main intention requirements but also contributes positively to its image, community integration, and long-term sustainability and health.

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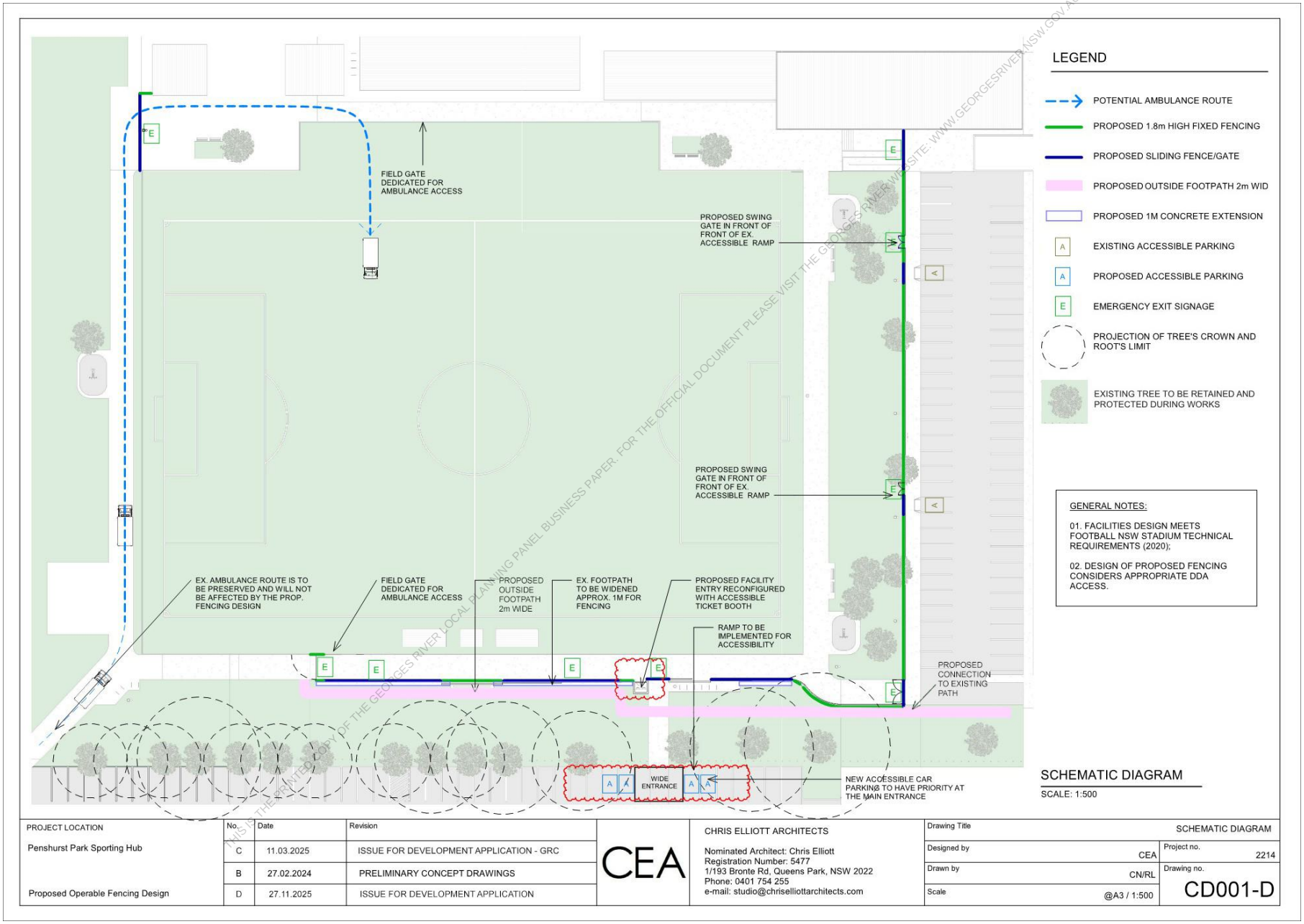
CONCEPT RENDERS

Cambridge Street - Open Position

Cambridge Street - Closed Position


LEGEND
POTENTIAL AMBULANCE ROUTE
PROPOSED 1.8m HIGH FIXED FENCING
PROPOSED SLIDING FENCE/GATE
PROPOSED OUTSIDE FOOTPATH 2m WID
PROPOSED 1M CONCRETE EXTENSION
EXISTING ACCESSIBLE PARKING
PROPOSED ACCESSIBLE PARKING
EMERGENCY EXIT SIGNAGE
PROJECTION OF TREE'S CROWN AND ROOT'S LIMIT
EXISTING TREE TO BE RETAINED AND PROTECTED DURING WORKS
FIELD GATE DEDICATED FOR AMBULANCE ACCESS
PROPOSED SWING GATE IN FRONT OF FRONT OF EX. ACCESSIBLE RAMP
PROPOSED SWING GATE IN FRONT OF FRONT OF EX. ACCESSIBLE RAMP
EX. AMBULANCE ROUTE IS TO BE PRESERVED AND WILL NOT BE AFFECTED BY THE PROP. FENCING DESIGN
FIELD GATE DEDICATED FOR AMBULANCE ACCESS
PROPOSED OUTSIDE FOOTPATH 2m WIDE
EX. FOOTPATH TO BE WIDENED APPROX. 1M FOR FENCING
PROPOSED FACILITY ENTRY RECONFIGURED WITH ACCESSIBLE TICKET BOOTH
RAMP TO BE IMPLEMENTED FOR ACCESSIBILITY
PROPOSED CONNECTION TO EXISTING PATH
WIDE ENTRANCE
NEW ACCESSIBLE CAR PARKING TO HAVE PRIORITY AT THE MAIN ENTRANCE
GENERAL NOTES:
01. FACILITIES DESIGN MEETS FOOTBALL NSW STADIUM TECHNICAL REQUIREMENTS (2020);
02. DESIGN OF PROPOSED FENCING CONSIDERS APPROPRIATE DDA ACCESS.
SCHEMATIC DIAGRAM
SCALE: 1:500
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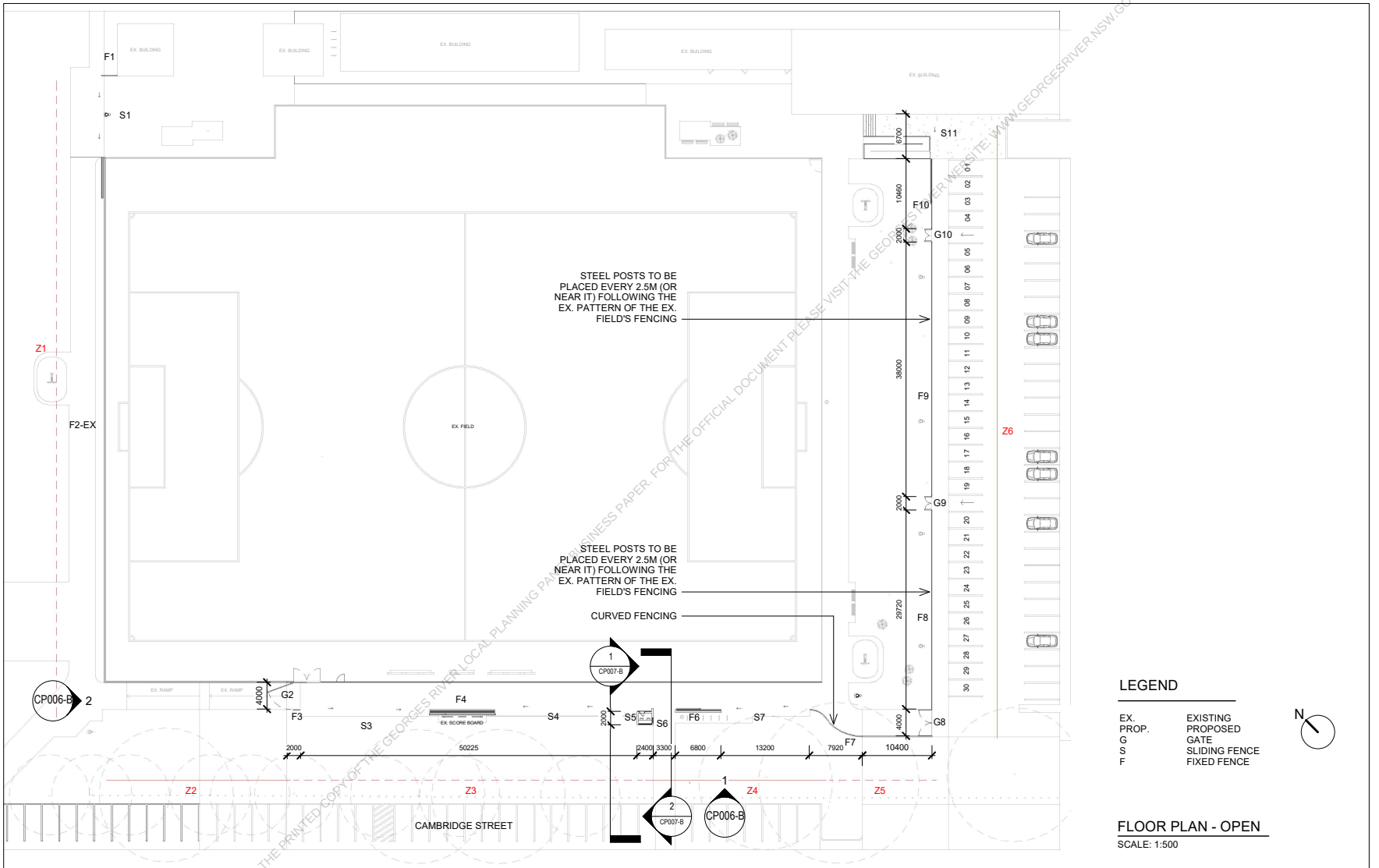
PROJECT LOCATION
Penshurst Park Sporting Hub
Proposed Operable Fencing Design
No. Date Revision
C 11.03.2025 ISSUE FOR DEVELOPMENT APPLICATION - GRC
B 27.02.2024 PRELIMINARY CONCEPT DRAWINGS
D 27.11.2025 ISSUE FOR DEVELOPMENT APPLICATION
CEA
CHRIS ELLIOTT ARCHITECTS
Nominated Architect: Chris Elliott
Registration Number: 5477
1/193 Bronte Rd, Queens Park, NSW 2022
Phone: 0401 754 255
e-mail: studio@chriselliottarchitects.com
Drawing Title SCHEMATIC DIAGRAM
Designed by CEA
Drawn by CN/RL
Scale @A3 / 1:500
Project no. 2214
Drawing no. CD001-D



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Penshurst Park Sporting Hub	C	11.03.2025	ISSUE FOR DEVELOPMENT APPLICATION - GRC
	B	27.02.2024	PRELIMINARY CONCEPT DRAWINGS
Proposed Operable Fencing Design	A	22.12.2023	PRELIMINARY CONCEPT DRAWINGS

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Drawing Title	GROUND FLOOR - OPEN
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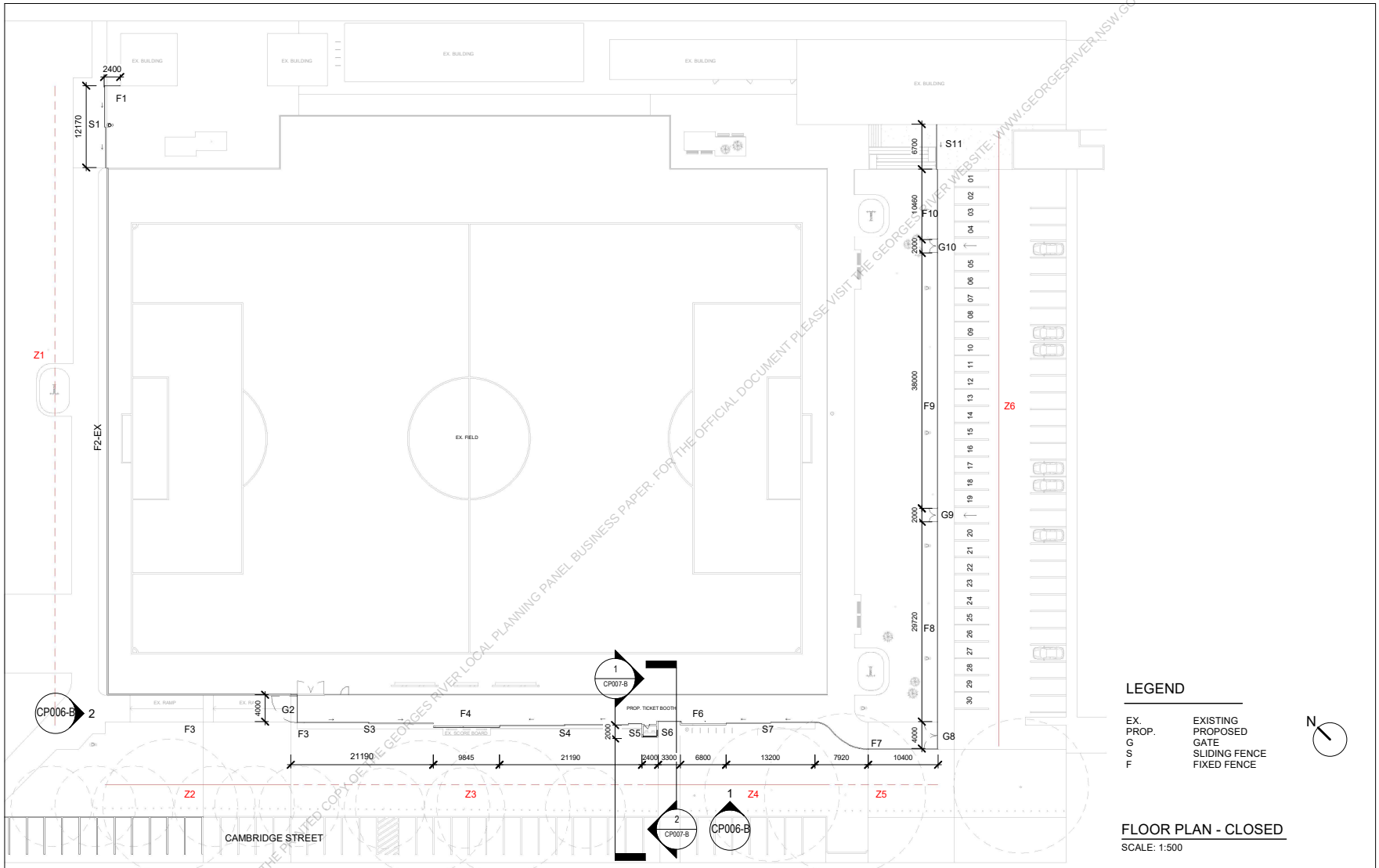
Drawn by	CN/RL
Scale	@A3 / 1:500
Project no.	2214
Drawing no.	CD002-C



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LEGEND

EX.	EXISTING
PROP.	PROPOSED
G	GATE
S	SLIDING FENCE
F	FIXED FENCE

N

FLOOR PLAN - CLOSED

SCALE: 1:500

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Drawing Title	GROUND FLOOR - CLOSED
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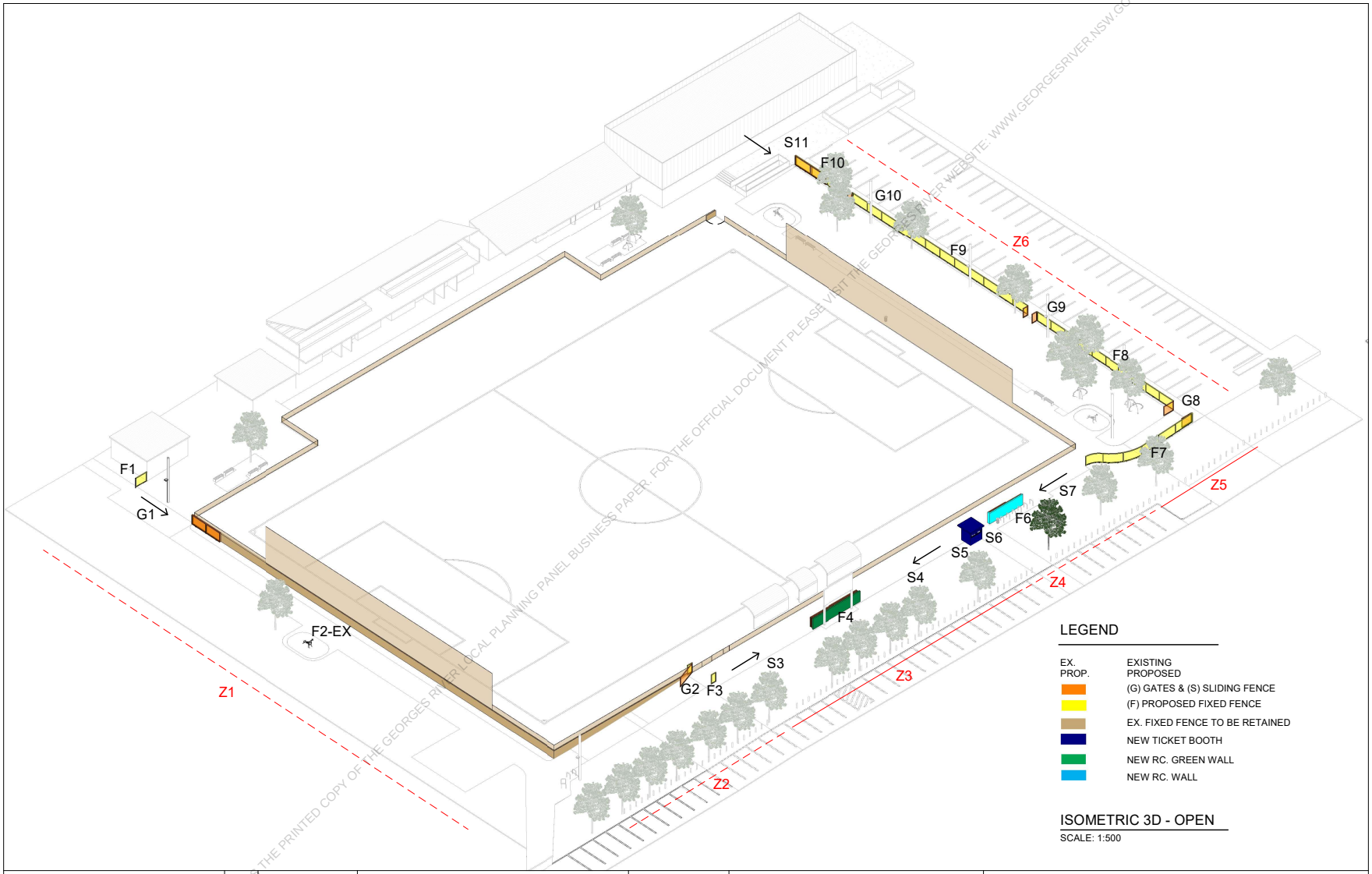
Drawing no.	CD003-C



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Drawing Title	ISOMETRIC 3D - OPEN
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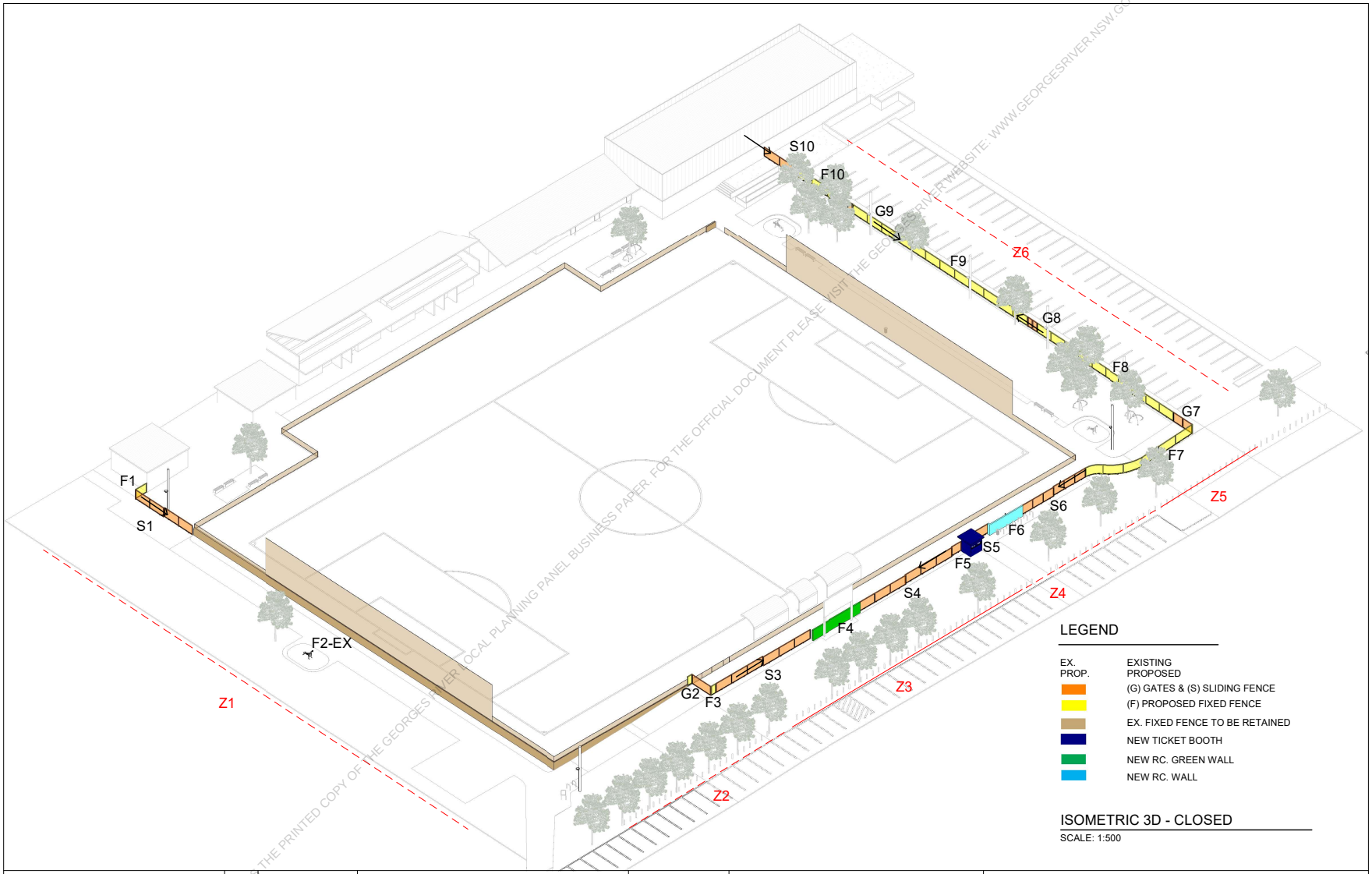
Project no.	2214
Drawing no.	CD004-C



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Drawing Title	ISOMETRIC 3D - CLOSED
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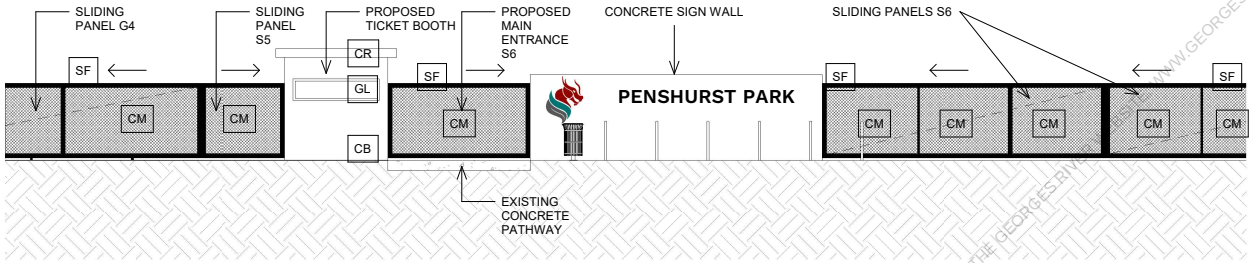
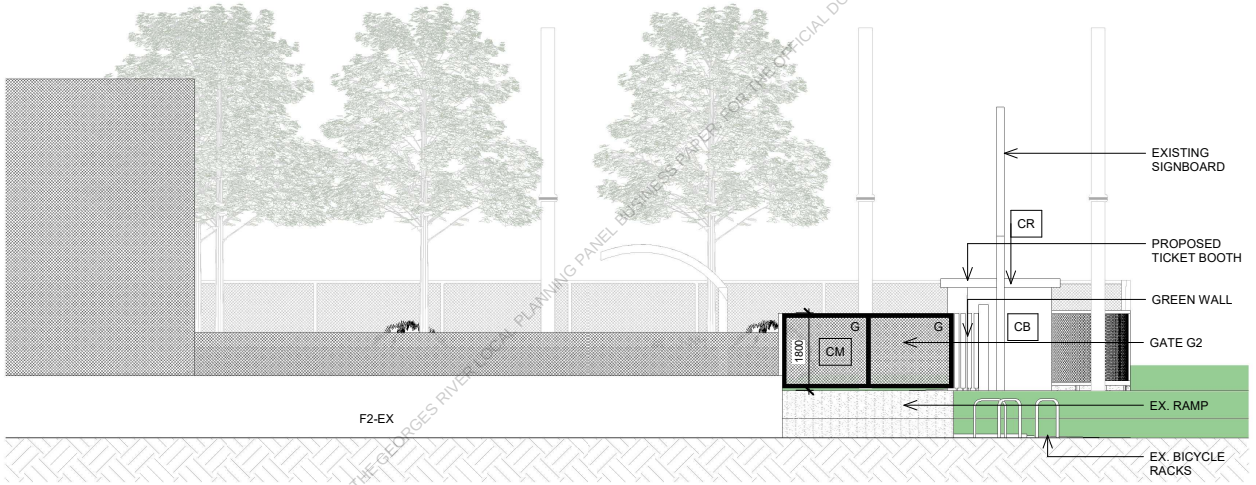
Drawing no.	CD005-C



1 CP006-B

Elevation Main Entrance

1 : 100



2 CP006-B

Elevation Ramp Entrance

1 : 100

LEGEND

MATERIALS

SF	STEEL FRAME
CM	CYCLONE MESH
GL	GLASS
CB	CONCRETE BLOCK
CR	CONCRETE SLAB

TYPES OF PANEL

FP	FIXED PANEL
SP	SLIDING PANEL
G	GATE

OTHER KEY WORDS

EX.	EXISTING
PROP.	PROPOSED

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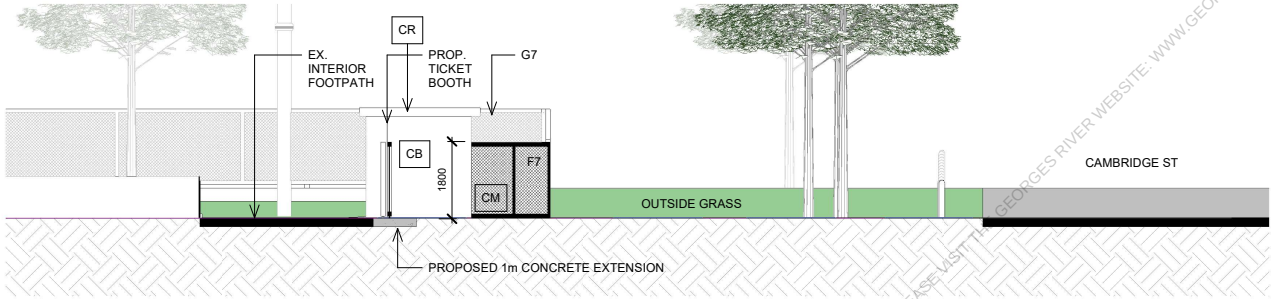
PROJECT LOCATION	No.	Date	Revision
Penshurst Park Sporting Hub	C	11.03.2025	ISSUE FOR DEVELOPMENT APPLICATION - GRC
	B	27.02.2024	PRELIMINARY CONCEPT DRAWINGS
Proposed Operable Fencing Design	A	22.12.2023	PRELIMINARY CONCEPT DRAWINGS

CEA

CHRIS ELLIOTT ARCHITECTS
Nominated Architect: Chris Elliott
Registration Number: 5477
1/193 Bronte Rd, Queens Park, NSW 2022
Phone: 0401 754 255
e-mail: studio@chriselliottarchitects.com

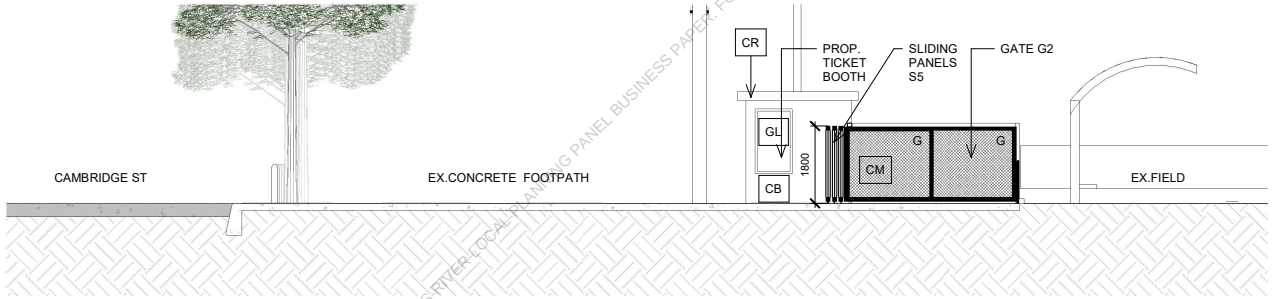
Drawing Title	ELEVATIONS
Designed by	CEA
Drawn by	CN/RL
Scale	@A3 / 1:100
Project no.	2214
Drawing no.	CD006-C



1 CP007-B

Section A / Elevation

1 : 100



2 CP007-B

Section B / Elevation

1 : 100

LEGEND

MATERIALS

SF	STEEL FRAME
CM	CYCLONE MESH
GL	GLASS
CB	CONCRETE BLOCK
CR	CONCRETE SLAB

TYPES OF PANEL

FP	FIXED PANEL
SP	SLIDING PANEL
G	GATE

OTHER KEY WORDS

EX.	EXISTING
PROP.	PROPOSED

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PROJECT LOCATION

Penshurst Park Sporting Hub

Proposed Operable Fencing Design

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B	27.02.2024	PRELIMINARY CONCEPT DRAWINGS
A	22.12.2023	PRELIMINARY CONCEPT DRAWINGS

CEA

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Drawing Title: SECTIONS

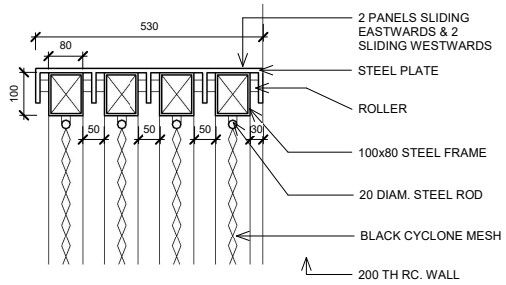
Designed by: CEA

Drawn by: CN/RL

Scale: @A3 / 1:500

Project no.: 2214

Drawing no.: CD007-C



FENCING DETAIL - SUPERIOR

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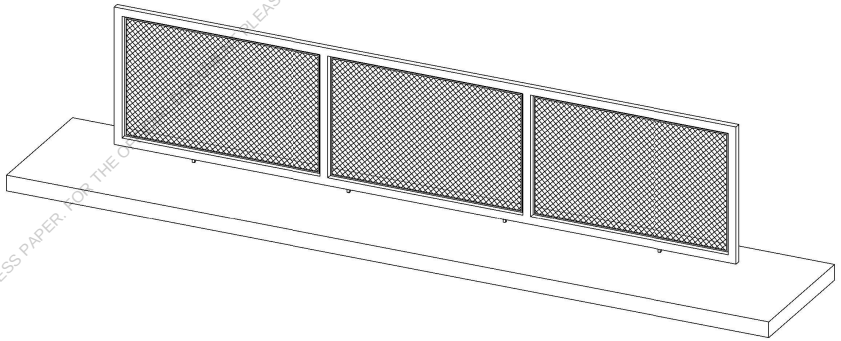

TYPICAL SLIDING PANEL - ISOMETRIC 3D

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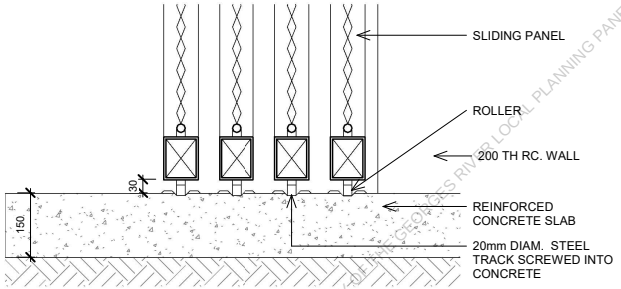

FENCING DETAIL - INFERIOR

SCALE: 1:10

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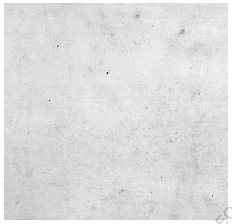
PROJECT LOCATION	No.	Date	Revision				
Penshurst Park Sporting Hub	C	11.03.2025	ISSUE FOR DEVELOPMENT APPLICATION - GRC	CEA	CHRIS ELLIOTT ARCHITECTS Nominated Architect: Chris Elliott Registration Number: 5477 1/193 Bronte Rd, Queens Park, NSW 2022 Phone: 0401 754 255 e-mail: studio@chriselliottarchitects.com	Drawing Title: DETAILS	
	B	27.02.2024	PRELIMINARY CONCEPT DRAWINGS			Designed by: CEA	Project no.: 2214
Proposed Operable Fencing Design	A	22.12.2023	PRELIMINARY CONCEPT DRAWINGS			Drawn by: CN/RL	Drawing no.: CD008-C
						Scale: @A3 / 1:10 and 1:50	

ITEM	LOCATION	MATERIAL	FINISH
ROOF TICKET BOOTH	WEST	CONCRETE	NATURAL
WALLS TICKET BOOTH	WEST	CONCRETE BLOCK	NATURAL
DOOR TICKET BOOTH	WEST	STEEL DOOR	MATT POWDER COATING
FENCING FRAME	NORTH, EAST, SOUTH	STEEL	BLACK PAINT
FENCING MESH	NORTH, EAST, SOUTH	CYCLONE MESH	BLACK PVC COAT
FENCING BASE SLAB 1500 W x 60000 L x 150 D	EAST	CONCRETE	NATURAL



CONCRETE

BLACK STEEL

BLACK CYCLONE

CONCRETE BLOCK

RED POWDER COATING

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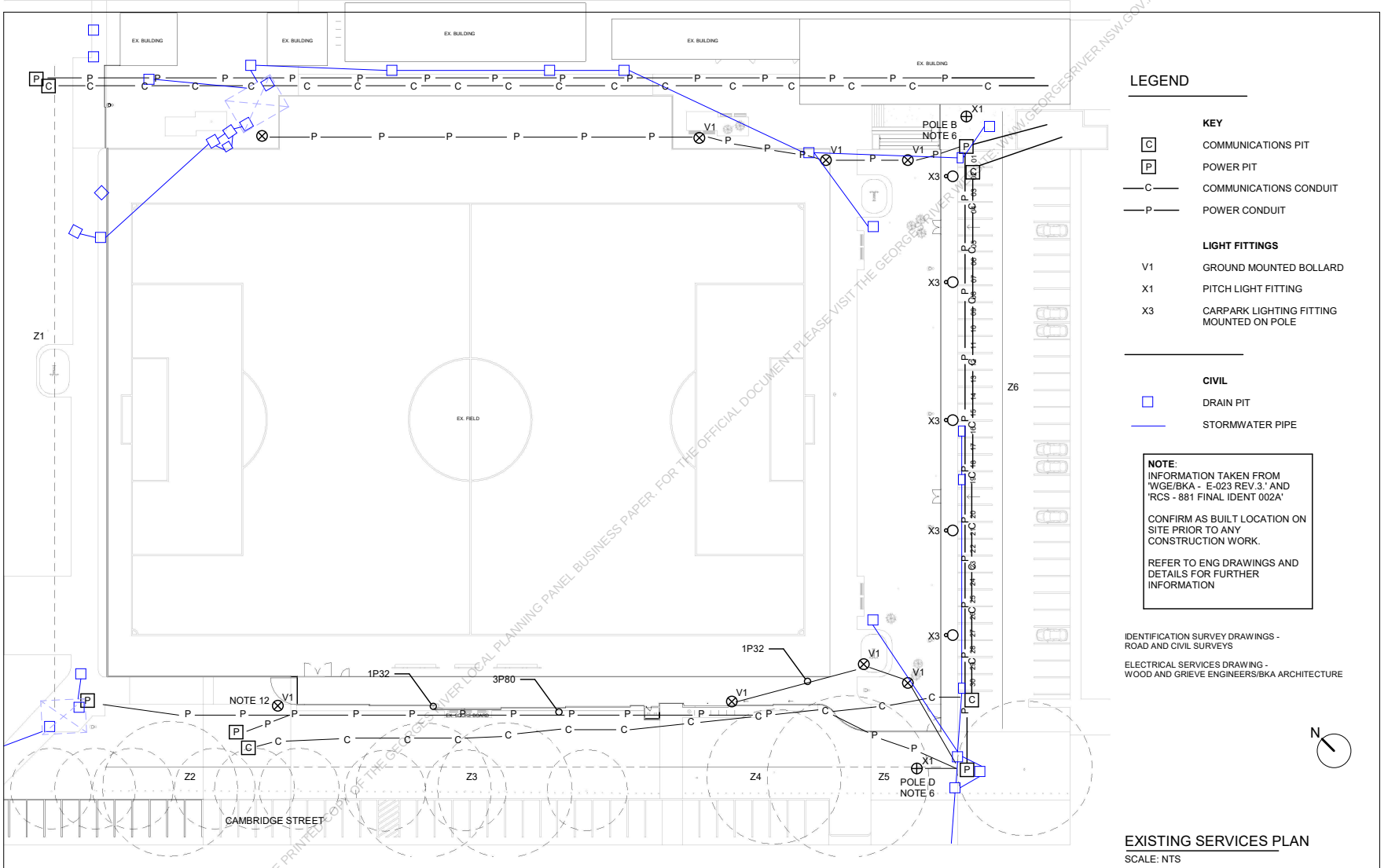
Drawing Title	MATERIALS SCHEDULE
Designed by	CEA
Drawn by	CN
Scale	@A3 / -
Project no.	2214
Drawing no.	CD009-C



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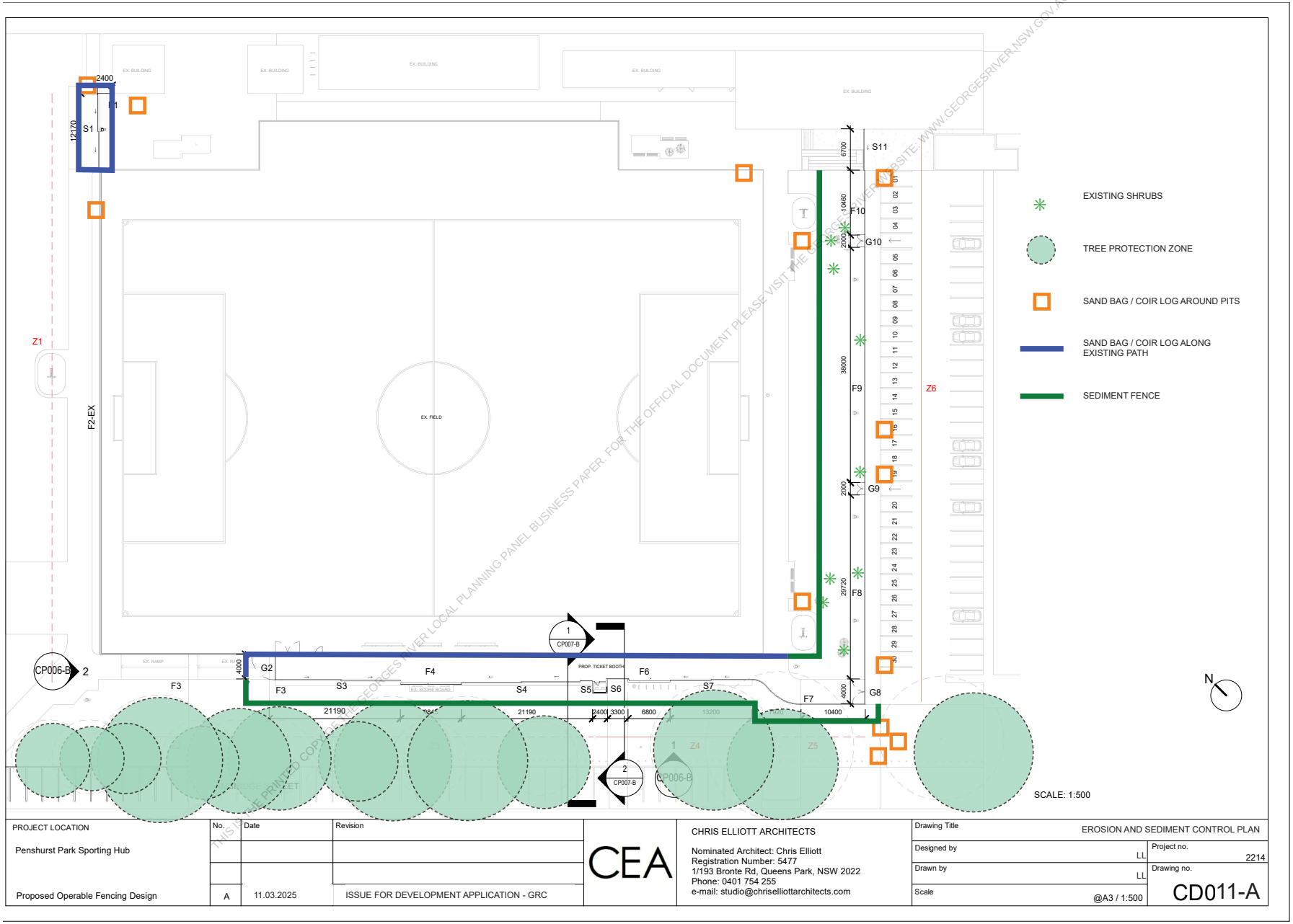
e-mail: studio@chriselliottarchitects.com

Drawing Title	EXISTING SERVICES
Designed by	CEA
Drawn by	CN/RL
Scale	@A3 / NTS
Project no.	2214
Drawing no.	CD010-C



PROJECT LOCATION	No.	Date	Revision		Drawing Title	EROSION AND SEDIMENT CONTROL PLAN
Penshurst Park Sporting Hub				CEA	Designed by LL	Project no. 2214
					Drawn by LL	Drawing no. CD011-A
Proposed Operable Fencing Design	A	11.03.2025	ISSUE FOR DEVELOPMENT APPLICATION - GRC		Scale @A3 / 1:500	

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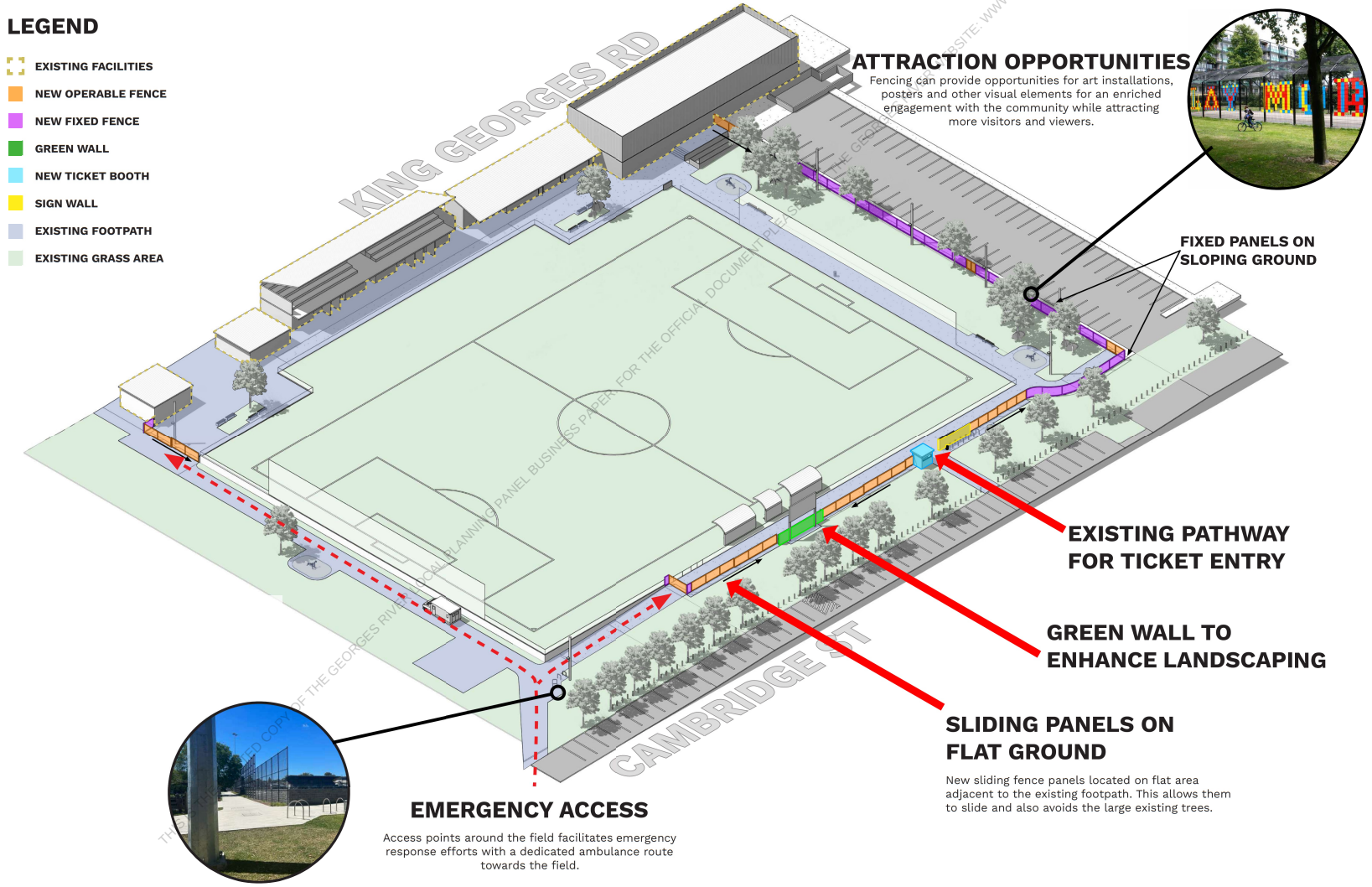
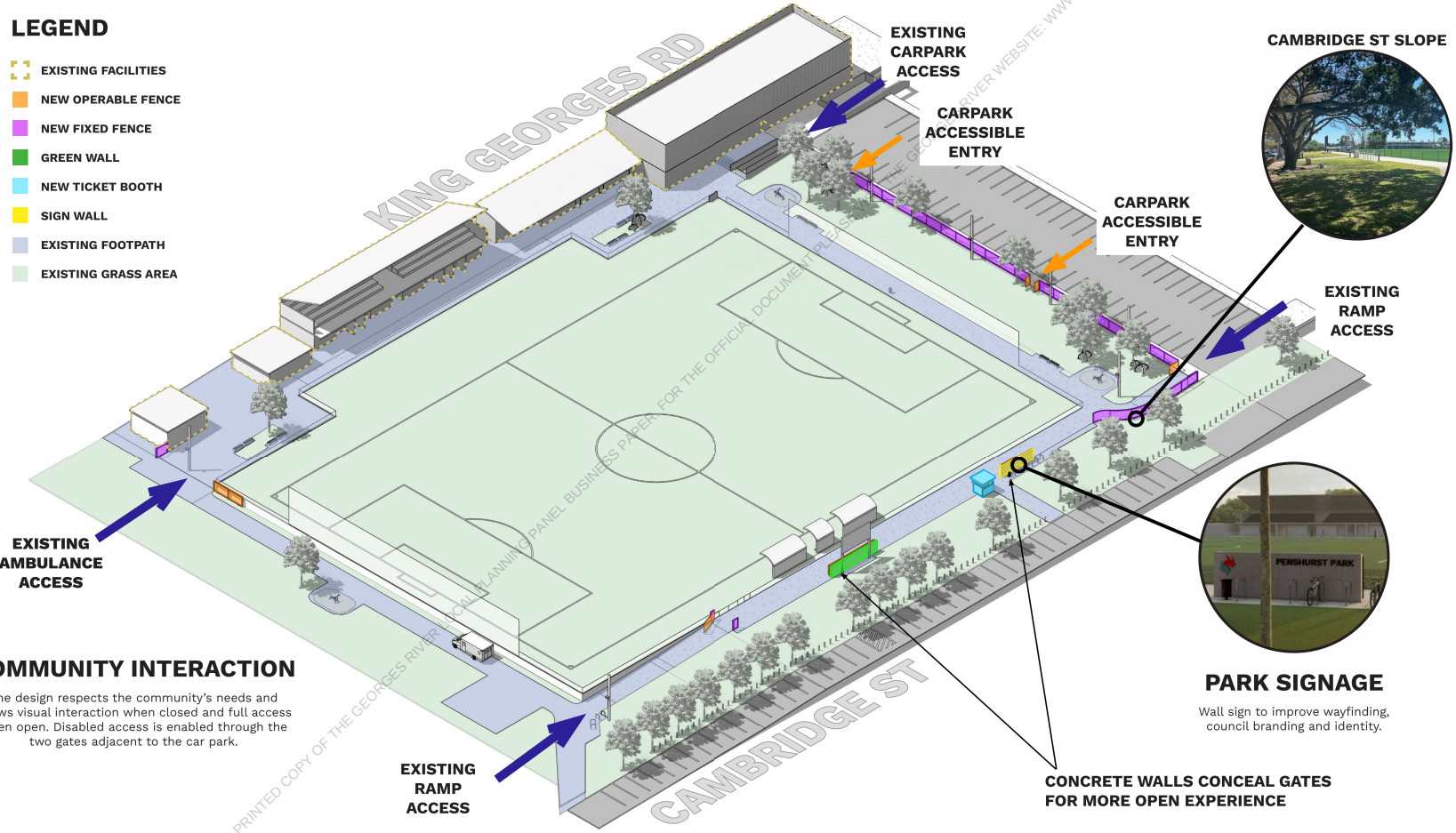
PENSHURST PARK FENCING
SITE OPPORTUNITIES AND CONSTRAINTS - CLOSED



PENSHURST PARK FENCING
SITE OPPORTUNITIES AND CONSTRAINTS - OPEN



COMMUNITY INTERACTION

The design respects the community's needs and allows visual interaction when closed and full access when open. Disabled access is enabled through the two gates adjacent to the car park.

PARK SIGNAGE

Wall sign to improve wayfinding, council branding and identity.

ADAPTABILITY AND SAFETY

Operable fencing can control the level of security and the movement of visitors.

CONTINUOUS CIRCULATION

Distinct and simple pathways streamline circulation on site and the ticket booth is relocated to allow a constant 4m-wide path around the field.

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PENSHURST PARK

THIS IS THE ENDORSED PLAN REFERRED TO IN DEVELOPMENT CONSENT NO. DA2025/0XXX/1 DATED XX/XX/2025 FOR THE CONSTRUCTION OF A NEW SPORTS FIELD AND ASSOCIATED WORKS AT 1 BUDGERIES STREET, GEORGES HALL. ON BEHALF OF GEORGES RIVER COUNCIL. VIEW ON COUNCIL'S WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

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

LPP044-25 245 ROCKY POINT ROAD, RAMSGATE

LPP Report No	**LPP044-25**	**Development Application No**	**DA2025/0336**
Site Address & Ward Locality	245 Rocky Point Road, Ramsgate Blakehurst Ward		
Proposed Development	Demolition works and construction of a mixed use development		
Owners	Planet Investments Pty Ltd		
Applicant	Daniel Barber		
Planner/Architect	Paro Consulting		
Date Of Lodgement	22/07/2025		
Submissions	2 submissions were received		
Cost of Works	$24,772,219.00		
Local Planning Panel Criteria	This application is referred to Georges River Local planning Panel for determination as the proposal has been assessed under the provisions of State Environmental Planning Policy Housing 2021.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy Transport and Infrastructure) 2021, State Environmental Planning Policy (Housing) 2021, Georges River Local Environmental Planning Policy 2021, Georges River Development Control Plan 2021.		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Access Report, Acid Sulfate Soils Assessment, Acoustic Report, Arborist Report, BCA Report, Civil Engineering Plans, Clause 4.6 Height of Building Variation Statement, Preliminary Site Investigation, Detailed Cost Report, CPTED Report, ADG Design Statement Certificate, Excavation and Fill Plan, Geotechnical Report, Heritage Impact Statement, Landscape Plan, Section J Report, Site Plan, Statement of Environmental Effects, Stormwater Plans, Survey Plan, Traffic Impact Statement, Construction Management Plan, Waste Management Plan and Wind Impact Assessment.		
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	**Yes**

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Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
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.**

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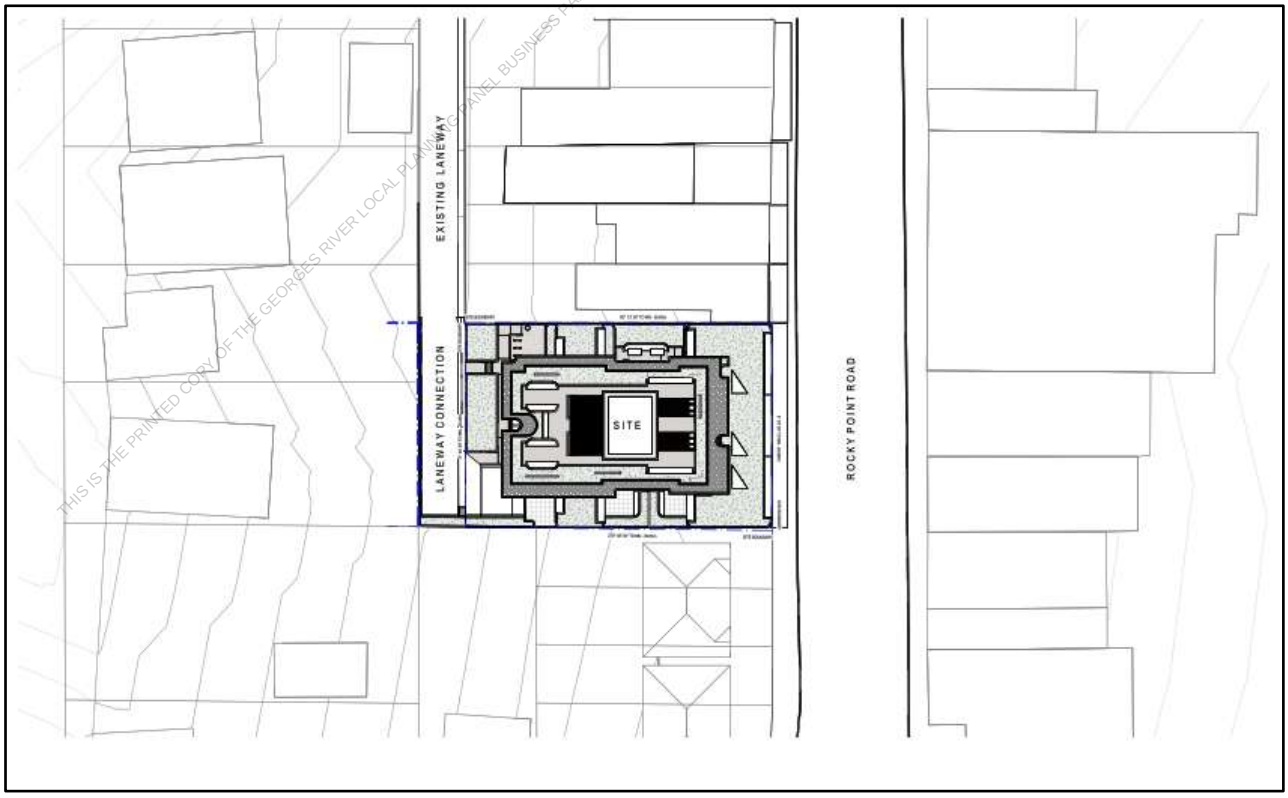
SITE PLAN



EXECUTIVE SUMMARY

PROPOSAL

1. Demolition of the existing structures on the site comprising a single storey commercial building on No. 245 Rocky Point Road (being a converted cottage dwelling) with parking in the front setback, and a two-storey building on No. 247 Rocky Point Road containing ground floor commercial uses and a function centre on the first floor. No tree removal is proposed.

2. Construction of an 8-storey mixed use (shop top) building comprising a four-storey tower above a four-level podium accommodating:

   - Two levels of basement car parking accommodation a total of 39 retail, residential and visitor car parking spaces, storage rooms/cages, waste rooms, bicycle storage, firefighting service rooms, lift and fire stairs.

   - Internal basement ramp access to the car park entry at ground floor level.

   - Rear ground floor vehicular access to the basement car park and ground floor achieved via a southern extension of the existing rear access laneway to the north utilising a parcel of Council owned land located adjoining the rear boundary of the Site. However, the detail of the proposed laneway is not clear in the DA documentation. The civil drawings indicate the laneway is in cut up to a depth of 0.5 metres with associated retaining walls. However, the relationship of this proposed action with existing ground levels of, and trees in, adjoining properties is unclear.

   - Ground floor comprising two retail tenancies addressing Rocky Point Road, a retail office and gymnasium to the rear of the retail tenancies.

   - A ground floor through-site link (pedestrian arcade) from Rocky Point Road to the laneway enabling access to the ground floor residential lobby, gymnasium tenancy and retail office. The through-site link has an RL of 11.44 at Rocky Point Road and an RL of 13.125 at the laneway (+ 1.68 metres).

   - Ground floor ancillary floor space comprising an electrical substation, external bicycle parking, building service rooms and toilets.

   - A total ground floor net lettable area identified as 298.49 sqm in the development application being 80.85 sqm (retail tenancy 1), 89.78 sqm (retail tenancy 2), 97.16 sqm (gymnasium) and 30.70 sqm (retail office).

   - Ground floor deep soil planting areas adjoining the laneway in the rear of the site, and a 1.1-metre-wide landscape strip along the southern rear boundary. The DA advises total deep soil areas comprise 72 sqm, being 6.8% of the site.

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- Levels 1, 2 and 3 podium each with matching plan of six apartments per level (2 x 1 bed, 2 x bed and 2 x 3 bed with adjoining terraces (level 1) or balconies (level 2) primarily addressing the Site's frontage to Rocky Point Road and rear boundary.
- Levels 4, 5, 6 and 7 podium each with matching plan of three apartments per level (2 x 2 bed and 1 x 3 bed with adjoining balconies primarily addressing the Site's frontage to Rocky Point Road and rear boundary.
- Roof top communal open space facilities including an outdoor barbeque area and breakout areas partly covered by a vergola.
- A ground floor retail gross floor area of approximately 342 sqm, being an FSR of 0.32:1. However it measures at approximately 317 sqm, being an FSR of 0.3:1.
- A total gross floor area of 3,212 sqm that with a survey plan (by title, not surveyed) site area of 1,056.5 sqm establishes a floor space ratio identified in the DA as 3.04:1. However, the DA does not identify the enclosed ground floor through site link (pedestrian arcade), part of the lobby and the circulation space as gross floor area. This is estimated to add approximately 160.46 sqm to the ground floor GFA (becoming a total of 3,372.46 sqm), which increases the proposed FSR to 3.19:1; and
- A maximum height identified in the DA of 32 metres measured to the top of the roof plant screen.

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SITE AND LOCALITY

3. The Site consists of four lots, which are legally described as Lot 154 DP 805793 (No. 247 Rocky Point Road), Lot 153 DP 805793 (No. 245 Rocky Point Road) and Lots 152 and 155 DP 805793 (unnamed, unformed laneway).

4. The Statement of Environmental Effects that accompanies the DA notes that a deed was entered into between Council and entities associated with the land (including the owner and the applicant of the DA) in September 2019. Lots 152 and 155 were dedicated to the former Kogarah Council pursuant to development consent DA22/89 for the development of 245 Rocky Point Road. This was pursuant to a Development Control Plan which contemplated the use of the dedicated land as a service lane to facilitate future development of 245-247 Rocky Point Road.

5. The Deed allows certain structures to remain until the construction of the service lane. Whilst the Deed does not require the Council to construct the service lane, the Council is not permitted to commence construction until there is further development approved on Lots 153 and 154 or any change in use with a substantial increase in traffic.

6. The Site is generally regular in shape, with an approximate maximum width (frontage at Rocky Point Road) of 26.86m and approximate maximum depth of 39.63m excluding the laneway. Nos 247 and 245 in the Site have an area by title of 1,056.5m². The boundary has not been surveyed. No areas have been identified for the laneway Lots 152 and 155 in the survey.

7. The Site contains a single storey commercial building on No. 245 Rocky Point Road (being a converted cottage dwelling) with parking in the front setback, and a two-storey building on No. 247 Rocky Point Road containing ground floor commercial uses and a function centre on the first floor according to the description in the DA. It has no on-site car parking.

8. The part of the Site comprising the unnamed, unformed laneway accommodates a single storey double garage at No.245 and rear yard area at No. 247.

ZONING AND PERMISSIBILITY

9. The subject site is zoned E1 Local Centre under the provisions of Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal involves the Demolition works and construction of a mixed use development which is a permissible use in the zone with development consent.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

10. This application is referred to Georges River Local planning Panel for determination as the proposal has been assessed under the provisions of State Environmental Planning Policy Housing 2021.

SUBMISSIONS

11. The application was notified in accordance with Council policy by letter and given twenty-eight (28) days in which to view the plans and submit any comments on the proposal. Two submissions were received during the neighbour notification period. A full breakdown of the submissions can be viewed in the Assessment Report in full.

ASSESSMENT

12. The application was assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, considering relevant planning instruments, policies, and site-specific factors:

State Environmental Planning Policies (SEPPs)

Housing SEPP

13. The proposal relies on bonus provisions for height and floor space ratio under Chapter 2 but fails to comply with key requirements. The proposed height of 32m exceeds both the LEP standard (21m) and the SEPP bonus limit (27.3m). The design does not meet principles in Schedule 9 or the Apartment Design Guide, including solar access, privacy, landscaping, and amenity.

Transport and Infrastructure SEPP

14. TfNSW raised concerns regarding stormwater discharge and road reserve works. Additional information is required for concurrence under Section 138 of the Roads Act 1993.

Georges River Local Environmental Plan 2021

Height and FSR

15. The proposal breaches Clause 4.3 (Height of Buildings) and Clause 4.4B (Floor Space Ratio). The Clause 4.6 variation requests are inadequately justified and cannot be supported.

Essential Services (Clause 6.9)

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16. The application does not demonstrate adequate arrangements for stormwater drainage or vehicular access.

Heritage (Clause 5.10)

17. Insufficient information provided to assess impacts on the heritage item at 12 Dalkeith Street.

Georges River Development Control Plan 2021

18. Non-compliance with controls for building separation, setbacks, landscaping, solar access, car parking, and waste management.

19. The design fails to achieve the desired future character for the Sans Souci and Ramsgate Local Centre.

Design Quality and Amenity

20. Poor internal amenity due to excessive reliance on privacy screens and compromised natural light.

21. Inadequate solar access for apartments and increased overshadowing of adjoining properties.

22. Insufficient deep soil planting and landscaping, limiting environmental and visual benefits.

Technical and Infrastructure Issues

23. Stormwater management plans are incomplete and inconsistent with the Georges River Stormwater Management Policy.

24. Car park design is non-compliant with AS2890 standards, including ramp gradients, aisle widths, and accessible parking.

25. Waste management arrangements are unsatisfactory and do not meet GRDCP 2021 objectives.

Site Suitability and Public Interest

26. The site's size, configuration, and context cannot accommodate the proposed scale without significant adverse impacts.

27. The proposal is not in the public interest and would set an undesirable precedent for overdevelopment in the locality.

Information Gaps

28. Missing or inadequate details include:
    - Comprehensive survey data
    - Accurate shadow diagrams
    - Updated arboricultural assessment and root investigation
    - Acoustic report addressing commercial uses
    - Revised stormwater concept plans and hydraulic calculations

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CONTRIBUTIONS

29. The subject development is subject to Section 7.11/7.12 Contributions if the application were of a supportive nature.

CONCLUSION

30. The proposed development at 245–247 Rocky Point Road, Ramsgate has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, applicable State Environmental Planning Policies, the Georges River Local Environmental Plan 2021, and the Georges River Development Control Plan 2021. The application fails to demonstrate compliance with key planning controls relating to building height, floor space ratio, design quality, essential services, stormwater management, and site suitability. It also does not adequately address amenity impacts, privacy, solar access, landscaping, and heritage considerations. Furthermore, insufficient information has been provided to enable a complete and accurate assessment of the proposal.

31. For these reasons, the development is considered unsuitable for the site and contrary to the public interest. Accordingly, refusal of the application is recommended pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979.

STATEMENT OF REASONS

32. The proposed development will result in unreasonable impacts to the natural and built environment.

33. The proposed development will result in unreasonable amenity impacts to the adjoining neighbours.

34. The proposal seeks to achieve a height and FSR on a site with a size, configuration and surrounding context that generate adverse impacts on the site and adjoining properties.

35. Inadequate information has been submitted to enable a proper assessment

36. The proposed development will result in unreasonable amenity impacts to the public.

37. The proposal will establish an undesirable precedent in the immediate locality.

DETERMINATION

38. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer recommends DA2025/0336 for the mixed-use development on 245-247 Rocky Point Road Ramsgate, should not be approved subject to the refusal reasons referenced below:

    a. The application fails to provide sufficient information to assess the impacts of the proposed development, pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979.

    b. The proposed development application fails to provide lawful owners consent by the owner of the property and/or another person, with written consent of the owner of the land pursuant to Part 3, Division 1, Clause 23 of Environmental Planning and Assessment Regulation 2021.

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c. The proposed development fails to adequately capture the full extent of the estimated development cost taking account all elements of the proposal. Without an accurate Estimated Development Cost, it is not clear who the consent authority for the development application is pursuant to Clause 255 of Environmental Planning and Assessment Regulation 2021.

d. The proposed development fails to demonstrate compliance with Division 17, Subdivision 2 development in or adjacent to road corridors and road reservations, of the State Environmental Planning Policy (Transport and Infrastructure) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

e. The proposed development fails to demonstrate compliance with Chapter 2 Affordable Housing of the State Environmental Planning Policy (Housing) 2021 in terms of design quality, solar access, setbacks, internal amenity, deep soil zone, crime prevention through environmental design and car parking provisions, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

f. The proposed development fails to demonstrate compliance with Clause 4.3 Height of Building maximum 21m height of building development standard of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

g. The proposed development fails to demonstrate compliance with Clause 4.4B Floor Space Ratio maximum 2.5:1 floor space ratio development standard of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

h. The proposed development fails to demonstrate compliance with Clause 5.10 Heritage Conservation of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

i. The proposed development fails to demonstrate compliance with Clause 6.3 Stormwater Management of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

j. The proposed development fails to demonstrate compliance with Clause 6.9 Essential Services of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

k. The proposal fails to provide comply with design requirements in accordance with Part 3 General Planning Considerations of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

l. The proposal fails to provide comply with design requirements in accordance with Part 4 General Land Use of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

m. The proposal fails to provide comply with design requirements in accordance with Part 5.20 Residential Locality Statement – Sans Souci and Ramsgate Locality

Statement of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

n. The proposal fails to provide comply with design requirements in accordance with Part 6.3 Residential Flat Buildings and residential components of shop top housing (High Density) of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

o. The proposal, in its current form will have an adverse impact on the natural, built and social environment, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.

p. The proposal, in its current form, is not considered to be suitable for the site, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

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

ATTACHMENTS

Attachment ⇩1 Architectural Drawings 245-247 Rocky Point Road, Ramsgate.pdf - DA2025 0336

Attachment ⇩2 DA Assessment Report DA2025-0336 245-247 Rocky Point Road Ramsgate

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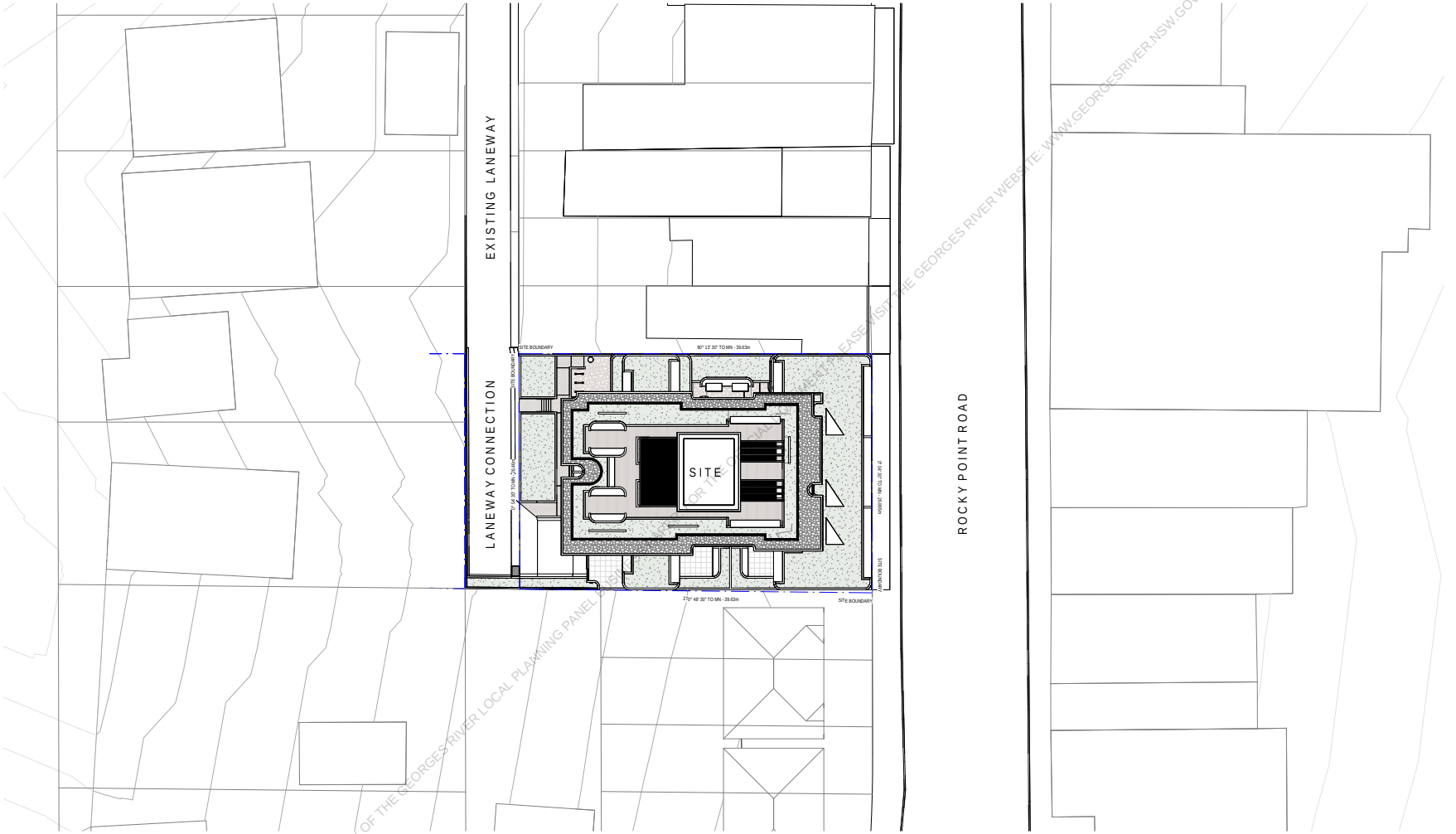

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Client
PLANET INVESTMENTS PTY LTD

Project Name
ROCKY POINT ROAD MIXED USE DEVELOPMENT

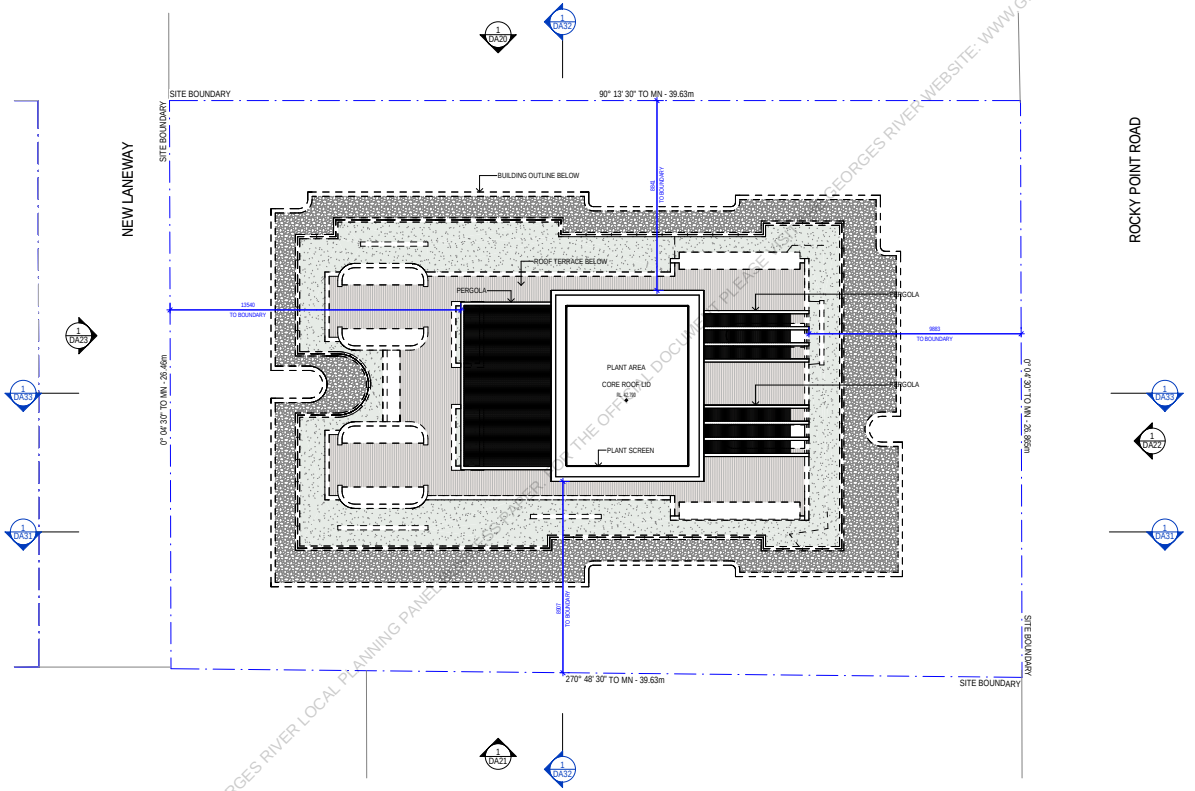
Project Address
245 - 247 ROCKY POINT ROAD RAMSGATE NSW

Drawing Title:
SITE PLAN

Date: 30.01.2025 | Sheet Size: A1 | Scale: 1:200

Drawing Number: 14253_DA05 | Revision: 6

nettletontribe



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Client
PLANET INVESTMENTS PTY LTD

Project Name
ROCKY POINT ROAD MIXED USE DEVELOPMENT

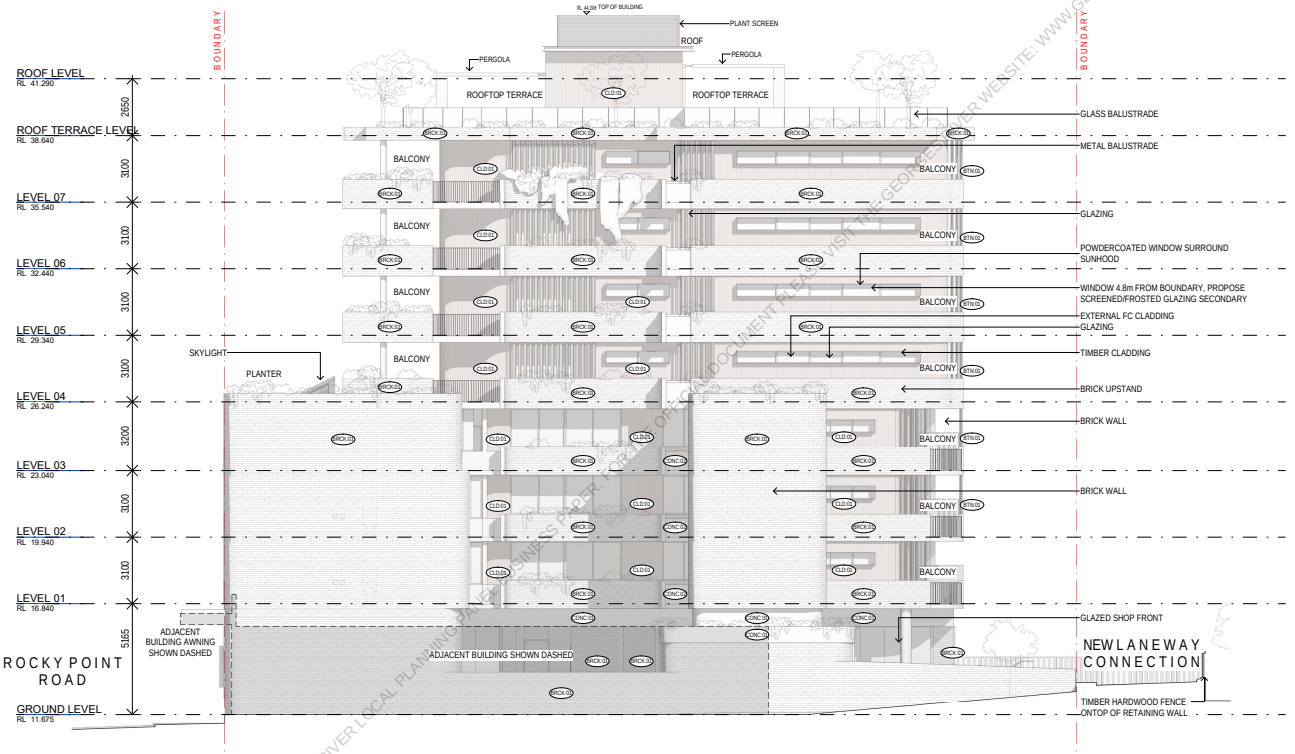
Project Address
245 - 247 ROCKY POINT ROAD RAMSGATE NSW

Drawing Title:
ROOF LEVEL PLAN - GA PLAN

Date: 30.01.2025 | Sheet Size: A1 | Scale: 1:100

Drawing Number: 14253_DA19 | Revision: 5

nettletontribe



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CONC:01	COCONUT COLOURED CONCRETE
CONC:02	GRAPHITE COLOURED CONCRETE
PA:02	NIGHT SKY PAINT

Client
PLANET INVESTMENTS PTY LTD

Project Name
ROCKY POINT ROAD MIXED USE DEVELOPMENT

Project Address
245 - 247 ROCKY POINT ROAD RAMSGATE NSW

Drawing Title:
NORTH ELEVATION

Date: 30.01.2025 | Sheet Size: A1 | Scale: 1:100

Drawing Number: 14253_DA20 | Revision: 6

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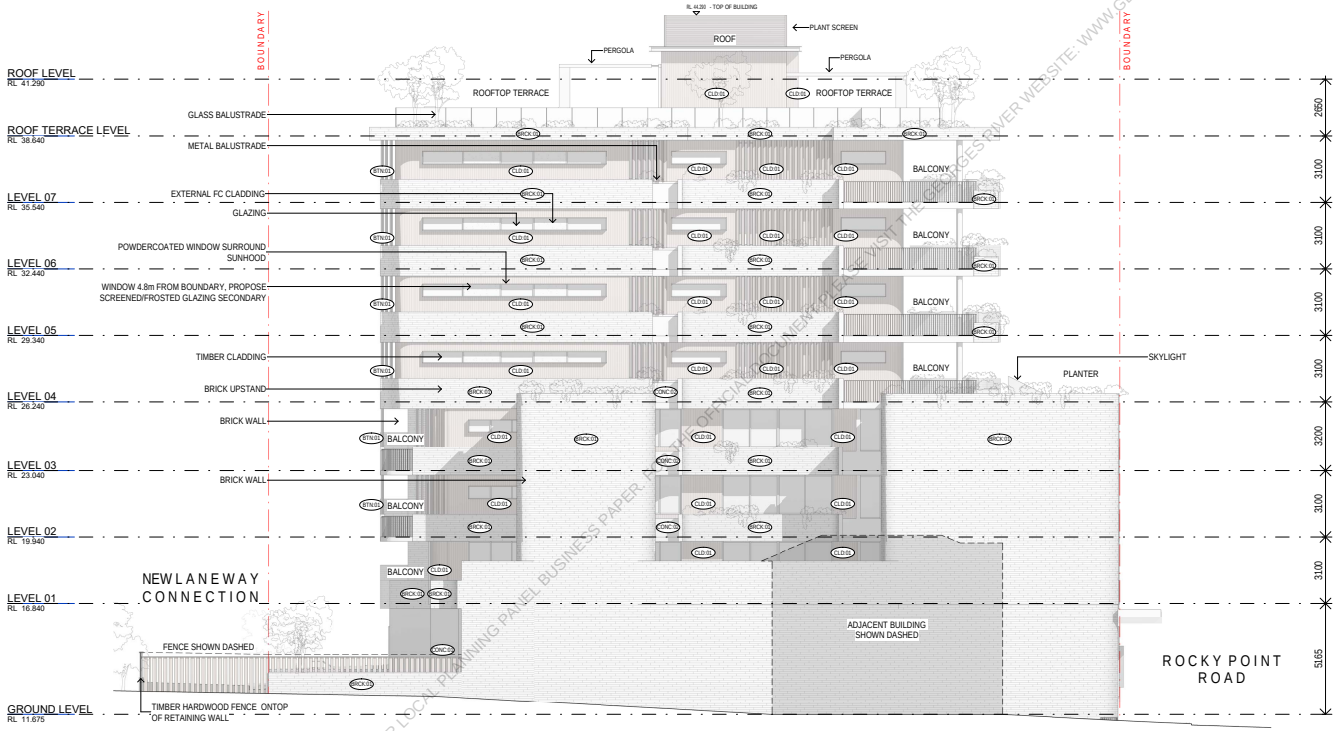

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Client
PLANET INVESTMENTS PTY LTD

Project Name
ROCKY POINT ROAD MIXED USE DEVELOPMENT

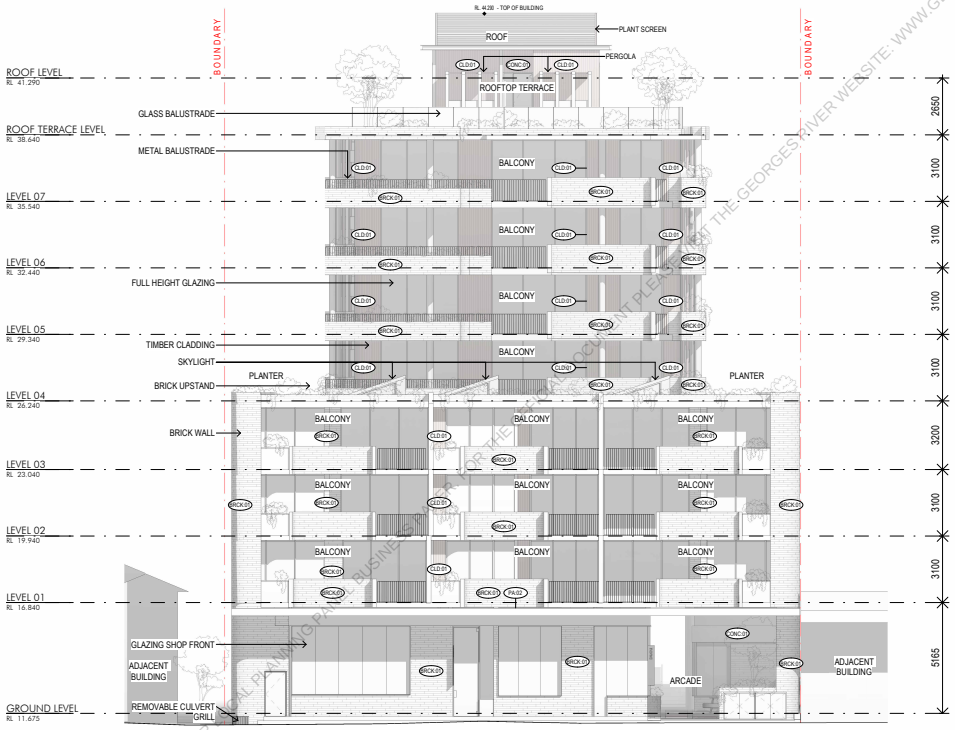
Project Address
245 - 247 ROCKY POINT ROAD RAMSGATE NSW

Drawing Title:
SOUTH ELEVATION

Date: 11.04.2025 | Sheet Size: A1 | Scale: 1:100

Drawing Number: 14253_DA21 | Revision: 8

nettletontribe



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Client
PLANET INVESTMENTS PTY LTD

Project Name
ROCKY POINT ROAD MIXED USE DEVELOPMENT

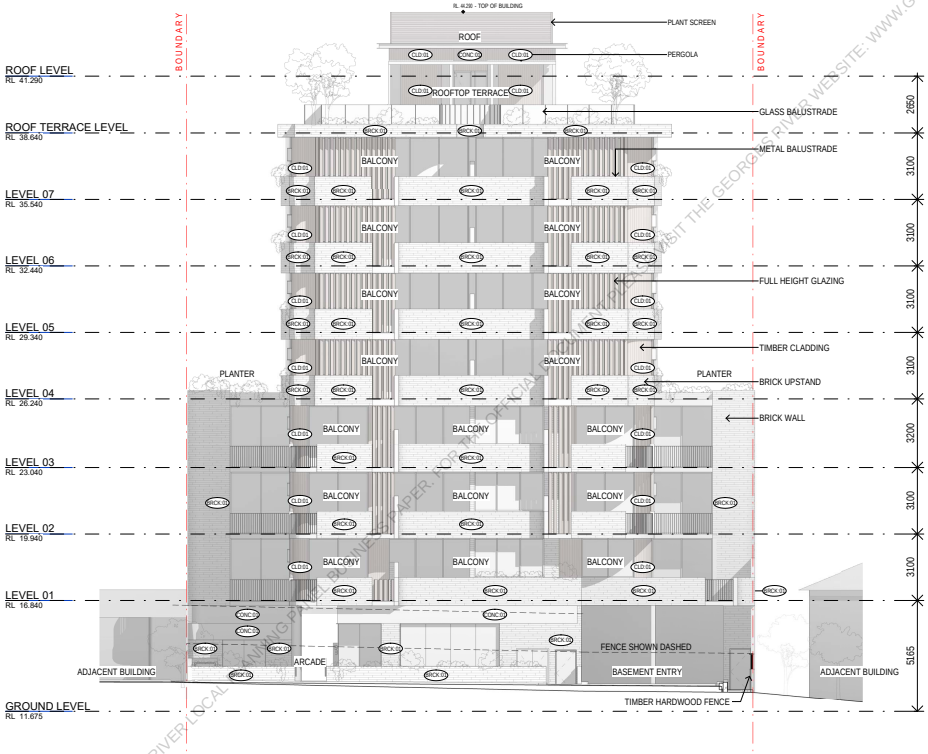
Project Address
245 - 247 ROCKY POINT ROAD RAMSGATE NSW

Drawing Title:
EAST ELEVATION

Date: 11.04.2025 | Sheet Size: A1 | Scale: 1:100

Drawing Number: 14253_DA22 | Revision: 8

nettletontribe



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CONC:01	COCONUT COLOURED CONCRETE
CONC:02	GRAPHITE COLOURED CONCRETE
PA:02	NIGHT SKY PAINT

Client
PLANET INVESTMENTS PTY LTD

Project Name
ROCKY POINT ROAD MIXED USE DEVELOPMENT

Project Address
245 - 247 ROCKY POINT ROAD RAMSGATE NSW

Drawing Title:
WEST ELEVATION

Date: 11.04.2025 | Sheet Size: A1 | Scale: 1:100

Drawing Number: 14253_DA23 | Revision: 8

nettletontribe

Assessment Report (Mixed Use)

S4.15 Environmental Planning & Assessment Act, 1979

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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Introduction

Application Number	DA2025/0336
PAN	PAN-552533
Description	Demolition works and construction of a mixed-use development
Address	245 Rocky Point Road, Ramsgate NSW 2217
Lot / DP	Lot 154 DP 805793 & Lot 153 DP 805793
Applicant	Daniel Barber
Owner(s)	Planet Investments Pty Ltd
Responsible Officer	Renee Arrowsmith

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) *Environmental Planning & Assessment Act* 1979, refuse to the Development Application due to the reasons discussed within this report.

Proposal

Description	Development application DA2025/0336 (the DA) seeks development consent for the demolition of existing buildings and the construction of an eight storey shop top housing development including infill affordable housing, commercial premises (retail/ office) and indoor recreation facility (gym) located above basement parking, communal rooftop terrace and associated landscaping (the Proposal) on two lots at 245-247 Rocky Point Road, Ramsgate (the Site). In detail, the DA seeks consent for the following works: Demolition of the existing structures on the site comprising a single storey commercial building on No. 245 Rocky Point Road (being a converted cottage dwelling) with parking in the front setback, and a two-storey building on No. 247 Rocky Point Road containing ground floor commercial uses and a function centre on the first floor. No tree removal is proposed Construction of an 8-storey mixed use (shop top) building comprising a four-storey tower above a four-level podium accommodating: a) Two levels of basement car parking accommodation a total of 39 retail, residential and visitor car parking spaces, storage

Assessment Report (Mixed Use)
S4.15 Environmental Planning & Assessment Act, 1979

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Proposal	
	rooms/cages, waste rooms, bicycle storage, firefighting service rooms, lift and fire stairs. b) Internal basement ramp access to the car park entry at ground floor level. c) Rear ground floor vehicular access to the basement car park and ground floor achieved via a southern extension of the existing rear access laneway to the north utilising a parcel of Council owned land located adjoining the rear boundary of the Site. However, the detail of the proposed laneway is not clear in the DA documentation. The civil drawings indicate the laneway is located in cut up to a depth of 0.5 metres with associated retaining walls. However, the relationship of this proposed action with existing ground levels of, and trees in, adjoining properties is unclear. d) Ground floor comprising two retail tenancies addressing Rocky Point Road, a retail office and gymnasium to the rear of the retail tenancies. e) A ground floor through-site link (pedestrian arcade) from Rocky Point Road to the laneway enabling access to the ground floor residential lobby, gymnasium tenancy and retail office. The through-site link has an RL of 11.44 at Rocky Point Road and an RL of 13.125 at the laneway (+ 1.68 metres). f) Ground floor ancillary floor space comprising an electrical substation, external bicycle parking, building service rooms and toilets. g) A total ground floor net lettable area identified as 298.49 sqm in the development application being 80.85 sqm (retail tenancy 1), 89.78 sqm (retail tenancy 2), 97.16 sqm (gymnasium) and 30.70 sqm (retail office). h) Ground floor deep soil planting areas adjoining the laneway in the rear of the site, and a 1.1-metre-wide landscape strip along the southern rear boundary. The DA advises total deep soil areas comprise 72 sqm, being 6.8% of the site. i) Levels 1, 2 and 3 podium each with matching plan of six apartments per level (2 x 1 bed, 2 x bed and 2 x 3 bed with adjoining terraces (level 1) or balconies (level 2) primarily addressing the Site's frontage to Rocky Point Road and rear boundary. j) Levels 4, 5, 6 and 7 podium each with matching plan of three apartments per level (2 x 2 bed and 1 x 3 bed with adjoining balconies primarily addressing the Site's frontage to Rocky Point Road and rear boundary. k) Roof top communal open space facilities including an outdoor barbeque area and breakout areas partly covered by a vergola. l) A ground floor retail gross floor area of approximately 342 sqm, being an FSR of 0.32:1. However it measures at approximately 317 sqm, being an FSR of 0.3:1.

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Assessment Report (Mixed Use)

S4.15 Environmental Planning & Assessment Act, 1979

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Proposal

	m) A total gross floor area of 3,212 sqm that with a survey plan (by title, not surveyed) site area of 1,056.5 sqm establishes a floor space ratio identified in the DA as 3.04:1. However, the DA does not identify the enclosed ground floor through site link (pedestrian arcade), part of the lobby and the circulation space as gross floor area. This is estimated to add approximately 160.46 sqm to the ground floor GFA (becoming a total of 3,372.46 sqm), which increases the proposed FSR to 3.19:1; and n) A maximum height identified in the DA of 32 metres measured to the top of the roof plant screen. The DA relies on Chapter 2 of the *State Environmental Planning Policy (Housing) 2021* (**Housing SEPP**) and proposes that eight apartments be used for the purposes of affordable housing.
Estimated Development Cost	$24,772,219.00

Subject Site

Subject Site	The Site consists of four lots, which are legally described as Lot 154 DP 805793 (No. 247 Rocky Point Road), Lot 153 DP 805793 (No. 245 Rocky Point Road) and Lots 152 and 155 DP 805793 (unnamed, unformed laneway). The Statement of Environmental Effects that accompanies the DA notes that a deed was entered into between Council and entities associated with the land (including the owner and the applicant of the DA) in September 2019. Lots 152 and 155 were dedicated to the former Kogarah Council pursuant to development consent DA22/89 for the development of 245 Rocky Point Road. This was pursuant to a Development Control Plan which contemplated the use of the dedicated land as a service lane to facilitate future development of 245-247 Rocky Point Road. The Deed allows certain structures to remain until the construction of the service lane. Whilst the Deed does not require the Council to construct the service lane, the Council is not permitted to commence construction until there is further development approved on Lots 153 and 154 or any change in use with a substantial increase in traffic. The Site is generally regular in shape, with an approximate maximum width (frontage at Rocky Point Road) of 26.86m and approximate maximum depth of 39.63m excluding the laneway. Nos 247 and 245 in the Site have an area by title of 1,056.5m². The boundary has not been surveyed. No areas have been identified for the laneway Lots 152 and 155 in the survey. The Site contains a single storey commercial building on No. 245 Rocky Point Road (being a converted cottage dwelling) with parking in the front setback, and a two-storey building on No. 247 Rocky Point Road containing ground floor commercial uses and a function centre on the first floor according to the description in the DA. It has no on-site car parking. The part of the Site comprising the unnamed, unformed laneway accommodates a single storey double garage at No.245 and rear yard area at No. 247.

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Assessment Report (Mixed Use)
S4.15 Environmental Planning & Assessment Act, 1979

Subject Site	
	The Site including the laneway contains no vegetation. However, the arborist report that accompanies the DA (Urban Arbor, 12 May 2025) notes the presence of two trees on adjoining properties, and notes that the proposed laneway encroaches significantly into the Tree Protection Zone (TPZ) of both trees. It recommends design modifications and / or root investigations. The arborist report's findings are estimates only due to the lack of survey detail and they rely on superseded legislation.

A site plan is provided below:

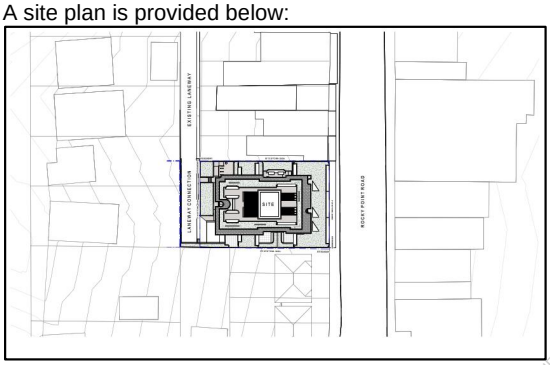

Figure 1 – Site plan *(Source: Architectural Plans)*

Aerial Image of Land Zoning

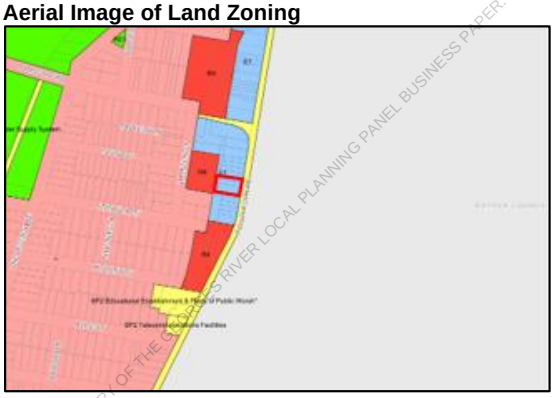

Figure 2 –Aerial view of development site outlined in red *(Source: IntraMaps)*

Aerial Image of Site

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Assessment Report (Mixed Use)

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

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History

Application Number	Description	Determined	Comments
Pre2020/0050	mixed use development	Advice given 2 April 2020	
DA2021/0473	mixed use development	Refused by LPP 15 September 2022	
PRE2023/0067	mixed use development	Advice given 16 January 2024	
PRE2024/0025	mixed use development	Advice given 14 August 2024	
DA2025/0245	mixed use development	Returned 30 May 2025	Returned for stormwater checklist, excavation/fill plan, traffic plan, crime risk assessment and BCA report

Processing

Action	Date	Comments
Submission	10 July 2025	-
Lodgement	22 July 2025	-

Assessment - Section 4.15 Evaluation

The Provisions of any applicable Act

Owner's Consent

The DA must be refused as all owners of the land the subject of the DA have not provided their consent to the lodgement of the DA as required by Clause 23 of the EPA Reg.

(a) The DA seeks consent for development (construction of laneway to facilitate the proposed site access) on land owned by the Georges River Council to the west being Lots 152 and 155 in DP 805793.

(b) Owner's consent has not been provided from the owner of Lots 152 and 155 in DP 805793.

(c) It is noted from the Civil Engineering Plan (DA-C0201 & DA-C0402 dated 2 May 2025) that part of the proposed development works involve the extension of the rear laneway with a proposed stormwater

connection that runs across the site and connecting to Rocky Point Road where additional stormwater works are proposed to be undertaken via Ø375mm RCP drainage extension and new pits within the road reserve on Rocky Point Road. Transport for NSW has advised it requires additional information before it grants concurrence under Section 138 of the Roads Act 1993.

(d) The requirement in the EPA Act and the EPA Reg that a development application be made with the consent of the owners of the land is a jurisdictional precondition that needs to be satisfied for the consent authority to be able to exercise the function of determining the development application.

Estimated Development Cost.

The submitted Estimated Development Cost (**EDC**) statement is not adequate and does not appear to capture the full extent of the estimated development cost taking account all elements of the Proposal. Without an accurate EDC, it is not clear who the consent authority for the DA is.

(a) No evidence has been provided to confirm that the submitted EDC has been prepared in accordance with the following documents:

- (i) The Planning Circular (PS-24-002) which commenced on 4th March 2024.
- (ii) Legislative and regulatory requirements of the consent authority for calculating EDC (EP&A Act, EP&A reg, SEPPs, and the Planning Circular); and
- (iii) The AIQS practice standard for calculating EDC in NSW.

(b) The EDC does not appear to capture the full extent of the estimated development cost taking account all elements of the proposal. These are listed below.

- (i) A list of the development proposal documents, such as Statement of Environmental Effects (SEE), upon which the calculation has been based, and the date of those documents.
- (ii) An accurate statement identifying the proponent (where the development proponent is a subsidiary entity, then the beneficial owner(s) must also be identified).
- (iii) No detail on the laneway construction.
- (iv) No detail on the landscaping
- (v) No detail on the through-site link
- (vi) No allowance for contingency and escalation

The Provision of any Applicable Environmental Planning Policies

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

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Assessment Report (Mixed Use)
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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 E1 Local Centre.
- 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 (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.	Considered and supplied from Ausgrid.	☒	☐	☐
2.48(2)(b)	Any response to the above has been considered.	Considered and supplied from Ausgrid.	☒	☐	☐

Division 17 Roads and traffic
Subdivision 2 Development in or adjacent to road corridors and road reservations

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.			Y	N	N/A
2.119(2)(a)	Where practicable and safe, vehicle access is from a road other than a classified road.	Proposed. However no legal access arranged.	☐	☒	☐
2.119(2)(b)	The safety and ongoing operation of the classified roadway will not be adversely affected by the development.	TfNSW has assessed the application based on the submitted plans and is not satisfied with the proposed development.	☐	☒	☐
2.119(2)(c)	If the development is of a type sensitive to noise, it is appropriately located and designed to reduce impacts.	TfNSW has assessed the application based on the submitted plans and is not satisfied with the proposed development.	☐	☒	☐

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Assessment Report (Mixed Use)
S4.15 Environmental Planning & Assessment Act, 1979

GEORGES RIVER COUNCIL

SEPP (Transport and Infrastructure) 2021					
2.120	Impact of Road Noise or Vibration on non-road development	TfNSW has assessed the application based on the submitted plans and is not satisfied with the proposed development.	☐	☒	☐
The application has been assessed against the relevant provisions of SEPP (Transport and Infrastructure) 2021. The proposal fails to comply with the objectives and controls of the EPI.					

SEPP (Housing) 2021			
Chapter 2: Affordable housing	**Y**	**N**	**N/A**
(1) In this division— ***affordable housing component***, of development, means the percentage of the gross floor area used for affordable housing. ***Chapter 2: Affordable housing*** a) The DA relies upon the bonus provisions in Clauses 16 and 18 of the Housing SEPP, stating that that the maximum floor space ratio is 3.25:1 and the maximum height is 27.3 metres. The DA proposes: • Eight apartments (or an additional 538.91 sqm of gross floor area, being 24% of the stated 3,212 sqm GFA) within the development that will be used for the purposes of affordable housing. However this floor space and the 8 apartments are not identified in the plans of propsoed development; and • A height of 32 metres that exceeds the bonus height of 6.3 metres under Chapter 2 of the Housing SEPP by 4.7 metres (74%) and exceeds the GRLEP height standard of 21 metres by 11 metres (53%). b) Pursuant to Clause 20(3)(a) development consent must not be granted to development unless the consent authority has considered whether the design of the residential development is compatible with the desirable elements of the character of the local area. ***Chapter 4: Design of residential apartment development*** a) Section 147 states that development consent must not be granted to residential apartment development, unless the consent authority has considered: "*(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 application has been assessed against the relevant provisions of SEPP (Housing) 2021. The proposal fails to comply with the objectives and controls of the EPI.			

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Design Quality

The DA must be refused because the Proposal does not demonstrate design quality pursuant to Clause 147(1) of Chapter 4 of the Housing SEPP.

(a) The Proposal does not demonstrate adequate regard to the following design quality principles in Schedule 9 of the Housing SEPP:

(i) *Principle 1: Context and Neighbourhood Character and Principle 2: Built Form and Scale* – The Proposal is inconsistent with the scale and form of development in the visual catchment of the site and is contrary to the controls which guide bulk and scale of the development to achieve the future desired character of the area for the reasons stated in Contentions 2 to 10, 17 and 19.

(ii) Principle 4: Sustainability – The Proposal does not maximise nor promote good sustainable design for the reasons stated in Contention 09 and 19.

(iii) Principle 5: Landscape – the Proposal fails to provide sufficient landscaping and does not integrate the landscape and the building as a sustainable system with good amenity. The landscape does not contribute to the local context, microclimate, habitat values, useability and respect for neighbour's amenity for the reasons stated in Contentions 09 and 219.

(iv) Principle 6: Amenity – the Proposal does not enhance the amenity of future residents and surrounding development as it results in additional unnecessary overshadowing, compromised visual and acoustic privacy and adverse visual impacts to neighbours, which are not properly articulated in the application for the reasons stated in Contentions 6, 7, 8, 9 and 10.

(v) Principle 7: Safety – the design of the building entry does not maximise passive surveillance of public and communal areas to promote safety for the reasons stated in Contention 10; and

(vi) Principle 9: Aesthetics –. The visual appearance fails to respond to the future local context for the reasons stated in Contentions 2, 4, 5, 7, 17 and 19.

(b) The Proposal does not demonstrate adequate regard to the guidance in the Apartment Design Guide for the reasons stated in Contentions 6, 7, 8, 9, 10, 11 and 19.

Solar Access

The DA should be refused as the consent authority could not be satisfied on the information available that the Proposal provides adequate solar access to the dwellings within the proposed development and does not minimise overshadowing to adjoining properties.

(a) ADG Objective 4A-1 and Design Criteria recommend a minimum of 70% of apartments living rooms and private open spaces should receive two hours sun between 9 am and 3 pm at mid-winter. The DA identifies that 70% (21/30) of apartments achieve this guideline. However, the respondent estimates that only 4 of the 30 apartments receive 2 hours of sun between 9am and 3pm at mid-winter. This discrepancy is significant and if accurate, the outcome is unacceptable given the orientation of the site and the comparatively small number of apartments within the proposed development.

(b) ADG Objective 3B-2 and Design criteria seek minimisation of overshadowing and appropriate setbacks and orientation to achieve this. However, the shadow analysis at Winter 1200 appears to be inconsistent with the equivalent and sun eye diagram at 12 noon (noting the sun eye diagram does not advise the time of year upon which the analysis is based).

(c) The above observations suggest that solar access and shadow analyses should be treated with caution as they may not provide a genuine and accurate representation of the proposed conditions.

Setbacks

The DA should be refused as the Proposal provides inadequate building separation at the side boundaries of the Site to ensure appropriate equitable sharing of separation distances with adjoining sites and to achieve reasonable levels of external and internal visual and minimise impacts of visual intrusion.

(a) Consistent with Principle 6 ('Amenity') of Schedule 9 of the Housing SEPP the objective and Design Criteria in 3F-1 Visual Privacy of the ADG prescribe minimum separation distances to the side and rear

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boundaries of 6m from habitable rooms and balconies and 3m from non-habitable rooms for the first 4 storeys. From 5-8 storeys, 9m of separation is required from habitable rooms and balconies and 4.5m from non-habitable rooms to the side and rear boundaries.

(b) The proposed development is inconsistent with the separation distances. The inconsistent separation distances are widespread and include to terraces and balconies on the side elevations on levels 1 - 3, to habitable rooms and balconies of the front building on levels 4 to 7, and the roof top terrace.

(c) While the proposed use of privacy screens and high-set windows as identified in the plans seek to address privacy impact, their excessive use compromises internal amenity and does not adequately address visual intrusion impacts.

(d) Furthermore, the design of the rear elevation locates all balconies and windows in a repetitive sequential fashion at all levels within the building wall in a direct westerly orientation overlooking the dwellings in Dalkeith Street with no consideration given to addressing the obvious visual intrusion that will result on the neighbouring properties to the west.

(e) The significant variation to separation distances goes beyond what may be reasonably expected under the development controls that apply to the site and possible variations to those controls.

(f) The Landscape Plan proposes tree species in side setbacks that offer little by way of the establishment of a green canopy within the site, particularly as deep soil planting opportunities are minimal due to the presence of the basement car park and stormwater infrastructure.

(g) Outlook from adjoining sites will be adversely impacted due to the development's bulk and scale and poor landscaping.

Internal Amenity

The DA should be refused as the Proposal will result in a poor level of amenity for future occupants of apartments.

(a) The design and location of privacy screens are ineffective and the provision of privacy screens to such a large number of windows (some windows of which are the only source of light into the room), result in poor internal amenity to habitable rooms.

(b) No allowance has been made for letter boxes, and the residential pedestrian entry is obscured creating opportunities for anti-social and criminal behaviour. The location is inconsistent with the principles of crime prevention through environmental design.

(c) The roof enclosure at the ground floor entry to the southern (front) building deprives the entry of natural light. This together with the need to travel through two doors to access the lift results in poor legibility and amenity.

Deep Soil Zone

The DA should be refused as it fails to provide adequate land for deep soil planting, to support substantial vegetation and canopy tree planting

(a) The objectives and guidelines in Part 3E – Deep soil zones of the ADG seek development to provide deep soil planting zones for amenity, landscape character and environmental benefits.

(b) Part 3E – Deep Soil Zones of the ADG requires 7% of the Site to be deep soil zone with a minimum dimension of 6 metres.

(c) The total area of deep soil nominated in the DA comprise 72 sqm, being 6.8% of the site. However, much of that area is less than 6 m or obstructed by stormwater infrastructure and basement area. The respondent estimates that no deep soil area consistent with Part 3E – Deep Soil Zones of the ADG is proposed.

(d) Thus, neither the objectives nor controls in the ADG are achieved.

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Crime Prevention Through Environmental Design

The DA should be refused because the proposed siting and configuration of the proposed through site link does not reinforce nor satisfy the criteria of Crime Prevention Through Environmental Design.

(a) Consistent with Principle 7 ('Safety') of Schedule 9 of the Housing SEPP Part 3.19 of the GRDCP seeks development that provides a safe environment and minimise opportunities for criminal and anti-social behaviour.

(b) The proposal includes a through-site link that extends from Rocky Point Road to the proposed rear laneway. Retail tenancies and the residential entry gain access from the through site link. Toilet access is also proposed.

(c) The Crime Risk Assessment (CPTED Report) that accompanies the DA suggests that the proposed building entry has been designed to be clearly visible, unobstructed and easily identifiable from the street and the through-site link will not be accessible at night.

(d) However, the plans of the proposed development demonstrate that the entries to the ground floor retail tenancies in the through-site do not enjoy good sight lines to Rocky Point Road. The provision of seating areas in the through-site link provides opportunities for uncontrolled congregation and obstruct sightlines further limiting passive surveillance from the public domain. Furthermore, access to the toilets and residential lobby is recessed in the link further limiting sightlines and casual surveillance.

(e) The proposal to restrict access to the link at night is not demonstrated in the plans of proposed development. No barrier or gate is shown. Furthermore, as three tenancies require access to the link one of which is proposed to be a gymnasium that ordinarily is expected to be patronised outside of normal business hours, this proposal will be problematic to implement and manage.

Car Parking Provision

The DA should be refused as the Proposal provides insufficient parking and it has not been demonstrated that there will not be an unacceptable impact upon the availability of parking in the locality.

(a) Section 19(2) of SEPP Housing sets out the non-discretionary development standards relating to parking. A minimum of 31 residential parking spaces is required.

(b) The Proposal provides 29 residential parking spaces and shared areas for accessible spaces have been included in the quantum of parking provided which is not acceptable.

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Section	Text	Comment	Y	N	N/A
2.2 – 2.3 Zoning	Refer to LEP map.	E1 Local Centre	☒	☐	☐
2.7 Demolition	The demolition of a building requires development consent.	Noted.	☒	☐	☐
4.3 Height of Buildings	(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality, (b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	Standard: 21m Proposed: 32m	☐	☒	☐
4.4B Floor space ratio	To ensure that buildings are compatible with the bulk and scale of	Standard: Maximum 2.5:1 (2,641.25m^2)	☐	☒	☐

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Section	Text	Comment	Y	N	N/A
	the existing and desired future character of the locality.	Proposed: 3.19:1 (3,372.46m^2) The provisions of the SEPP Housing 2021 allow greater height and FSR for the proposed development.			
4.6 Exceptions to development standards	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	A Clause 4.6 variation statement has been provided by the applicant and is assessed in this report.	☒	☐	☐
5.10 Heritage conservation	To conserve the environmental and cultural heritage of the Georges River local government area, including heritage items, conservation areas, archaeological sites, and Aboriginal places of significance.	Comments were received from Council's Heritage Officer who did not support the application.	☐	☒	☐
6.1 Acid sulfate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	The subject site is identified as being on Class 5 Acid Sulfate Soils. As no works proposed is impacting on this, the proposal is considered satisfactory.	☒	☐	☐
6.3 Stormwater management	To minimise the impacts of urban stormwater on land to which this Plan applies and on adjoining properties, native bushland and receiving waters	Comments were received from Council's Development Engineer who supported the application if it was to be approved.	☐	☒	☐
6.7 Airspace operations	(a) to provide for the effective and ongoing operation of the Sydney (Kingsford Smith) Airport by ensuring that its operation is not compromised by development that penetrates the Limitations or Operations Surface for that airport, and (b) to protect the community from undue risk from that operation.	Comments were received from Sydney Airport who supported the application if it was to be approved.	☒	☐	☐
6.9 Essential services	The property must have in place by determination the following services: (a) water, (b) electricity, (c) telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	The proposal has not included the following arrangements satisfactorily: - Vehicular Access - Stormwater drainage or on-site conservation	☐	☒	☐
6.11 Environmental Sustainability	Applies in R4, E1, E2 and MU1 zones for new buildings, changes of uses and alterations and additions. Consent must not be granted on land to which this clause applies if the building is 1,500 square metres in	Applies as it is within the E1 Local Centre. Environmentally sustainable measures have been put into place.	☒	☐	☐

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Section	Text	Comment	Y	N	N/A
	gross floor area or greater unless adequate consideration has been given to the following in the design of the building— (a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage, (b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power, (c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort, (d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible, (e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation, (f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.				
6.13 Development in Zones E1 and MU1	(2) This clause applies to land in the following zones— (a) Zone E1 Local Centre, (b) Zone MU1 Mixed Use. (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation. (5) Development consent must not be granted for the erection of a building with a gross floor area on the ground floor of more than 500m2 on land identified as “Area A” on the Land Zoning Map unless the consent authority is satisfied at least 500m2 of the gross floor area on the ground floor will be used for— (a) a purpose other than residential accommodation or tourist and visitor accommodation, and	Located within a E1 Local Centre. The proposal is for a mixed-use development and satisfies the controls stipulated within the clause.	☒	☐	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	(b) a purpose specified in subclause (4).				
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.					

Design Excellence

The DA must be refused because the Proposal does not demonstrate design excellence as required by clause 6.10(4) of GRLEP when having regard to the following matters in accordance with clause 6.10(5).

(a) The Proposal does not achieve the following design excellence criteria in Clause 6.10(5) of the GRLEP:

(i) the suitability of the land for development, for the reasons stated in Contention 20.

(iii) heritage issues and streetscape constraints for the reasons stated in Contentions 10 and 17.

(iv) the relationship of the development with other development on neighbouring sites in terms of separation, setbacks, amenity and urban form for the reasons stated in Contentions 6, 7, 8, 9, 10, 11 and 19.

(vii) environmental impacts for the reasons stated in Contentions 6, 18, and 19

(viii) vehicular and service access and circulation requirements for the reasons stated in Contentions 13 and 14.

(x) interfaces at ground level between the building and the public domain for the reasons stated in Contentions 5 and 10.

(xi) excellence and integration of landscape design for the reasons stated in Contention s9 and 19.

(xiii) the provision of public art in the public domain for the reasons stated in Contention 5; and

(xv) crime prevention through environmental design for the reasons stated in Contention 10.

Essential Services

The DA must be refused as the consent authority cannot be satisfied that the essential services required to serve the proposed development are available or that adequate arrangements have been made to make them available.

(a) Clause 6.9 of the GRLEP requires that development consent must not be granted to development unless the consent authority is satisfied that all 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:

…

(d) stormwater drainage or on-site conservation,

(e) suitable vehicular access,

(b) The DA has not:

(i) Demonstrated how stormwater will be disposed of to Rocky Point Road to the satisfaction of Transport for NSW.

(ii) demonstrated the proposed rear laneway will be constructed to provide suitable vehicular access that minimises impact on adjoining vegetation.

(iii) Provided landowners consent to construct the laneway; and

(iv) Demonstrated a satisfactory plan for suitable vehicular access for the collection of waste

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Excavation

The DA should be refused as it requires an excessive amount of excavation which is uncharacteristic of surrounding development. The application has also not clearly demonstrated that the works will not have an adverse impact on neighbouring properties.

(a) The application proposes 2 basement levels of carparking below existing ground level, the footprint of which extends cross the majority of the site.

(b) The proposed development does not achieve the objectives prescribed in Clause 6.2(1) and matters for consideration outlined in Clause 6.2(3)(a), (d), (g), (h) and (i) of the GRLEP.

Heritage

(a) The subject site is situated within the vicinity of a heritage item, House and garden, "Torwood"' 12 Dalkeith Street, Sans Souci (Item I297), as listed under Schedule 5 of *Georges River LEP 2021*, which diagonally adjoins the site at the rear.

(b) The proposed eight storey building is for a much higher built form than the existing two-storey built form of the heritage item. The proposed building by virtue of its height, will be visible in the backdrop to the heritage item and as such, will have a visual impact on the setting of, and views to, the heritage item.

(c) The shadow diagrams demonstrate that the development will overshadow the heritage item. Sufficient solar access to the heritage item is required to ensure the retention of the significance of the heritage item and the landscaped gardens which contribute to the significance of the heritage item. The shadow diagrams do not accurately show the footprint of the heritage-listed dwelling and its ancillary structures, and the true impact cannot be appropriately assessed.

(d) The heritage item is enhanced by established landscaped gardens with mature tree plantings and understorey shrubs. The density of established trees on and near the boundary with the development site must be retained to reduce the impacts of the development on the heritage item. Insufficient Aboricultural information has been provided to ensure the retention of the landscape buffer between the development and the heritage item.

(e) The information submitted with the application is insufficient to enable an adequate assessment of the impacts of the proposal on the significance and setting of the heritage item. In particular, the following information is required but has not been provided:

  (i) 3D photomontages, showing the proposed building as it appears in the backdrop when viewing the heritage item from Dalkeith Street.

  (ii) Shadow diagrams (on an hourly basis) between 9am and 3pm on June 21, which accurately show the footprint of the heritage-listed dwelling and its ancillary structures.

  (iii) A current Aboricultural report which is based on recent fieldwork indicating how the established landscape plantings near the boundary with the heritage item will be retained.

Stormwater Management

(a) The objective under Clause 6.3 Stormwater Management of GRLEP is to minimise the impacts of urban stormwater on the land and on adjoining properties, native bushland and receiving waters. The Proposal does not sufficiently demonstrate attainment of this objective

(b) Clause 6.9 of GRLEP precludes the grant of consent unless the consent authority is satisfied that "adequate arrangements" have been made and per (e) this includes 'stormwater drainage or on-site detention'. The consent authority cannot be satisfied that adequate stormwater drainage and OSD is available for the site.

(c) Under Section 2.1 & 2.2 of the GRSMP the Stormwater Concept Plan is to identify the site's drainage constraints and to demonstrate that the proposed on-site stormwater management system can be integrated into the proposed site layout:

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(i) The supplied stormwater plans do not comply with information required to be supplied in the Stormwater Concept Plan for DA submission as specified in Section 2.1 (3,4 and 7) of the GRSMP.

(ii) The supplied Civil Engineering Plans and Architectural plans indicate the site is affected by a local overland flow path. Calculations of the peak 1% AEP (Annual Exceedance Probability, equivalent to 100-year ARI (Average Recurrence Interval)) flow rate and flood levels (including HGL calculations) are to be submitted with the application. Proof that the system will function as per the design intent, and in accordance with the GRSMP, has not been provided.

(iii) Method of draining the site has not been indicated in a manner that can be practically implemented. The proposed system has not been shown to:

- be able to be clear the services to utility service provider's requirements, the outlet will need to cross, to be constructed
- be able to effectively drain to the existing TfNSW road pit, as no consideration for the existing capacity of the system and the effect on the HGL of the site's system has been provided
- provide sufficient fall from the OSD system to the TFNSW road pit, to ensure the proposed OSD will operate as per the design intent and comply with the GRSMP
- provide sufficient cover over the proposed pipeline within Rocky Point Road

(iv) The supplied Stormwater plan drawings do not depict to scale depicting the size and dimensions of all components of the drainage system including OSD tanks, rainwater tanks, and overland flow paths

(v) The supplied stormwater plans do not comply with Section 2.2 of the GRSMP. A satisfactory safe overflow path (in excess of 1% AEP storm event) is to be proposed, created and managed along the way to street frontage discharge point and that will not be re-directed onto neighbouring properties.

(vi) The proposed design indicates there will be a retaining wall along the western side of the proposed rear laneway. This retaining wall will redirect flows from the upstream catchment to a small opening along the southern boundary. The flows need to be contained within the overland flow path along the boundary and not re-directed onto the property at 1 Torwood St or any other neighbouring properties

(d) The supplied stormwater plans do not comply with the objectives of Section 3 of the GRSMP:

(i) The supplied stormwater plans do not comply with Section 3.2 of the GRSMP. Gravity pipe drainage systems within properties must be designed for at least the 5% AEP event and design consideration must allow the safe passage of surface overflows through a property up to the 1% AEP event.

(ii) Any overflows from the pit servicing the laneway, will be directed into the basement garage in the current configuration

(iii) The supplied stormwater plans do not comply with Section 3.3 of the GRSMP. Any connection to the public authority pit / pipe drainage system within the road reserve must meet the following requirements:

- A boundary silt arrestor pit (minimum 450mm by 450mm) shall be provided for any stormwater outlet discharging from the site
- Piped drainage within all Council land including roads and footways shall be laid at minimum 1% gravity fall directed toward the point of discharge

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- The Concept Design is to clearly detail the proposed alignment of the connection from the property boundary to the connection point at the street gutter with design and existing levels (as shown on the Detailed Survey) to show evidence that:
  - i. The alignment of the pipeline is feasible and does not conflict with any structures, trees, existing underground services and does not encroach along the standard service authorities network corridors within the footway.
  - ii. The pipeline will have consistent minimum 1% gravity fall. This is to be verified on the plan by detailing design levels of the pipe and existing levels at relevant locations as shown on the Detailed Survey Plan.

(e) The supplied stormwater plans do not comply with the objective of Section 4 of the GRSMP, ensuring that developments will not increase the risk of flooding at any downstream properties

(i) The supplied stormwater plans do not comply with Section 4.2 i), 4.2 k) & 4.2 l) of the GRSMP where a suitable OSD system is required for Commercial and Flat building developments.

(ii) The OSD tank is proposed to be at a similar level to the TfNSW road pit at the proposed outlet. Road water draining to the road pit has the potential to backflow into the OSD system reducing the OSD effectiveness and may overflow prematurely. The proposed OSD system has been design as a free draining outlet. However, this is not accurate as the outlet will be drowned on not function effectively not as designed. i) OSD systems are to drain [freely] by gravity to Council's drainage system or other public drainage network.

(iii) The piped outlet from the OSD directly connects into TfNSW Road pit. Should this ever be blocked overflows from the OSD are not directed to the street gutter.

(iv) A satisfactory safe overland flow path designed to the 1% AEP event from the OSD to the street gutter in the event of the connection to Council's stormwater system becoming blocked.

(v) The system, as designed, has the designated overflow connected to a future TfNSW road pit. However, the outlet is too low and will act as a drowned outlet during storm events where the road pit may be filled. In such events the overflow outlet will not be effective.

(vi) The proposed piped overland flows from the upstream catchment and laneway flows through the site are above a sewer main. Sydney Water and Council approval will be required. Also, the proposed pipeline draining the overland flow from the laneway connecting to the proposed TfNSW road pit crosses the Council footpath where it crosses existing utility services. The outlet isn't clear of all the underground services including the TfNSW stormwater trench grate within Rocky Point Road. The requirements of all service authorities with assets in the vicinity of the system are to be met.

(vii) The outlet from the OSD that connects to the proposed TfNSW road pit crosses the Council footpath where it cross existing utility services. The outlet isn't clear of all the underground services including the TfNSW stormwater trench grate within Rocky Point Road. The requirements of all service authorities with assets in the vicinity of the system are to be met.

(viii) The supplied stormwater plans do not comply with Section 4.9.2 Below-Ground OSD Storage.

(ix) Any underground storage shall be designed to enable the property owner / contractor to carry out routine maintenance.

- To provide suitable maintenance access to the underground storage tank, all access grates to the tank shall be a minimum of 600mm x 900mm and at no more than 6m spacing from another access grate
- The minimum clearance depth for tanks shall be 900mm.

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- The storage shall have a sump adjacent to the orifice with a minimum depth of 200mm below the orifice. The sump volume is to not to be included in the storage calculation.

(x) The supplied stormwater plans do not comply with Section 4.13 Drowned Orifices. OSD systems shall be designed wherever possible to allow for the system to be free draining with the invert of the orifice 100mm above the Hydraulic Grade Line (HGL) at the discharge point of the pipe into which the orifice

(f) The supplied stormwater plans do not comply with the objective of Section 5 of the GRSMP, ensuring that developments will meet Council's requirements regarding the integrity of the stormwater network:

(i) The supplied stormwater plans do not comply with Section 5.6, Development over Council Drains or Easements, of the GRSMP.

(ii) Generally, Council does not permit the construction of any structural features of a development to be built over Council's drainage system or easement

(iii) in addition, Part (b) states the structure will not obstruct the 1% AEP flood / overland flow path.

(iv) The proposed easement to be dedicated to Council for the purposes of drainage (proposed to be 2.5m wide) is encroached on by the proposed building.

(g) The supplied stormwater plans do not comply with the objective of Section 6 of the GRSMP, ensuring that developments will meet Council's requirements regarding flood affected land.

(i) The supplied stormwater plans do not comply with Section 6.11 Overland Flow Path Assessments and Local Flood Studies, of the GRSMP.

(ii) For sites with upstream catchments with a total area of up to 5 hectares, a detailed overland flow path assessment in accordance with the current version of Australian Rainfall and Runoff (ARR) and the NSW Flood Risk Management Manual shall be submitted to Council to determine the critical flow characteristics (eg hazard, flood levels, flood extent) of the overland flow path and its impact on the proposed development and surroundings

(iii) In addition, Part (iii) notes

a) A 50% blockage factor shall always apply to the hydraulic analysis of the underground drainage system

(iv) This blockage factor will need to be applied to both proposed pipelines catering for the laneway and the upstream catchment.

(v) The structure will not obstruct the 1% AEP flood / overland flow path

(vi) The proposed easement to be dedicated to Council for the purposes of drainage (proposed to be 2.5m wide) is encroached on by the proposed building.

SEPP Housing 2021 and GRLEP 2021 Clause 4.6 Variation

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

Clause 4.3 – Height of Building

The DA must be refused as the Proposal breaches the height standard and the DA does not provide sufficient justification for the additional height.

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

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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.

Adequacy of the written request pursuant to the matters outlined in Clause 4.6 (3)
Clause 4.6(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances

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

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

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

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

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

There are no objectives relating specifically to the maximum building height standard to be varied, however, any underlying objective, in this case the principles of the Housing SEPP policy, would be considered relevant in terms of enabling shop top housing development with a component of affordable rental housing. The principles of the policy stipulated in clause 3 are:
(a) enabling the development of diverse housing types, including purpose-built rental housing,
(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,
(c) ensuring new housing development provides residents with a reasonable level of amenity,
(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,
(e) minimising adverse climate and environmental impacts of new housing development,
(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality, (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,
(h) mitigating the loss of existing affordable rental housing.

The proposed shop top housing development is considered to be consistent with these principles.

The proposed shop top housing development will provide for a greater number of housing options and housing diversity in a growing area that is well located with regards to goods, services and public transport, that will meet the needs of households in need of housing. It also provides high amenity for future residents in compliance with Apartment Design Guide (ADG) and Chapter 4 Design of Residential Apartment Development

of the Housing SEPP. Furthermore, affordable housing in accordance with the infill affordable housing provisions is provided, and the proposal does not result in any adverse climate or environmental impacts.

Importantly, while the proposal exceeds the maximum building height control, it complies with the FSR standard under Clause 16(1) of the Housing SEPP. The proposed built form respects the intended massing outcome and achieves the visual and environmental objectives the height limit is intended to support.

For the above reasons, I am of the view that the variation requested, and the resultant development is consistent with the objectives of the development standard and an appropriate degree of flexibility is warranted. Consequently, I conclude that strict compliance with the development standard is unreasonable and unnecessary.

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

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

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

On the above basis, the following environmental planning grounds are submitted to justify contravening the maximum building height:
1. Non-compliance is a result of the redistribution of bulk and scale
a) The proposed development seeks to strategically redistribute bulk and scale throughout the site. That is, the proposal provides for greater articulation and setbacks across all levels resulting in a slenderer built form as informed by the ADG design criteria and DCP whilst providing for a suitable transition to adjoining established low density residential area to the rear. That is, strict compliance with the building height standard may be achieved through larger floorplates however, the distinct benefits provided by the current scheme would be surrendered. Importantly, the proposed non-compliance will not result in any adverse visual, physical or amenity impacts.

2. Compatibility with Desired Future Character
a) The proposed development is consistent with the precincts' high-density character, defined by tall multi-storey buildings and emerging higher density forms under the Housing SEPP framework.
b) The proposed variation can also be considered compatible with other forms of development in the visual catchment which assists in being compatible with the desired future character.

3. The non-compliances achieve a high level of design excellence, based on site analysis
a) The proposal delivers a high quality urban and architectural design which clearly exhibits design excellence, despite the non-compliance. That is, the proposal has undergone in-depth site analysis, numerous iterations and refinement to reach the proposed outcome. The arrangement of bulk and scale and subsequent building height non-compliance have been informed by the existing and desired streetscape character of the locality. As such, the proposed noncompliance is considered the most appropriate response to the streetscape, whilst protecting the amenity of neighbouring properties and public domain.

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b) The maximum extent of non-compliance is appropriately integrated into the overall building form. The noncompliance will not be visually jarring as the built form is situated within a well-articulated mass. The non-compliant elements are incorporated into the contemporary architectural character and will be finished in materials that is compatible with the character of the locality.

4. The non-compliance will have no material impacts on surrounding development
a) It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:
• The design supports functional living environments for future residents, incorporating compliance with ADG and Housing SEPP controls for solar access, natural ventilation, privacy, and open space.
• The height breach does not result in adverse overshadowing, privacy or view loss impacts to adjoining development when considered against the backdrop of a compliant building envelope formulated by the 27.3m height limit above the existing ground level.
• The built form respects the intended massing outcome and achieves the visual and environmental objectives the height limit is intended to support.

5. Orderly and economic use of land
a) The social benefits of providing a development that improves the functionality and amenity of the shop top housing development should be given weight in the consideration of the variation request.
b) Given the nature of the proposal, strict numerical compliance with the height standard would require the removal of additional housing opportunities or the communal roof top open space within a well located and well-designed development.

6. The proposal meets aims and objectives of key planning documents
a) The proposed development meets the objectives of the development standard and meets the objectives of the E1 Local Centre Zone (detailed in the accompanying Statement of Environmental Effects).
b) The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:
• The proposal promotes the orderly and economic use and development of land through the proposed works provide additional residential accommodation that better meet the needs and significantly improve the living amenity opportunities of the residents (1.3(c)).
• The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).

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

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

(a) Insufficient detail is provided in the Survey Plan to establish the existing ground level.

(b) The DA is framed relying on a height bonus of 30% pursuant to Chapter 2 of the Housing SEPP; and consequently, considers the applicable bonus height to be 6.3 metres and the total maximum height standard to be 27.3 metres. This is founded upon the GRLEP Clause 4.3 height standard of 21 metres.

(c) The DA proposes a maximum height of 32 metres and seeks to vary the suggested height standard of 27.3 metres by 4.7 metres with a request pursuant to Clause 4.6 of the GRLEP.

(d) However pursuant to Clause 16(3) of the Housing SEPP, the height bonus that can be sought is 21.6% which has been calculated by the respondent to be the same percentage as the bonus FSR being sought. This equates to a height bonus of 4.54 metres and a total maximum height of 25.54 metres.

(e) Treating the bonus height permitted by Chapter 2 of the Housing SEPP as a development standard, the request to vary the development standard that is required to be made pursuant to Clause 4.6 of the GRLEP, is the height standard that applies pursuant to Clause 16(3) of the of the Housing SEPP being 25.54 metres.

(f) In other words, the exceedance of the height standard is greater than that calculated in the Clause 4.6 as the request seeks to vary the height from 27.3 metres to 32 metres, when it should seek to vary the height from 25.54 metres to 32 metres.

(g) The Clause 4.6 request has not been adequately prepared as it does not provide an accurate description and justification of the extent of the variation.

(h) The proposed height is 6.46 metres (two storeys) taller than the permissible maximum height standard of 25.54 metres.

(i) The Council has not granted any approvals, sought or encouraged any development in the Ramsgate Local Centre that may invoke a variation to the maximum height standard of the scale proposed.

(j) The height and scale of the development if approved would set an inappropriate and undesirable precedent for future development; and

(k) The clause 4.6 variation request seeking to vary the height of building standard has demonstrated the following:

(i) That compliance with the development standard in section 16(3) of the Housing SEPP is unreasonable or unnecessary in the circumstances, and

(ii) There are sufficient environmental planning grounds to justify the contravention of the development standard in section 16(3) of the Housing SEPP.

Provisions of any Proposed Instrument

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

Provisions of any Development Control Plan

Georges River Development Control Plan 2021

Part	Name	Y	N
Part 3	General Planning Considerations	☐	☒
Part 4	General Land Use	☐	☒
Part 5.20	Part 5 – Residential Locality Statement - 20. Sans Souci and Ramsgate Locality Statement	☐	☒
Part 6.3	Residential Flat Buildings and residential components of shop top housing (High Density)	☐	☒

Inconsistency with Locality Desired Future Character

The DA should be refused because the height, bulk and form of the proposed building is not compatible with the desired character of the Ramsgate Local Centre.

(a) The desired character within The Ramsgate Local Centre is expressed by the requirements of the applicable SEPPs, the objectives of the E1 zone, the prescribed built form envelopes and objectives in Clauses 4.3, 4.3A and 4.4 in the GRLEP, the Design Excellence criteria in Clause 6.10 of the GRLEP and relevantly the detailed design guidance in the controls in Parts 3, 5, 6 and 7 of the GRDCP, together with the pattern of existing development, and the approved developments in the locality within which the site resides.

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(b) The Proposal is not compatible with desired future character as expressed by the general controls and objectives in Parts 3 of the GRDCP as:

(i) The proposed earthworks for the rear laneway will minimise the impact on trees and their root systems as sought by Control 3.2.1(10), contrary to the objectives of 3.2.1.

(ii) The design and siting of the proposed rear laneway do not minimise or avoid potential conflict between trees and structures on any neighbouring property as sought by Control 3.2.1(10), contrary to the objectives of 3.2.1.

(iii) The proposed landscaping will not soften the visual impact of the building as sought by Control 3.3(1), contrary to the objectives of 3.3.

(iv) The proposed excavation does not maintain natural ground level within 900mm of the side boundary as sought by Control 3.5.1(1), contrary to the objectives of 3.5.

(v) The proposal does not respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work as sought by Control 3.7.6(1) contrary to Objective 3.7.6 (a).

(vi) The proposal does not minimise impacts on the natural water cycle and the environment, including natural water systems, water quality and surface / ground water flow regimes as sought by Control 3.10(1) contrary to Objective 3.10 (a).

(vii) The proposed waste management does not ensure that waste storage and recycling facilities are suitably sited for the convenience of the occupants and servicing requirements as sought by objective 3.12.(c) and control 3.12(1).

(viii) No element of public art is proposed as sought by Control 3.15.2(1), contrary to the objectives of 3.15.2.

(ix) The proposed building entries, residential foyers and toilets are not conveniently located to maximise casual surveillance from the street / public domain as sought by Controls 3.19, 1 – 5, contrary to the objective of 3.19.

(c) The Proposal is not compatible with desired future character as expressed by the general controls and objectives in Part 5 of the GRDCP as:

(i) The proposal does not maintain and create a high level of amenity for neighbours with adequate access to sunlight, privacy and outlook as sought by Control 6.3.3(1) – (9), contrary to the objectives of 6.3.3.

(ii) The proposal does not limit the extent of excavation in the proximity of the site boundaries as sought by Control 6.3.4(1), contrary to the objectives of 6.3.4(1), (b) and (e);

(iii) The proposal does not integrate landscape with the building and provide sufficient landscaped treatment for the landscape amenity to the dwellings as sought by Controls 6.3.6(1), contrary to the objectives of 6.3.6.

(iv) The proposal does not maximise solar access contrary to the objectives of 6.3.8.

(v) The proposal does not provide sufficient and convenient on-site parking for residents, visitors and service vehicles contrary to the objectives of 6.3.9.

(d) The Site is in the Ramsgate centre and subject to the provisions of Part 7 of the GRDCP. The GRDCP has been adopted and represents Council's position on the desired future character of the site. Thus, it is a matter for consideration. It provides general development controls, a Desired Future Character Statement and objectives for the Ramsgate Local Centre.

(e) The Proposal is not compatible with desired future character as expressed by the general commercial controls and objectives in Part 7 as:

(i) The Site frontage of 26.86 metres is below 27 metres sought by Control 7.1.2 1. Minimum site requirements (1), contrary to the objectives of 7.1.2(1) and the DA has not

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demonstrated that the provision of essential services has been provided for the reasons stated in Contention 12.

(ii) The setback above the street wall does not achieve the minimum of 8 metres to Rocky Point Road sought by Control 7.1.2. 3. Setbacks (8) and would establish an undesirable precedent and is contrary to the objectives of 7.1.2(3).

(iii) The design and siting of the proposed rear balconies do not prevent down viewing (overlooking) onto the adjoining dwellings in Dalkeith Street as sought by Control 7.1.3. 2. Building Facades (15) and is contrary to the objectives of 7.1.3(2).

(iv) The locations of three of the four shop entries do not enjoy direct visual connection between footpaths and shops as sought by Control 7.1.3. 8. Shop Top Housing (4), contrary to the objectives.

(v) The glazed windows at the frontage to Rocky Point Road do not extend to ground level compromising an active street edge and outdoor dining as sought by Objective 7.1.3. 4 Public Domain Interface at ground level (a).

(vi) No allowance has been made for the planting of street trees in the Rocky Point Road verge contrary to the objectives of 7.1.3(1) and (4).

(vii) The Acoustic report is inadequate as no assessment of potential noise impact from the ground floor non-residential tenancies has been undertaken as sought by Control 7.1.4. 2. Acoustic Privacy (5), contrary to the objectives.

(viii) The Shadow diagrams are inadequate and not enable a reliable assessment of shadow impact as sought by Control 7.1.4. 3. Interface between Business Zones and adjoining land uses (2) for the reasons stated in Contention 7, contrary to the objectives.

(ix) The non-residential tenancies do not have access to a duct and mechanical ventilation riser that exhausts odour from potential uses and activities in the tenancies and minimises odour impact on residential use as sought by Control 7.1.4. 3. Interface between Business Zones and adjoining land uses (3); and

(x) No loading dock for non-residential uses is proposed and there is no evidence that any service or delivery vehicle can exit the site in forward gear as sought by Controls 7.1.7.(1) and 7.1.7.(3).

Car Parking Provision

The DA should be refused as the Proposal provides insufficient parking and it has not been demonstrated that there will not be an unacceptable impact upon the availability of parking in the locality.

(a) The Proposal provides 29 residential parking spaces and shared areas for accessible spaces have been included in the quantum of parking provided which is not acceptable.

Table 1 in Part 3.13 GRDCP requires the provision of:

(i) visitor parking at a rate of 1 space per 5 dwellings, requiring six (6) visitor spaces.

(ii) commercial and retail parking at a rate of 1 space per 40m2 GFA, requiring five (5) car parking spaces, only two (2) spaces have been provided.

(iii) gymnasium parking at a rate of 4.5 spaces per 100m2 GFA, requiring five (5) car parking spaces, nil parking has been provided.

(b) In total the provision of 47 car parking spaces is required for the development and 29 car parking spaces have been provided due to the required shared zone areas, resulting in a shortfall of 18 spaces which will have an unacceptable impact on the locality.

(c) The proposed development does not have the benefit of parking credits. Control 6 of Section 3.13 of GRCDCP only permits parking credits if the building remains.

Car Park Design

The DA should be refused because the car park design is inadequate and the design of the development is non-compliant with AS2890.1:2004, AS2890.6:2022 and AS2890.2:2018.

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(a) The design of accessible car parking spaces does not comply with AS2890.6, as there is no dedicated shared area.

(b) The proposed columns located within the middle of the ramps is a safety issue and is non-compliant with AS2890.1:2004, as straight circulation roadways between an obstruction and a kerb should be a minimum of 3.3m in width – Clause 2.5.2 of AS2890.1:2004 and wider if heavy vehicles are travelling into the basement such as the proposed waste collection vehicle.

(c) Swept paths are non-compliant with Clause 2.5.2 of AS2890.1:2004 including waste vehicle swept paths and two-way passing is not provided in areas where it is required to be provided. Vehicular clearance shall not overlap with kerbs.

(d) The Proposal does not demonstrate compliance with Section 3.2.4 as it relates to vehicular sight lines and pedestrian sight lines if the laneway continues to be constructed through to Torwood Street.

(e) No assessment of a commercial waste vehicle has been undertaken to turn around at the end of the laneway.

(f) No detailed assessment against AS2890.2 has been undertaken for the residential private waste collection travelling into and out of the basement, having regard to maximum ramp gradients, length of transitions, changes of grades and headroom.

(g) A dedicated loading bay is to be provided within the basement for residential waste collection to ensure that blockages are avoided to the car park and to provide a safer outcome.

(h) Visitor spaces need to be 2.5m in width to comply with AS2890.1:2004

(i) The aisle width on the lower basement level only provides a 5.5m wide aisle, while AS2890.1:2004 requires 5.8m and hence access is unsuitable for those impacted parking spaces.

(j) Considering the above the design of the car park is unsuitable to support the development.

Waste Management

(a) Part 3.12 of the GRDCP provides controls for waste management, including objectives requiring adequate provision to be made for waste and recycling storage, that any such facilities are integrated into the design of the new development and do not have negative impacts on the streetscape or amenity of adjoining properties and to ensure such facilities are suitably sited for convenience and servicing.

(a) Kerbside collection is not possible due to the role and classification of Rocky Point Road.

(b) Kerbside collection in the rear laneway is not possible as collection vehicles must entre/exit in forwards direction and lane width and lack of turning circle would not permit this.

(c) The proposed waste management arrangements are unsatisfactory having regard to the objectives outlined in Appendix 4 of the GRDCP, including because of the following:

(i) Siting of bulky waste storage separate to the main waste storage area is not supported. The bulky waste storage area must be in or adjacent to a waste and recycling storage area (Section 4.3.4) to support ease of access for residents.

(ii) The proposed collection arrangement by private does not exempt the development from any other requirement of the GRDCP. In this regard, the proposed collection arrangement is not support as there is no evidence that the applicant has made efforts to accommodate Council's waste management service. The site must be designed to accommodate waste collection with reference to Council's preferred method (*Section 4.3.5 (g)*).

(iii) The proposed collection frequency proposed for residential waste and recycling collection is not supported (4.4.1.1).

(iv) The proposed waste storage areas do not accommodate double door access of at least 2500mm for the bulky waste storage area, and at least 1700mm access for rooms storing no greater than 240L bins and 2500mm for rooms storing up to 1100L bins (4.4.1.1).

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(v) A bin wash area of at least 3m² must be provided inside the residential bin room to allow for the mobile garbage bins to be maintained in hygienic conditions to prevent odour and vermin issues. The bin wash area must allow for hot and cold-water access, with suitable drainage to the sewer and be constructed as per Sydney Water requirements and other applicable regulations (4.4.1.1).

(vi) The proposed organics waste management arrangement, presenting organics bins in the residential waste chute room is not supported. The chute discharge point should not be accessible by residents, meaning that organics bins are not likely to be accessible by residents under this arrangement. Proposed organics waste management must be supplied on each residential level (*Section 4.4.1.2(b)*), such as follows:

- A third chute system (to support a dual chute system) suitable for Food Organics and Garden Organics.
- The storage of at least 2 days' worth of organics on each occupied floor calculated at a ratio of 13.71 per unit, per day.

Landscape, Trees and Urban Tree Canopy

The DA should be refused as the Proposal will have a significant adverse effect on existing vegetation on adjacent sites, with unacceptable planning and environmental outcomes.

(a) The arborist report by Urban Arbor, assesses the impacts to two (2) neighbouring trees as having the tree's root systems being potentially lost within the area of the laneway and the recommendations of design modifications, put forward. At present, these design recommendations have not been addressed and therefore, cannot be supported.

(b) The plans indicate that the laneway will be constructed within the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of the trees. According to the AIA Report, the proposed works will result in a 30% and 43% incursion into the TPZ of the trees respectively. The works are also within the SRZs. The calculated incursion is deemed as Major Encroachment as defined by the Australian Standards AS4970 'Protection of trees on development sites. AS4970 outlines that where an encroachment is greater than 10% of the TPZ, the project arborist must demonstrate that the tree will remain viable. This may require root investigation and/or consideration of health, condition, age, species type and tolerance to disturbance, lean and stability.

(c) A retaining wall is proposed on the site boundary adjacent to the laneway. The existing soil grade will be lowered within the area of the proposed TPZ encroachment for the new laneway levels. Generally, most of the a tree's root system is located in the upper 600mm of the soil profile. Based on the current design, it is highly likely that the whole of the tree's root system will be lost within the area of the laneway, and that the condition and stability of the trees will be impacted.

(d) The arborist report only assesses two (2) trees located upon No 10 Dalkeith St, to the West adjoining the subject site, yet a further 5x trees are located close to the boundary, upon No. 1 Torwood St. The impacts to these trees have not been assessed.

(e) The arborist report provides for inaccurate tree locations for tree 1 and tree 2(Appendix 1a and 1b), yet within section 4.4, it states GIS was utilised. Furthermore, the inaccurate locations shown, will alter the encroachment percentages given within the report, 8. Assessment of construction impacts and Appendix 2 and therefore cannot be relied upon.

(f) The landscape proposal seeks to utilise a high usage of on podium containerised planter beds on all levels, yet the plans do not provide for soil depths. This is inadequately articulated and requires further clarification to ensure that the planter beds align with the guidelines from the Apartment Design Guide (ADG) 4P, Planting on Structures, when considering soil depths, volumes and soil areas, for adequate tree and plant growth, to soften the built form. For this reason, the Proposal is inconsistent with control 2 cl 6.3.6 of the GRDCP 2021.

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(g) The shown deep planting zone, upon the architectural plans, DA09, against the northern boundary, is located on top of the lower basement plan, DA08, that is up against the boundary and is therefore, not true deep soil.

(h) The Proposal does not comply with GRDCP2021, Part 3, 3.2 Biodiversity and, or 3.3 Landscaping, whereby the impacts to all trees upon adjacent sites, does not meet the Objectives and Controls and is a poor outcome for the site and locality in general.

Insufficient information

Inadequate information has been submitted to enable full and accurate assessment of the Proposal against the relevant considerations pursuant to Section 4.15 of the EPA Act.

Survey.

A comprehensive survey is required, providing information of site and adjoining properties including (but not limited to) detail on existing buildings, structures and existing ground levels windows, openings and details on neighbouring buildings, setbacks, trees and tree canopies to enable a thorough understanding and analysis of the site and its relationships with neighbouring development and the potential impacts.

The survey shall show:

(i) The accurate location on the two (2) trees located within the rear yard of 10 Dalkeith Street.

(ii) Additional spot levels should be provided for the site all surrounding properties sufficient to establish the existing ground level.

Plans of Proposed Development.

The following details and additional information required:

(i) Clarification and revised GFA calculation diagrams which include the through site link and that are consistent with the GFA definition in the Standard Instrument LEP.

(ii) Clarification of the areas of the deep soil zones. Deep soil diagrams are required which are consistent with the deep soil definition in the ADG.

(iii) If food premises are intended, plans should show provision for grease traps and mechanical exhaust systems to ensure future usability of the retail spaces.

(iv) The Time of year need to be shown on sun eye drawing. Drawing DA84

(v) Comparison shadow analysis and Sun-eye diagrams that demonstrate clearly consistent shadow impact generated by the proposed building at the required times in the winter solstice. The 12.00 diagrams appear to be inconsistent.

(vi) Demonstrate that a minimum 2.7 metre floor to ceiling height can be achieved with the proposed 3.1 metre floor to floor height.

(vii) Show the location of the post boxes

(viii) Identify the location of the car park roller door at the bottom of the ramp underneath the ground floor

(ix) Allow for sufficient dimensions of the deep soil area in the side and rear setbacks to support the planting of canopy trees

a) Tree Root Investigation Report

(i) Exploratory root investigations must be undertaken by a AQF5 Arborist.

(ii) Tree Root Investigation must be undertaken along the western boundary for the full length of the Tree Protection Zones of trees 1 and 2.

(iii) Any tree sensitive excavation techniques may be employed; however, ground penetrating radar will not be considered sufficient.

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(iv) During the root mapping procedure, any roots with a diameter of at least 20mm must be preserved and safeguarded against moisture loss, physical, and solar damage.

(v) Excavations for root mapping must be conducted to a minimum depth of 500mm below the existing grade or to the depth of excavation specified in, or would be required to facilitate, the proposal.

(vi) An assessment of tree root size, number and condition must be provided (including photos) in a report and submitted as part of the application.

(vii) The trench position must be depicted on a scale plan that includes at a minimum the subject tree, relevant structures, tree protection zone, and structural root zone.

(viii) Details about the trench, such as its orientation, length, and depth (as well as any obstacles to reaching the requisite excavation depth), as well as clear pictures of the trench and its roots must be provided. Details regarding the position, dimensions, and orientation of roots larger than 20mm diameter must be provided.

(ix) Where root mapping is not possible where the works are proposed. The trench must be in the most practical location to gather data on the roots and assess the possible effects on the tree.

(x) All supporting documentation, detailed images of the trees and any defects, and a plan with the locations of the trees should be included in an Appendix.

(b) **Aboricultural Impact Assessment Report**

(i) The AIA Report shall be updated to include an assessment of the TPZ encroachment based on the accurate locations of trees 1 and 2 (updated Detailed Survey).

(ii) The AIA Report shall be updated to include the outcome of the tree root investigation and findings, proposed impact on trees 1 and 2, mitigation of those impacts, and suggestions for design alternatives and tree protection techniques are to be discussed.

(c) **Acoustic Report**

(i) The report must be amended to address potential noise, and vibration impacts from the future gym and other commercial uses on the ground floor.

(d) **ADG Design Verification Statement**

The Design Verification Statement should be updated and dated when signed with the submission of amended architectural plans.

(e) **Civil Engineering Plans**

Laneway:

(i) Before proceeding any further with the retaining wall design Council requires survey levels in the back yards of numbers 6, 8 and 10 Dalkeith Street, to determine the height difference from the proposed top of retaining wall to the existing land (it may be possible to avoid a retaining wall all together if the levels are favourable and the kerb is changed to dish drain)

(ii) If those levels are unfavourable the following applies.

- The proposed retaining wall shows a small gap between the western boundary and the edge of the retaining wall. This gap is welcomed as it will help direct sheet flows heavy rainfall events from the number 6, 8 and 10 Dalkeith Street to the proposed drainage easement.

(iii) However, further information is required including addition to catchment analysis data. Council needs to see further detail which demonstrates.

- Gap dimensions
- A spoon drain incorporated in the gap within the subject site. (or some kind of

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modification so that the retaining wall acts similarly to a gutter)

- A long section of the spoon drain.
- A proposed treatment option so that the gap is covered from the top of the kerb to the fence.
- Catchment analysis data showing the spoon drain and drainage easement can move water on in heavy events (to the specification and satisfaction of Council's drainage team)

(iv) The civil plans for the new laneway shall be amended to reflect the findings of the tree root investigation and recommended in the updated AIA Report to ensure the neighbours trees are not adversely impacted by the design and future construction.

(v) Excavation for the new laneway will only be supported if the tree root investigation finds no tree roots greater than 40mm in diameter growing within the subject site / footprint of the new laneway.

(vi) The plans shall include notations for any tree sensitive construction methods as recommended by the Project Arborist.

(f) **Driveway Profile**

(vii) No Driveway Profile has been submitted however, from reviewing spot levels it appears that the applicant is proposing no crest in the driveway.

(viii) The applicant will need to submit a driveway profile. The driveway profile is to show levels and grades from road centreline to the proposed internal garage floor level including but not limited to levels of, Road centreline, changes of grade on road surface, lip of gutter, invert of gutter, back of vehicular crossing (gutter layback), front of path, back of path and boundary. The profiles provided are to include the existing natural surface of the land as well as the proposed design including cut and fill dimensions. Additional profiles are to be provided on either side of driveway when longitudinal grade of road exceeds 8%.

(g) **Overland Flow Path (within laneway section)**

(ix) Further details are required for the proposed overland flow path at the southern boundary such as.

- Section details are required for the full extent of the retaining wall that backs onto the overland flow path to demonstrate the retaining wall height compared to the flow path.
- Treatment details (noting the plans mention turf, will this grow?) within the laneway portion Council would prefer concrete to reduce maintenance.

(h) **Stormwater Pipe**

(x) Council requires a lintel at the end of the proposed laneway (size to be determined by catchment analysis)

(xi) The proposed stormwater pipe is to be minimum Ø375mm to minimise the chance of debris getting caught in the pipe

(xii) The proposed stormwater pipe has too many changes in alignment, the pipe should be directed completely outside the building/basement for future access.

(xiii) An alignment similar to the red markings below is to be investigated. This is to minimise pipe and pit angles.

General

(xiv) New pits and pipes shall be designed to 20% AEP capacity.

(xv) An easement is required benefitting Council to discharge stormwater via this pipe. All maintenance should be carried out by the owner.

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(xvi) An unobstructed flow path is required to cater for the overland flow for 1% AEP flood event.

(xvii) A qualified engineer shall demonstrate above based on catchment analysis and shall submit a report confirming the development will not negatively impact existing overland flow.

(xviii) Insufficient information has been provided in the applicant's Stormwater Drainage plans to enable the council to adequately assess the adequacy of the stormwater drainage system and potential impacts on Council's drainage system and the adjoining residential properties. To overcome the council's concern of insufficient information, the Stormwater Drainage plans should include further details.

(xix) TfNSW requires the hydraulic calculations for the pre-development and post-development stormwater discharge to Rocky Point Road in litres/second. Specifically, the 1 in 5 year, 1 in 10 year, 1 in 20 year, and 1 in 100 year rainfall event drainage/hydraulic calculations should be provided.

(xx) The supplied stormwater plans do not comply with information required to be supplied in the Stormwater Concept Plan for DA submission as specified in Section 2.1 (3) of the GRSMP.

(xxi) The supplied plans do not indicate how the proposed pipelines to be dedicated to Council can be accessed for maintenance

(xxii) Details on how the pipelines, to be dedicated to Council, are to be accessed for maintenance is required.

(xxiii) The plans are to comply with the requirements of the DA Stormwater and OSD Documentation Checklist (1.7) – Appendix A1 of the GRSMP.

(xxiv) Stormwater concept plans correspond and consistent with:

- Architectural Plans.
- Landscape Plans (no conflict between stormwater infrastructure, trees to be retained or planted and landscaped areas including deep soil).

(xxv) The OSD system footprint in the stormwater plans are not shown in the Architectural plans. The OSD system is indicated as landscaping in the Architectural plans.

(xxvi) Deep planting areas indicated on the Architectural plans and Landscaping plans where the OSD system is proposed to be located.

(xxvii) The stormwater plans do not indicate, nor provide any details, related to the proposed overland flow path as shown in the civil engineering plans and architectural plans.

(xxviii) The supplied stormwater plans do not comply with Section 3.5.2, Required Easement Widths, of the GRSMP.

(xxix) The required easement width for the proposed overland flow culvert shown on Architectural plans (14253_DA10 and 14253_DA35) shall be the proposed Culvert external width plus 1 metre on either side (rounded to the nearest 100mm) i.e. Greater than 3+m.

(xxx) The supplied stormwater plans do not comply with Section 5.3, Modifications to Council's Drainage System, of the GRSMP.

(xxxi) The minimum size of any pipeline to be dedicated to Council shall be a 375mm diameter class 4 RCP.

(xxxii) The pipeline shall be free of unnecessary bends and take the most practically direct route end to end.The Geotechnical Investigation does not discount the possibility for minor localised seepage / inflow of groundwater.

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Assessment Report (Mixed Use)
S4.15 Environmental Planning & Assessment Act, 1979

Any Planning Agreement Under Section 7.4

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

The Regulations

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

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

The Likely Impacts of the Development

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

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

Site Suitability

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

- 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.
- The proposal seeks to achieve a height and FSR on a site with a size, configuration and surrounding context that generate adverse impacts on the site and adjoining properties.

Submissions

The application was notified in accordance with Council policy by letter and given twenty-eight (28) days in which to view the plans and submit any comments on the proposal. Two submissions were received during the neighbour notification period.

Issue	Comment
Traffic and Parking	The application was assessed against traffic generation and parking requirements. It has been found that the proposal does not adequately address traffic and parking impacts, and the application is not supported.
Amenity Impacts	Potential noise impacts were considered in the context of cumulative amenity effects. The proposal was found

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Assessment Report (Mixed Use)
S4.15 Environmental Planning & Assessment Act, 1979

	to be inconsistent with controls aimed at protecting residential amenity.
Overprovision of Similar Uses	While the number of gyms in the locality was noted, this was not a determining factor. The application was assessed against the relevant planning objectives and development controls, and the proposed use did not satisfy these requirements.
Height Non-Compliance	The proposed development was assessed against the height control in the Local Environmental Plan (LEP), which sets a maximum of 21 metres. The application sought a variation under Clause 4.6 of the LEP. After review, Council determined that the proposed variation did not adequately demonstrate consistency with the objectives of the height control or the zone. Accordingly, the application was not supported.
Privacy Impacts	The potential for overlooking from the additional height and units was considered. The proposal was found to result in unreasonable privacy impacts on adjoining properties, which contributed to the decision not to support the application.
Overshadowing and Solar Access	Shadow diagrams submitted with the application were reviewed. The increased height was found to cause additional overshadowing during winter mornings, reducing solar access for neighbouring properties. This was considered inconsistent with controls aimed at protecting amenity.
Overdevelopment Concerns	The scale and intensity of the development were assessed against zone objectives and development controls. The proposal was considered inconsistent with these objectives, particularly in relation to maintaining the character of the area and managing infrastructure capacity.
Infrastructure Capacity	Essential services are important aspects of a proposal to have in place in concept prior to development consent being issued. These issues were considered in the overall assessment and remains unsatisfactory.
Precedent and Compliance	Each application is assessed on its individual merits against the relevant planning controls. Approval of a variation does not automatically set a precedent for other developments. Compliance with planning controls remains a requirement for all proposals.

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Assessment Report (Mixed Use)
S4.15 Environmental Planning & Assessment Act, 1979

GEORGES RIVER COUNCIL

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
- 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.
- The points raised above demonstrate that the proposed development is not in the public interest.
- The proposal will establish an undesirable precedent in the immediate locality.

Contributions

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

Conclusion

The proposed development at 245–247 Rocky Point Road, Ramsgate has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, applicable State Environmental Planning Policies, the Georges River Local Environmental Plan 2021, and the Georges River Development Control Plan 2021. The application fails to demonstrate compliance with key planning controls relating to building height, floor space ratio, design quality, essential services, stormwater management, and site suitability. It also does not adequately address amenity impacts, privacy, solar access, landscaping, and heritage considerations. Furthermore, insufficient information has been provided to enable a complete and accurate assessment of the proposal.
For these reasons, the development is considered unsuitable for the site and contrary to the public interest. Accordingly, refusal of the application is recommended pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979.

Determination

Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer recommends DA2025/0336 for the mixed-use development on 245-247 Rocky Point Road Ramsgate, should not be approved subject to the refusal reasons referenced below:

(a) The application fails to provide sufficient information to assess the impacts of the proposed development, pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979.

(b) The proposed development application fails to provide lawful owners consent by the owner of the property and/or another person, with written consent of the owner of the land pursuant to Part 3, Division 1, Clause 23 of Environmental Planning and Assessment Regulation 2021.

(c) The proposed development fails to adequately capture the full extent of the estimated development cost taking account all elements of the proposal. Without an accurate Estimated Development Cost, it is not clear who the consent authority for the development application is pursuant to Clause 255 of Environmental Planning and Assessment Regulation 2021.

(d) The proposed development fails to demonstrate compliance with Division 17, Subdivision 2 development in or adjacent to road corridors and road reservations, of the State Environmental Planning Policy (Transport and Infrastructure) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

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(e) The proposed development fails to demonstrate compliance with Chapter 2 Affordable Housing of the State Environmental Planning Policy (Housing) 2021 in terms of design quality, solar access, setbacks, internal amenity, deep soil zone, crime prevention through environmental design and car parking provisions, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(f) The proposed development fails to demonstrate compliance with Clause 4.3 Height of Building maximum 21m height of building development standard of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(g) The proposed development fails to demonstrate compliance with Clause 4.4B Floor Space Ratio maximum 2.5:1 floor space ratio development standard of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(h) The proposed development fails to demonstrate compliance with Clause 5.10 Heritage Conservation of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(i) The proposed development fails to demonstrate compliance with Clause 6.3 Stormwater Management of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(j) The proposed development fails to demonstrate compliance with Clause 6.9 Essential Services of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(k) The proposal fails to provide comply with design requirements in accordance with Part 3 General Planning Considerations of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

(l) The proposal fails to provide comply with design requirements in accordance with Part 4 General Land Use of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

(m) The proposal fails to provide comply with design requirements in accordance with Part 5.20 Residential Locality Statement – Sans Souci and Ramsgate Locality Statement of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

(n) The proposal fails to provide comply with design requirements in accordance with Part 6.3 Residential Flat Buildings and residential components of shop top housing (High Density) of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

(o) The proposal, in its current form will have an adverse impact on the natural, built and social environment, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.

(p) The proposal, in its current form, is not considered to be suitable for the site, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

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

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

LPP045-25 1 MARINA STREET AND 61 MORETON AVENUE KINGSGROVE

LPP Report No	**LPP045-25**	**Development Application No**	**DA2025/0344**
Site Address & Ward Locality	1 Marina Street and 61 Moreton Avenue Kingsgrove Hurstville Ward		
Proposed Development	Realignment of the Torrens Title Boundaries between two properties and constructino of new parking hardstand		
Owners	Anne and Steve Querin		
Applicant	Steve Querin		
Planner/Architect	NK Architects		
Date Of Lodgement	21/07/2025		
Submissions	One (1)		
Cost of Works	$10,000.00		
Local Planning Panel Criteria	Clause 4.6 variation – variation greater than 10% of the development standard		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Transport & Infrastructure) 2021Georges River Local Environmental Plan 2021 (GRLEP 2021)Georges River Development Control Plan 2021 (GRDCP 2021)		
List all documents submitted with this report for the Panel's consideration	Planning Assessment Report, Architectural Drawings, Clause 4.6 Variation Statement		
Report prepared by	Development Assessment Planner		

RECOMMENDATION	Refusal

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

satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Yes - Clause 4.1 Minimum Lot Size of GRLEP2021**
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 – the application is recommended for refusal**

SITE PLAN

EXECUTIVE SUMMARY

PROPOSAL

1. Development Application No. DA2025/0344 seeks development consent for Realignment of the Torrens title boundaries between the two properties, and construction of a new parking hardstand.

2. The proposed works will comprise of the following:
   - Construction of a new fence and retaining wall between the two properties
   - Construction of a new concrete hard stand

- Extension of the existing driveway
- Reconfiguration of the stormwater system of 61 Moreton Avenue.

3. The following images outline the proposed development:

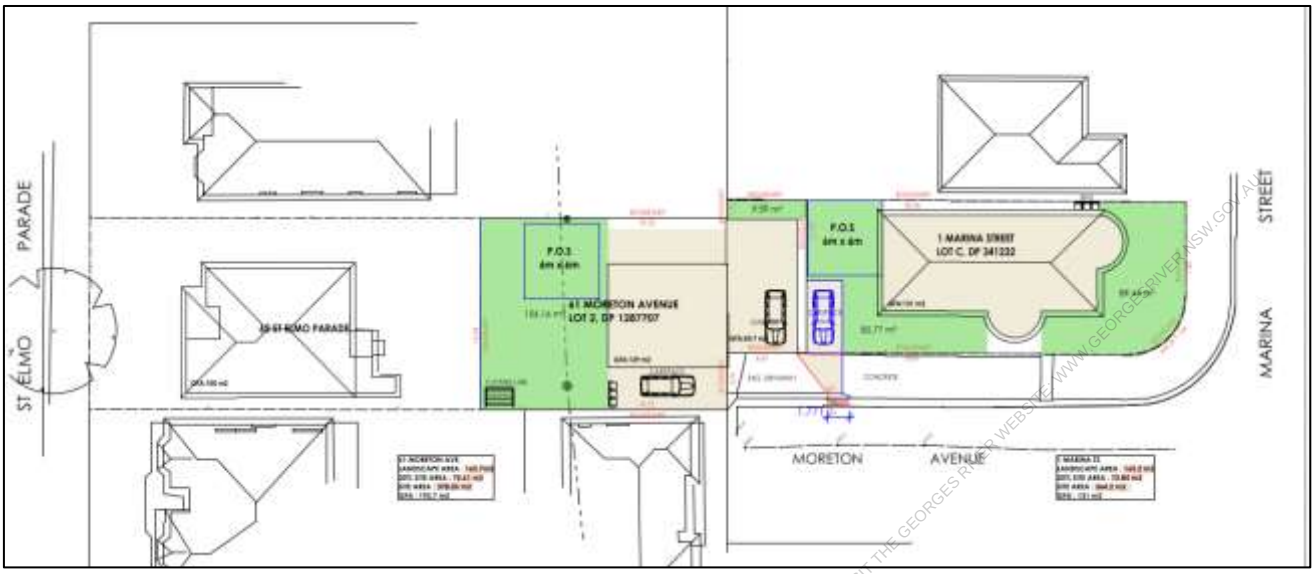

Figure 1: Site Plan

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SITE AND LOCALITY

4. The sites are identified as Lot C DP 341232 and Lot 2 DP 1287707 and are commonly known as 1 Marina Street and 61 Moreton Avenue, Kingsgrove. 1 Marina Street is an irregular shaped corner lot with a total site area of 447.72m2, whilst 61 Moreton Avenue is a square shaped lot with a total site area of 302m2.

5. 1 Marina Street slopes towards the northern corner of the site, whereas 61 Moreton Avenue falls to the street.

6. Existing development in the locality consists of one to two storey detached dwelling houses, with the majority of the area being that of a low-density residential zone.

ZONING AND PERMISSIBILITY

7. The subject site is zoned R2 Low Density Residential under the provisions of GR LEP 2021.

SUBMISSIONS

8. In accordance with the provisions of Council's public notification requirements, the application was placed on neighbour notification for fourteen (14) days. Council received one submission during this period.

9. The submission provided was for concerns regarding on-street parking within the area.

ASSESSMENT

10. 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:
    - GR LEP 2021
        - Clause 4.1 – Minimum Lot Size
        - Clause 6.3 – Stormwater Management

- Clause 6.9 – Essential Services

- GR DCP 2021
  - Subdivision Lot Size and Shape
  - Utilities and Services

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

GRLEP 2021			
Standard	**Required**	**Proposed**	**Complies Yes/no**
4.1 - Minimum Lot Size	450sqm per lot	61 Moreton Avenue: 378.05sqm 1 Marina Street: 364.2sqm	No

12. The subject site is affected by Clause 4.1 of the Georges River Local Environmental Plan 2021 (GRLEP 2021), which prescribes a minimum lot size of 450sqm. The proposed development has a lot size of 378.05sqm and 364.2sqm respectively, representing a 16% and 19% variation from the development standard respectively.

13. The proposal is for the boundary realignment of the two sites to situate the detached garage onto 61 Moreton Avenue, resulting in a smaller lot for 1 Marina Street and an irregular shaped lot for 61 Moreton Avenue. The proposal is seen as incompatible with the existing character of the locality, and limits future developments on both affected lots.

14. It is noted that since the commencement of GRLEP 2021, Council has not supported any variations to the minimum lot size development standard under Clause 4.1.

15. 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.

16. Furthermore, comments provided by internal Development Engineer were provided, which was found to be unsatisfactory. The proposal did not provide sufficient information regarding the existing on-site detention system provided, as well as documentation relating to the positive covenant on site.

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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:
    (a) Georges River Local Environmental Plan 2021
    (b) Georges River Development Control Plan 2021

RECOMMENDATION

19. Pursuant to *Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979* (as amended), DA2025/0344 for Realignment of the Torrens title boundaries between the two properties, and construction of a new parking hardstand on Lot 2 DP 1287707 & Lot C DP 341232 on lands known as 1 Marina Street, Kingsgrove and 61 Moreton Avenue, Kingsgrove, should not be approved subject to the refusal reasons referenced below:

    (a) The development does not comply with Clause 4.1 of the GRLEP 2021 relating to the minimum lot size, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    (b) The development does not comply with Clause 6.3 of the GRLEP 2021 as insufficient information regarding stormwater management has been provided, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    (c) The development does not comply with Clause 6.9 of the GRLEP 2021 as inadequate stormwater discharge on site has been provided, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    (d) The development does not comply with the objectives of the Environmental Planning and Assessment Act 1979, as the proposal does not promote the orderly and economic use and development of land.

    (e) For the above reasons, the proposed development is not suitable for the site, Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

    (f) For the above reasons, 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 Assessment Report - DA2025 0344

Attachment ⇩2 Architectural Plans for LPP - DA2025-0334

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Delegated Assessment Report

DA2025/0344

Lot 2 DP 1287707

Lot C DP 341232

1 Marina Street, KINGSGROVE NSW 2208

Acknowledgment of Country

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

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Report Summary

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

The assessment recommends that 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 for the re-alignment of the Torrens title boundaries between two existing lots, this being 1 Marina Street and 61 Moreton Avenue. The following are the total resulting site areas of both lots:

- 1 Marina Street = 364.2sqm
- 61 Moreton Avenue = 378.05sqm

The following additional works are proposed:

- Construction of a new fence and retaining wall between the two properties
- Construction of a new concrete hard stand area
- Extension of the existing driveway
- Reconfiguration of the stormwater system of 61 Moreton Avenue

A site plan is provided below:

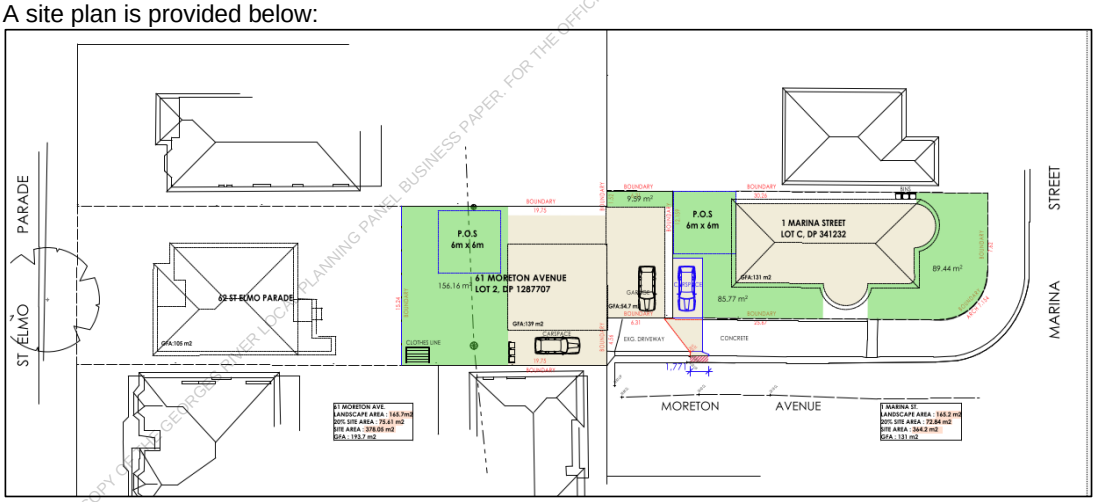

Figure 1 – Site plan *(Source: Architectural Plans)*

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Site and Locality

Site Description

The sites are identified as Lot C DP 341232 and Lot 2 DP 1287707 and is commonly known as 1 Marina Street and 61 Moreton Avenue, Kingsgrove. 1 Marina Street is an irregular shaped corner lot with a total site area of 447.72m^2, whilst 61 Moreton Avenue is a square shaped lot with a total site area of 302m^2. Currently on both sites are residential dwelling houses, with a detached garage being

present on 1 Marina Street. Adjoining the sites in the immediate locality are single and two storey residential dwellings.

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

Processing

Application History		
Action	**Date**	**Comment**

Submission Date	Monday, 14 July 2025	-
Lodgement Date	Monday, 21 July 2025	-
Site Inspection Conducted	Monday, 8 September 2025	-
Request to Withdraw Letter Sent	Tuesday, 18 November 2025	A Request to Withdraw letter was sent to the applicant detailing that the application cannot be supported for the following reasons: - Variation request to the lot size not supported - Does not meet the objectives of the EP&A Act - Insufficient details regarding stormwater detention.

Site Inspection

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

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

Assessment - Section 4.15 Evaluation

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

Section 4.15 *(1) Matters for consideration – general*
In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

The provisions of any environmental planning instrument (EPI)

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

The Provisions of any applicable Act

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

Site Affectations Relevant Under SEPPs

SEPPs		Applicable	
Affectation	**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 (Resilience and Hazards) 2021

Chapter 2 and 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.

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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	☐	☒
6.4	Foreshore Building Line	☐	☒
6.4	Coastal Hazard and Risk	☐	☒
6.5	Riparian Lands & Waterways	☐	☒
6.6	Foreshore Scenic Protection Area – also consider Design Excellence	☐	☒
6.8	Impacted by airspace operations (NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville)	☐	☒
6.10	Design Excellence – FSPA or R4 land	☐	☒
Other Affectations			
Bushfire Prone Land		☐	☒
Council Owned Land		☐	☒

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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; • The promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity, • To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River Local Government Area.	The proposal is consistent with the zone objectives and is satisfactory.	☒ Yes ☐ No

GRLEP 2021 Numeric Controls			
Standard	**Required**	**Proposed**	**Compliance**
Cl. 4.1 *Minimum Lot Size*	450m^2	61 Moreton Avenue = 378.05m^2 (up from 302m^2) 1 Marina Street = 364.20m^2 (down from 447m^2)	☐ Yes ☒ No
Cl. 4.4A *Exceptions to floor space ratio— certain residential accommodation*	Maximum 0.55:1 61 Moreton - (207.93m^2) 1 Marina – (200.31m^2)	 0.51:1 (193.7m^2) 0.40:1 (131m^2)	☒ Yes ☐ No

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Cl 6.12 *Landscaped Area*	Minimum 20% 61 Moreton - (75.61m^2) 1 Marina – (72.84m^2)	 44% (165.7m^2) 45% (165.5m^2)	☒ Yes ☐ No

GRLEP 2021 Part 6 – Additional Local Provisions		
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: - Insufficient information regarding the existing OSD system on site. - Insufficient information regarding the approved positive covenant and restriction of the previously approved system	☐ 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	The proposal does not have, or make adequate provision for the following services: - Stormwater drainage or on-site conservation	☐ Yes ☐ No

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a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.		

Clause 4.6 Variation

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

Name of Clause	Proposed Variation
4.1 – Minimum Lot Size	A variation of 16 and 19% or 71.95sqm and 85.8sqm

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

Clause 4.6 Assessment

The Applicant has submitted a Clause 4.6 submission to vary clause 4.1 of GR LEP 2021.

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

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

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

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

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

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

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

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

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

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

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

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

In response to (a):

"The proposed subdivision results in a lot shape, width and area that ensures the existing dwellings on each lot achieve compliance with the following relevant development standards and controls, and is consistent with Objective (a):

- *Building Height (clause 4.3 of Georges River Local Environmental Plan 2012)*
- *Floor Space Ratio (clause 4.4 of Georges River Local Environmental Plan 2012)*
- *Landscape Area (clause 6.12 of Georges River Local Environmental Plan 2012)*
- *Landscape area and private open space area (Part 6.1.2(4) & (5) of Georges River DCP 2021)*
- *Carparking (Part 3.13 of Georges River DCP 2021)*
- *Solar Access (Part 6.1.2(10) of Georges River DCP 202)*

In response to (b):

"The local area permits the Torrens subdivision of dual occupancy development, and this results in the predominant subdivision size varying between 300 - 450m2.
The proposed subdivision achieves an area of 378.05m2, and 364.20m2, and this is consistent with the predominant subdivision size."

In response to (c):

"The site is not subject to any major land constraints such as topography and natural features. The proposed subdivision does not alter the existing natural environment, or the form of the existing dwellings on each lot."

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

Objective	Assessment
(a) *to ensure that lots created by a subdivision have sufficient area to accommodate development on the lots that complies with relevant*	It is noted that both lots consist of an existing dwelling house that is compliant with all relevant controls stipulated in GR LEP 2021 and most of GR DCP 2021. This is excluding the minimum front setback requirement. As this is not changing in this proposal, it is considered that it meets Objective (a).

development standards and controls for the development,	
(b) to ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area,	The proposed boundary realignment does not reflect and reinforce the predominant subdivision pattern of the Kingsgrove area. This is due to the proposed layout of 61 Moreton Avenue being that of an irregular shape with two frontages onto Moreton Avenue, as well as limiting the future development on this small parcel of land. It would be limited to only a detached garage/outbuilding onto this land, whereas if it was to remain as the existing layout, there would be no additional impact. Therefore, it is considered that the proposal does not comply with Objective (b).
(c) to ensure that the lot sizes are appropriate for the environmental capability of the land, having regard to the land's topography and other natural features.	It is considered that the proposed lot sizes are not appropriate for the environmental capability of the land, as it limits the potential future developments for both sites.

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

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

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

"This contention is not applicable to the proposal"

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

The underlying objectives of Clause 4.1 are to ensure that there is sufficient area for future developments and to ensure that all new proposed subdivisions are consistent with the locality of the area.

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

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

"This contention is not applicable to the proposal"

The underlying objective or purpose of the standard will not be thwarted if compliance was required as the existing site areas of both lots do not comply with minimum standard.

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

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

"This contention is not applicable to the proposal"

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According to Council's Clause 4.6 variation register, Clause 4.1 was varied once since GRLEP 2021 is in effect. Those variations relate to a new dual occupancy development. On that basis, it is considered that Council has not abandoned or destroyed this development standard.

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

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

"This contention is not applicable to the proposal"

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

Conclusion

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

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

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

"Yes. In the circumstances of the case, there are sufficient planning grounds to justify contravening the development standard being:

- *Single residential dwelling(s) are a permissible use under the R2 Residential Zone and is an orderly and economic use and development of land in accordance with the Objectives of the Environmental Planning and Assessment Act 1979.*
- *The proposed subdivision ensures both existing dwellings achieve compliance with Georges River Local Environmental Plan 2012 in regards to Building Height (clause 4.3) Floor Space Ratio (clause 4.4), and Landscape Area (clause 6.12).*
- *The quantum of landscape area and private open space area is complaint with Part 6.1.2 (4) & (5) of Georges River DCP 2021.*
- *The proposed subdivision does not alter the existing architectural typology being single & two-storey detached dwellings that characteristic Moreton Avenue and Marina Street.*
- *Both properties share a common driveway. The proposed subdivision separates this arrangement and minimises vehicle conflict between the two properties.*
- *The proposed subdivision increases the lot width of 61 Moreton Avenue and improves its appearance and activation of the streetscape.*
- *The proposal provides complaint carparking for each lot in compliance with Part 3.13 of Georges River DCP 2021.*
- *The development will not result in any significant demand for increased capacity of existing or planned infrastructure within the local area. No change is required to the existing electricity, sewer, water, NBN and gas services provided to each property.*
- *The solar access to each dwelling remains unchanged as a result of the proposed subdivision, as the proposed subdivision does not alter the location of the private open space areas and existing living room windows of each dwelling, and complies with Part 6.1.2(1 0) of Georges River DCP 2021.*
- *No change is proposed to the existing buildings. The streetscape appearance of each dwelling remains unchanged as a result of the proposed development. The bulk and scale of*

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the proposed building is unchanged and is consistent with developments in the vicinity, and the prevailing architectural character and urban fabric of the local area will not be altered.
- *Furthermore, given there is no changes to the existing building form the proposed development does not result in any loss of residential amenity to the adjoining properties in regard to solar access and visual privacy impacts"*

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

- The proposal will result in an irregular shaped subdivision that is not sympathetic of the existing locality.
- The proposal does not promote the orderly and economic use and development of land for future developments.

4.6 Variation Not Supported

As outlined in the assessment above, the proposed variation is not supported as the provided variation request does not adequately demonstrate the matters identified under Clause 4.6(3). This forms part of the reasons for refusal of the subject application.

Provisions of any Proposed Instrument

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

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

Provisions of any Development Control Plan

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

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

Georges River Development Control Plan 2021

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

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	The proposal complies with Appendix 4 of the GRDCP and therefore complies with the controls of this section.	☒ Yes ☐ No

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waste materials (per Appendix 4 of the GRDCP).		

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 does not comply with Part 3.16 as the development does not comply with the minimum lot standard as prescribed in Clause 4.1 of GR LEP 2021.	☐ Yes ☒ No
6. Corner allotments are to provide a 3m x3m splay corner (road to road) or 1.5m x 1.5m (lane to road)		
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 as essential stormwater drainage has not been proposed.	☐ Yes ☒ No
2. Service supply to multiple battle-axe lots to be underground		

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 changes the parking arrangements from: 61 Moreton = 1 car space 1 Marina = 1 car space inside garage To the following: 61 Moreton = 2 car spaces, now including garage	☒ Yes ☐ No

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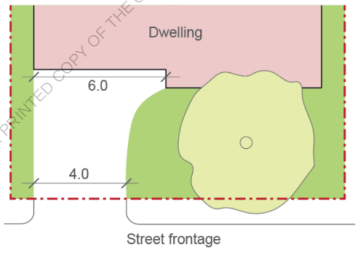
	1 Marina = 1 car space with new hardstand adjoining garage. The proposal does not comply with the standard, however, it is remaining as existing.	
6.1.2.7 Vehicular Access, Parking and Circulation		
Control	**Proposal**	**Compliance**
1. Car parking is to be provided in accordance with the requirements in Part 3 of this DCP.	The proposal does not comply with Part 6.1.2.7 for the following reasons: - Maximum driveway width will be increased to 8.5m at the property boundary	☐ 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).		
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.  		
8. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian		

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Standards, in particular AS 2890.1 (latest edition).		
9. The maximum width of a garage opening is 6.0m.		

Any Planning Agreement Under Section 7.4

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

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

The Regulations

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

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

The Likely Impacts of the Development

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

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

Site Suitability

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

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

- The proposed development will not promote the orderly and economic use and development of land.

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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. One submission was received during the neighbour notification period.

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

Issue	Comment
Parking	Concerns were raised that the proposal does not achieve an increase in parking availability on site, as it is removing an existing 'on-street' parking space.

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 proposed boundary realignment is not within the existing pattern of the surrounding locality.
- The proposed application does not promote the orderly and economic use and development of land for future use.

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Referrals

Internal Referrals		
Specialist	**Comment**	**Outcome**
Development Engineer	The officer has considered the following planning provisions: - Clause 5.21 of GRLEP 2021 - Clause 6.3 of GRLEP 2021 - Clause 6.9 of GRLEP 2021 - Part 3.10 of GRDCP 2021 - Georges River Stormwater Management Policy The following objections were raised: - Insufficient information regarding the current and proposed on-site detention stormwater system.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

Landscape Officer	The officer has considered the following planning provisions: - SEPP (Biodiversity Conservation) 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Georges River Tree Management Policy 2024 No objections raised to the proposal and conditions recommended.	Conditions imposed if application was to be 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 to the proposal and conditions recommended.	Conditions imposed if application was to be approved.

Contributions

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

Conclusion

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

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:

(a) The development does not comply with Clause 4.1 of the GRLEP 2021 relating to the minimum lot size, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(b) The development does not comply with Clause 6.3 of the GRLEP 2021 as insufficient information regarding stormwater management has been provided, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(c) The development does not comply with Clause 6.9 of the GRLEP 2021 as inadequate stormwater discharge on site has been provided, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(d) The development does not comply with the objectives of the Environmental Planning and Assessment Act 1979, as the proposal does not promote the orderly and economic use and development of land.

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(e) For the above reasons, the proposed development is not suitable for the site, Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

(f) For the above reasons, 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,

The proposed variation to Clause 4.1 of GR LEP 2021 is not sufficiently justified by the provided Clause 4.6 and the variation is not considered to be in the public interest, being contrary to the zone and standard objectives.

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 DA2025/0344 for Realignment of the Torrens title boundaries between the two properties, and construction of a new parking hardstand on Lot 2 DP 1287707 & Lot C DP 341232 on lands known as 1 Marina Street, Kingsgrove and 61 Moreton Avenue, Kingsgrove, should not be approved subject to the refusal reasons referenced below:

Signed

A Richardson

Assessing Officer: Alec Richardson
Title: Development Assessment Planner
Date: 20 November 2025

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

Delegated Officer:
Title:
Date:

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

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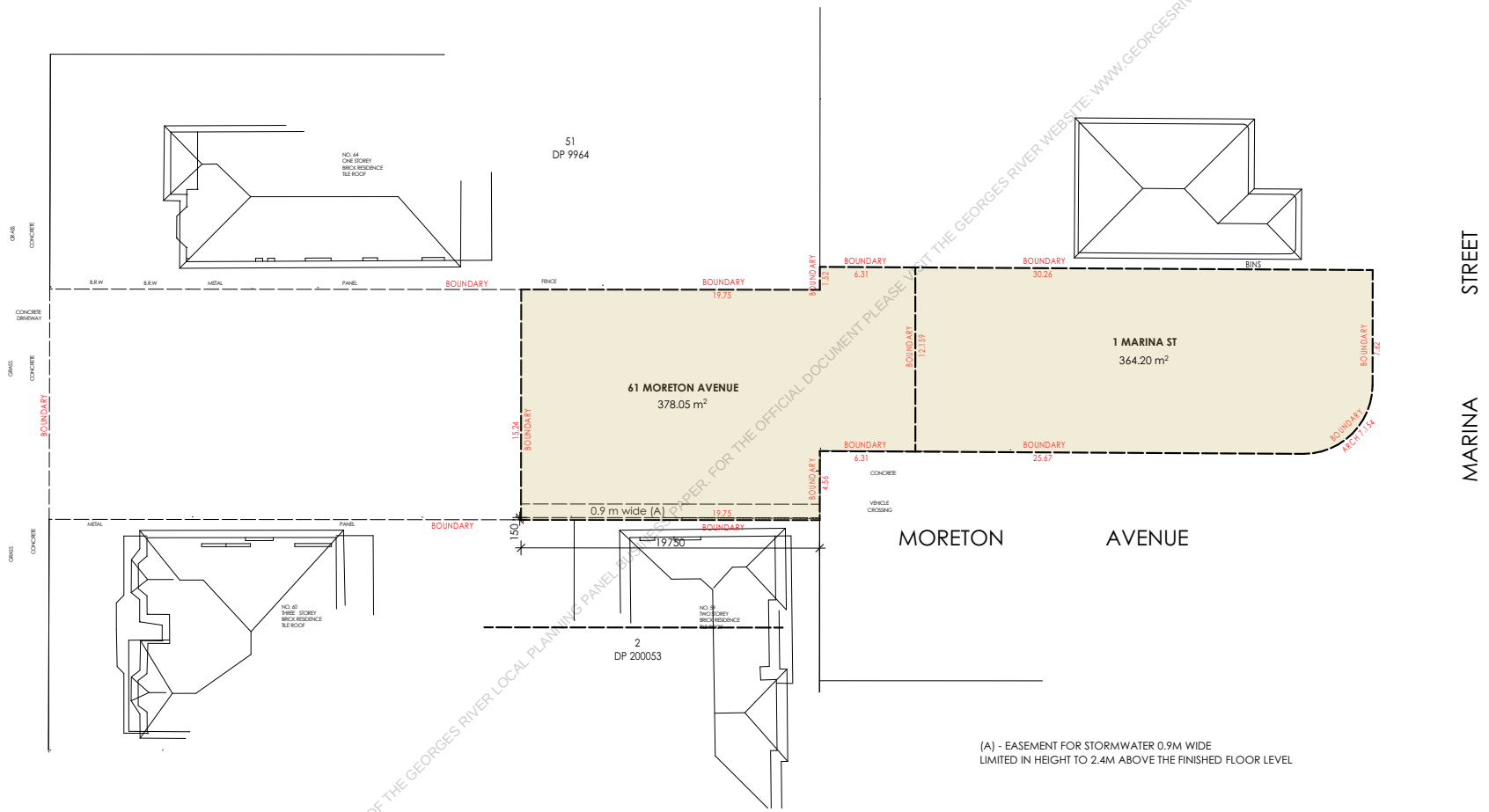

(A) - EASEMENT FOR STORMWATER 0.9M WIDE
LIMITED IN HEIGHT TO 2.4M ABOVE THE FINISHED FLOOR LEVEL

SUBDIVISION PLANS 1:250

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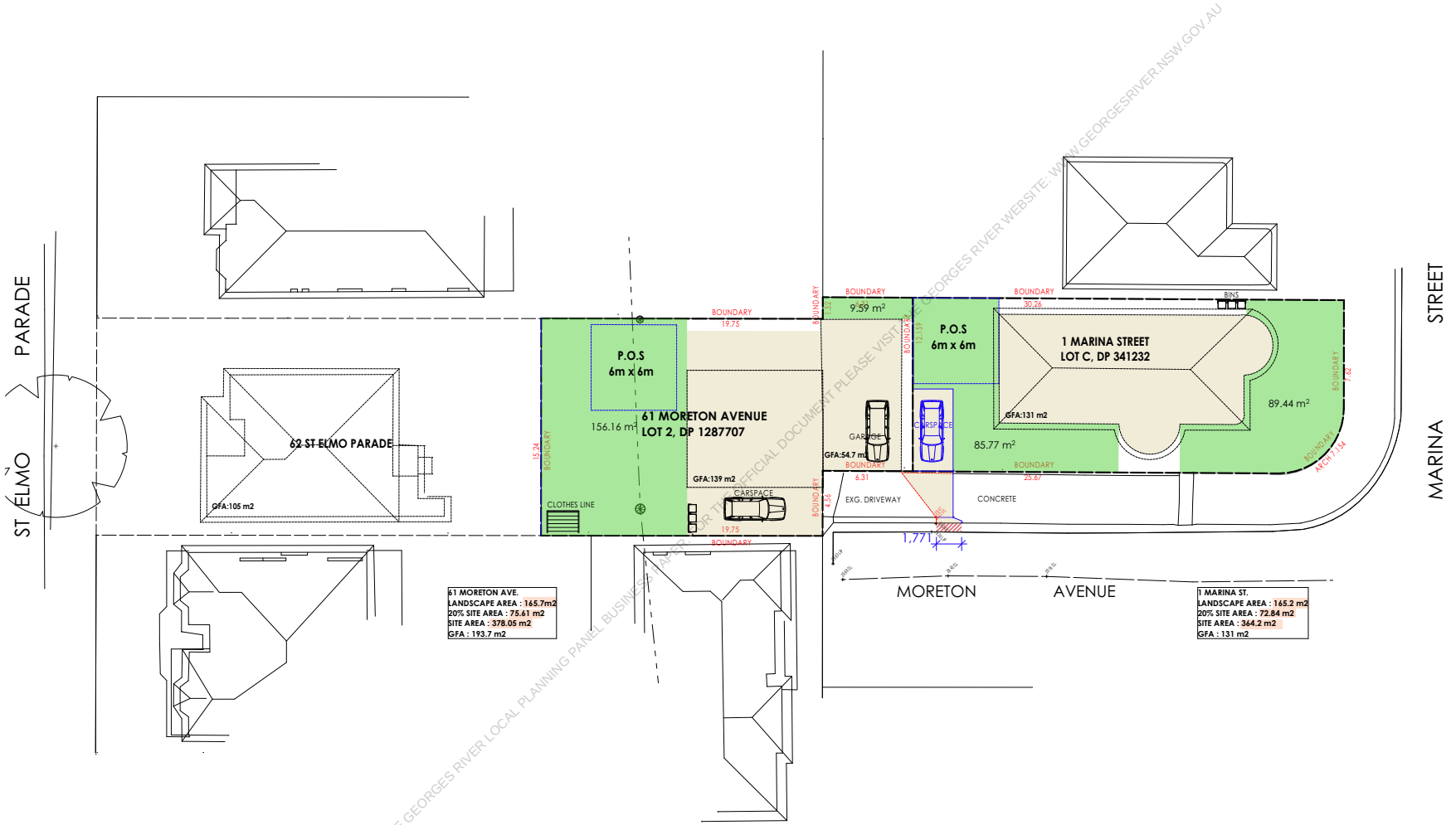
DATE	REVISION	ISSUE
11/07/2025	DEVELOPMENT APPLICATION	NT

ARCHITECT
ARCHITECTURAL DESIGN
74 JOHN ST, CROYDON, NSW
PHONE (02) 8006 1268
MOB: 0406 987 868
NOMINATED ARCHITECT: NAM TRUONG
NSW REGISTRATION No: 7853

PROJECT: PROPOSED DRAFT BOUNDARY REALIGNMENT
AT: 61 MORETON AVENUE AND 1 MARINA STREET, KINGSGROVE
FOR: QUE CONSULTING
DRAWING NAME: SUBDIVISION PLANS

Scale 1:250 @ A3 Drawing number AR-1
Date 11/07/2025 Pages 1 of 5
DEVELOPMENT APPLICATION
Plot Date: 11/07/2025



SITE PLAN **1:250**

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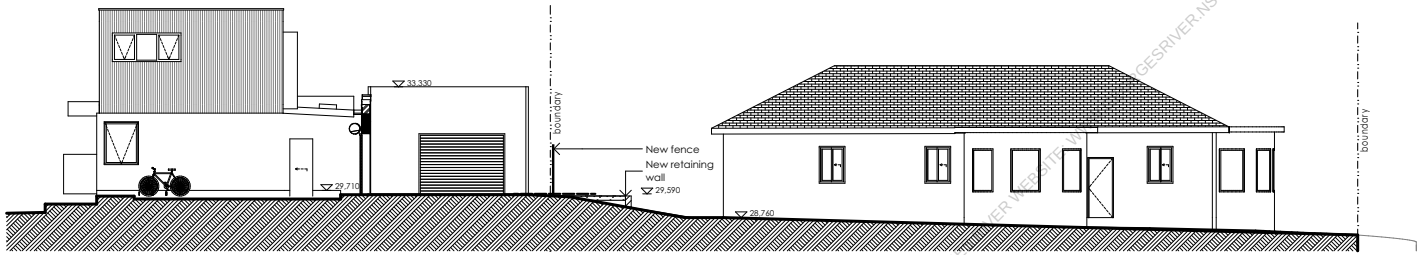
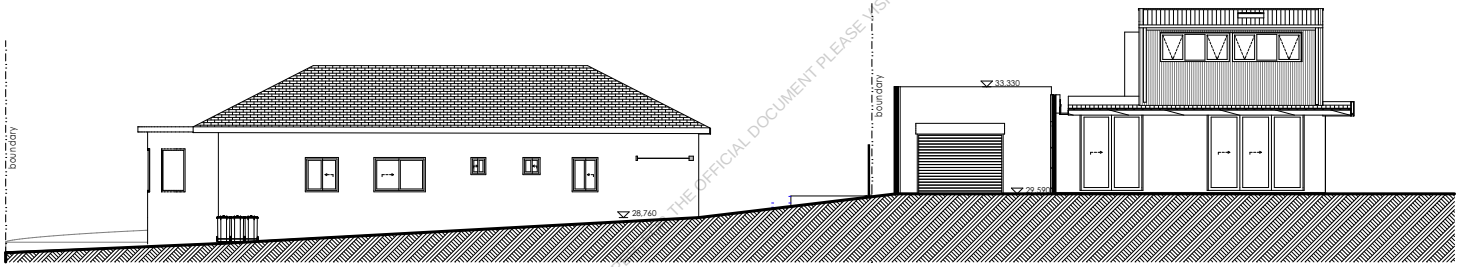
MOB: 0406 987 868
NOMINATED ARCHITECT: NAM TRUONG
NSW REGISTRATION No: 7853

PROJECT: PROPOSED DRAFT BOUNDARY REALIGNMENT
AT: 61 MORETON AVENUE AND 1 MARINA STREET, KINGSGROVE
FOR: QUE CONSULTING
DRAWING NAME: ROOF PLAN

Scale 1:250 @ A3 Drawing number AR-2
Date 11/07/2025 Pages 2 of 5
DEVELOPMENT APPLICATION
Plot Date: 11/07/2025

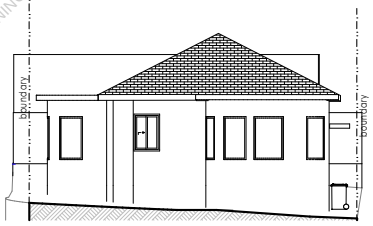


WEST ELEVATION 1:150

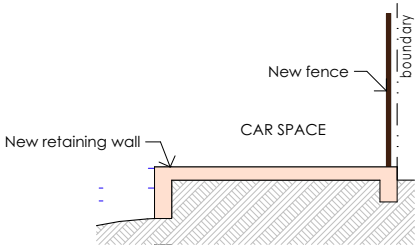


EAST ELEVATION 1:150

NORTH ELEVATION 1:150



SOUTH ELEVATION 1:150



SECTION 1-1 1:50

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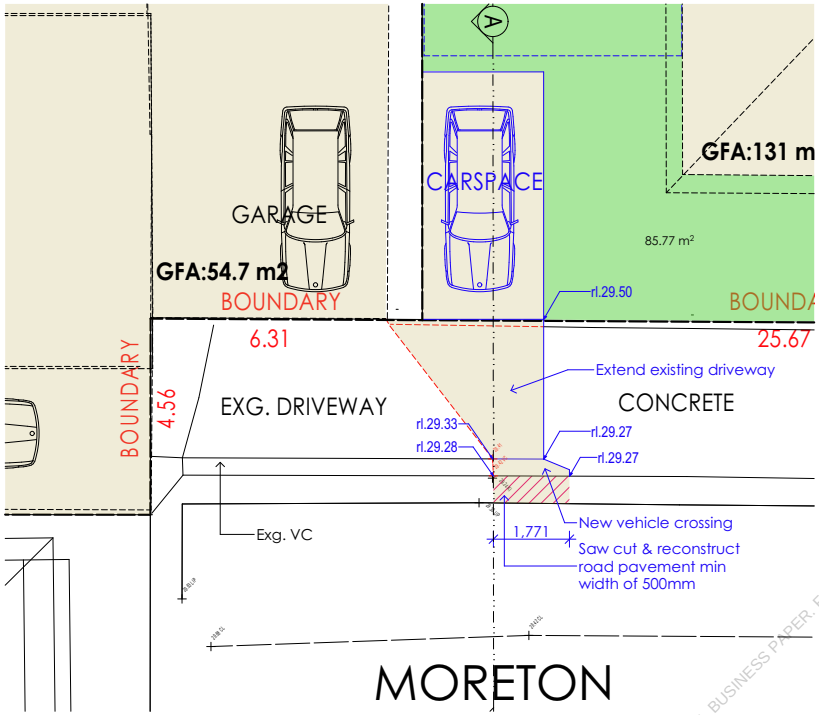
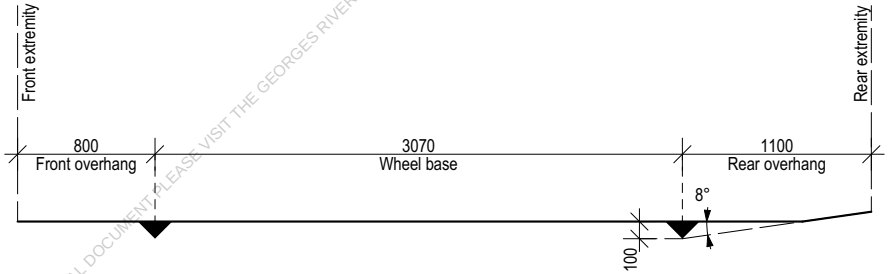
74 JOHN ST, CROYDON, NSW
PHONE (02) 8006 1268
MOB: 0406 987 868
NOMINATED ARCHITECT: NAM TRUONG
NSW REGISTRATION No: 7853

PROJECT: PROPOSED DRAFT BOUNDARY REALIGNMENT
AT: 61 MORETON AVENUE AND 1 MARINA STREET, KINGSGROVE
FOR: QUE CONSULTING
DRAWING NAME: ELEVATIONS

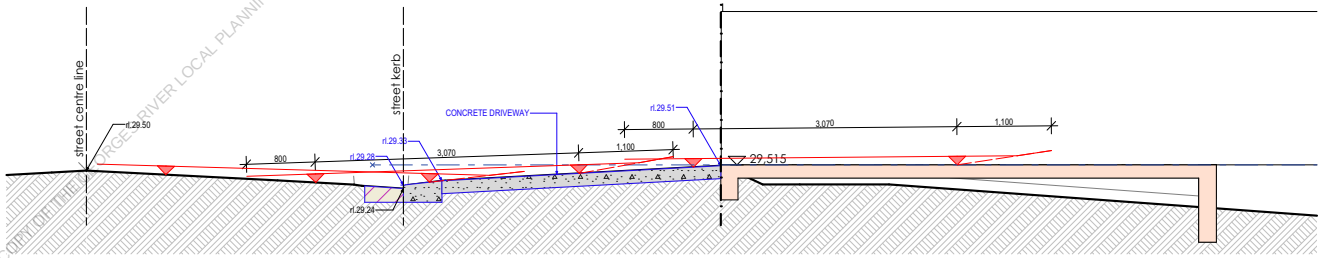
Scale 1:100, 1:150, 1:50, 1:250 @ A3 Drawing number AR-4
Date 11/07/2025 Pages 4 of 5
DEVELOPMENT APPLICATION
Plot Date: 11/07/2025



NEW DRIVEWAY & VEHICLE CROSSING PLAN 1:100



GROUND CLEARANCE TEMPLATE 1:25
AS 2809.1.2004



SECTION A-A 1:100
DRIVEWAY LONGITUDINAL SECTION

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AT: 61 MORETON AVENUE AND 1 MARINA STREET, KINGSGROVE
FOR: QUE CONSULTING
DRAWING NAME: NEW VEHICLE CROSSING

Scale 1:100, 1:250, 1:25, 1:50 @ A3 Drawing number AR-5
Date 11/07/2025 Pages 5 of 5
DEVELOPMENT APPLICATION
Plot Date: 11/07/2025

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

LPP046-25 7 WADSLEY CRESCENT, CONNELLS POINT

LPP Report No	**LPP046-25**	**Development Application No**	**DA2025/0132**
Site Address & Ward Locality	7 Wadsley Crescent, Connells Point Blakehurst Ward		
Proposed Development	Demolition works, construction of a detached dual occupancy, swimming pools and garage		
Owners	Connells Point Investments No.1 Pty Ltd		
Applicant	Plan Zone		
Planner/Architect	Plan Zone		
Date Of Lodgement	23/04/2025		
Submissions	1 submission received.		
Cost of Works	$2,908,621.00		
Local Planning Panel Criteria	This application is referred to Georges River Local Planning Panel for determination as the proposed development proposes a variation greater than 10% to Clause 4.4A – Floor Space Ratio and Clause 6.4 - Foreshore Area and Coastal Hazards and Risk.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity Conservation) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Georges River Local Environmental Planning Policy 2021, Georges River Development Control Plan 2021.		
List all documents submitted with this report for the Panel's consideration	Acid Sulfate Soils Assessment, Vegetation Management Plan , Arborist Report, Architectural Plans , Deep Soil Plan , Cut and Fill Plan , Driveway Long Section, QS Report , Geotechnical Report , Landscape Plan , Traffic Design Statement , Site Plan , Statement of Environmental Effects , Stormwater Plan , Survey Plan , Easement Peg Out , Waste Management Plan , Site Photos, View Loss Impact Photos , Request to Withdraw Letter and Assessment Report in Full.		
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	**Yes**

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Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
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**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**No, the application is recommended for refusal, the refusal reasons can be viewed when the report is published.**

SITE PLAN

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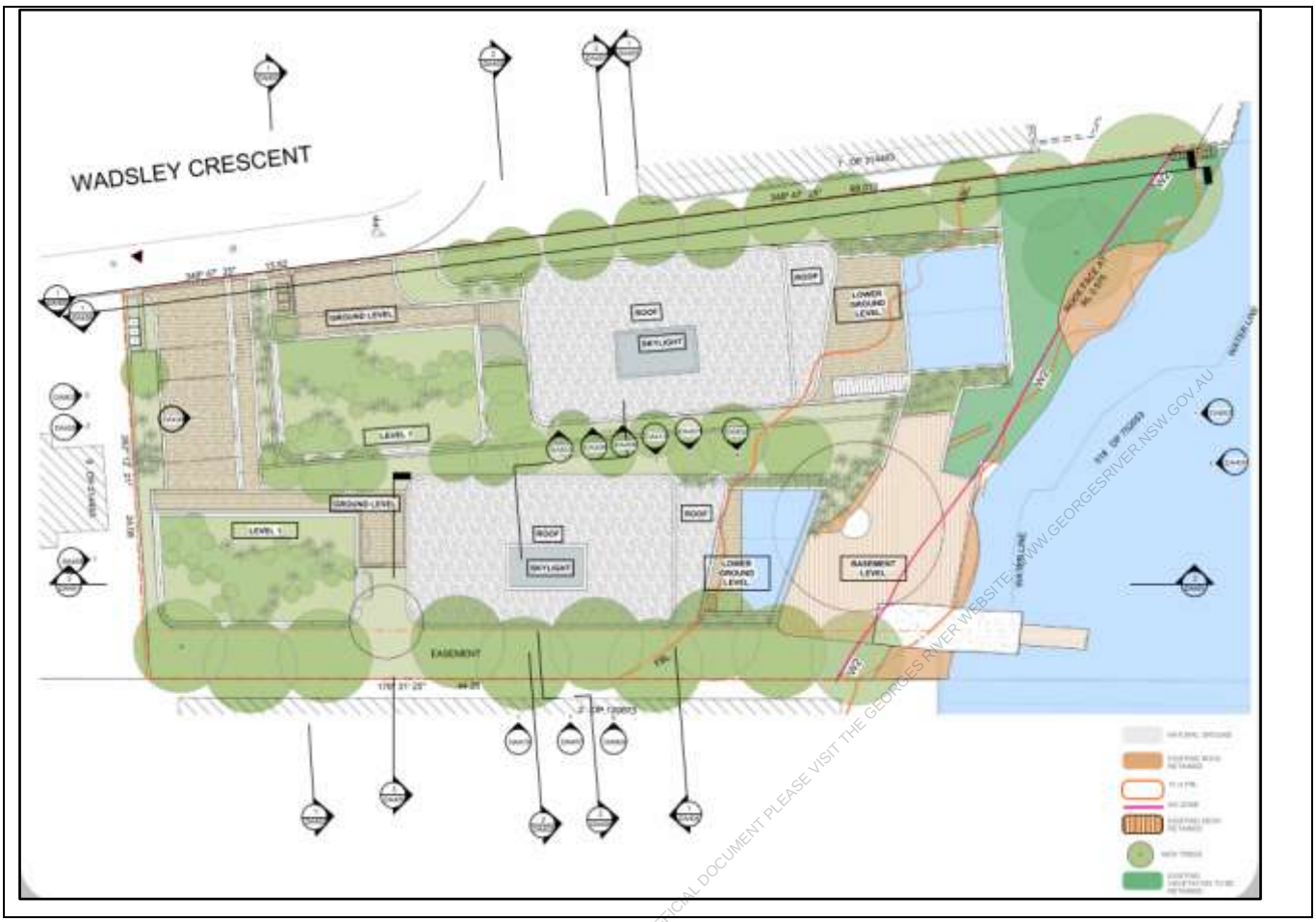

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EXECUTIVE SUMMARY

PROPOSAL

1. Development Application No. DA2025/0132 seeks consent for the demolition of all existing structures, construction of detached dual occupancy above a basement storage level, swimming pools, detached garages, landscaping and site works.
2. Specifically, the development application proposes the following:
3. Dwelling A (Eastern side)
   - Basement (RL 2.13): basement and associated storage, plant/services for the dwelling, bathroom and lift/stairs.
   - Lower Ground Floor (RL 5.03): kitchen/dining/living room, butler's pantry, laundry, powder, lift/stairs, a bedroom with ensuite, swimming pool, paved outdoor recreational area (partially roofed with access ramp to the basement) and rainwater tanks below the garage.
   - Ground Floor (RL 8.03): guest lounge with bar area, bedroom with ensuite, study, powder room, lift/stairs, balcony and two car garage.
   - First Floor (RL 10.93): main bedroom suite with a walk-in robe and ensuite, another bedroom with ensuite, living room, lift/stairs balcony and rooftop planting over garage.
   - Roof (RL 13.72 – 14.13): concrete roof with glazed skylight with retractable shading over void and a minor lift overrun.
4. Dwelling B (Western side)

- Basement (RL 1.81): basement and associated storage, plant/services for the dwelling, bathroom and lift/stairs.
- Lower Ground Floor (RL 4.51): bedroom (5) with ensuite, kitchen/dining/living room, butler's pantry, laundry, powder room, lift/stairs, swimming pool and paved outdoor recreational area (partially roofed with access stairs to the basement) and rainwater tanks below the garage.
- Ground Floor (RL 7.31): bedroom with walk in robe and ensuite, guest lounge with bar, powder room, study, lift/stairs, balcony and two car garage.
- First Floor (RL 10.11): main bedroom with walk in robe and ensuite, living room, bedroom with walk in robe and ensuite, bathroom, lift/stairs and rooftop planting over garage.
- Roof (RL 13.72 – 14.13): concrete roof with glazed skylight with retractable shading over void and a minor lift overrun.

5. Additional works

- Demolition of the existing dwelling and all associated structures (excluding an existing timber deck and boat ramp forward of proposed Dwelling B).
- New (expanded) suspended deck, partly on Lot 518 DP 752056 (Crown Land).
- Earthworks and retaining walls.
- Stormwater drainage works.
- Removal of 4 or 5 trees.
- New vehicular crossings.
- Landscaping.

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SITE AND LOCALITY

6. The site is known as 7 Wadsley Crescent, Connells Point and is legally described as Lot 80 DP 1302988 and part Lot 518 DP 752056. Lot 80 has an area of 1,577m².

7. Deposited Plan 1302988 was registered on 12 August 2024 and resulted from a plan of redefinition of Lot 8 in DP 214483, the previous legal description of the site.

8. The site has a northern boundary to 8 Wadsley Crescent of 24.08m (by DP), a western boundary to 210-212 Terry Street of 44.26m (by DP) to the Mean High-Water Mark ("MHWM") marked on DP 1302988, a southern boundary to Connells Bay of 43.575m (by DP) and an eastern boundary to 6 Wadsley Crescent of 68.015m (by DP) to the MHWM.

9. Lot 518 DP 752056 is a water-based lot owned by the State of New South Wales. The submitted architectural plans outline that no development is proposed to be carried out within this lot. However, the eastern proposed suspended timber deck may encroach onto the boundary line shown according to the DP.

10. The land-based portion of the site is presently occupied by a detached 2-storey dwelling house with an associated swimming pool, outdoor seating area, a "shed" outbuilding adjoining the pool, timber deck and boat ramp. Vehicular access is via a steep driveway from Wadsley Crescent. The land-based portion of the site has boat access to the Georges River via slip rails and ramp on the southern boundary of the site.

11. The land-based portion of the site is burdened by a 3.05-metre-wide easement for drainage along its western boundary which currently contains a 300mm diameter pipe and comprises an overland flow path.

12. The land-based portion of the site is situated within Zone R2 Low Density Residential pursuant to *Georges River Local Environmental Plan 2021* ("GRLEP 2021") and comprises an area of 1,499m². The water-based portion of the site is situated within Zone W2 Recreational Waterways under GRLEP 2021.

13. The site is situated within Connells Point, a suburb in the Georges River local government area that is located approximately 23km south-west of the Sydney CBD and 1.8km from the South Hurstville neighbourhood centre.

14. The surrounding residential land is situated within Zone R2 Low Density Residential pursuant to GRLEP 2021 and within the Connells Point and Kyle Bay Locality identified in Section 5.16 of the *Georges River Development Control Plan 2021* ("GRDCP 2021").

15. Surrounding development is predominantly characterised by 2 to 3 storey detached dwelling houses, many of which are situated on land with undulating topography and waterfront boundaries to the Georges River.

16. Development on land adjoining the site comprises of the following:

- A 2-storey rendered dwelling house at 8 Wadsley Crescent to the north.
- A 2 to 3 storey contemporary style dwelling house at 6 Wadsley Crescent, a waterfront property with boat access to Connells Bay; and
- Two x 2-storey contemporary style dwelling houses at 210-212 Terry Street, Connells Point.

17. The site is also located in close proximity to the Connells Point Reserve (to the west) and Donnelly Park (to the east).

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ZONING AND PERMISSIBILITY

18. The subject site is zoned E1 Local Centre under the provisions of Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal involves the demolition works, construction of a detached dual occupancy, swimming pools and garage which is a permissible use in the zone with development consent.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

19. This application is referred to Georges River Local planning Panel for determination as the proposed development proposes a variation greater than 10% to Clause 4.4A – Floor Space Ratio and Clause 6.4 - Foreshore Area and Coastal Hazards and Risk.

ASSESSMENT

20. The application was assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, considering relevant planning instruments, policies, and site-specific factors:

Environmental Planning Policies	Applicable	
	Y	N
SEPP (Biodiversity Conservation) 2021	☒	☐
SEPP (Sustainable Buildings) 2021	☒	☐
SEPP (Industry and Employment) 2021	☐	☒
SEPP (Resilience and Hazards) 2021	☒	☐
SEPP (Transport and Infrastructure) 2021	☒	☐

Georges River Local Environmental Plan 2021	☒	☐

Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
Clause 2.3 Zoning	Refer to LEP map.	R2 Low Density Residential and W2 Recreational Waterways	☐	☒	☐
Clause 2.7 Demolition	The demolition of a building requires development consent.	Noted.	☒	☐	☐
Clause 4.1A Minimum subdivision lot size for dual occupancies	(2) Despite clauses 4.1 and 4.1B, development consent may be granted for the subdivision of land— (b) in the Foreshore Scenic Protection Area as identified on the *Foreshore Scenic Protection Area Map* if— (ii) the lot size for each resulting lot will be at least 430 square metres.	Achieved.	☒	☐	☐
Clause 4.1B Minimum lot sizes and special provisions for certain dwellings	A minimum lot area of 1,000m2 for land identified on the Foreshore Scenic Protection Area Map (Clause 4.1B(3)); and The width of the lot at the front building line of 18 metres where only 1 dwelling faces the primary road, or otherwise 22m (Clause 4.1B(5)).	24.08m	☒	☐	☐
Clause 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	Standard: 9m Proposed: Dwelling A: 9m, Dwelling B: 8.98m	☒	☐	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	on adjoining properties and open space areas,				
Clause 4.4A Floor space ratio	To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.	Standard: Minimum 0.5:1 (749.5m^2) Proposed: 0.69:1 (1034.78m^2) This represents an exceedance of the relevant FSR development standard of 285.28m2 (38.06% variation).	☐	☒	☐
Clause 4.6 Exceptions to development standards	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	A Clause 4.6 variation statement has not been provided by the Applicant.	☐	☒	☐
Clause 6.1 Acid sulfate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	Insufficient information has been provided for the assessment of acid sulfate soil risk at the development pursuant to Clause 6.1 of GRLEP 2021. The EI Australia Acid Sulphate Report (“ASS”) report notes the depth of soil to be 0.5m which contradicts the Geotechnical Report which notes the soil depth to be up to 1.9m deep. Drilling on the site has only been undertaken to a depth of 0.5 metres below the existing ground level and no sampling or testing has been undertaken for the full soil depth. An Acid Sulfate Management Plan has also not been provided for the	☐	☒	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
		development, which is required.			
Clause 6.2 Earthworks	The objective of this clause is 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 development application must be refused because the proposed development results in excessive excavation and does not maintain the natural topography of the land.	☐	☒	☐
Clause 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	The proposed upgraded and extended timber deck and the drainage infrastructure (headwall and scour protection structures (x 2) and silt arrestor pit) are not permissible with consent in the W2 zone as such works do not satisfy the definition of any of the above permissible development types. Therefore, consent cannot be granted to these components of the proposed development.	☐	☒	☐
Clause 6.4 Foreshore Area and Coastal Hazards and Risk	(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— (i) the foreshore building line, or	The extent of the foreshore building line (“FBL”) as shown on the FBL Map is 15m. The footprint of the proposed buildings encroaches the FBL and is within the foreshore area on the basement and lower ground and ground floor levels for both proposed dwellings, with a minor encroachment for the proposed ground floor level for proposed Dwelling A.	☐	☒	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	(ii) 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,				
Clause 6.5 Riparian Land and Waterways	(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority 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, (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,	There appears to be minor disturbance to the riparian lands and waterways on site. Erosion and sediment control measures in place during building works will ensure no soil, debris or pollution enters the riparian area of the Georges River waterway.	☐	☒	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	(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 the consent authority 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	(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following— (a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation,	The proposed development would not provide for the protection of the natural environment as required by clause 6.6(3)(a) of GRLEP 2021 in that the proposal does not protect the natural topography of the site given the excessive excavation of approximately 6 metres and potential impacts to trees in the foreshore area.	☐	☒	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	(b) the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations, (c) the maintenance and enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, (d) the achievement of no net loss of significant vegetation or habitat, (e) the avoidance of clearing steep slopes and facilitation of the stability of the land, (f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places, (g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.	The proposed development does not minimise adverse impacts on the visual environment from the Georges River to the site arising from the excessive building form and excavation of the site, contrary to clause 6.6(3)(f) of GRLEP 2021. The proposed development does not minimise the height and bulk of the development by stepping the development to accommodate the fall in the land given the excessive building form and excavation of the site, contrary to clause 6.6(3)(g) of GRLEP 2021.			
Clause 6.9 Essential services	The property must have in place by determination the following services: (a) water, (b) electricity, (c)telecommunications facilities,	The proposed upgraded and extended timber deck and the drainage infrastructure (headwall and scour protection structures (x 2) and silt arrestor pit) are not permissible with consent in	☐	☒	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	(d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	the W2 zone as such works do not satisfy the definition of any of the above permissible development types. Therefore, consent cannot be granted to these components of the proposed development.			
Clause 6.10 Design Excellence	(2) This clause applies to development on land referred to in subclause (3) involving— (a) the erection of a new building, (5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) how the development addresses the following matters— (i) the suitability of the land for development, (ii) existing and proposed uses and use mix,	The proposed development has failed to address the relationship with existing adjoining development in terms of a lack of separation and setbacks, amenity and urban form (Cl 6.10(5)(d)(iv)); The bulk, massing and modulation of buildings in the proposed building form is not sufficiently articulated and includes large areas of blank walls. The lack of architectural variation, coupled with the extensive number of storeys, further exacerbates the bulk and scale of the proposed building form (Cl 6.10(5)(d)(v)); The environmental impacts of the development have not been adequately minimised in relation to visual privacy and solar access arising from the proposed ground floor balcony for Building A potentially impacting on privacy for the adjoining eastern property. The proposed lower ground floor largely being underground due to the proposed excavation, results in an excessive reliance on artificial lighting and mechanical ventilation,	☐	☒	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	(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,	in addition to providing poor quality habitable spaces resulting in a lack of sustainable design (Cl 6.10(5)(d)(vii)); The Proposal adversely impacts on the public domain as there is an insufficient setback to Wadsley Crescent, and the height and bulk of the proposal is inconsistent with the foreshore setting (Cl 6.10(5)(d)(ix)); Excellence and integration of landscape design is not achieved as there is a lack of landscaped area within the front setback with driveways and services reducing the integration of the landscaping design with the proposed building form. There is also inadequate screening vegetation along the foreshore area to soften the proposal, resulting in the foreshore being dominated by built form (Cl 6.10(5)(d)(xi)),			

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	(xiii) the provision of public art in the public domain, (xiv) the provision of on-site integrated waste and recycling infrastructure, (xv) the promotion of safety through the application of the principles of crime prevention through environmental design.				
Clause 6.12 Landscape areas in certain residential and conservation zones	(5) 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— (d) for a dual occupancy or semi-detached dwelling located on land within the Foreshore Scenic Protection Area—30% of the site area, or	The landscaped area calculation provided in the development application indicates that the total landscape area is 473.4m2 (Calculations Plan (Drawing DA902, Issue A), however, this calculation includes the narrow strips of land surrounding the proposed garage for Dwelling B and the narrow separation between the proposed garages and Dwellings A and B.	☐	☒	☐
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.					

Georges River Development Control Plan 2021			
Part	**Name**	**Y**	**N**
Part 3	General Planning Considerations	☐	☒
Part 5.16	Residential Locality Statements Connells Point and Kyle Bay Locality Statement	☐	☒
Part 6.1.3	Dual Occupancies	☐	☒
Part 6.4	Ancillary Development	☐	☒

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Georges River Development Control Plan 2021			
Part	**Name**	**Y**	**N**
Part 6.5	Foreshore Locality	☐	☒

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 recommended if the application were of a supportive nature.
Landscape Officer	The officer has considered the following planning provisions: - SEPP (Biodiversity Conservation) 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Georges River Tree Management Policy 2024 The following objections were raised: Retention of existing Trees 3 Pheonix canariensis 'Canary Island Date Palm' and 5 Melaleuca quinquenervia 'Broad Leaved Paperbark'.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.
Urban Design	The officer has considered the following planning provisions: - Clause 6.10 of GRLEP 2021 - Part 5 of GRDCP 2021 The following objections were raised: • Foreshore Building Line • Finished Floor Levels/Survey Plan	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

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	• Subdivision/Drawings provided • Landscape Plan/Easement • Excavation/Topography • Setbacks • Removal of Trees • Streetscape • Amenity- visual privacy, view impact • Landscape Area • Bulk & scale & architectural expression • Design excellence	
Land Information (GIS)	No objections raised to the proposal and conditions recommended.	Conditions recommended if the application were of a supportive nature.
Biodiversity/ Natural Environment	The officer has considered the following planning provisions: - NSW Biodiversity Conservation Act and Regulation 2017 - SEPP (Resilience and Hazards) 2021 - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Georges River Council Tree Management Policy 2024 No objections raised to the proposal and conditions recommended.	Conditions recommended if the application were of a supportive nature.
Environmental Health Officer	The officer has considered the following planning provisions: - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions recommended if the application were of a supportive nature.
Traffic Engineering	The officer has considered the following planning provisions: - Clause 6.9 of GRLEP 2021	Failure to achieve compliance with this matter forms part of the

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	- Part 3.13 of GRDCP 2021 The following objections were raised: (i) The footprints of both detached garages exceed that required for the parking and manoeuvring of two (2), B85 Australian Standard Design Vehicles and should be reduced to better match the dimensions of double garages in *AS/NZS 2890.1:2004 Parking Facilities, Part 1 – off street car parking.* The swept path analysis contained in *Attachment 2* of *the Traffic Engineering Assessment* prepared Genesis Traffic confirms the garage footprints can be reduced and still provide adequate vehicle manoeuvring and parking and vehicle door opening envelopes. (ii) The detached garages are not contained within the footprints of their respective dwellings and as a result, the access aisle areas in front of the parking spaces will need to be provided outside the garages footprints to satisfy parking arrangements for dual occupancies in *GRDCP2021 – Part 6 – 6.1 – 8- Control 1.* (iii) The width of the garage door opening to dwelling A substantially exceeds that required for vehicle entry/exit movements. (iv) The "*Concept Driveways Civil Works Drawings*" – *Rev "A"* dated 13/2/2025 prepared by Smart Structures Australia contain inconsistencies regarding ground and garage floor levels and fail to provide sufficient levels information to determine the extent of cut and or fill required on the driveways to both garages.	reasons to refuse this application.

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Asset and Infrastructure	The officer has considered the following planning provisions: - Clause 6.9 of GRLEP 2021 - Part 3.13 of GRDCP 2021 - Part 3.15 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions recommended if the application were of a supportive nature.

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 recommended if the application were of a supportive nature.

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SUBMISSIONS

21. 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. 1 submission was received during the neighbour notification period. A full breakdown of the submissions can be viewed in the Assessment Report in full.

DEVELOPMENT CONTRIBUTIONS

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

CONCLUSION

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 outlined in the recommendation section.

25. The application fails to demonstrate compliance with key planning controls relating to floor space ratio, landscaped area, foreshore building line, excavation, and design excellence. The proposal will result in unacceptable impacts on the natural and built environment, including loss of scenic views, excessive bulk and scale, and poor integration with the site's

topography. It is inconsistent with the objectives of the R2 Low Density Residential zone and the Foreshore Scenic Protection Area, and it is not considered suitable for the site.

26. Furthermore, insufficient and inaccurate information has been provided to enable a proper assessment. For these reasons, the development is not in the public interest and should be refused.

STATEMENT OF REASONS

27. Non-compliance with Georges River Local Environmental Plan 2021 (GRLEP 2021):

- Clause 4.4A – Floor Space Ratio: The proposed development exceeds the maximum permitted FSR of 0.5:1 by approximately 38%, resulting in excessive bulk and scale. No Clause 4.6 variation request was submitted.
- Clause 6.12 – Landscaped Area: The proposal fails to provide the minimum 30% landscaped area required for dual occupancy development within the Foreshore Scenic Protection Area. No Clause 4.6 variation request was submitted.
- Clause 6.4 – Foreshore Area: The proposed dwellings encroach into the foreshore building line and include works that are not permissible within the foreshore area. No Clause 4.6 variation request was submitted.
- Clause 6.6 – Foreshore Scenic Protection Area: The development does not protect scenic amenity, natural topography, or minimise visual impacts, contrary to the objectives of this clause.
- Clause 6.2 – Earthworks: The proposal involves excessive excavation (up to 6 metres), failing to maintain natural landform and topography.
- Clause 6.10 – Design Excellence: The development does not exhibit design excellence, with poor articulation, excessive bulk, inadequate landscaping, and adverse visual impacts.
- Works in W2 Zone: Proposed timber deck and drainage structures are not permissible in the W2 Recreational Waterways zone. Owner's consent for potential encroachment into Crown land has not been provided.

28. Non-compliance with Georges River Development Control Plan 2021 (GRDCP 2021):

- The proposal fails to meet controls relating to building height and scale, excavation, setbacks, landscaped areas, foreshore development, and streetscape character.
- The design does not respond to the sloping topography, resulting in excessive cut and fill and poor integration with the natural landform.
- The proposed garages and basement areas significantly exceed size limits and dominate the streetscape.

29. Insufficient and Inaccurate Information:

30.

- Inadequate details provided regarding acid sulfate soils, view loss analysis, landscape calculations, seawall design, and impact on drainage easement.
- No owner's consent for works potentially encroaching onto Crown land.

31. Likely Impacts on the Environment and Amenity:

- The proposal will result in unacceptable visual impacts when viewed from the foreshore and adjoining properties.
- Loss of scenic views from Wadsley Crescent and neighbouring dwellings.

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- Poor internal amenity for future occupants due to inadequate natural light and ventilation in lower ground floor rooms.

32. Site Suitability and Public Interest:
    - The development is inconsistent with the objectives of the R2 Low Density Residential zone and the Foreshore Scenic Protection Area.
    - The proposal is not suitable for the site and is contrary to the desired future character of the locality.
    - Approval would set an undesirable precedent for over-scaled development in a sensitive foreshore environment.

RECOMMENDATION

33. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer recommends DA2025/0132 for demolition works, construction of a detached dual occupancy, swimming pools and garage at 7 Wadsley Crescent, Connells Point, should not be approved subject to the refusal reasons referenced below:

    (a) The application fails to provide sufficient information to assess the impacts of the proposed development, pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979.

    (b) The proposed development fails to demonstrate compliance with Clause 2.3 Zone Objectives and Land Use Table of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    (c) The proposed development fails to demonstrate compliance with Clause 4.4A Floor Space Ratio maximum 0.5:1 development standard of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    (d) The proposed development fails to demonstrate compliance with Clause 4.6 Exceptions to development standards in that a Clause 4.6 Variation Statement in relation to Clause 4.4A, Clause 6.4 and Clause 6.12 of Georges River Local Environmental Plan 2021 has not been submitted pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    (e) The proposed development fails submit sufficient information to demonstrate compliance with Clause 6.1 Acid Sulfate Soils of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    (f) The proposed development fails to demonstrate compliance with Clause 6.2 Earthworks of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    (g) The proposed development fails to demonstrate compliance with Clause 6.3 Stormwater Management of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

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(h) The proposed development fails to demonstrate compliance with Clause 6.4 Foreshore Area and Coastal Hazards and Risk of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(i) The proposed development fails to demonstrate compliance with Clause 6.5 Riparian Land and Waterways Stormwater Management of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(j) The proposed development fails to demonstrate compliance with Clause 6.6 Foreshore Scenic Protection Area of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(k) The proposed development fails to demonstrate compliance with Clause 6.9 Essential Services of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(l) The proposed development fails to demonstrate compliance with Clause 6.10 Design Excellence of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(m) The proposed development fails to demonstrate compliance with Clause 6.12 Landscape Area in Certain Residential and Conservation Zones of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(n) The proposal fails to provide comply with design requirements in accordance with Part 3 General Planning Considerations of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

(o) The proposal fails to provide comply with design requirements in accordance with Part 5.16 Residential Locality Statement – Connells Point and Kyle Bay Locality Statement of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

(p) The proposal fails to provide comply with design requirements in accordance with Part 6.1.3 Dual Occupancies of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

(q) The proposal fails to provide comply with design requirements in accordance with Part 6.4 Ancillary Development of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

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(r) The proposal fails to provide comply with design requirements in accordance with Part 6.5 Foreshore Locality of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

(s) The proposal, in its current form will have an adverse impact on the natural, built and social environment, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.

(t) The proposal, in its current form, is not considered to be suitable for the site, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

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

ATTACHMENTS

Attachment ⇩1 DA Assessment Report DA2025-0132 7 Wadsley Crescent Connells Point

Attachment ⇩2 Architectural Plans for LPP - 7 Wadsley Crescent, Connells Point- DA2025 0132

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

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Introduction

Application Number	DA2025/0132
PAN	PAN-522075
Description	Demolition works, construction of a detached dual occupancy, swimming pools and garage
Address	7 Wadsley Crescent CONNELLS POINT NSW 2221
Lot / DP	Lot 80 DP 1302988
Applicant	Plan Zone
Owner(s)	Connells Point Investments No.1 Pty Ltd
Responsible Officer	Renee Arrowsmith

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) *Environmental Planning & Assessment Act* 1979, refuse to the Development Application due to the reasons discussed within this report.

Proposal

Description	Development Application No. DA2025/0132 seeks consent for the demolition of all existing structures, construction of detached dual occupancy above a basement storage level, swimming pools, detached garages, landscaping and site works. Specifically, the development application proposes the following: <u>Dwelling A (Eastern side)</u> – Basement (RL 2.13): basement and associated storage, plant/services for the dwelling, bathroom and lift/stairs. – Lower Ground Floor (RL 5.03): kitchen/dining/living room, butler's pantry, laundry, powder, lift/stairs, a bedroom with ensuite, swimming pool, paved outdoor recreational area (partially roofed with access ramp to the basement) and rainwater tanks below the garage. – Ground Floor (RL 8.03): guest lounge with bar area, bedroom with ensuite, study, powder room, lift/stairs, balcony and two car garage.

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Proposal	
	– First Floor (RL 10.93): main bedroom suite with a walk-in robe and ensuite, another bedroom with ensuite, living room, lift/stairs balcony and rooftop planting over garage. – Roof (RL 13.72 – 14.13): concrete roof with glazed skylight with retractable shading over void and a minor lift overrun. Dwelling B (Western side) – Basement (RL 1.81): basement and associated storage, plant/services for the dwelling, bathroom and lift/stairs. – Lower Ground Floor (RL 4.51): bedroom (5) with ensuite, kitchen/dining/living room, butler's pantry, laundry, powder room, lift/stairs, swimming pool and paved outdoor recreational area (partially roofed with access stairs to the basement) and rainwater tanks below the garage. – Ground Floor (RL 7.31): bedroom with walk in robe and ensuite, guest lounge with bar, powder room, study, lift/stairs, balcony and two car garage. – First Floor (RL 10.11): main bedroom with walk in robe and ensuite, living room, bedroom with walk in robe and ensuite, bathroom, lift/stairs and rooftop planting over garage. – Roof (RL 13.72 – 14.13): concrete roof with glazed skylight with retractable shading over void and a minor lift overrun. Additional works – Demolition of the existing dwelling and all associated structures (excluding an existing timber deck and boat ramp forward of proposed Dwelling B). – New (expanded) suspended deck, partly on Lot 518 DP 752056 (Crown Land) – Earthworks and retaining walls. – Stormwater drainage works. – Removal of 4 or 5 trees. – New vehicular crossings. – Landscaping.
Estimated Development Cost	$2,908,621.00

Site	
Description	The site is known as 7 Wadsley Crescent, Connells Point and is legally described as Lot 80 DP 1302988 and part Lot 518 DP 752056. Lot 80 has an area of 1,577m². Deposited Plan 1302988 was registered on 12 August 2024 and resulted from a plan of redefinition of Lot 8 in DP 214483, the previous legal description of the site.

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Site

The site has a northern boundary to 8 Wadsley Crescent of 24.08m (by DP), a western boundary to 210-212 Terry Street of 44.26m (by DP) to the Mean High-Water Mark ("**MHWM**") marked on DP 1302988, a southern boundary to Connells Bay of 43.575m (by DP) and an eastern boundary to 6 Wadsley Crescent of 68.015m (by DP) to the MHWM.

Lot 518 DP 752056 is a water-based lot owned by the State of New South Wales. The submitted architectural plans outline that no development is proposed to be carried out within this lot. However, the eastern proposed suspended timber deck may encroach onto the boundary line shown according to the DP.

The land-based portion of the site is presently occupied by a detached 2-storey dwelling house with an associated swimming pool, outdoor seating area, a "shed" outbuilding adjoining the pool, timber deck and boat ramp. Vehicular access is via a steep driveway from Wadsley Crescent. The land-based portion of the site has boat access to the Georges River via slip rails and ramp on the southern boundary of the site.

The land-based portion of the site is burdened by a 3.05-metre-wide easement for drainage along its western boundary which currently contains a 300mm diameter pipe and comprises an overland flow path.

The land-based portion of the site is situated within Zone R2 Low Density Residential pursuant to *Georges River Local Environmental Plan 2021* ("GRLEP 2021") and comprises an area of 1,499m². The water-based portion of the site is situated within Zone W2 Recreational Waterways under GRLEP 2021.

The site is situated within Connells Point, a suburb in the Georges River local government area that is located approximately 23km south-west of the Sydney CBD and 1.8km from the South Hurstville neighbourhood centre.

The surrounding residential land is situated within Zone R2 Low Density Residential pursuant to GRLEP 2021 and within the Connells Point and Kyle Bay Locality identified in Section 5.16 of the *Georges River Development Control Plan 2021* ("GRDCP 2021").

Surrounding development is predominantly characterised by 2 to 3 storey detached dwelling houses, many of which are situated on land with undulating topography and waterfront boundaries to the Georges River.

Development on land adjoining the site comprises of the following:

- A 2-storey rendered dwelling house at 8 Wadsley Crescent to the north.
- A 2 to 3 storey contemporary style dwelling house at 6 Wadsley Crescent, a waterfront property with boat access to Connells Bay; and

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Site	
	– Two x 2-storey contemporary style dwelling houses at 210-212 Terry Street, Connells Point. The site is also located in close proximity to the Connells Point Reserve (to the west) and Donnelly Park (to the east).

A site plan is provided below:

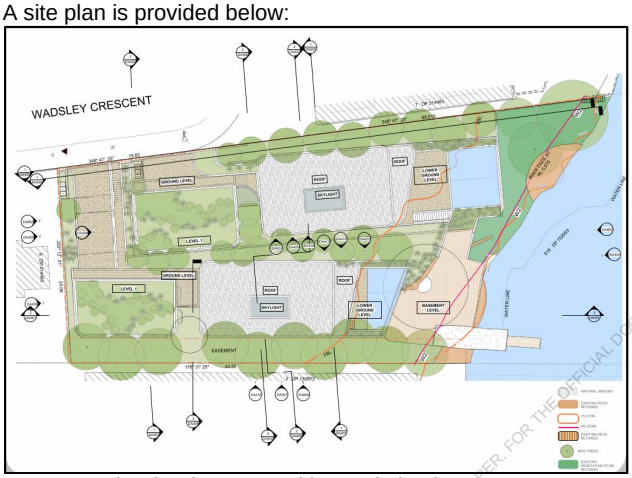

Figure 1 – Site plan *(Source: Architectural Plans)*

Aerial Image of Land Zoning

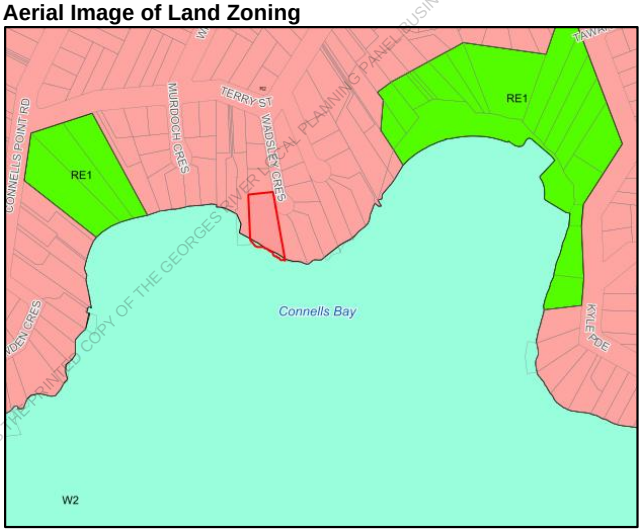

Figure 2 –Aerial view of development site outlined in red *(Source: IntraMaps)*

Aerial Image of Site

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

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History

Application Number	Development Type	Determined
DA2024/0012	Dual Occupancy	Appealed then discontinued before s34AA
DA2025/0113	Dual Occupancy with swimming pools	Returned 21 Match 2025 for stormwater checklist, excavation/fill plan and deep soil plan

Processing

Action	Date	Comments
Submission	25 March 2025	-
Lodgement	23 April 2025	-
Site Inspection	7 July 2025	-
Request to Withdraw Letter Issued	20 October 2025	No response received to date.

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

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

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Assessment - Section 4.15 Evaluation

The Provisions of any applicable Act

The Provision of any Applicable Environmental Planning Policies

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

SEPP (Biodiversity Conservation) 2021
Chapter 6 Water Catchments

- The site is situated within the Georges River Catchment, which is a regulated catchment for the purposes of Chapter 6 of SEPP B&C.
- Division 2 in Part 6.2 contains general controls applying to development in regulated catchments.
- The site contains land that is within 100m of a natural waterbody in a regulated catchment and section 6.11 in Division 3 in Part 6.2 of SEPP B&C therefore applies.

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SEPP (Resilience and Hazards) 2021
Chapter 2 Coastal Management and Chapter 4 Remediation of land

Chapter 2: Coastal management.

- The site is located within the Coastal Use Area and Coastal Environment Area and therefore sections 2.10 and 2.11 of SEPP R&H apply.
- Sections 2.12 to 2.18 (inclusive) also apply.

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

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

SEPP (Sustainable Buildings) 2021

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:	Eco Engineering Group Pty Ltd
Certificate Number:	1786351M
Certificate Date:	6 March 2025

SEPP (Transport and Infrastructure) 2021

Division 5 Electricity transmission or distribution
Subdivision 2 – Development likely to affect an electricity transmission or distribution network (Ausgrid)

	Y	N	N/A
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			

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SEPP (Transport and Infrastructure) 2021

• Installation of a pool within 30 metres of supporting overhead electricity transmission lines or within 5 metres of overhead power lines					
2.48(2)(a)	Written notice to the electrical supply authority has been carried out.	Considered and supplied from Ausgrid.	☒	☐	☐
2.48(2)(b)	Any response to the above has been considered.	Considered and supplied from Ausgrid.	☒	☐	☐
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
Clause 2.3 Zoning	Refer to LEP map.	R2 Low Density Residential and W2 Recreational Waterways	☐	☒	☐
Clause 2.7 Demolition	The demolition of a building requires development consent.	Noted.	☒	☐	☐
Clause 4.1A Minimum subdivision lot size for dual occupancies	(2) Despite clauses 4.1 and 4.1B, development consent may be granted for the subdivision of land— (b) in the Foreshore Scenic Protection Area as identified on the *Foreshore Scenic Protection Area Map* if— (ii) the lot size for each resulting lot will be at least 430 square metres.	Achieved.	☒	☐	☐
Clause 4.1B Minimum lot sizes and special provisions for certain dwellings	A minimum lot area of 1,000m2 for land identified on the Foreshore Scenic Protection Area Map (Clause 4.1B(3)); and The width of the lot at the front building line of 18 metres where only 1 dwelling faces the primary road, or otherwise 22m (Clause 4.1B(5)).	24.08m	☒	☐	☐
Clause 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: Dwelling A: 9m, Dwelling B: 8.98m	☒	☐	☐
Clause 4.4A Floor space ratio	To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.	Standard: Minimum 0.5:1 (749.5m^2) Proposed: 0.69:1 (1034.78m^2) This represents an exceedance of the relevant FSR development standard of 285.28m2 (38.06% variation).	☐	☒	☐

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Section	Text	Comment	Y	N	N/A
Clause 4.6 Exceptions to development standards	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	A Clause 4.6 variation statement has not been provided by the Applicant.	☐	☒	☐
Clause 6.1 Acid sulfate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	Insufficient information has been provided for the assessment of acid sulfate soil risk at the development pursuant to Clause 6.1 of GRLEP 2021. The EI Australia Acid Sulphate Report ("ASS") report notes the depth of soil to be 0.5m which contradicts the Geotechnical Report which notes the soil depth to be up to 1.9m deep. Drilling on the site has only been undertaken to a depth of 0.5 metres below the existing ground level and no sampling or testing has been undertaken for the full soil depth. An Acid Sulfate Management Plan has also not been provided for the development, which is required.	☐	☒	☐
Clause 6.2 Earthworks	The objective of this clause is 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 development application must be refused because the proposed development results in excessive excavation and does not maintain the natural topography of the land.	☐	☒	☐
Clause 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	The proposed upgraded and extended timber deck and the drainage infrastructure (headwall and scour protection structures (x 2) and silt arrestor pit) are not permissible with consent in the W2 zone as such works do not satisfy the definition of any of the above permissible development types. Therefore, consent cannot be granted to these components of the proposed development.	☐	☒	☐
Clause 6.4 Foreshore Area and Coastal Hazards and Risk	(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 extent of the foreshore building line ("FBL") as shown on the FBL Map is 15m. The footprint of the proposed buildings encroaches the FBL and is within the foreshore area on the basement and lower ground and ground floor levels for both proposed dwellings, with a minor encroachment for the proposed	☐	☒	☐

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Section	Text	Comment	Y	N	N/A
	(i) the foreshore building line, or (ii) 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,	ground floor level for proposed Dwelling A.			
Clause 6.5 Riparian Land and Waterways	(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority 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, (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 the consent authority 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.	There appears to be minor disturbance to the riparian lands and waterways on site. Erosion and sediment control measures in place during building works will ensure no soil, debris or pollution enters the riparian area of the Georges River waterway.	☐	☒	☐

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Section	Text	Comment	Y	N	N/A
Clause 6.6 Foreshore Scenic Protection Area	(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following— (a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation, (b) the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations, (c) the maintenance and enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, (d) the achievement of no net loss of significant vegetation or habitat, (e) the avoidance of clearing steep slopes and facilitation of the stability of the land, (f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places, (g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.	The proposed development would not provide for the protection of the natural environment as required by clause 6.6(3)(a) of GRLEP 2021 in that the proposal does not protect the natural topography of the site given the excessive excavation of approximately 6 metres and potential impacts to trees in the foreshore area. The proposed development does not minimise adverse impacts on the visual environment from the Georges River to the site arising from the excessive building form and excavation of the site, contrary to clause 6.6(3)(f) of GRLEP 2021. The proposed development does not minimise the height and bulk of the development by stepping the development to accommodate the fall in the land given the excessive building form and excavation of the site, contrary to clause 6.6(3)(g) of GRLEP 2021.	☐	☒	☐
Clause 6.9 Essential services	The property must have in place by determination the following services: (a) water, (b) electricity, (c) telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	The proposed upgraded and extended timber deck and the drainage infrastructure (headwall and scour protection structures (x 2) and silt arrestor pit) are not permissible with consent in the W2 zone as such works do not satisfy the definition of any of the above permissible development types. Therefore, consent cannot be granted to these components of the proposed development.	☐	☒	☐
Clause 6.10 Design Excellence	(2) This clause applies to development on land referred to in subclause (3) involving— (a) the erection of a new building, (5) In considering whether the development exhibits design	The proposed development has failed to address the relationship with existing adjoining development in terms of a lack of separation and setbacks, amenity and urban form (Cl 6.10(5)(d)(iv));	☐	☒	☐

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Section	Text	Comment	Y	N	N/A
	excellence, the consent authority must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) how the development addresses the following matters— (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, (viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, (ix) the impact on, and proposed improvements to, the public domain, (x) achieving appropriate interfaces at ground level between the building and the public domain, (xi) excellence and integration of landscape design, (xii) the provision of communal spaces and meeting places,	The bulk, massing and modulation of buildings in the proposed building form is not sufficiently articulated and includes large areas of blank walls. The lack of architectural variation, coupled with the extensive number of storeys, further exacerbates the bulk and scale of the proposed building form (Cl 6.10(5)(d)(v)); The environmental impacts of the development have not been adequately minimised in relation to visual privacy and solar access arising from the proposed ground floor balcony for Building A potentially impacting on privacy for the adjoining eastern property. The proposed lower ground floor largely being underground due to the proposed excavation, results in an excessive reliance on artificial lighting and mechanical ventilation, in addition to providing poor quality habitable spaces resulting in a lack of sustainable design (Cl 6.10(5)(d)(vii)); The Proposal adversely impacts on the public domain as there is an insufficient setback to Wadsley Crescent, and the height and bulk of the proposal is inconsistent with the foreshore setting (Cl 6.10(5)(d)(ix)); Excellence and integration of landscape design is not achieved as there is a lack of landscaped area within the front setback with driveways and services reducing the integration of the landscaping design with the proposed building form. There is also inadequate screening vegetation along the foreshore area to soften the proposal, resulting in the foreshore being dominated by built form (Cl 6.10(5)(d)(xi)),			

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Section	Text	Comment	Y	N	N/A
	(xiii) the provision of public art in the public domain, (xiv) the provision of on-site integrated waste and recycling infrastructure, (xv) the promotion of safety through the application of the principles of crime prevention through environmental design.				
Clause 6.12 Landscape areas in certain residential and conservation zones	(5) 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— (d) for a dual occupancy or semi-detached dwelling located on land within the Foreshore Scenic Protection Area—30% of the site area, or	The landscaped area calculation provided in the development application indicates that the total landscape area is 473.4m2 (Calculations Plan (Drawing DA902, Issue A), however, this calculation includes the narrow strips of land surrounding the proposed garage for Dwelling B and the narrow separation between the proposed garages and Dwellings A and B.	☐	☒	☐
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.					

Objectives of Zone R2 Low Density Residential

The development application should be refused because the proposed development is inconsistent with the objectives for development in Zone R2 Low Density Residential pursuant to GRLEP 2021.

(a) The Land Use Table in clause 2.3 of GRLEP 2021 for Zone R2 Low Density Residential sets out the following objectives for development in the zone:

"***Objectives of zone***

- *To provide for the housing needs of the community within a low-density residential environment.*
- *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.*"

(b) The proposed development is inconsistent with the third zone objective in that a high standard of urban design and built form that enhances the local character of the suburb and provides a high level of residential amenity has not been achieved arising from the bulk and scale of the proposal when viewed from the foreshore and adjoining properties.

(c) The proposed development is inconsistent with the fourth zone objective in that the proposal does not provide a landscaped setting given there is inadequate landscaped area on the site and there is a lack of landscaping within the front setback and foreshore areas of the site.

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Permissibility of Works in the W2 Zone

The development application must be refused because works are proposed within the W2 Recreation zone which are not permissible.

(a) Clause 2.3 of GRLEP 2021 provides the zone objectives and land use table. Development which is permissible with consent in the W2 zone pursuant to Cause 2.3 of GRLEP 2021 includes

> *Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Roads; Water recreation structures.*

(b) The proposed upgraded and extended timber deck and the drainage infrastructure (headwall and scour protection structures (x 2) and silt arrestor pit) are not permissible with consent in the W2 zone as such works do not satisfy the definition of any of the above permissible development types. Therefore, consent cannot be granted to these components of the proposed development.

(c) The proposed works are also inconsistent with the zone objectives in that the proposal does not protect the scenic and recreation values of the waterway and does not allow for water-based recreation and related uses.

Floor Space Ratio Exceedance

The development application should be refused because the gross floor area ("**GFA**") of the proposed development is excessive, contravenes clause 4.4A(4) of GRLEP 2021, and the application was not accompanied by a document setting out the grounds on which the matters in Clause 4.6(3)(a) and (b) of the GRLEP 2021 have been satisfactorily satisfied.

Clause 4.4 of GRLEP 2021 provides as follows:

> "***4.4 Floor space ratio***
>
> *(1) The objectives of this clause are as follows—*
>
> *(a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
>
> *(b) to ensure that development provides appropriate built form transition between new buildings and—*
>
> *(i) adjoining land uses, or*
>
> *(ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance,*
>
> *(c) to control development density and intensity of land use, taking into account—*
>
> *(i) the environmental constraints and values of the site, including retaining the scenic, visual, and landscape qualities of the area, and*
>
> *(ii) the amenity of adjoining land and the public domain, and*
>
> *(iii) the availability of infrastructure to service the site, and*

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(iv) *the capacity of the road network to accommodate the vehicular and pedestrian traffic that a development will generate.*

(2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*"

The Floor Space Ratio Map referred to in clause 4.4 of GRLEP 2021 shows a maximum FSR of 0.55:1 for the site. However, clause 4.4A of GRLEP 2021 provides as follows:

"***4.4A Exceptions to floor space ratio—certain residential accommodation***

(1) The objectives of this clause are as follows—

(a) to ensure that the bulk and scale of development are compatible with the size of the lot,

(b) to promote good residential amenity.

…

(4) The maximum floor space ratio for a dual occupancy must not exceed the maximum floor space ratio specified in the table to this subclause.

Site area	Maximum floor space ratio
not more than 1,000 square metres	[site area × 0.6] ÷ site area:1
more than 1,000 square metres but not more than 1,500 square metres	[(site area - 1000) × 0.3 + 600] ÷ site area:1
more than 1,500 square metres but not more than 2,000 square metres	[(site area - 1500) × 0.2 + 750] ÷ site area:1
more than 2,000 square metres	[(site area - 2000) × 0.1 + 850] ÷ site area:1

"

Pursuant to the formula in clause 4.4A(4) of GRLEP 2021 for a site with an area more than 1,000m² but not more than 1,500m², the GFA of the proposed development must not exceed 0.500:1, which equates to a maximum GFA of 749.5m^2.

The Dictionary to GRLEP 2021 provides the following definition of GFA:

"***gross floor area*** *means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—*

(a) the area of a mezzanine, and

(b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement—

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

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(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above."

The Calculations Plan (Drawing DA902, Issue A) indicates that the proposed development has a total GFA of 741.98m^2 (being 373.71m^2 for Dwelling A and 368.27m^2 for Dwelling B). The proposed FSR is stated as 0.495:1, with a site area of 1499m² being the land on which the development is permissible pursuant to clause 4.5(4)(a) of the GRLEP 2021 (it excludes the portion of the site in the W2 zone where a dual occupancy is prohibited).

While the application states compliance with the FSR development standard, there are considered to be areas of the proposal which have not been included in the FSR calculation, which when added to the calculation, results in the proposal exceeding the exception to the FSR development standard pursuant to clause 4.4A(4) of GRLEP 2021.

The proposal provides a large oversized double garage comprising two (2) car spaces for each of the proposed dwellings in the dual occupancy. This amount of car parking significantly exceeds the minimum required under Part 3.1.3 of GRDCP 2021, which is one (1) garage space per dwelling and one (1) driveway parking space forward of the garage (noting that there is also additional space available on the driveways). Therefore, in accordance with paragraph (g) of the definition of GFA under GRLEP 2021, the floor space within the proposed garages beyond one (1) garage space must be included as GFA as it is not space provided for "*car parking to meet any requirements of the consent authority*".

The area comprising the rainwater tanks storage area below the proposed double garages are also required to be included in the GFA calculation given these areas are not basements, as such areas are not below ground level (existing) and the floor level of the storey immediately above (i.e. the garages) are more than 1 metre above ground level (existing).

Therefore, the Respondent calculates that the proposed development has a total GFA of 1034.78m^2, comprising of 436.11m^2 GFA for Dwelling A and 430.67m^2 GFA for Dwelling B (excluding 21.6m² per single garage for each dwelling and including 84m² for the floor below the garage for each dwelling). This represents an exceedance of the relevant FSR development standard of 285.28m^2 and a FSR of 0.69:1 for the development (38.06% variation).

In addition, the extensive storage areas shown on the Basement Floor Plans (Drawing DA301, Issue A) are only excluded under paragraph (e)(i) of the definition of GFA if the area is a "basement", the definition of which under GRLEP 2021 is as follows:

"***basement*** *means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).*"

The basement storage level of both dwellings are excessive in area and are capable of being reconfigured for the purposes of habitable entertainment space. The following concerns are raised in this regard:

Dwelling A is not provided with a skid/ramp for a boat to access the waterway and is instead provided with a timber deck. The RL of the timber deck is unknown, and it is potentially located partly on Crown Land. It is unclear whether the architectural plans accurately reflect the alignment of MHWM as shown on the updated DP, so the location of the deck relative to the updated boundary is unknown.

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The excessive size of the garages and plant rooms is otherwise contrary to Part 6.1.3.2 (4) of GRDCP 2021, which provides:

> "*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 10m² for storage and 20m² for plant rooms. Additional basement area to that required to satisfy these parking requirements may be included as floorspace area when calculating floorspace ratio.*"

The development application has not been accompanied by a written request seeking to justify the contravention of the development standard in clause 4.4A of GRLEP 2021 as required by section 35B of the EP&A Regulation.

The proposal is considered to be contrary to the objectives of Clause 4.4A of GRLEP 2021 in that the bulk and scale of the proposed development is incompatible with the size of the lot given the extensive additional GFA proposed, particularly given the site's location adjoining the foreshore and within the foreshore scenic protection area.

The Applicant has failed to demonstrate the following matters required to be demonstrated under clause 4.6(3) of GRLEP 2021:

- That compliance with the development standard in clause 4.4A of GRLEP 2021 is unreasonable or unnecessary in the circumstances, and
- That there are sufficient environmental planning grounds to justify the contravention of the development standard in clause 4.4A of GRLEP 2021.

Inadequate Landscaped Area

The development application must be refused because the proposed development provides inadequate landscaped area and on that basis the consent authority would not be satisfied as to the precondition to the grant of consent in Clause 6.12(4) and (5) of GRLEP 2021.

The development application has not adequately demonstrated that the proposed development provides at least 30% (449.7m²) of the site area as landscaped area as required by clause 6.12(5)(d) of GRLEP 2021.

The landscaped area calculation provided in the development application indicates that the total landscape area is 473.4m² (Calculations Plan (Drawing DA902, Issue A), however, this calculation includes the narrow strips of land surrounding the proposed garage for Dwelling B and the narrow separation between the proposed garages and Dwellings A and B. Such inclusions do not satisfy Clause 6.1.3.11(2) of GRDCP, which requires that all landscaped areas required by GRLEP are to have a minimum dimension of 1.2 metres in all directions. The calculated landscaped area would be further reduced if the area within the drainage easement on the western boundary was excluded given the restrictions on planting in this area due to the drainage infrastructure in this portion of the site.

It is also unclear if the landscaped area calculation includes the rooftop green space and the planter at the front boundary (coloured in lighter green on the calculations plan), included on the Landscape Plan (Drawing No LD-DA003 prepared by Land and Form) which are not considered to satisfy the definition of *landscaped area* under GRLEP 2021, which states:

> ***landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.*

Therefore, the total landscaped area in accordance with the relevant definitions in the GRLEP 2021 and GRDCP is unknown and there is no power to grant development consent to the development application in its current form.

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The front setback areas will comprise predominantly impervious areas, contrary to Part 6.1.3.11(4) of GRDCP 2021 which requires a maximum of 70% for Dwelling A and 65% for Dwelling B respectively is to comprise impervious areas. The proposal is also contrary to Part 6.1.3.11(3) of GRDCP 2021 in that a landscape setting within the primary and secondary street frontages has not been provided and impervious paved areas have not been minimised.

The lack of landscaped area is contrary to the objectives of the foreshore scenic protection area in that the proposal does not reinforce or improve the dominance of landscape over built form and hard surfaces on the site pursuant to Clause 6.6(1)(d) of GRLEP 2021.

The proposal does not provide sufficient landscape area or deep soil planting areas to allow for planting of replacement trees given numerous existing trees are proposed to be removed, contrary to Part 3.2.1(10)(vii) of GRDCP 2021.

The lack of landscaped area reduces the capacity for new, contemporary planting and landscaping required by Part 6.5.1(5) of GRDCP 2021.

Design Excellence

The development application must be refused because the proposed development does not exhibit design excellence as required by clause 6.10 of GRLEP 2021 and therefore consent cannot be granted.

Clause 6.10 of the GRLEP 2021 applies to the proposed development, as it involves the erection of a new building on land in the Foreshore scenic protection area for residential accommodation pursuant to Clause 6.10(2)(a) and (3)(a)(iv) of GRLEP 2021. Pursuant to Clause 6.10(4) of GRLEP 2021, development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence

Clause 6.10 of GRLEP 2021 provides as follows:

> "***6.10 Design excellence***
>
> *(1) The objective of this clause is to deliver the highest standard of sustainable architecture and urban design.*
>
> *(2) This clause applies to development on land referred to in subclause (3) 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) This clause applies to development on the following land—*
>
> *(a) land identified on the Foreshore Scenic Protection Area Map if the development is for one or more of the following purposes—*
>
> *…*
>
> *(iv) residential accommodation, except for secondary dwellings,*
>
> *…*
>
> *(4) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*

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

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

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

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

(d) how the development addresses the following matters—

(i) the suitability of the land for development,

(ii) existing and proposed uses and use mix,

(iii) heritage issues and streetscape constraints,

(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

(v) bulk, massing and modulation of buildings,

(vi) street frontage heights,

(vii) environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,

(viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,

(ix) the impact on, and proposed improvements to, the public domain,

(x) achieving appropriate interfaces at ground level between the building and the public domain,

(xi) excellence and integration of landscape design,

(xii) the provision of communal spaces and meeting places,

(xiii) the provision of public art in the public domain,

(xiv) the provision of on-site integrated waste and recycling infrastructure,

(xv) the promotion of safety through the application of the principles of crime prevention through environmental design."

The proposed development fails to exhibit design excellence as required by clause 6.10(4) of GRLEP 2021 having regard to the matters listed in clause 6.10(5) and based on the issues identified below.

The Proposal fails to exhibit design excellence having regard to whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, required to be considered under cl 6.10(5)(a) of GRLEP 2021, as the proposed flat roof in addition to the horizontal slab bands enhances horizontality and building bulk. The

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voids above the feature stairs and the unarticulated large spans of solid walls (side elevations) further exacerbate the building bulk. The proposed materials and finishes heavily rely on rendered painted surfaces in a salt water marine environment, when a more durable material should be used for the external walls.

The Proposal fails to exhibit design excellence having regard to whether the form and external appearance of the development will improve the quality and amenity of the public domain, as required to be considered under cl 6.10(5)(b) of GRLEP 2021, as:

(i) the development when viewed from the Wadsley Crescent frontage is unsatisfactory given the street setback is dominated by vehicular access, garages and bin storage areas, with no activation of the streetscape, inconsistent with the desired future character of landscaped street frontages. The proposal also does not comply with the front setback requirements, reducing landscaping opportunities within the front setback.

(ii) The form and external appearance of the development when viewed from the foreshore is excessive in height, presenting as three (Dwelling A) and four (4) storeys (Dwelling B) that do not step with the topography of the site or provide sufficient landscaping to screen the development, being incompatible with the existing predominantly two (2) storey developments in the area.

(iii) The proposed bulk and massing of the proposal is unsatisfactory arising from the large areas of blank walls, the height of the proposal in relation to the number of storeys and the lack of articulation of the external walls.

The Proposal fails to exhibit design excellence as the design of the proposal has not adequately considered potential impacts on views of the Georges River from the street and from Nos 3 and 4 Wadsley Crescent, which largely arises from the proposed new garages, contrary to Clause 6.10(5)(c) of GRLEP 2021.

The Proposal fails to exhibit design excellence having regard to the following matters at cl 6.10(5)(d):

(i) The proposed development has failed to address the relationship with existing adjoining development in terms of a lack of separation and setbacks, amenity and urban form (Cl 6.10(5)(d)(iv)).

(ii) The bulk, massing and modulation of buildings in the proposed building form is not sufficiently articulated and includes large areas of blank walls. The lack of architectural variation, coupled with the extensive number of storeys, further exacerbates the bulk and scale of the proposed building form (Cl 6.10(5)(d)(v));

(iii) The environmental impacts of the development have not been adequately minimised in relation to visual privacy and solar access arising from the proposed ground floor balcony for Building A potentially impacting on privacy for the adjoining eastern property. The proposed lower ground floor largely being underground due to the proposed excavation, results in an excessive reliance on artificial lighting and mechanical ventilation, in addition to providing poor quality habitable spaces resulting in a lack of sustainable design (Cl 6.10(5)(d)(vii));

(iv) The Proposal adversely impacts on the public domain as there is an insufficient setback to Wadsley Crescent, and the height and bulk of the proposal is inconsistent with the foreshore

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setting (Cl 6.10(5)(d)(ix));

(v) Excellence and integration of landscape design is not achieved as there is a lack of landscaped area within the front setback with driveways and services reducing the integration of the landscaping design with the proposed building form. There is also inadequate screening vegetation along the foreshore area to soften the proposal, resulting in the foreshore being dominated by built form (Cl 6.10(5)(d)(xi)),

Development within the Foreshore Area and encroachment into the waterway

The development application must be refused because development for purposes other than those specified in clause 6.4(3) of GRLEP 2021 are proposed on that part of the site identified as the *foreshore area* on the Foreshore Building Line Map. Further, no owner's consent has been provided in relation to the potential encroachment of the development into the water-based portion of the site.

Clause 6.4 of GRLEP 2021 provides as follows:

"***6.4 Foreshore area and coastal hazards and risk***

(1) The objectives of this clause are as follows—

(a) to protect people and property from unacceptable risk from coastal hazards associated with climate change,

(b) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the amenity of the area,

(c) to facilitate opportunities for public access to and along the foreshore.

(2) This clause applies to the following land—

(a) land identified on the Coastal Hazard and Risk Map,

(b) land identified on the Foreshore Building Line Map.

(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—

(i) the foreshore building line, or

(ii) 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—

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(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."*

The extent of the foreshore building line ("**FBL**") as shown on the FBL Map is 15m. The footprint of the proposed buildings encroaches the FBL and is within the foreshore area on the basement and lower ground and ground floor levels for both proposed dwellings, with a minor encroachment for the proposed ground floor level for proposed Dwelling A (as shown by the orange line on all of the floor plans).

The proposed development does not satisfy Clause 6.4(3) of GRLEP 2021 in that:

(i) The proposal does not propose the alteration, or demolition and rebuilding of the existing dwelling on the site, as demolition of the existing (entire) dwelling is proposed. The proposed development comprises a different footprint, height, size and development type to the existing dwelling, in that a detached dual occupancy is proposed. Therefore, the proposal does not satisfy Clause 6.4(3)(a) of GRLEP 2021.

(ii) There are no exceptional features of the site which make it appropriate to breach the foreshore building line in this instance. Therefore, the proposal does not satisfy Clause 6.4(3)(b) of GRLEP 2021.

(iii) The proposed dwellings do not satisfy the definitions of *boat shed*, *cycling paths, fences, sea walls*, *water recreation structures* or *walking tracks*. Therefore, the proposal does not satisfy Clause 6.4(3)(c) of GRLEP 2021, although it is noted that the proposed swimming pools are permissible in the foreshore area.

Accordingly, there is no power to grant development consent to works below the foreshore building line (except for the proposed swimming pools).

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If it was concluded that the proposed development is for one or more of the purposes specified in clause 6.4(3) of GRLEP 2021, in deciding whether to grant development consent pursuant to the mandatory matters for consideration in clause 6.4(4)(f) of GRLEP 2021 could not be satisfied that appropriate measures to avoid, minimise or mitigate the impacts of the development arising from the height, scale and visual impact of the development when viewed from the foreshore have been adequately demonstrated.

The proposal is inconsistent with the objectives of the foreshore area pursuant to Clause 6.4(1)(b) of GRLEP 2021 in that the proposal will affect the amenity of the foreshore area given the significant bulk and scale of the proposed development and the excessive excavation proposed.

The proposed new suspended timber deck potentially extends into the water-based Lot 518 in DP 752056 (beyond the MHWM). Lot 518 is owned by the State of NSW. There is no power to grant development consent to those works if encroaching into Lot 518 given there is no owners consent for such works.

Adverse Impact on Foreshore (Foreshore Scenic Protection Area)

The development application must be refused because the proposed development will not facilitate the protection of the natural and visual environment of the foreshore area as required by clause 6.6 of GRLEP 2021 and Part 6.5.1 of GRDCP 2021.

The site is identified as being wholly located within the Foreshore Scenic Protection Area on the Foreshore Scenic Protection Area Map and therefore clause 6.6 of GRLEP 2021 applies. The clause provides:

> "***6.6 Foreshore scenic protection area***
>
> *(1) The objectives of this clause are—*
>
> *(a) to protect, maintain and improve the scenic amenity of the Georges River foreshore,*
>
> *(b) to protect, maintain and improve significant views of and from the Georges River,*
>
> *(c) to protect, maintain and improve the diversity and condition of native vegetation and habitats,*
>
> *(d) to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill,*
>
> *(e) to encourage the recovery of threatened species and their communities, populations and habitats,*
>
> *(f) to enhance existing environmental, cultural and built character values of the foreshore.*
>
> *(2) This clause applies to land identified as "Foreshore scenic protection area" on the Foreshore Scenic Protection Area Map.*
>
> *(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following—*
>
> *(a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation,*

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(b) the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations,

(c) the maintenance and enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors,

(d) the achievement of no net loss of significant vegetation or habitat,

(e) the avoidance of clearing steep slopes and facilitation of the stability of the land,

(f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places,

(g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land."

The proposed development would facilitate the following mandatory matters for consideration pursuant to Clause 6.6(3) of GRLEP 2021:

(i) The proposed development would not provide for the protection of the natural environment as required by clause 6.6(3)(a) of GRLEP 2021 in that the proposal does not protect the natural topography of the site given the excessive excavation of approximately 6 metres and potential impacts to trees in the foreshore area.

(ii) The proposed development does not minimise adverse impacts on the visual environment from the Georges River to the site arising from the excessive building form and excavation of the site, contrary to clause 6.6(3)(f) of GRLEP 2021.

(iii) The proposed development does not minimise the height and bulk of the development by stepping the development to accommodate the fall in the land given the excessive building form and excavation of the site, contrary to clause 6.6(3)(g) of GRLEP 2021.

The proposal is contrary to the objectives for the foreshore scenic protection area in that:

(i) The proposal does not protect, maintain or improve the scenic amenity of the Georges River foreshore arising from the excessive bulk and scale of the proposal and the lack of compatibility with surrounding development, contrary to objective (a) of Clause 6.6(1) of GRLEP 2021.

(ii) The proposal does not reinforce or improve landscaping over built form and hard surfaces as it lacks any significant landscaping along the majority of the foreshore elevation of the site (given the proposed trees in the drainage easement cannot be accommodated in this area) and comprises a significant number of storeys for the proposed dwellings, numerous retaining walls, decking and basement encroachments, contrary to objective (d) of Clause 6.6(1) of GRLEP 2021.

(iii) The proposal does not enhance the existing built character values of the foreshore given the excessive bulk and scale of the building form and excavation, contrary to objective (f) of Clause 6.6(1) of GRLEP 2021.

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The environmental and scenic impacts of the proposed development are inconsistent with the objectives and controls in Part 6.5.1.1 of GRDCP 2021 in that: -

(i) The proposal is contrary to the objectives of Part 6.5.1.1 of GRDCP 2021 as it does not achieve a balance between development potential of the site and protecting the environmental and scenic landscape qualities of the foreshore (objective (a)). It also does not retain existing natural landscape features comprising the site's topography and trees (objective (b)). The proposed bulk and size of the development results in the foreshore area being dominated by structures, which does not ensure that development is sited and designed to blend with the surrounding environment (objective (c)).

(ii) The proposed is contrary to Part 6.5.1(10) of GRDCP 2021 as the visual impact is not minimised having regard to building size, bulk and amount of excavation, as the bulk and size of the building form and amount of excavation is excessive. The visual impact of the proposed development when viewed from the foreshore is unacceptable.

(iii) The facades and rooflines of the proposed dwellings facing the water have not been broken up into smaller elements with a balance of solid walls to glazed areas, with the proposal comprising large expanses of glazing and reflective materials which are not acceptable and contrary to Part 6.5.1(13) of GRDCP 2021.

(iv) The natural landform is not retained and there are numerous retaining walls proposed, contrary to Part 6.5.1.1(23) of GRDCP 2021.

(v) The proposal involves numerous retaining walls located between the foreshore building line and the MHWM and within 40 metres of MHWM, contrary to Part 6.5.1.1(24) of GRDCP 2021.

The proposed "boat shed" basement structures are inconsistent with the following objectives and controls relating to boat sheds in Part 6.5.2.3 of GRDCP 2021:

(i) Boatsheds are to have a specific form and dimensions as shown in Part 6.5.2.3(1) of GRDCP 2021 which comprises one (1) storey, maximum 5 metres in height, a maximum width of 4 metres, a maximum floor level of 900mm above MHWM (at least RL 1.475 on this site) and a maximum length of 7 metres and a flat roof with a slope of at least 15%. The proposed 'boat shed' as a basement within the proposed development is contrary to these controls, being almost 700mm above the minimum floor level, greater than single storey, a width of 4.5 metres and a length greater than 7 metres.

(ii) The proposed boat sheds have not been designed to minimise excavation given the extent of excavation required for the proposed basements on the site, contrary to Part 6.5.2.3(2) of GRDCP 2021.

(iii) The proposed boat sheds have not been designed to minimise the removal of rock outcrops and native vegetation on the site given the location of the building footprint having regard to the rock outcrop and significant trees in the foreshore area on the site, contrary to Part 6.5.2.3(3) of GRDCP 2021.

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The proposed swimming pools are inconsistent with Part 6.5.2.7(1) of GRDCP 2021 in that the proposed pools are not sited as close to natural or existing ground level as possible, with the coping level significantly more than 500mm above natural or existing ground level.

Excessive Excavation

The development application must be refused because the proposed development results in excessive excavation and does not maintain the natural topography of the land, contrary to GRLEP 2021 and GRDCP 2021.

The proposal involves excavation of up to 6 metres for the basement level of Dwelling A (to RL 2.13) and approximately 3.1 metres for the basement level of Dwelling B (to RL 1.81) based on the Geotechnical Investigation, prepared by EI Australia, dated 6 March 2025.

While the finished floor levels ("**FFLs**") of the dwellings have been stepped with respect to each other, the four (4) levels in each of the proposed dwellings have single slabs, such that there is no stepping down within the footprint of the units to follow the natural slope of the land. Excessively sized basement levels as well as oversized garages with separate areas for rainwater tanks further exacerbates the level of excavation required for the proposal. The design of the proposal has made no attempt to minimise the need for cut and fill as the proposal fails to address topography. The proposed excavation is considered to be unreasonable and unnecessary.

The proposal is contrary to Clause 6.2(3)(e) of GRLEP 2021 in that measures to minimise the need for cut and fill by stepping the development to accommodate the fall in the land has not been achieved given the excessive excavation proposed and the lack of stepping of the building form with the natural slope of the land. The proposed excavation exacerbates the overall bulk and scale of the proposal.

The proposal is contrary to Clause 6.6(3)(a) and (g) of GRLEP 2021 in relation to the matters required to be satisfied in deciding whether the grant consent in the foreshore protection area in that:

(i) The proposal does not protect the natural topography of the site due to the extent of excavation proposed; and

(ii) The minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land has not been achieved by the proposal.

The proposed excavation is inconsistent with of Part 3.5.1 (Excavation (including cut and fill)) of GRDCP 2021 in that:

(i) The proposal is inconsistent with the objectives of Part 3.5.1 of GRDCP 2021 in that it does not maintain the natural topography and landform of the site and the amount of excavation is not minimised, it does not minimise the visual impact of new development, particularly from the foreshore given the extent of excavation proposed resulting in four (4) storeys to the foreshore.

(ii) The proposal is inconsistent with Part 3.5.1(2) of GRDCP 2021 in that the proposal involves excavation of approximately 6 metres, significantly greater than the maximum 1 metre in this control.

(iii) The proposal is inconsistent with Part 3.5.1(3) of GRDCP 2021 in that the proposal involves habitable rooms below the existing ground level on the lower ground floor of Building A (Drawing

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DA 408) which do not receive any sunlight (Drawing DA 917). This is particularly concerning for the north-facing bedroom on the lower ground floor in both dwellings.

The proposed excavation is contrary to Part 6.1.3.7 (Excavation: Cut and Fill) of GRDCP 2021 in that:

(i) The proposal is inconsistent with Part 6.1.3.7(1) of GRDCP as the proposal involves excavation beyond the building footprint comprising the proposed garages with a floor beneath for rainwater tanks. These areas have a ceiling height of between 2.80 metres (Dwelling B) and 4.01 metres (Dwelling A) and require between 800mm (Dwelling B) and 2.6 metres (Dwelling A) of excavation. This represents excavation beyond the building footprint and is considered unsatisfactory.

(ii) The proposal is inconsistent with Part 6.1.3.7 (2) of GRDCP as the depth of excavation is 6 metres, significantly exceeding the maximum 1 metre of cut outlined in this control.

(iii) The proposal is inconsistent with Part 6.1.3.7 (3) of GRDCP as the proposal has not been designed to avoid unnecessary earthworks by designing and siting developments to respond to the natural slope of the land and does not minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.

(iv) The proposal is inconsistent with the objectives of Part 6.1.3.7 of GRDCP 2021 as it does not retain natural ground levels and the existing landform and does not minimise the extent of excavation.

Provisions of any Proposed Instrument

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

Provisions of any Development Control Plan

Georges River Development Control Plan 2021

Part	Name	Y	N
Part 3	General Planning Considerations	☐	☒
Part 5.16	Residential Locality Statements – Connells Point and Kyle Bay Locality Statement	☐	☒
Part 6.1.3	Dual Occupancies	☐	☒
Part 6.4	Ancillary Development	☐	☒
Part 6.5	Foreshore Locality	☐	☒

Streetscape and Building Form

The development application must be refused because the proposed development is of an unacceptable design and adversely impacts on the streetscape and the foreshore.

- The height of the proposed development in storeys is inconsistent with Part 6.1.3.2(3) of GRDCP 2021 as the buildings comprise more than 2 storeys above a basement and the bulk and size of the development results in an adverse impact to the foreshore.

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- The proposed development does not respond to the predominant and desired future scale of buildings within the neighbourhood, which comprises two (2) storey developments along the street and up to 2 storeys (to the west) and 3 storeys (to the east) along the foreshore, with the majority of the 3 storey dwellings being setback at the upper or lower levels. The proposal presents as three (3) and four (4) storeys to the foreshore, which is incompatible with existing development, contrary to Part 6.1.3.2(1) of GRDCP 2021.
- The site is sloping and does not adopt a design which minimises excavation or one which relates appropriately to the sloping topography, contrary to Part 6.1.3.2(2) of GRDCP 2021.
- The street setback is dominated by vehicular access, bin storage areas and garages with no activation provided of the streetscape, with approximately 86% of the street frontage of the site occupied by driveways and bin storage. This is inconsistent with Part 6.1.3.1(2) and (5) of GRDCP 2021 having regard to the streetscape character controls, which requires that driveways and accessways should not dominate the streetscape and that development should not result in large expanses of paved surfaces within the street setback.
- The proposal involves a double garage for each dwelling in a side-by-side configuration, resulting in a four-car garage facing the street, which visually dominates the streetscape, contrary to Part 6.1.3.8(9) of GRDCP 2021.
- A basement is proposed for each dwelling, with an excessive amount of floor area. There are numerous storage areas in each of the proposed basements (including for petrol, pool equipment, boats, tools, pool equipment etc) and numerous mechanical/electrical rooms. This is in addition to the extensive proposed double garages with a floor below for rainwater tanks enclosed by walls and doors. Such extensive basement areas are contrary to Part 6.1.3.2(4) of GRDCP 2021 which requires that 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 10m² for storage and 20m² for plant rooms. Any additional basement area beyond these requirements may be included as floor space area when calculating floor space ratio.
- The proposal is contrary to the objectives for streetscape and built form and building scale and height of Parts 6.1.3.1 and 6.1.3.2 of the GRDCP 2021 in that:

    (i) The proposed development does not contribute to the creation of cohesive yet varied and visually interesting streetscapes.

    (ii) The proposal does not result in a development that is consistent with the desired future character of the area.

    (iii) The proposal does not protect the natural scenic landscape qualities of the Georges River foreshore arising from the lack of compatibility with existing building forms.

    (iv) The proposal does not ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality.

    (v) The proposal does not minimise adverse visual impacts and does not minimise view loss for existing residential development.

    (vi) The proposal does not reduce the visual impact of development when viewed from the foreshore or Wadsley Crescent.

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- The wide driveways which dominate the streetscape frontage of the site, and the predominance of hard surfaces are contrary to the objectives for vehicle access and parking pursuant to Parts 6.1.3.8 of GRDCP 2021 and reduces landscaped areas in the front setback pursuant to 6.1.3.11(3) of GRDCP 2021.
- The location of the proposed bin storage areas on the front boundary are contrary to Part 6.1.3.13(3) of GRDCP 2021 which requires that such facilities are not located in the front setback.
- The proposed development includes large garages with a GFA of 84m² each (approximately) and comprising heights above existing ground level of between 6 metres and 7.8 metres. The size and height of the proposed garages are contrary to the controls for outbuildings pursuant to Part 6.4.3(4) and (5) of GRDCP 2021 which limit outbuildings to a height of 3.5 metres and a floor space of 30m². The extent of the proposed garages further exacerbates the bulk and size of the proposed development.
- The proposed garages are inconsistent with the objectives for outbuildings pursuant to Part 6.4.3(a), (b) and (c) in that the proposed buildings have not been designed or located to complement the dwelling or minimise the impact on the streetscape.
- The proposed front fence along the street frontage comprises a 1.1-metre-high masonry wall, with an aluminium infill panel gate, contrary to Part 6.4.1(1) of GRDCP 2021 which limits solid masonry fences to 900mm in height. The proposed front fence is also contrary to Objective (a) for fences and walls in Part 6.4.1 of GRDCP 2021 in that it does not positively contribute to the streetscape.
    - The proposed swimming pools and associated decking are more than 500mm out of the ground along the foreshore elevation, contrary to Parts 6.4.4(5) and (7) and 6.5.2.7(1) of GRDCP 2021, with the proposed pool for Dwelling B approximately 2.7 metres above ground level. The proposed pools are also contrary to objective (d) of Part 6.4.4 of GRDCP 2021, as the swimming pools are not positioned to minimise the visual impact of the structure, arising from their elevated position to the foreshore.
    - The proposed development is inconsistent with the Future Desired Character Statement for the Connells Point and Kyle Bay Locality pursuant to Part 5.16 of GRDCP 2021 in that views from the street have not been retained and there is limited tree planting and landscaping within the front setback provided.

Land adjacent to tidal waters

The development application should be refused because the proposal is inconsistent with Part 3.9.2(3) of GRDCP 2021 in relation to development on land adjacent to tidal waters.

(a) Part 3.9.2(3) of GRDCP 2021 states:

Development on land adjacent to tidal waters, including the Georges River and Salt Pan Creek, should be designed to minimise the risk to property and the environment from sea level rise in the event of a 1% AEP flood by:

i…..

ii. …

iii. Siting all garages and basements 1.2m above the 1% AEP riverine flood level. The 1.2m is to allow for the 2100 (year) NSW sea level rise planning benchmark of 0.9m including 0.3m freeboard.

(b) The proposed development comprises basements located less than 1.2m above the 1% AEP riverine flood level, with the maximum water level noted in the EI Australia Geotech report being RL 1.29m AHD. The

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basement should be founded at RL 2.49m AHD (1.29 + 1.2) or higher. The architectural drawings show the lowest basement level to be at RL 1.81m.

(c) The proposal is contrary to the objectives of Part 3.9.2 of GRDCP 2021 in that it does not ensure that development on land vulnerable to sea level rise is situated and designed to minimise the risk from future inundation and flooding during the expected life of the development.

Setbacks

The development application should be refused because it has not been demonstrated that the setbacks are sufficient to provide adequate amenity.

(a) The proposed garage is setback 4.5 metres from the street, contrary to the front setback requirements of Part 6.1.3.3(1) of GRDCP 2021, which requires 5.5 metres for a garage setback. This is contrary to Objective (a) of the setback controls in Part 6.1.3.3 of GRDCP 2021 as it does not integrate new development with the desired setback character of the street by ensuring front setbacks are consistent with adjoining buildings.

(b) The proposed dwellings are not sufficiently setback from each other along the east and west side boundaries (respectively) as a 3-metre setback is not achieved in accordance with Part 6.1.3.3(3) of GRDCP 2021. It is also noted that the setbacks are for two (2) storey development (ground and first floor) and therefore the proposal should provide a greater setback given the height proposed. There are likely to be acoustic privacy impacts arising from this lack of adequate separation.

(c) The proposed garage for Dwelling B is insufficiently setback from the northern (side) boundary, achieving only a 900mm setback, contrary to the required 1500mm setback outlined in Part 6.1.3.3(3) of GRDCP 2021.

(d) Proposed Dwelling B is located immediately adjoining the drainage easement along the western boundary of the site. The proposal has not adequately demonstrated that this setback complies with Part 6.4.1(12) of GRDCP 2021 which requires that 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 impacted. This lack of a setback outside of the drainage easement limits landscaping opportunities in this area of the site to maintain privacy between properties given the constraints to planting in the drainage easement.

(e) The lack of adequate side setbacks is contrary to Objectives (c) and (d) of Part 6.1.3.3 of GRDCP 2021 in that there is a lack of opportunities for landscape planting and private open space and reduces privacy and amenity for neighbours.

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Poor Residential Amenity

The development application should be refused because it has not been demonstrated that the proposed dwellings will provide sufficient amenity to future occupants and not compromise the amenity of adjoining residents.

View loss

(a) There will be view loss from No 3 and 4 Wadsley Crescent as well as from Wadsley Crescent, which has not been adequately considered given there is no consideration of the Planning Principle established by

the Land and Environment Court in *Tenacity Consulting vs Warringah Council (2004) NSWLEC140*.

(b) The proposal is inconsistent with Part 3.8(1) of GRDCP 2021 in that a reasonable sharing of view has not been demonstrated.

(c) The proposal is inconsistent with objectives (a), (b) and (c) of Part 3.8 of GRDCP 2021 as the views from the street are not maintained by the proposal and the proposal has not demonstrated view sharing based on the Tenacity Planning Principle.

Visual Privacy

There is insufficient visual privacy between the proposed dwellings, particularly in relation to the edges of the south-facing private open spaces on the Lower Ground Floor.

The proposed balcony on the ground floor (which is above ground) of Building A has a depth greater than 1500mm from the main wall of the proposed building, contrary to Part 6.1.3.5(3) of GRDCP 2021, which will adversely impact on privacy for the adjoining dwelling to the east.

Internal Amenity

The proposed lower ground floor of Dwelling A is located below natural ground level, and there are limited windows on this level, particularly along the eastern elevation. There are no windows for the proposed laundry or powder room on this level, which will provide poor amenity as they will be entirely reliant on artificial lighting and mechanical ventilation and are also therefore a poor sustainability response.

- The proposed bedrooms on the lower ground floor of both dwellings have a limited outlook towards the gap (containing the maintenance access) between the dwelling and the garage, resulting in poor amenity.
- The proposed bathrooms on the lower ground floor of both dwellings have windows which face the maintenance access gap between the proposed garage and the dwellings, with limited opportunities for light and ventilation.
- The proposed buildings heavily rely on privacy screens and highlight windows for almost all of the windows to the side boundaries, which will result in poor amenity and limited light and ventilation to the habitable rooms within the proposed dwellings.
- The proposed dwellings have a ceiling height of between 2.6 to 2.8 metres (with a floor-to-floor height of between 2.8 to 3 metres), which is considered inadequate and compromises the amenity of the dwellings.

Insufficient and Inaccurate Information

The development application should be refused because insufficient and inaccurate information has been provided to enable a proper assessment of the proposed development.

- The submitted survey plan does not include any contours or levels and window details of adjoining residential developments. It does not contain sufficient information to enable GLE to be determined in the location of the existing dwelling. The FFL of the lowest level of the dwelling is required, together with the ground level below.
- Insufficient information has been provided for the assessment of acid sulfate soil risk at the development pursuant to Clause 6.1 of GRLEP 2021. The EI Australia Acid Sulphate Report ("**ASS**") report notes the depth of soil to be 0.5m which contradicts the Geotechnical Report which notes the soil depth to be up to 1.9m deep. Drilling on the site has only been undertaken to a depth of 0.5 metres below the existing ground

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level and no sampling or testing has been undertaken for the full soil depth. An Acid Sulfate Management Plan has also not been provided for the development, which is required.

- The proposal provides insufficient information to allow Council to assess compliance with Clause 6.2(3)(c), (d) and (f) of GRLEP 2021, in relation to the quality of the fill or the soil to be excavated (or both), the effect of the development on the existing and likely amenity of adjoining properties and the source of any fill material and the destination of any excavated material. In this regard, the following information is required:

  (i) Information about the quality of the fill to be excavated from site. The EI Australia geotechnical investigation only logs the first 0.5m depth of the soil column, while the DCP testing confirm soil to a depth of at least 1.9 m below existing ground level.

  (ii) Information on the effect of the development on the adjoining properties. No impact assessment has been provided to confirm the effect of the development on the adjoining properties; and

  (iii) The destination of the excavated material, with particular attention given to exported material considering the lot's classification as a Class 2 acid sulfate soil site.

- The proposal provides insufficient information to allow Council to assess compliance with Clause 3.5.1(4) and (7) of GRDCP 2021. In this regard, the following information is required:

  (i) Information to demonstrate that rock outcrops, overhangs, boulders and sandstone platforms are not covered under the development. Final landform contours are not provided. The EI Australia Geotech report includes a markup of a survey by GeoSurv which appears to show the proposed timber deck spanning over some of the rock face.

  (ii) Information is provided to show how the cuts, (which remove significant portions of soil, if not all soil) result in adequate soil depths to sustain trees.

- There are insufficient section diagrams for the proposal, with the included sections not adequately demonstrating the proposed basement levels and in the vicinity of the boat and storage areas.
- The plans do not contain sufficient RLs.
- Updated landscape plans, consistent with the architectural plans and the Arboricultural Impact Appraisal Report, are required to be provided. The updated landscape plans should provide an accurate representation of the proposed landscaped areas for the purposes of clause 6.12(5) of GRLEP 2021, and also show soft soil landscaping as referred to in Part 6.1.3(11) of GRDCP 2021 (including pervious areas in the front setback).
- The development application was not accompanied by a View Loss Analysis to demonstrate that the proposed development would not result in a loss of views to the waterway from surrounding properties and Wadsley Crescent.
- A seawall is referred to in the SOEE and depicted on the landscaping plans but is not shown on the architectural plans. Further information in relation to the sea wall is required, including details of its type, location, height and impact on the foreshore area, including an engineering report, Coastal Risk Hazard Assessment and Estuarine Risk Assessment.

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- Owner's consent is required from the Crown for any works within the water-based Lot 518 DP 752056.
- The size and capacity of the proposed rainwater tanks are not provided.
- It is unclear what impact the proposed development will have on the functioning of the easement along the western side boundary. It is unclear how significant excavation will occur without the construction of a retaining wall to maintain the levels of the easement and whether the easement can continue to serve its intended purpose.

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 recommended if the application were of a supportive nature.
Landscape Officer	The officer has considered the following planning provisions: - SEPP (Biodiversity Conservation) 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Georges River Tree Management Policy 2024 The following objections were raised: Retention of existing Trees 3 Pheonix canariensis 'Canary Island Date Palm' and 5 Melaleuca quinquenervia 'Broad Leaved Paperbark'.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.
Urban Design	The officer has considered the following planning provisions: - Clause 6.10 of GRLEP 2021 - Part 5 of GRDCP 2021 The following objections were raised: • Foreshore Building Line • Finished Floor Levels/Survey Plan • Subdivision/Drawings provided • Landscape Plan/Easement • Excavation/Topography • Setbacks • Removal of Trees	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

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Assessment Report (Dual Occupancy)
S4.15 Environmental Planning & Assessment Act, 1979

	• Streetscape • Amenity- visual privacy, view impact • Landscape Area • Bulk & scale & architectural expression • Design excellence	
Land Information (GIS)	No objections raised to the proposal and conditions recommended.	Conditions recommended if the application were of a supportive nature.
Biodiversity/ Natural Environment	The officer has considered the following planning provisions: - NSW Biodiversity Conservation Act and Regulation 2017 - SEPP (Resilience and Hazards) 2021 - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Georges River Council Tree Management Policy 2024 No objections raised to the proposal and conditions recommended.	Conditions recommended if the application were of a supportive nature.
Environmental Health Officer	The officer has considered the following planning provisions: - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions recommended if the application were of a supportive nature.
Traffic Engineering	The officer has considered the following planning provisions: - Clause 6.9 of GRLEP 2021 - Part 3.13 of GRDCP 2021 The following objections were raised: (i) The footprints of both detached garages exceed that required for the parking and manoeuvring of two (2), B85 Australian Standard Design Vehicles and should be reduced to better match the dimensions of double garages in *AS/NZS 2890.1:2004 Parking Facilities, Part 1 – off street car parking.* The swept path analysis contained in *Attachment 2* of *the Traffic Engineering Assessment* prepared Genesis Traffic confirms the garage footprints can be reduced and still provide adequate vehicle manoeuvring and parking and vehicle door opening envelopes. (ii) The detached garages are not contained within the footprints of their respective dwellings and as a result, the	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

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Assessment Report (Dual Occupancy)
S4.15 Environmental Planning & Assessment Act, 1979

	access aisle areas in front of the parking spaces will need to be provided outside the garages footprints to satisfy parking arrangements for dual occupancies in *GRDCP2021 – Part 6 – 6.1 – 8- Control 1.* (iii) The width of the garage door opening to dwelling A substantially exceeds that required for vehicle entry/exit movements. (iv) The "*Concept Driveways Civil Works Drawings*" – *Rev "A"* dated 13/2/2025 prepared by Smart Structures Australia contain inconsistencies regarding ground and garage floor levels and fail to provide sufficient levels information to determine the extent of cut and or fill required on the driveways to both garages.	
Asset and Infrastructure	The officer has considered the following planning provisions: - Clause 6.9 of GRLEP 2021 - Part 3.13 of GRDCP 2021 - Part 3.15 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions recommended if the application were of a supportive nature.

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 recommended if the application were of a supportive nature.

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.

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Assessment Report (Dual Occupancy)
S4.15 Environmental Planning & Assessment Act, 1979

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 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.
- The site is zoned R2 Low Density Residential, but the proposed dual occupancy with excessive bulk, scale, and excavation is inconsistent with the zone objectives.
- The design fails to respond to the sloping topography, resulting in excessive excavation (up to 6m) and poor integration with the natural landform.
- The proposal does not provide adequate landscaped area (minimum 30% required), reducing opportunities for tree planting and environmental enhancement.
- Works proposed within the W2 Recreational Waterways zone (timber deck and drainage structures) are not permissible, and owner's consent for encroachment into Crown land has not been provided.
- The development is incompatible with the Foreshore Scenic Protection Area objectives, failing to protect scenic amenity, views, and natural topography.

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. 1 submission was received during the neighbour notification period.

Issue	Comment
Street Congestion and Parking	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 and is not in accordance with GRDCP 2021 car parking controls.
Height and View Loss	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. View loss concerns were raised in submissions received from adjoining properties. View loss is assumed from the proposal in its current form that are not deemed acceptable.
Visual and Amenity Impacts	It is considered that the development has not been sensitively designed to be respective of impacts onto the adjoining allotments with respect to maintaining privacy and minimising overlooking.
Compliance Concerns	Unauthorised works have been raised as a matter of concern. Assessment of the proposal has revealed unauthorised/retrospective works form part of the proposal. No further assessment will be conducted on unauthorised/retrospective works. The proposal is not supported.
Shadowing	Issues of solar access and overshadowing were raised. An assessment of the application has revealed that the proposal

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	fails to comply with the minimum requirements for solar access and overshadowing is not considered acceptable.

The Public Interest

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

- The proposal will result in unreasonable impacts on the natural and built environment, including:
  - Loss of scenic views from Wadsley Crescent and adjoining properties.
  - Visual dominance and bulk inconsistent with the desired future character.
- Insufficient and inaccurate information provided (e.g., acid sulfate soils, view loss analysis, landscape calculations), preventing proper assessment.
- The proposal sets an undesirable precedent for over-scaled development in a sensitive foreshore locality.

Contributions

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

Conclusion

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

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

The application fails to demonstrate compliance with key planning controls relating to floor space ratio, landscaped area, foreshore building line, excavation, and design excellence. The proposal will result in unacceptable impacts on the natural and built environment, including loss of scenic views, excessive bulk and scale, and poor integration with the site's topography. It is inconsistent with the objectives of the R2 Low Density Residential zone and the Foreshore Scenic Protection Area, and it is not considered suitable for the site.

Furthermore, insufficient and inaccurate information has been provided to enable a proper assessment. For these reasons, the development is not in the public interest and should be refused.

Determination

Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer recommends DA2025/0132 for demolition works, construction of a detached dual occupancy, swimming pools and garage at 7 Wadsley Crescent, Connells Point, should not be approved subject to the refusal reasons referenced below:

1. The application fails to provide sufficient information to assess the impacts of the proposed development, pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979.

2. The proposed development fails to demonstrate compliance with Clause 2.3 Zone Objectives and Land Use Table of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

3. The proposed development fails to demonstrate compliance with Clause 4.4A Floor Space Ratio maximum 0.5:1 development standard of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

4. The proposed development fails to demonstrate compliance with Clause 4.6 Exceptions to development standards in that a Clause 4.6 Variation Statement in relation to Clause 4.4A, Clause 6.4 and Clause 6.12 of

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Georges River Local Environmental Plan 2021 has not been submitted pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

5. The proposed development fails submit sufficient information to demonstrate compliance with Clause 6.1 Acid Sulfate Soils of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

6. The proposed development fails to demonstrate compliance with Clause 6.2 Earthworks of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

7. The proposed development fails to demonstrate compliance with Clause 6.3 Stormwater Management of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

8. The proposed development fails to demonstrate compliance with Clause 6.4 Foreshore Area and Coastal Hazards and Risk of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

9. The proposed development fails to demonstrate compliance with Clause 6.5 Riparian Land and Waterways Stormwater Management of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

10. The proposed development fails to demonstrate compliance with Clause 6.6 Foreshore Scenic Protection Area of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

11. The proposed development fails to demonstrate compliance with Clause 6.9 Essential Services of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

12. The proposed development fails to demonstrate compliance with Clause 6.10 Design Excellence of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

13. The proposed development fails to demonstrate compliance with Clause 6.12 Landscape Area in Certain Residential and Conservation Zones of Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

14. The proposal fails to provide comply with design requirements in accordance with Part 3 General Planning Considerations of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

15. The proposal fails to provide comply with design requirements in accordance with Part 5.16 Residential Locality Statement – Connells Point and Kyle Bay Locality Statement of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

16. The proposal fails to provide comply with design requirements in accordance with Part 6.1.3 Dual Occupancies of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

17. The proposal fails to provide comply with design requirements in accordance with Part 6.4 Ancillary Development of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

18. The proposal fails to provide comply with design requirements in accordance with Part 6.5 Foreshore Locality of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

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Assessment Report (Dual Occupancy)
S4.15 Environmental Planning & Assessment Act, 1979

19. The proposal, in its current form will have an adverse impact on the natural, built and social environment, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.

20. The proposal, in its current form, is not considered to be suitable for the site, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

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

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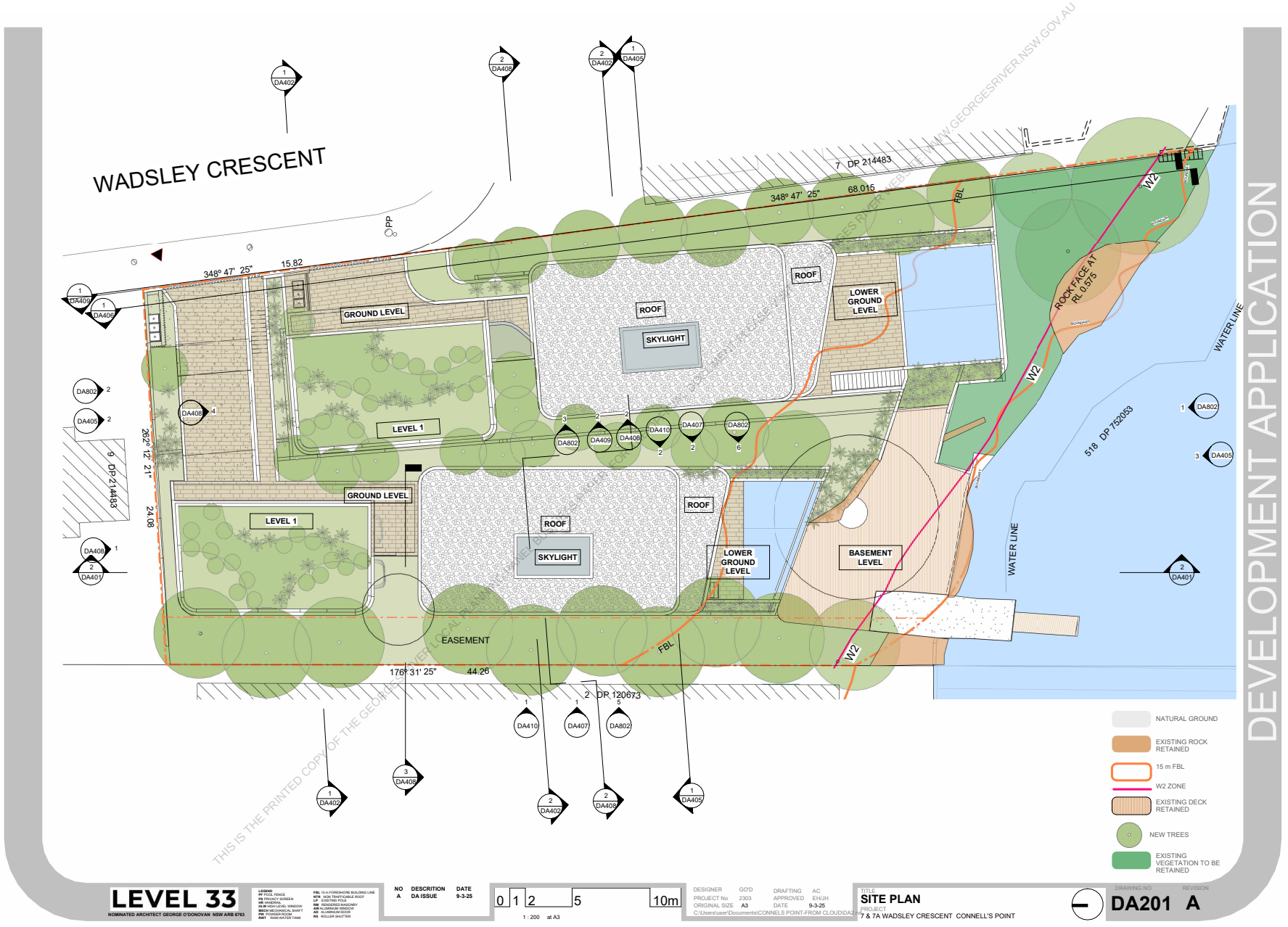

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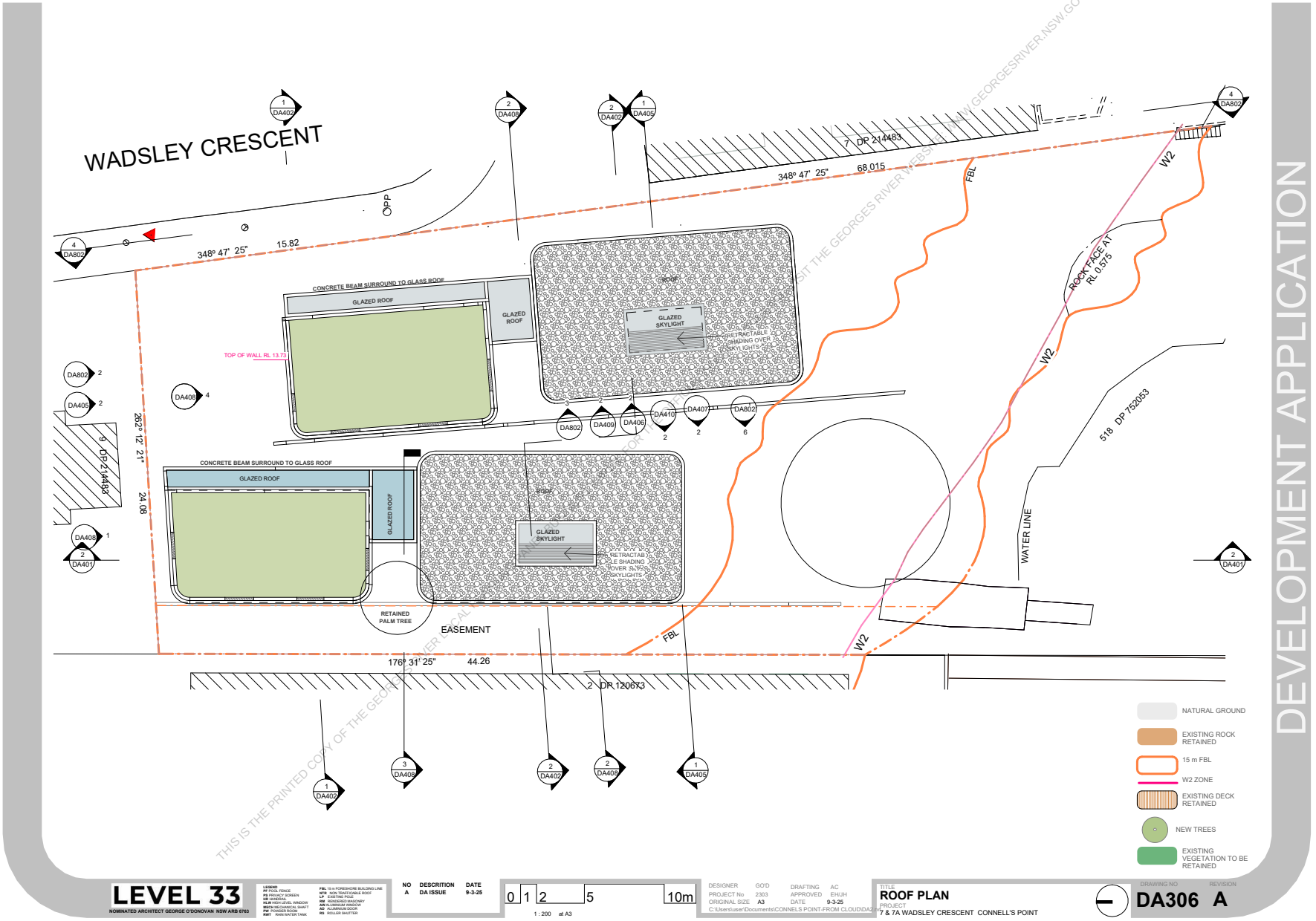
WADSLEY CRESCENT
OPP
348° 47' 25"
15.82
348° 47' 25"
68.015
7 DP 214483
CONCRETE BEAM SURROUND TO GLASS ROOF
GLAZED ROOF
GLAZED ROOF
ROOF
GLAZED SKYLIGHT
RETRACTABLE SHADING OVER SKYLIGHTS
TOP OF WALL RL 13.72
CONCRETE BEAM SURROUND TO GLASS ROOF
GLAZED ROOF
GLAZED ROOF
ROOF
GLAZED SKYLIGHT
RETRACTABLE SHADING OVER SKYLIGHTS
262° 12' 21"
24.06
9 DP 214483
RETAINED PALM TREE
EASEMENT
176° 31' 25"
44.26
2 DP 120673
FBL
W2
ROCK FACE AT RL 0.575
518 DP 752053
WATER LINE
NATURAL GROUND
EXISTING ROCK RETAINED
15 m FBL
W2 ZONE
EXISTING DECK RETAINED
NEW TREES
EXISTING VEGETATION TO BE RETAINED
DEVELOPMENT APPLICATION
LEVEL 33
NOMINATED ARCHITECT GEORGE O'DONOVAN NSW ARB 6763
NO DESCRIPTION DATE
A DA ISSUE 9-3-25
0 1 2 5 10m
1 : 200 at A3
DESIGNER GO'D
PROJECT No 2303
ORIGINAL SIZE A3
DRAFTING AC
APPROVED EH/JH
DATE 9-3-25
C:\Users\user\Documents\CONNELS POINT-FROM CLOUD\DA306.pln
TITLE ROOF PLAN
PROJECT 7 & 7A WADSLEY CRESCENT CONNELL'S POINT
DRAWING NO DA306
REVISION A

3 SOUTH ELEVATION -PERP TO LOT A
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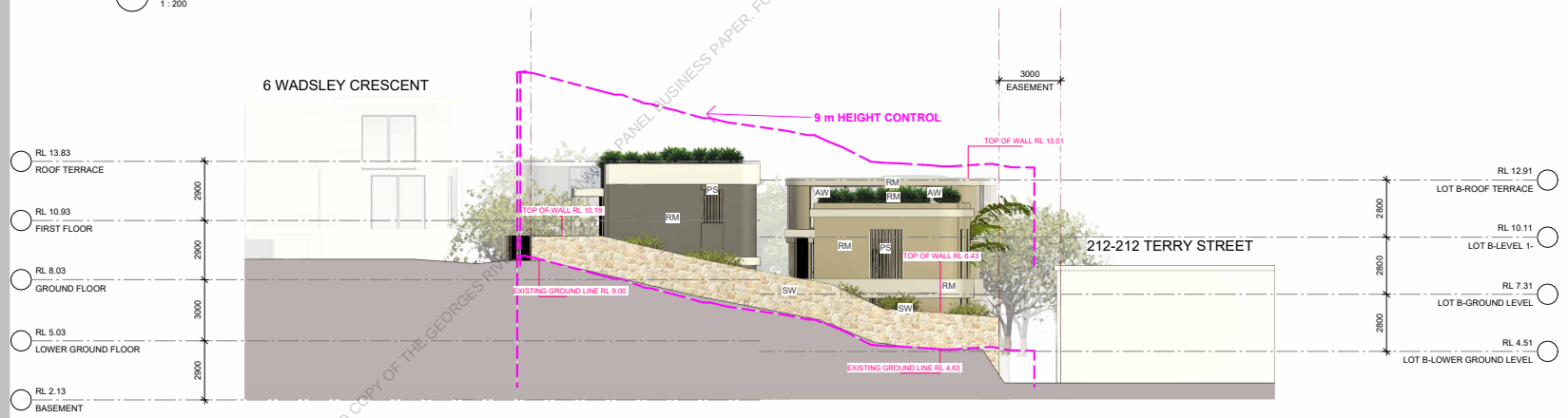

2 NORTH ELEVATION
1 : 200

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DEVELOPMENT APPLICATION

LEVEL 33
NOMINATED ARCHITECT GEORGE O'DONOVAN NSW ARB 6763

NO	DESCRIPTION	DATE
A	DA ISSUE	9-3-25

0 1 2 5 10m
1 : 200 at A3

DESIGNER GO'D
PROJECT No 2303
ORIGINAL SIZE A3
DRAFTING AC
APPROVED EH/JH
DATE 9-3-25
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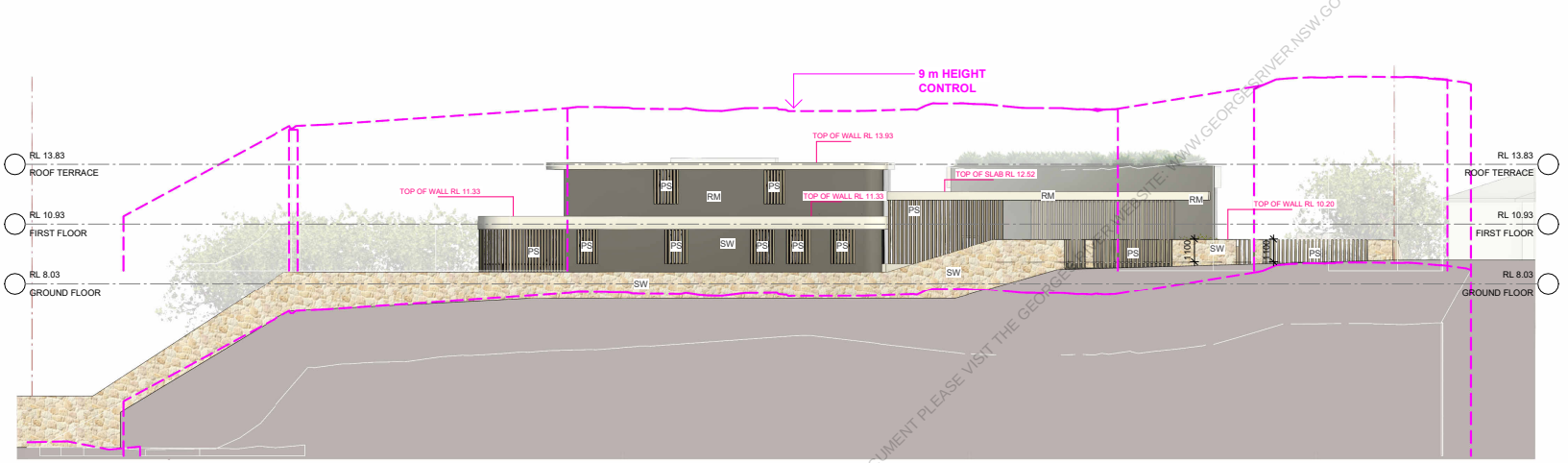
TITLE
ELEVATIONS
PROJECT
7 & 7A WADSLEY CRESCENT CONNELL'S POINT

DRAWING NO DA405
REVISION A



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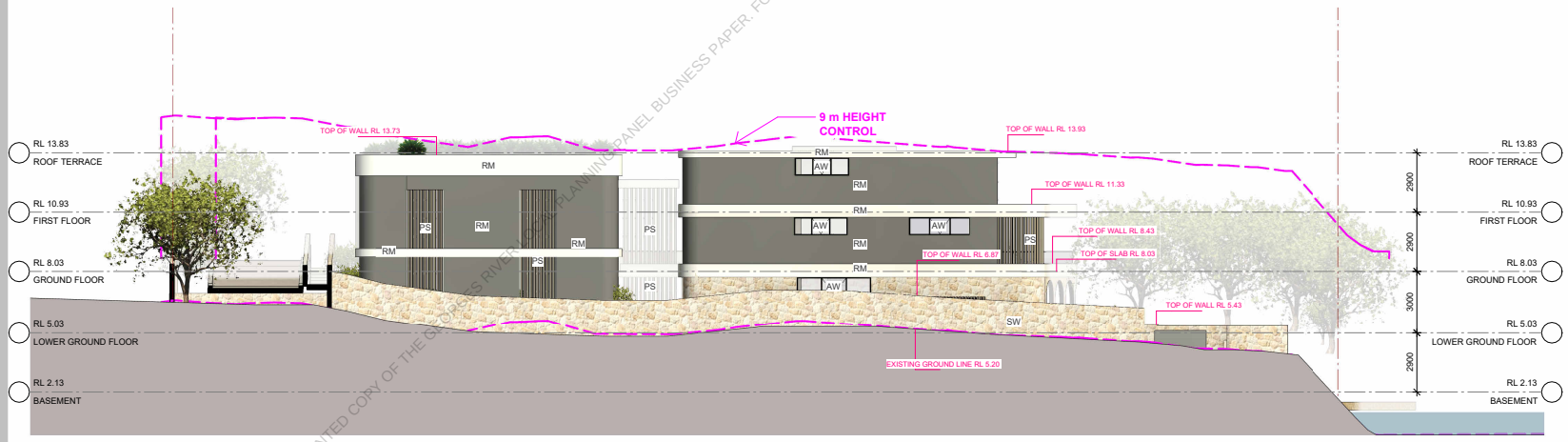
1 : 200



2 WEST ELEVATION-LOT A
1 : 200

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DEVELOPMENT APPLICATION

LEVEL 33
NOMINATED ARCHITECT GEORGE O'DONOVAN NSW ARB 6763

NO DESCRIPTION DATE
A DA ISSUE 9-3-25

0 1 2 5 10m
1 : 200 at A3

DESIGNER GO'D DRAFTING AC
PROJECT No 2303 APPROVED EH/JH
ORIGINAL SIZE A3 DATE 9-3-25
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TITLE
ELEVATIONS 2
PROJECT
7 & 7A WADSLEY CRESCENT CONNELL'S POINT

DRAWING NO DA406 REVISION A

2 EAST ELEVATION-LOT B
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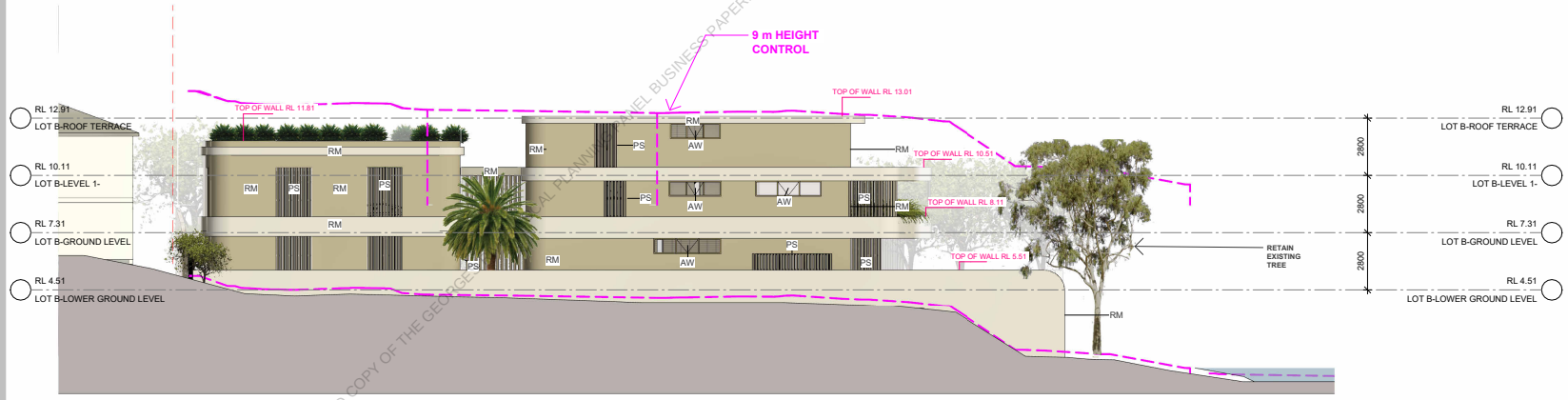

1 WEST ELEVATION-LOT B
1 : 200

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DEVELOPMENT APPLICATION

LEVEL 33
NOMINATED ARCHITECT GEORGE O'DONOVAN NSW ARB 6763

LEGEND
PF POOL FENCE
SS SCREEN/SCREEN
HR HANDRAIL
HLW HIGH LEVEL WINDOW
MECH MECHANICAL SHAFT
PR POWDER ROOM
RWT RAIN WATER TANK
FBL 15 m FORESHORE BUILDING LINE
NTR NON TRAFFICABLE ROOF
LP EXISTING POLE
RM RENDERED MASONRY
PS PAINTED SURFACE
AD ALUMINIUM DOOR
RS ROLLER SHUTTER

NO	DESCRIPTION	DATE
A	DA ISSUE	9-3-25

0 1 2 5 10m
1 : 200 at A3

DESIGNER GO'D
PROJECT No 2303
ORIGINAL SIZE A3
DRAFTING AC
APPROVED EH/JH
DATE 9-3-25
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TITLE
ELEVATIONS 3
PROJECT
7 & 7A WADSLEY CRESCENT CONNELL'S POINT

DRAWING NO DA407
REVISION A

1 NORTH ELEVATION -WITHOUT FENCE
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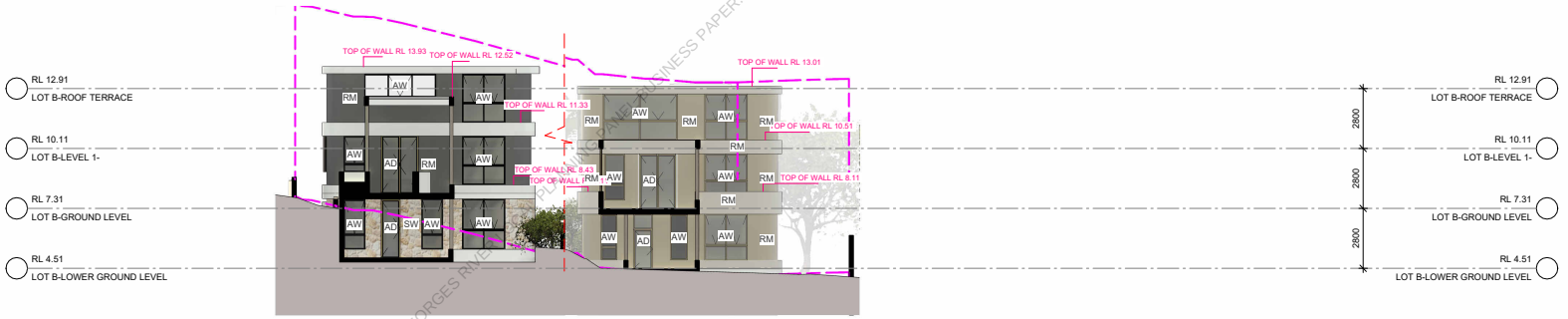

2 NORTH ELEVATION MAIN BUILDINGS
1 : 200

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DEVELOPMENT APPLICATION

LEVEL 33
NOMINATED ARCHITECT GEORGE O'DONOVAN NSW ARB 6763

NO A DESCRIPTION DA ISSUE DATE 9-3-25

0 1 2 5 10m
1 : 200 at A3

DESIGNER GO'D
PROJECT No 2303
ORIGINAL SIZE A3
DRAFTING AC
APPROVED EH/JH
DATE 9-3-25
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TITLE
ELEVATIONS 4
PROJECT
7 & 7A WADSLEY CRESCENT CONNELL'S POINT

DRAWING NO DA408
REVISION A

1 EAST ELEVATION-LOT A--WITHOUT FENCE-
1 : 200

2 WEST ELEVATION--LOT B--WITHOUT FENCE
1 : 200

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DEVELOPMENT APPLICATION

LEVEL 33
NOMINATED ARCHITECT GEORGE O'DONOVAN NSW ARB 6763

LEGEND
PF POOL FENCE
SW SCREEN/SCREEN
HR HANDRAIL
HLW HIGH LEVEL WINDOW
MECH MECHANICAL SHAFT
PR POWDER ROOM
RWT RAIN WATER TANK
FBL 15 m FORESHORE BUILDING LINE
NTR NON TRAFFICABLE ROOF
LP EXISTING POLE
RM RENDERED MASONRY
PS PAINTED SCREEN
AD ALUMINIUM DOOR
RS ROLLER SHUTTER

NO	DESCRIPTION	DATE
A	DA ISSUE	9-3-25

0 1 2 5 10m
1 : 200 at A3

DESIGNER GO'D
PROJECT No 2303
ORIGINAL SIZE A3
DRAFTING AC
APPROVED EH/JH
DATE 9-3-25
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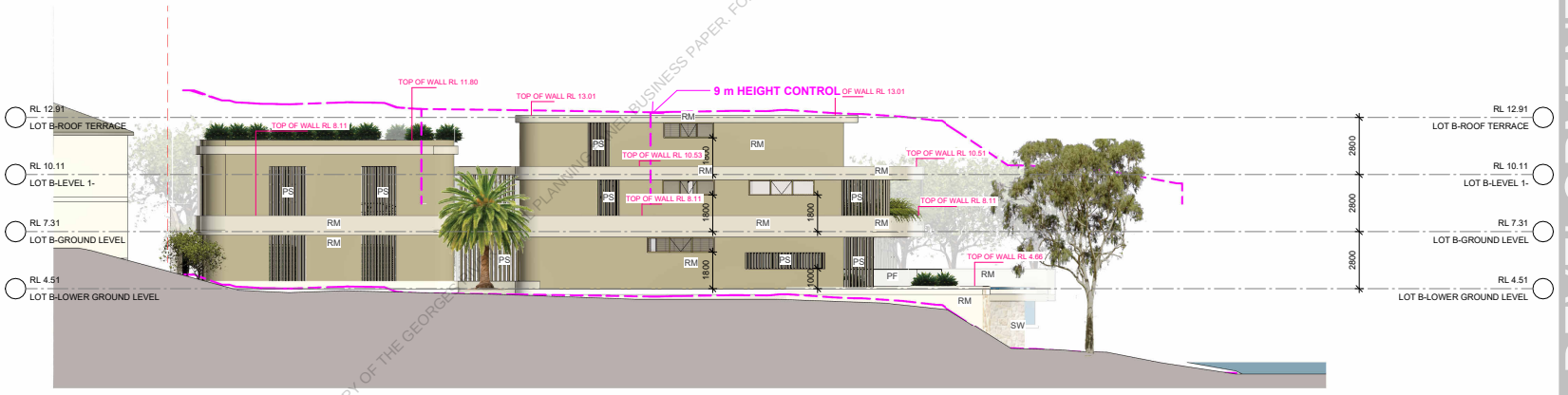
TITLE
ELEVATIONS NO FENCE SHOWN
PROJECT
7 & 7A WADSLEY CRESCENT CONNELL'S POINT

DRAWING NO **DA409** REVISION **A**

2 EAST ELEVATION-LOT B WITHOUT FENCE
1 : 200



1 WEST ELEVATION-LOT B WITHOUT FENCE
1 : 200

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DEVELOPMENT APPLICATION

LEVEL 33
NOMINATED ARCHITECT GEORGE O'DONOVAN NSW ARB 6763

NO	DESCRIPTION	DATE
A	DA ISSUE	9-3-25

0 1 2 5 10m
1 : 200 at A3

DESIGNER GO'D
PROJECT No 2303
ORIGINAL SIZE A3
DRAFTING AC
APPROVED EH/JH
DATE 9-3-25
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TITLE
ELEVATIONS 3 NO FENCE SHOWN
PROJECT
7 & 7A WADSLEY CRESCENT CONNELL'S POINT

DRAWING NO DA410
REVISION A

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

LPP047-25 28A ALGERNON STREET, OATLEY

LPP Report No	**LPP047-25**	**Development Application No**	**DA2025/0382**
Site Address & Ward Locality	28A Algernon Street, Oatley Blakehurst Ward		
Proposed Development	Alterations and additions to an existing dwelling and installation of a lift.		
Owners	Hanni Yassa		
Applicant	Hani Yassa		
Planner/Architect	Prime Design Studios		
Date Of Lodgement	20/08/2025		
Submissions	No submissions		
Cost of Works	$180,000		
Local Planning Panel Criteria	10% variation to development standard		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conversation) 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	Architectural plans and assessment report.		
Report prepared by	Principal Planner		

RECOMMENDATION	Approval subject to Conditions.

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**
Legislative clauses requiring consent authority satisfaction	**Yes**

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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?	
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**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**No, standard conditions have been attached with no design changes**

SITE PLAN

PROPOSAL

1. Approval is sought for the alterations and additions to an existing dwelling. The proposal comprises the following works:

   - Installation of an external lift
   - Conversion of balcony into an additional room for use as a gym
   - Installation of an internal laundry chute; and
   - Installation of a new garage door.

2. The following drawings outline the proposed works:

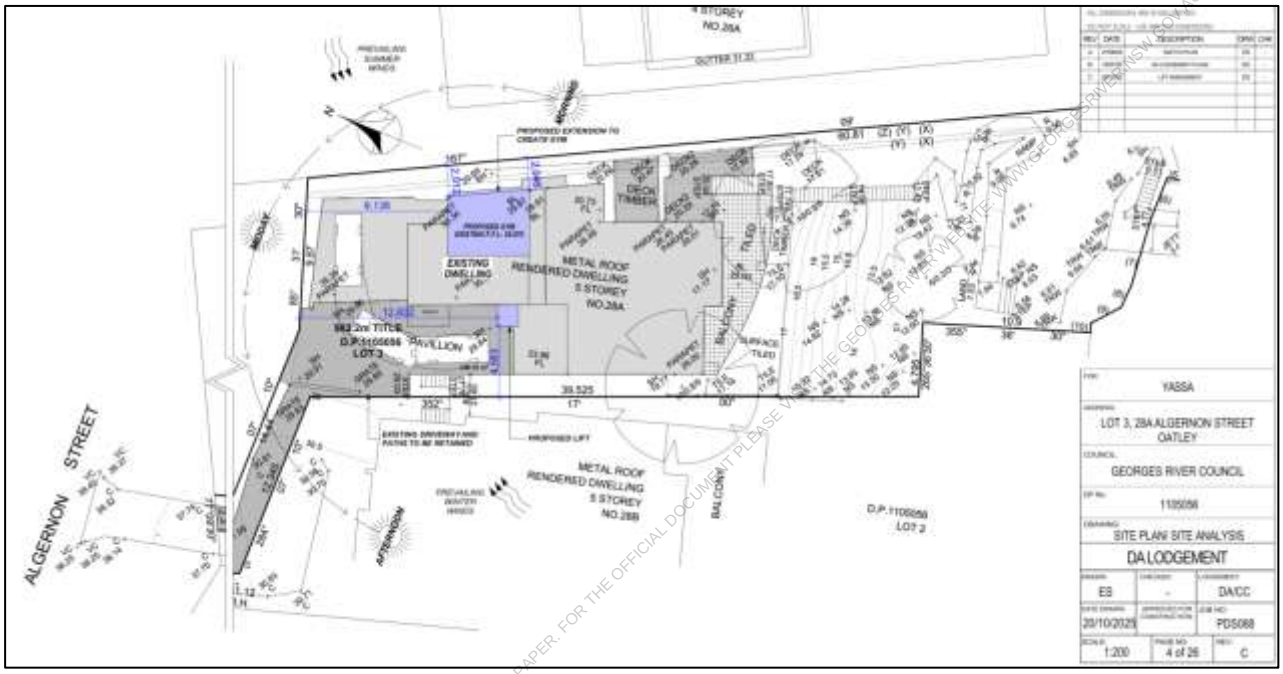

Figure 1 – Internal floor plans (Source: Architectural Plans)

Figure 2 – 3D Views (Source: Architectural Plans)

SITE AND LOCALITY

3. The site contains a residential dwelling that steps down the steep slope which has rear boundary within the Georges River. The dwelling is accessed via a shared driveway and the dwelling is not visible form the street.

4. Surrounding development consists of a variety of 2 and 3 storey detached residential development positioned on steep sloping sites.

ZONING AND PERMISSIBILITY

5. The subject site is zoned R2 Low Density Residential under the provisions of Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal is defined as alterations and additions to an existing 'residential dwelling' which is permissible with development consent.

ASSESSMENT

6. 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 4.3 – Height of Buildings

- GRDCP 2021
  - Materials, Colour Schemes and Details

7. The table below presents a summary in respect to numerical compliance with the GRLEP 2021 and GRDCP 2021:

GRLEP 2021			
Standard	**Required**	**Proposed**	**Complies Yes/no**
4.3 - Height of Buildings (maximum)	9m	11.985m (33.166% variation) Clause 4.6 variation request lodged	No
4.4 - Floor Space Ratio (maximum)	0.465:1 = 456.723m²	0.435:1 (427.22m²)	Yes
4.6 - Variation Statement submitted in regard to the proposed variation to Clause 4.4A Exceptions to floor space ratio—certain residential accommodation.	Variation to Clause 4.3 – Height of Building – 9m	Proposed Variation: 33.166% (2.985m)	See assessment attached
6.12 Landscaped Area (minimum)	25% = 245.55m²	No change to existing	Yes

GRDCP 2021			
Standard	**Required**	**Proposal**	**Complies yes/no**
3.8(1) View Impacts	Development shall provide for the reasonable sharing of views.	Position of lift and new addition will not detrimentally impact views.	Yes

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6.1.2.2.3 Building Scale and Height	Maximum 2 storey form	The lift and gym addition result in a 3 storey form in part, the justification of the variation is provide below table and is recommended for approval.	No
6.1.2.3 Setbacks (minimum)	Setbacks: Front: existing Side: 1.5m Rear: 13.9m	Front: No change to existing Side setback: Between 2.012m and 4.583m (maintains existing) Rear setback: No change to existing	Yes
6.1.2.5 Landscaping (minimum)	Front setback impervious area: 50%	No change to existing	Remains as existing
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 maintained. No change	Yes
6.1.3.10 Private Open Space (Minimum)	60 sqm	Adequate private open space provided with compliant dimensions.	Yes
11.1 – Materials, Colour Schemes and Details	Large expanses of predominately white surfaces to be avoided.	The existing dwelling is of light colour and the new elements will blend suitably with the existing dwelling.	No

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8. The proposed lift installation will exceed the 9m maximum height of building control under Clause 4.3 of the GRLEP 2021. The supporting Clause 4.6 variation has been provided to support the 33.166% variation (2.985m). The height variation is supported for the following reasons:

   (a) Lift will be installed adjacent to existing dwelling
   (b) The two lower levels of the lift are not visible as they are positioned behind the existing dwelling
   (c) The lift will not be visible from the street and will not be highly discernible from the Georges River give the surrounding scale of adjoining residential development; and
   (d) The additional height will not detrimentally impact adjoining properties in respect of overshadowing, view loss and privacy.

9. The proposal also seeks to vary GRDCP 2021 development control which limits development to 2 storeys in height above existing ground level and a basement. The non-compliance is as a result of an extension of an existing first-floor addition to the existing dwelling. The DCP provides that Council may permit a variation to the control (whether that be a basement or third storey above natural ground) where it is satisfied with the following relevant objectives as discussed below:

a) *Ensure that buildings are compatible with the height, bulk, and scale of the desired future character of the locality,*
b) Minimise adverse visual impact, disruption of views, loss of privacy and loss of sunshine to existing residential developments.
c) Reduce the visual dominance of development when viewed from waterways, as well as other public places such as parks, roads, and community facilities.

10. The variation to the development control is supported. The existing dwelling has several levels that step down the site and the fill in of the entry level balcony and lift installation will be setback behind the dwelling, will maintain s setback greater than 1.5m and will have a minimal impact when viewed from the Georges River due to the scale of the adjoining residential dwelling to the east and west. In addition, the addition will not result in any detrimental impacts associated with overshadowing, view loss and privacy. On this basis, the addition can be supported.

REFERRAL COMMENTS

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

Specialist/Agencies	Comment
Development Engineer	No objection subject to recommended conditions.
Ausgrid	No objection subject to recommended conditions.

REASONS FOR REFERRAL TO THE LOCAL PLANNING PANEL

12. The proposal involves a 33.166% variation to Clause 4.3 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.

CONTRIBUTIONS

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

CONCLUSION

14. The application has been assessed having regard to the matters for consideration under section 4.15 of the environmental planning and assessment act 1979, the provisions of the relevant state environmental planning policies, local environmental plans and development control plans.

15. The proposal has been assessed against the provisions of the Georges River Local Environmental Plan 2021 and Georges River Development Control Plan 2021. The identified non-compliances with the height and two storey built form have been addressed and justified in this report, the Clause 4.6 request to vary the height of building development standard is supported. Any variations have been addressed and are worthy of support on merit.

STATEMENT OF REASONS AND DETERMINATION

Statement of Reasons:

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16. The reasons for this recommendation are:
    - The proposed development complies with the requirements of the relevant environmental planning instruments except:
        - Clause 4.3 Height of Building. A Clause 4.6 variation has been submitted in support of the application, and
        - Section 6.1.2.2.3 Building Scale and Height in respect of a maximum two (2) storey building form.

      Both variations are considered acceptable, having regard to the justification provided in the report above.

    - The proposed additions will be of an acceptable bulk and scale given the scale of the adjoining residential development to the east and west and will not result in any detrimental overshadowing, privacy and view loss impacts.

    - The proposal will result in a suitable built form outcome.

Determination

17. That Georges River Local Planning Panel as conditioned support the request for variation under Clause 4.6 of Georges River Local Environmental Plan 2021, in relation to the Height of Building (Clause 4.3) development standard, as the variation satisfies the objectives of the standard and sufficient environmental planning grounds have been provided in the written request for variation justifying that compliance would be unnecessary and unreasonable in the circumstances of the case. The proposal is also in the public interest, resulting in no adverse environmental impacts but rather as acceptable design outcome.

18. Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979 (as amended), Development Application DA2025/0098 for alterations and additions to a dwelling house on Lot 3 DP1105056, known as 28A Algernon Street, Oatley, is granted Development Consent subject to the following conditions of consent:

CONDITIONS

1. Approved Plans and Supporting Documentation - Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Drawing No.	Plan Title.	Drawn By.	Issue No.	Dated.
PDS068 Sheet 3 of 26	Overall Site Plan	Prime Design Studios	C	20/10/25
PDS068 Sheet 4 of 26	Site Plan/ Site Analysis	Prime Design Studios	C	20/10/25
PDS068 Sheet 6 of 26	Existing Floor Plans	Prime Design Studios	C	20/10/25
PDS068 Sheet 7 of 26	Proposed Floor Plan	Prime Design Studios	C	20/10/25

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PDS068 Sheet 8 of 26	Proposed Floor Plan	Prime Design Studios	C	20/10/25
PDS068 Sheet 9 of 26	Proposed Middle Floor Plan	Prime Design Studios	C	20/10/25
PDS068 Sheet 10 of 26	Proposed Lower Floor Plan	Prime Design Studios	C	20/10/25
PDS068 Sheet 11 of 26	Proposed Ground Floor Plan	Prime Design Studios	C	20/10/25
PDS068 Sheet 12 of 26	Elevation 1	Prime Design Studios	C	20/10/25
PDS068 Sheet 13 of 26	Elevation 3	Prime Design Studios	C	20/10/25
PDS068 Sheet 14 of 26	Elevations	Prime Design Studios	C	20/10/25
PDS068 Sheet 15 of 26	Section	Prime Design Studios	C	20/10/25
PDS068 Sheet 16 of 26	Section/BASIX	Prime Design Studios	C	20/10/25

Documents relied upon

Document Title.	Reference No.	Prepared by.	Dated.
Statement of Environmental Effects	Alterations and Additions	Plan for Tomorrow	6 August 2025
Clause 4.6 Variation	Request to Vary a Development Standard	Plan for Tomorrow	November 2025

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SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

(a) Placing or storing materials or equipment;

(b) Placing or storing waste containers or skip bins;

(c) Erecting a structure or carrying out work

(d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;

(e) Pumping concrete from a public road;

(f) Pumping water from the site into the public road;

(g) Constructing a vehicular crossing or footpath;

(h) Establishing a "works zone";

(i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);

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

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

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

3. **Ausgrid – Overhead Powerlines are in the vicinity of the development -** The developer should **refer** to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

4. **Ausgrid – New Driveways- Proximity to Existing Poles** – Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

5. **Sydney Water - Tap in ™** - The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's

sewer and water **mains**, stormwater drains and/or easements, and if further requirements need to be met. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

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

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.12)	$900.00
Builders Damage Deposit	$2,060.00
Inspection Fee for Refund of Damage Deposit	$220.00

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

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

Indexation
The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the Georges River Council Local Infrastructure Contributions Plan 2021.

Timing of Payment

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

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

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

(a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: $2,060.00

(b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: $220.00

(c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of works, Council will carry out an inspection of its public domain assets. If the inspection is passed, the damage deposit will be returned less the cost of any repairs to damaged Council Assets. The damage deposit will not be refunded until a full Occupation Certificate has been issued for the development.

General Fees

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

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

10. **BASIX Commitments shown on CC Plans** - The Applicant must submit to the Certifying **Authority** the BASIX Certificate(s) referenced in this Consent with any application for a Construction Certificate.

All commitments in the BASIX Certificate must be shown on the Construction Certificate plans with relevant specifications prior to the issue of any Construction Certificate.

11. **Structural Details Required** - Engineer's details prepared by a suitably qualified practising **structural** engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Certifying Authority prior to release of a Construction Certificate.

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12. **Low reflectivity roof and materials** - Roofing materials must be low glare and reflectivity so as to avoid discomfort glare or disability glare defined as:

Discomfort glare *is a temporary vision sensation caused by high brightness that produces discomfort for an observer, but generally does not present health and safety risks.*

Disability glare *affects contrast in vision to reduce overall visibility, which can present health and safety risks when the observer is impacted.*

External glazing and cladding materials and finishes must avoid disability glare to occupants of adjoining building, public transport operators, pedestrians, road users, to the satisfaction of the certifying authority.

Extended periods of discomfort glare for pedestrians and occupants of surrounding buildings caused by glazing (including tilted glazing) and external cladding materials and finishes with specular or glossy finishes (including polished metal cladding, finished stainless steel, glazed tiles, high gloss paint finishes) must be avoided.

Material and finishes details submitted to the Certifying Authority must demonstrate compliance with this requirement to the satisfaction of the Certifying Authority.

13. **Erosion and Sediment Control –** Erosion and sediment controls must be provided to ensure:

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

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

14. **Stormwater System** – Connect the new proposed roof downpipes into the existing stormwater system on site complying with Council's stormwater management policy and in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended) and to the satisfaction of the PCA.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)

15. **Demolition & Asbestos -** The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required

by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

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

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

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

16. Demolition Notification Requirements – The following notification requirements apply to this consent:

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

(b) Five (5) working days prior to demolition, the developer/builder is to provide a written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

(c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos materials has been removed from the site to an approved waste facility.

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

18. Dial before you dig – The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

DURING CONSTRUCTION

19. Site sign – Soil & Erosion Control Measures – Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction

with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all sites and building works.

20. **Hours of construction for demolition and building work** – Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) **or** any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

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

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

23. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

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

25. **Tree Removal prohibited on adjoining properties** - No tree on Council's public footway, public reserves or on neighbouring properties and protected under the Georges River Tree Management Policy 2024 may be removed, pruned or otherwise damaged without Council consent.

26. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and/or excavation shall be disposed of at a suitable Waste

Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

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

Where required, the receipts (or copied of) must be made available to Council within 7 days of a written request being made by Council.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

27. **BASIX Certificate** – All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

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

29. **Requirements prior to the issue of the Occupation Certificate – Stormwater Works** – The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

(a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
(b) Works as Executed Plans prepared and jointly duly signed by a Chartered Consulting Drainage Design Engineer and a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

30. **Acoustic Compliance – General Operation of Premises** - The proposed use of the lift and the operation of all associated plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 (as amended) and Regulations.

OPERATIONAL CONDITIONS (ON-GOING)

31. **Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited. To prevent light spill and minimise nuisance external facing lighting fixtures must not be installed higher than 3m above the ground level immediately below.

32. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or

discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

END CONDITIONS

NOTES / ADVICES

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

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

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

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

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

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

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

5. **Appeal Rights -** Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

6. **Lapsing of Consent -** This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

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

   (a) Complete the 'Stormwater Drainage Application Form' which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au
   (b) In the Application Form, quote the Development Consent No. (e.g..DA2021/****) and reference this condition number (e.g. Condition **)
   (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

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

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

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

ATTACHMENTS

Attachment ⇩1 Assessment Report - 28A Algernon Street Oatley - DA2025-0382

Attachment ⇩2 Redacted Architectural Plans -28A Algernon St Oatley - DA2025-0382

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Assessment Report (Low Density Residential)

S4.15 Environmental Planning & Assessment Act, 1979

FSRGeorges 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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Introduction

Application Number	DA2025/0382
PAN	PAN-554564
Description	Alterations and additions to a dwelling house.
Address	28A Algernon Street, Oatley
Lot / DP	Lot 3 DP 1105056
Applicant	Hani Yassa
Owner(s)	Hani Yassa
Responsible Officer	Louise Meilak

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

Site Affectations

Affectation	Y	N	Comment
Georges River Local Environmental Plan 2021			
(5.1) Land Acquisition	☐	☒	
(5.7) Development Below Mean High Water Mark	☐	☒	
(5.10) Heritage Conservation	☐	☒	
(5.21) Flood Planning	☐	☒	Please note that a Draft Flood Study currently applies.
(5.23) Public Bushland	☐	☒	
(6.1) Acid Sulfate Soils	☒	☐	Class 1 and 5
(6.4) Foreshore Area and Coastal Hazards and Risk	☒	☐	
(6.5) Riparian Land and Waterways	☒	☐	

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Site Affectations

Affectation	Y	N	Comment
(6.6) Foreshore Scenic Protection Area	☒	☐	
(6.7) Airspace Operations	☐	☒	
(6.8) Development in Areas Subject to Aircraft Noise	☐	☒	
Others			
Bushfire Prone Land	☐	☒	
Contamination	☐	☒	
Council Owned Land	☐	☒	
Crown Land	☐	☒	
Easements	☒	☐	Easement for services, footway and to drain water positioned along the eastern boundary.
Narrow Lot Housing Precinct	☐	☒	
Rail Noise	☐	☒	
Road Noise	☐	☒	
Road Widening	☐	☒	
Site Area	☒	☐	982.2m
Topography	☒	☐	The site slopes steeply towards the rear, with an RL of 37.70 at the Algernon Street falling towards the water to an RL of 6.49, being a fall 31.21 metres north to south.
Zoning	☒	☐	W2 - Recreational Waterways R2 - Low Density Residential

Proposal

Estimated Development Cost	$180,000
Floor Space Ratio	Applicant: 0.480:1 - this varies from Council calculation below as applicant excluded access handle. The access handle is included when calculating lot size.
	Council: 0.435:1
Front Setback	No change – existing setback to remain
Gross Floor Area and FSR	Applicant: 426.10m²
	Council: 427.22m²
Land Use	Residential dwelling.
Landscaping Area	No change – existing landscaped area retained.
Maximum Height of Building	11.985m (33.166% variation to the 9m height control)

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Proposal	
Minimum Side Setback	Lift – 4.583m Gym addition – 2.012m
Rear Setback	No change – existing setback to remain
Vegetation Removal	No vegetation to be removed.

The proposed development seeks consent for the following works:

- Installation of an external lift
- Conversion of balcony into an additional room for use as a gym
- Installation of an internal laundry chute; and
- Installation of a new garage door.

A site plan is provided below:

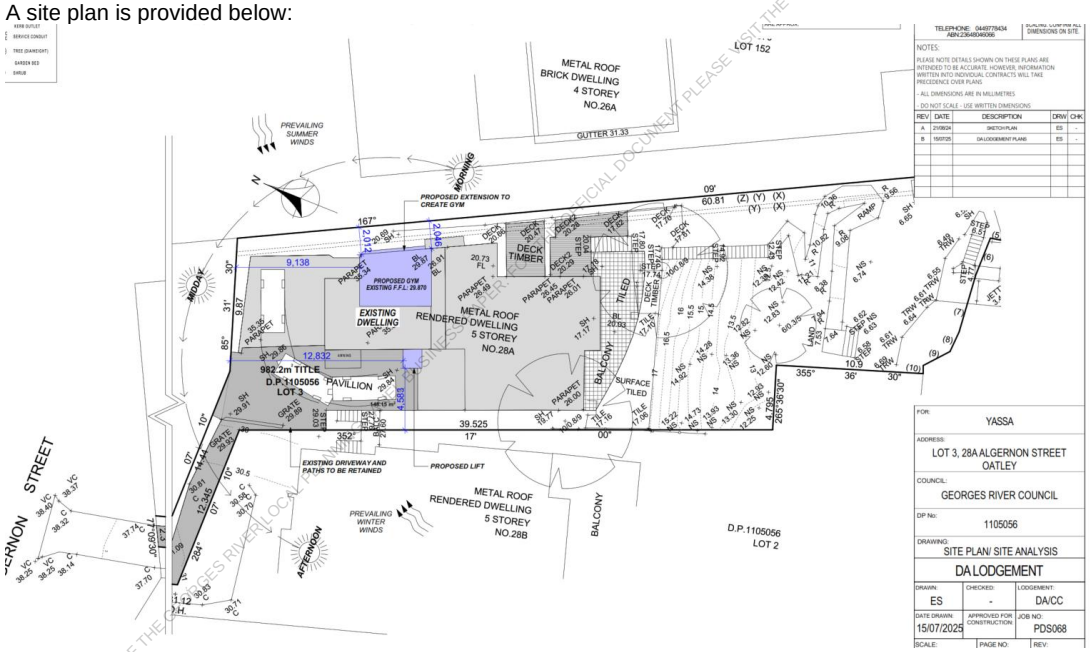

Figure 1 – Site plan *(Source: Architectural Plans)*

Locality	
North	Residential dwellings.
South	The Georges River.
East	Residential dwellings on battle-axe blocks.
West	Residential dwellings on battle-axe blocks.
Wider Area	Residential uses.

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Aerial Image of Land Zoning

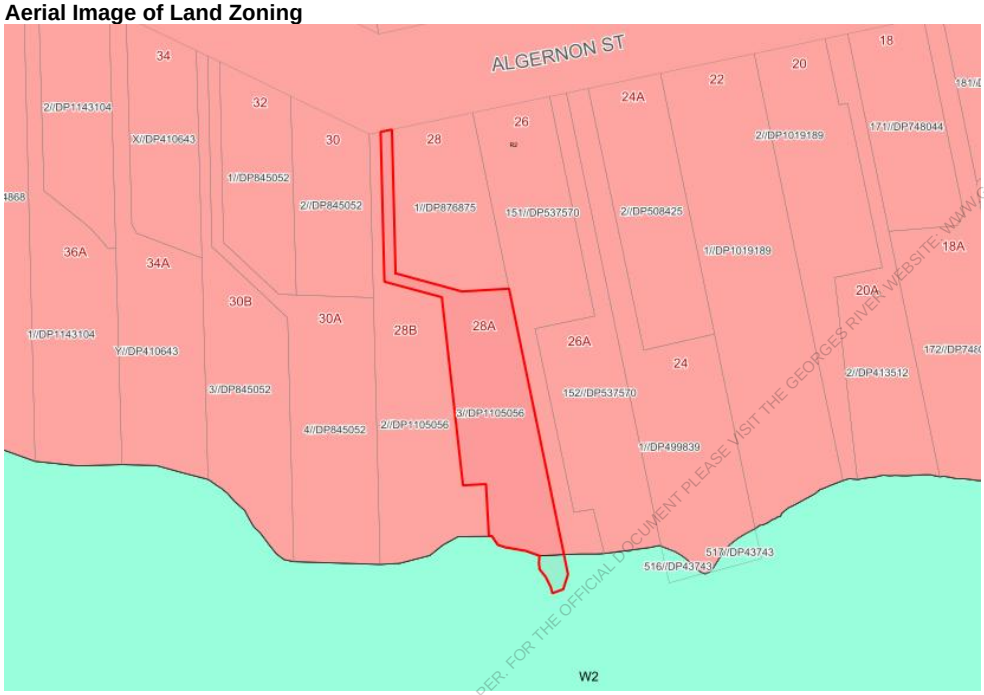

Figure 2 –Zoned R2 Low density residential - development site outlined in red *(Source: IntraMaps)*

Aerial Image of Site

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

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History

Application Number	Lodged	Determined	Comments
DA317/2004		21/11/2025	2 x multi-level dwellings on 2 lots
149D2023/0106		01/02/2024	Unauthorised Works - A Building Information Certificate issued in lieu of a final occupation certificate Issued 1/2/24.
DA2024/0488			Returned 17/10/2024 – Alterations and additions to a building.
DA2024/0566			Withdrawn 11/07/2025 – Alterations and additions to a dwelling.

Processing

Action	Date	Comments
Submission	6 August 2025	
Lodgement	20 August 2025	
Site Inspection	22 September 2025 19 November 2025	The second site inspection was undertaken with coordinator to determine the position of the lift in relation to natural ground.
RFI Issued	20 October 2025	Lift exceeded the height control and required a Clause 4.6 variation report.
Revised Documents Received	19 November 2025	Clause 4.6 variation report received.
Final Assessment Completed		

Site Inspection

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

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Figure 4: Street view of development site (image taken facing South *(Source: Assessing Officer)*)

Figure 5: View of existing garage and location of the lift (image Southeast from access handle *(Source: Assessing Officer)*)

Figure 6: View of development site from Georges River(image taken facing North *(Source: Assessing Officer)*)

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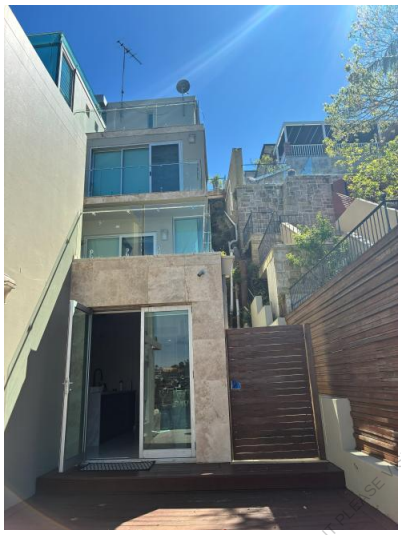

Figure 7: View towards the upper level balcony where the addition for the gym is proposed (image taken facing North *(Source: Assessing Officer)*)

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Referrals

Authority	Y	N	Date Referred	Comments
Concurrence / Referrals / Determining Authority				
Local Planning Panel	☒	☐		
Ausgrid	☒	☐	27 August 2025	No objection, subject to conditions.
Council Referrals				
Development Engineering	☒	☐	26 August 2025	No objection, subject to conditions.
Urban Design	☒	☐	26 August 2025	Referral comment not required for residential dwelling.

Assessment - Section 4.15 Evaluation

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

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

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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 ≥ 3m, diameter ≥ 100mm at ground level, or branch spread ≥ 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:

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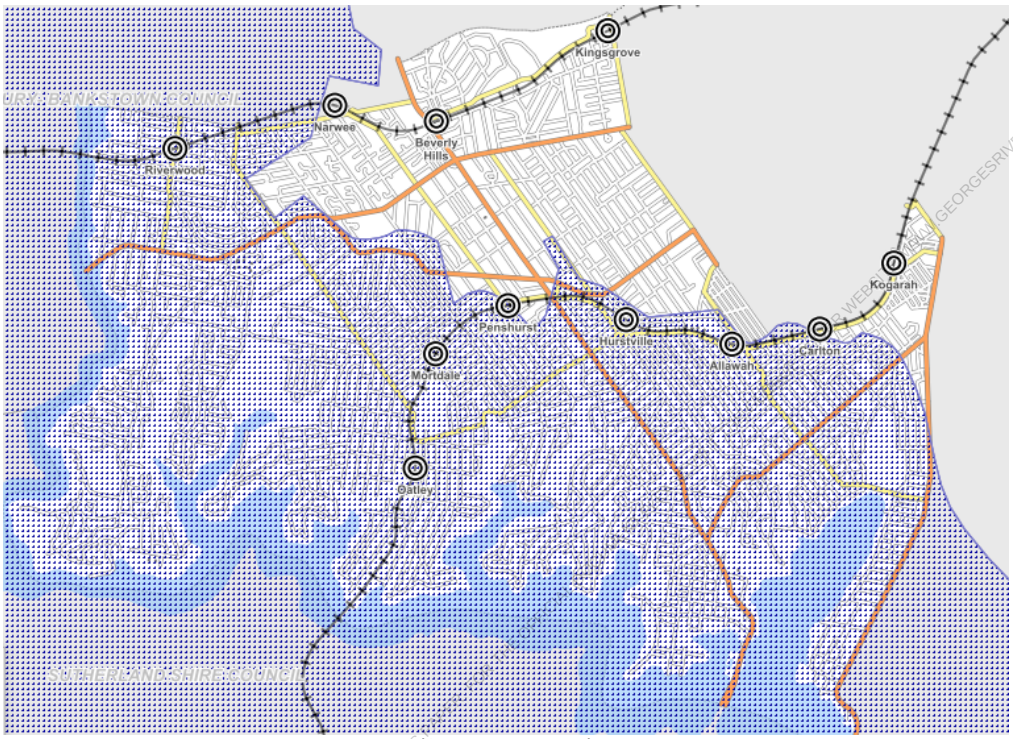

(Source: IntraMaps)

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.

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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		☐	☐	☒
	(b) the coastal vulnerability area		☐	☐	☒
	(c) the coastal environment area		☒	☐	☐
	(d) the coastal use area		☒	☐	☐
Part 2.2 Development controls for coastal management areas					
Division 1 Coastal wetlands and littoral rainforests area					
2.7 Development on certain land within coastal wetlands and littoral rainforests area	Any development on land mapped as 'coastal wetlands' or 'littoral rainforest' requires development consent. Any development is declared designated development. Note: minimum notification period for designated development is 28 days. Note: Designated development requires the submission of an EIS.	The land is not mapped as coastal wetlands or littoral rainforest.	☐	☐	☒
2.7(4)	A consent authority must not grant consent for development unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.	This section does not apply as the land is not mapped coastal wetlands or littoral rainforest.	☐	☐	☒
2.8 Development on land in proximity to coastal wetlands or littoral rainforest	Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" unless the consent authority is satisfied that the proposed development will not significantly impact on— (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.	The development is not on land mapped as in proximity to coastal wetlands or littoral rainforests.	☐	☐	☒
Division 2 Coastal vulnerability area					
Division 3 Coastal environment area					

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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. The proposed low-impact residential development has been assessed and is not likely to cause adverse impacts on the coastal environment area, including its ecological integrity, natural processes, marine water quality, vegetation, public access, Aboriginal heritage, or surf zone use, and therefore complies.	☒	☐	☐
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.	The proposed development is designed, sited, and will be managed to avoid adverse impacts on the coastal environment area, and where avoidance is not reasonably possible, impacts have been minimised or mitigated in accordance with the SEPP.	☒	☐	☐
Division 5 General					
2.12 Development in coastal zone generally— development not	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	The development has been designed to minimise risk of coastal hazards and has been assessed by Council's Development Engineer as being suitable for the coastal site.	☒	☐	☐

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

Section	Text	Comment	Y	N	N/A
to increase risk of coastal hazards	to cause increased risk of coastal hazards on that land or other land.				
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.	The development has been assessed against the relevant provisions of the Georges River Estuary CZMP 2013. The assessment has found that the development will maintain water quality, avoid bank erosion, protect the riparian environment and be provided with floor levels sufficient to protect against anticipated flooding. Accordingly, approval of the application is consistent with the provisions of the program.	☒	☐	☐
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 EPI.

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 suitable for the proposed land use.

SEPP (Sustainable Buildings) 2022

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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:	A1771500-02			
Certificate Date:	17 July 2025			
		Y	**N**	**N/A**
Correct DP shown on the certificate		☒	☐	☐
Date of certificate is not older than 3 months to lodgement		☒	☐	☐
Correct site area shown on the certificate		☐	☐	☒
Correct floor area shown on the certificate		☐	☐	☒
Correct roof area shown on the certificate		☐	☐	☒
Correct number of bedrooms shown on certificate		☐	☐	☒
Correct landscaping area shown on the certificate		☐	☐	☒
Rainwater tank details on plans		☐	☐	☒
Correct swimming pool details shown on plans		☐	☐	☒
Correct hot water system details shown on plans (star rating, size)		☐	☐	☒
The application has been assessed against the relevant provisions of SEPP (Sustainable Buildings) 2021. The proposal complies with the objectives of the EPI.				

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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.		☒	☐	☐
2.48(2)(b)	Any response to the above has been considered.	No objection subject to conditions.	☒	☐	☐
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
1.2 Aims	(a) to provide for housing choices to cater for changing demographics and population needs, (c) to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised, (e) to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River and to build upon and enhance the character of local areas, (f) to promote a high standard of urban design and built form, (g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use, (h) to protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways,	The proposal remains consistent with the aims of the GRLEP 2021.	☒	☐	☐
2.2 Zoning	Refer to LEP map.	R2 Low Density	☒	☐	☐

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S4.15 Environmental Planning & Assessment Act, 1979

Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
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. • To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.	The alterations and additions to the existing dwelling remain consistent with the objectives of the zone.	☒	☐	☐
4.1 Minimum subdivision lot size	Refer to Lot Size Map	No change to existing lot size.	☒	☐	☐
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 Applicant's Calculation: 11.58m (28.67% variation) Council Calculation: 11.985m (33.166% variation) The height of the lift will exceed the 9m height maximum by 2.985m due to the excavated ground level associated current dwelling with a large portion of the lift positioned behind existing building form. A clause 4.6 is provided and addressed further below.	☐	☒	☐
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 (Area 1): 0.465:1 Proposed: 0.435:1	☒	☐	☐
4.4A Exceptions to floor space ratio—certain residential accommodation	Dwelling Site Are / Max. FSR Less than or 650 — 0.55:1 650 – 1,000 — [(site area - 650) × 0.3 + 357.5] ÷ site area:1 1,000 – 1,500 — [(site area - 1000) × 0.2 + 462.5] ÷ site area:1 1,500 + — [(site area - 1,500) × 0.1 + 562.5] ÷ site area:1 Dual Occupancy	Refer to FSR assessment.	☒	☐	☐

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Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
	<table><tr><th>Site Are</th><th>Max. FSR</th></tr><tr><td>Less than or 1,000</td><td>0.6:1</td></tr><tr><td>1,000 to 1,500</td><td>[(site area – 1,000) × 0.3 + 600] ÷ site area:1</td></tr><tr><td>1,500 to 2,000</td><td>[(site area - 1500) × 0.2 + 750] ÷ site area:1</td></tr><tr><td>2.000 +</td><td>[(site area – 2,000) × 0.1 + 850] ÷ site area:1</td></tr></table>				
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 report has been provided to seek a variation to the height control, refer discussion below. 11.985m (33.166% variation to the 9m height control). The variation to the height control is recommended for approval.	☐	☒	☐
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 currently mapped but a draft flood study has recently finished exhibition and is discussed below.	☐	☒	☐
5.22 Special flood considerations	To ensure safe occupation and evacuation during flood events, protect flood-compatible land use and critical infrastructure, and minimise environmental impacts from hazardous development and flood behaviour.		☐	☒	☐
6.1 Acid sulfate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	The site is identified as Class 4 along the foreshore, the proposed works are located outside of the mapped area and will not involve excavation 2m below ground.	☒	☐	☐
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	No significant earthworks are proposed.	☒	☐	☐
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	Council's engineer supports the proposal subject to the imposition of suitable conditions.	☒	☐	☐

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Section	Text	Comment	Y	N	N/A
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.	The land adjacent to the water is mapped, however, the proposed works are positioned outside of the mapped area and will have no impact.	☒	☐	☐
6.5 Riparian land and waterways	To protect and maintain waterway ecosystems by safeguarding water quality, bank stability, aquatic and riparian habitats, ecological processes, and Aboriginal cultural heritage values.	The site is mapped as riparian land and waterways, the proposed works will be undertaken over the existing building footprint.	☒	☐	☐
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.	The proposed alterations and additions will be positioned outside of the FSPA.	☒	☐	☐
6.9 Essential services	The property must have in place by determination the following services: (a) water, (b) electricity, (c) telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	The site is connected to suitable essential services.	☒	☐	☐
6.10 Design excellence	Applies to new dwellings (not secondary dwellings) within the Foreshore Scenic Protection Map Area.	The proposed alterations and additions will maintain the integrity of the existing approved built form and considered to have a minimal impact when viewed form adjoining properties and the waterway.	☒	☐	☐
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— (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	No change to landscaped area, remains as approved.	☒	☐	☐

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Section	Text	Comment	Y	N	N/A
	(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 application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021. The proposal complies with the aims and controls of the EPI and the Clause 4.6 variation is supported for reasons outlined in the discussion below.					

GRLEP 2021 Clause 4.6 Variation

A Clause 4.6 Variation is required a the application will exceed the height control as outlined in the table below.

Name of Clause	Proposed Variation
4.3 - Height	2.985m (33.166% variation). Please note that the applicant's height is slightly lower than Council's, being 11.58m (28.67% variation.

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

Clause 4.6 Assessment

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

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

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

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

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

The are that exceeds the 9m height control relates to the lift only, resulting from the previously excavated site when the dwelling was constructed. Refer to image below: proposed variation is indicated below:

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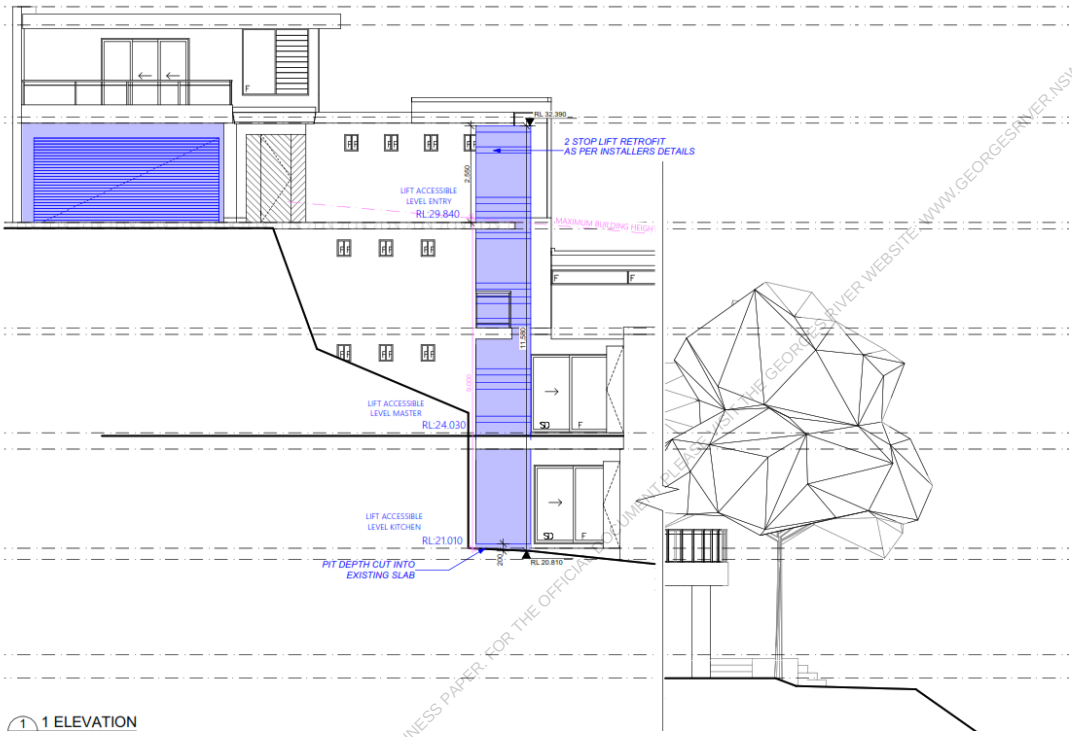

Figure 8: Extent of proposed variation – relates to lift only.

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

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

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

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

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

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

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

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

- The development will maintain the character of development that define the Oatley East established neighbourhood. That is, the development maintains a single dwelling on the site with landscaped deep soil adjoining the waterfront area.
- The alteration subject to this variation is for a lift which is fully enclosed without openings or of
- glass construction.
- The design maintains adequate solar access to adjoining properties.
- The proposed development shows a maximum in excess of 9.0 metres due to the slope of the site at the level of the proposed alterations and additions, specifically the lift area. The lift is proposed to the side of the dwelling at entry and middle floor and within the courtyard area of the lower level and
- ground level within the permitted setbacks.
- The setbacks are compatible with the locality and there will be no detrimental view loss.
- Development continues to provide at least 25.5% (225.7m²) of landscaped area.
- The proposal maintains a building bulk and scale similar to the original DA approval and non-compliance results from the slope of the land and excavated ground levels.

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

Objective	Assessment
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	The proposed lift addition will be flush with the existing dwelling and will only be visible at the two upper levels due to the existing dwelling that steps down the site. The non-compliance will not be highly discernible from the Georges River and the scale of existing

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	development to the east and west ensures that the addition is consistent with the surrounding built form and will be of an appropriate scale.
(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	The proposed height variation has no impacts on overshadowing, visual impact, disruption of views and loss of privacy.
(c) to ensure an appropriate height transition between new buildings and— (i) adjoining land uses, or (ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.	The proposed height variation will result in no impacts on adjoining properties. No heritage items affected by the proposed height variation.

As outlined above, the proposal is consistent with the objectives of the standard.

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

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

- No comments provided by the applicant.

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

- The underlying objective of the maximum building height development standard is to mitigate adverse amenity impacts. This objective is relevant to all developments in R2 Low Density Residential zone.

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

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

- No comments provided by the applicant.

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

- The underlying objective of the maximum building height development standard is to mitigate adverse amenity impacts. The development standard supports the objective of the clause as a measure to control the bulk and scale of a building such that new developments will not cause adverse amenity impacts to existing developments.

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

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

- No comments provided by the applicant.

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The development standard has not been abandoned or destroyed, the height non-compliance results from previously excavated land and if installed at the time of construction would have likely complied with the standard, on this basis the standard should be retained

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

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

- No comments provided by the applicant.

The R2 Low Density Residential zoning of the subject site is considered to be appropriate given it is compatible with the locality which contains multiple detached two to three storey building form.

Conclusion

As discussed above, the applicant's justification satisfactorily demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

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

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

- The Environmental aspects and impacts of the proposal are outlined and addressed within this Statement. The proposed development will have no detrimental impact on natural or other resources, with a Planning Use that complements the site and area and existing infrastructure.
- The development is orderly and rational, being consistent with the applicable Georges River Council planning controls in the R2 Low Density Residential Zone.
- The development maintains housing and the site is located in a residential area.
- There are no threatened species or the like in the area to be developed. The development will not have an environmental impact in relation to noise or air emissions.
- The site will be landscaped as part of the development.
- The site is not a heritage item or within proximity to a heritage item or located within a heritage conservation area.
- The proposal shows care and consideration for the existing and desired character of housing in the area. This ensures the amenity of the local area is reasonably protected.
- The proposal will utilise high quality building materials and finishes. It will be designed to meet BCA criteria and access considerations to ensure appropriate protection to the health and safety of occupants.
- The process has allowed consideration of both State and Local Government environment.
- This application will be exposed to public comment in the usual manner, as outlined in the Development Control Plan.

It is considered that the proposal demonstrates sufficient environmental planning grounds to warrant the variation for the following reasons:

- The component with height exceedance is limited to the lift only. The height exceedance will not be highly discernible from the Georges River and will not be visible from the street.
- The height variation would be compliant if constructed with the dwelling, the existing ground level has resulted from excavation.
- There is no detrimental overshadowing and no view loss.

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- The scale of the dwelling is acceptable when viewing the scale of the existing dwellings to the east and west.
- The proposed height variation aligns with the objectives of the zone and Clause 4.3.

Summary of 4.6 Assessment and Conclusion

4.6 Variation Supported

The proposal seeks to vary Clause 4.3 of the Georges River Local Environmental Plan.

The 4.6 variation request has been assessed and is considered to be satisfactory with regards to the matters it is required to address under Clause 4.6(3).

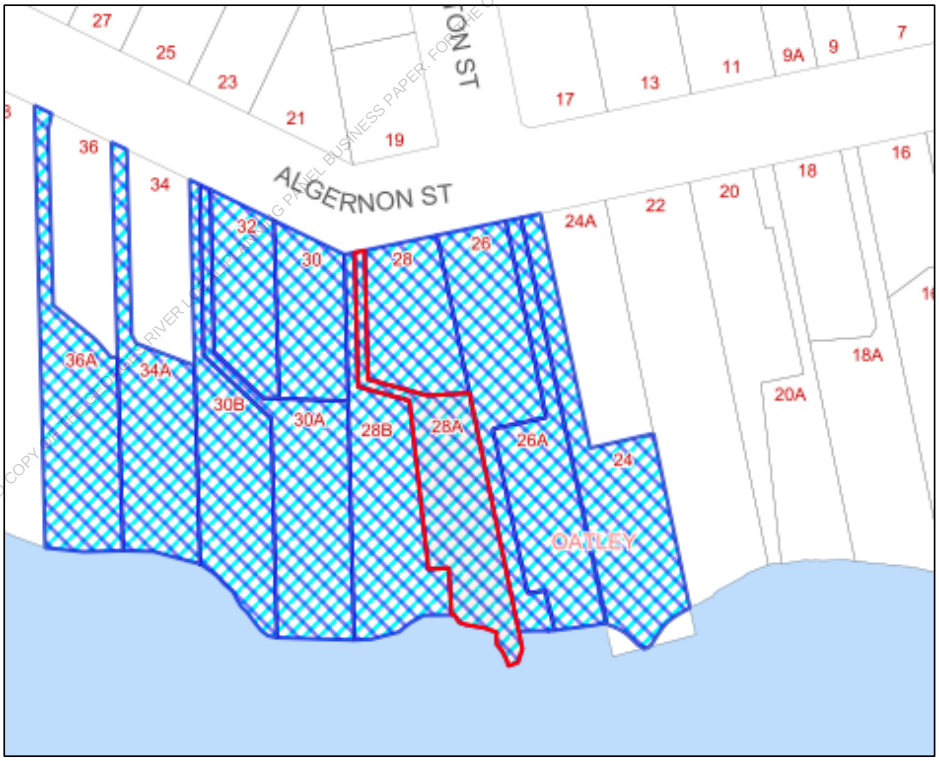
Given the above, the 4.6 request is supported and a variation to the control is recommended.

Provisions of any Proposed Instrument

Draft Blakehurst and Kogarah Bay Wards Flood Study

Georges River Council has completed a draft flood study to better understand overland flooding in the Blakehurst and Kogarah Bay Wards. This flood study helps us understand how stormwater behaves during heavy rainfall events and was recently on exhibition between 15 September 2025 and 3 November 2025.

The site is identified as being affected by the both the AEP 1% and PMF, refer to map below:



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The proposed works are positioned over an existing building more than 14m above the Georges River, on this basis the development is acceptable and unlikely to be impacted by flood waters. The development is suitable and should be supported.

There is no other proposed instruments that are or have been the subject of public consultation under this Act which is relevant to the proposal.

Provisions of any Development Control Plan

Georges River Development Control Plan 2021

Part	Name	Y	N
Part 3	General Planning Considerations	☒	☐
Part 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)	☐	☒

3.2 Biodiversity

Clause	Text	Comment	Y	N	N/A
3.2.1(1) Biodiversity	Development is to comply with the provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021	Assessed above.	☒	☐	☐
3.2.2(2) Green Web	Green Web areas are to be landscaped with species indigenous to the Georges River Council area, listed in Council's Backyard Biodiversity Guide on Council's website and Council's Tree Management Policy (and its Appendix 1 – Tree Planting). Trees and landscaping should be provided in a form and configuration that maintains and enhances the core habitat and vegetated linkages	The site is mapped within a green web area and was not required to be referred to Council's Landscape Officer as works were not impacting any vegetation.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.2. The proposal complies with the objectives and controls of this section of the DCP.					

3.3 Landscaping

Clause	Text	Comment	Y	N	N/A
3.3(2)	Landscape planting should achieve a mature height in scale with the structures on the site.	No impact on landscaping.	☒	☐	☐

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3.3 Landscaping

Clause	Text	Comment	Y	N	N/A
3.3(3)	Where canopy trees, shrubs and groundcovers are required, preference should be given to incorporating locally indigenous plants listed in GRDCP 2021 Backyard Biodiversity Guide on Council's website and Council's Tree Management Policy (and its Appendix 1 – Tree Planting).	No removal of vegetation and trees.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.3. The proposal complies with the objectives and controls of this section of the DCP.					

3.6 Contaminated Land

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

3.8 Views Impacts

Clause	Text	Comment	Y	N	N/A
3.8(1)	Development shall provide for the reasonable sharing of views.	The proposed addition for the gym and installation of the lift is adjacent to existing building form and will not significantly obstruct existing views for adjoining properties.	☒	☐	☐
3.8(2)	View pruning is to comply with Council's Tree Management Policy.	No pruning of trees required.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.8. The proposal complies with the objectives and controls of this section of the DCP.					

3.9 Coastal Hazards and Risks

Clause	Text	Comment	Y	N	N/A
3.9.2 Sea Level Rise (1)	Development on land identified on the Georges River LEP 2021 'Coastal Hazard and Risk Map' must	The location of the proposed works will be 14m above the Georges River over the existing building footprint, on	☒	☐	☐

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3.9 Coastal Hazards and Risks

Clause	Text	Comment	Y	N	N/A
	implement measures to mitigate the adverse effects of projected sea level rise and increases in flood levels on the development.	this basis there will be no detrimental impact.			
3.9.2 Sea Level Rise (2)	Development should be designed and situated to reduce the risk from the effects of sea level rise. For example, structures should be located on the highest part of the Lot and/ or located on the lot away from the foreshore or coastline while still satisfying other controls and objectives of the DCP.		☒	☐	☐
3.9.2 Sea Level Rise (3)	Development on land adjacent to tidal waters, including the Georges River and Salt Pan Creek, should be designed to minimise the risk to property and the environment from sea level rise in the event of a 1% AEP flood by: i. Siting the floor level of habitable rooms, wet areas and other sensitive uses (e.g. on-site wastewater disposal areas) 1.4m above the 1% AEP riverine flood level. The 1.4m is to allow for the 2100 (year) NSW sea level rise planning benchmark of 0.9m and 0.5m freeboard. ii. Siting other non-habitable structures (e.g. sheds, decks, pergolas) 0.7m above the 1% AEP riverine flood level. The 0.7m is to allow for the 2050 (year) NSW sea level rise planning benchmark of 0.4m and 0.3m freeboard. iii. Siting all garages and basements 1.2m above the 1% AEP riverine flood level. The 1.2m is to allow for the 2100 (year) NSW sea level rise planning benchmark of 0.9m including 0.3m freeboard.		☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.9. The proposal complies with the objectives and controls of this section of the DCP.					

3.10 Water Management

Clause	Text	Comment	Y	N	N/A
Stormwater Management	The development must comply with Council's Stormwater Management	The stormwater water management will be conditioned to connect with	☒	☐	☐

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3.10 Water Management

Clause	Text	Comment	Y	N	N/A
	Policy, incorporate WSUD principles, ensure on-site detention does not compromise deep soil zones or landscaping, and manage runoff to prevent adverse impacts on neighbouring properties.	existing, suitable conditions have been recommended by Council's engineer.			
Flood Risk Management	The development must comply with Council's Stormwater Management Policy and the NSW Floodplain Development Manual, ensuring appropriate controls are applied in identified flood planning, 1% AEP, and PMF affected areas.	As discussed above, the works will be positioned at least 14m above the Georges River level, on this basis the works are suitable.	☒	☐	☐
Water Quality	All development must include measures to control stormwater pollutants and treat runoff to reduce erosion, sedimentation, and nutrient dispersal, especially near waterways and bushland.	The proposed works will connect to the existing system and will have minimal impact on the Georges River system.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.10. The proposal complies with the objectives and controls of this section of the DCP.					

3.13 Parking Access and Transportation

Clause	Text	Comment	Y	N	N/A
3.13(1) Rate	• 1 space per 1 and 2 beds • 2 spaces per 3 beds or more • Home business / industry: 1 per employee not residing at site.	No change to existing garage, two car spaces provided.	☒	☐	☐
Design and Layout of Car Parking Areas	Be designed in accordance with the requirements set out in AS 2890.1 (2004) and AS 2890.2 (2002) for off street parking	The new garage door is suitable and a condition is recommended to ensure compliance with the standard.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.13. The proposal complies with the objectives and controls of this section of the DCP.					

3.14 Utilities

Clause	Text	Comment	Y	N	N/A
Utilities	Development must provide essential services integrated into building and site design to minimise streetscape impacts and support future occupants.	No change to existing services.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.14.					

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3.14 Utilities

Clause	Text	Comment	Y	N	N/A
The proposal complies with the objectives and controls of this section of the DCP.					

3.20 Noise and Vibration

Clause	Text	Comment	Y	N	N/A
3.20.3(1) Noise Generating	Development should be sited and designed so that noise is kept to a minimum and does not create offensive noise as defined by the Protection of the Environment Operations Act 1997.	A suitable condition will be imposed for the motor of the lift to ensure acoustic privacy for the adjoining residential properties.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.20. The proposal complies with the objectives and controls of this section of the DCP. .					

Part 5 – Residential Locality Statement

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

6.1.2 Single Dwelling

Clause	Text	Comment	Y	N	N/A
1. Streetscape Character and Built Form					
Objectives: • Ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality. • Minimise adverse visual impact, disruption of views, loss of privacy and loss of sunshine to existing residential developments. • Minimise adverse impact on Heritage Conservation Areas, Heritage Items and contributory buildings. • Reduce the visual dominance of development waterways, as well as other public places such as parks, roads.			☒	☐	☐
1.4	Dwelling houses are to have windows presenting to the street from a	No change to existing dwelling windows and dwelling is positioned on a battle-axe block.	☒	☐	☐

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6.1.2 Single Dwelling

Clause	Text	Comment	Y	N	N/A
	habitable room to encourage passive surveillance.				
1.5	Development must be sensitively designed to minimise adverse impacts on the amenity and view corridors of neighbouring public and private property while maintaining reasonable amenity for the proposed development and is to balance this requirement with the amenity afforded to the new development.	The installation of the lift will be adjacent to the existing dwelling and will only be partially visible form the waterway, the height is below the roofline and will not result in any additional shadow and will suitably integrated with the existing built form. The infill of the upper level balcony will be positioned to have minimal impact when viewed form the waterway, adjoining three storey built form will buffer the addition and any additional shadow will not detrimentally impact adjoining development with no significant impact on existing views due to the current dwelling form.	☒	☐	☐
1.6	The maximum size of voids at the first floor level should be a cumulative total of 15m2 (excluding voids associated with internal stairs).	No voids proposed.	☒	☐	☐
2. Building Scale and Height					
• Ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality. • Minimise adverse visual impact, disruption of views, loss of privacy and loss of sunshine to existing residential developments. • Minimise adverse impact on Heritage Conservation Areas, Heritage Items and contributory buildings. • Reduce the visual dominance of development when viewed from waterways, as well as other public places such as parks, roads and community facilities.			☐	☐	☐
2.2	On sites with a gradient or cross fall greater than 1:10, dwellings are to adopt a split-level approach to minimise excavation and fill. The overall design of the dwelling should respond to the topography of the site.	The dwelling is currently stepped down the site and the position of the lift and gym will not result in excessive bulk and scale compared to existing form and the adjoining sites.	☒	☐	☐
2.3	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.	The lift will be positioned to service four levels, however, it will only be visible from the immediate boundary and Georges River for the upper two levels as the existing two lower levels will buffer the addition. The gym addition will be positioned at the higher level of the dwelling but will be setback significantly from the boundary with the Georges River. The adjoining three (3) storey	☐	☒	☐

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Assessment Report (Low Density Residential)
S4.15 Environmental Planning & Assessment Act, 1979

GEORGES RIVER COUNCIL

6.1.2 Single Dwelling

Clause	Text	Comment	Y	N	N/A
		building form at 26A Algeron Street will also buffer the addition when viewed from the waterway. On this basis, the lift and gym addition are supported even though it will exceed the 2 storey requirement, for the following reasons: • The height and scale is suitable given the adjoining residential development to the east and west • The setback from the Georges River and positioned of the additions will not be highly discernible from the waterway. • The additions will not result in any detrimental view loss, overshadowing and privacy impacts.			
3. Setbacks					
• Preserve significant vegetation, which contributes to the public domain, and allows for street landscape character to be maintained. • Integrate new development with the established setback character of the street by ensuring front setbacks are not inconsistent with adjoining buildings. • Provide opportunities for landscape planting and private open space. • Maintain a reasonable level of privacy and amenity for neighbours together with adequate access to sunlight. • Ensure adequate separation between buildings, consistent with the desired character and rhythm of built elements in the street.			☐	☐	☐
3.4 Side and Rear	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).	No change to existing rear setback.	☒	☐	☐
3.5 Side and Rear	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	No change to the western side setback, lift will be setback 4.583m. The gym will maintain a side setback of 2.012m.	☒	☐	☐

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6.1.2 Single Dwelling

Clause	Text	Comment	Y	N	N/A
	building line for the length of the development.				
3.7 Side and Rear	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. Figure 3: Single dwelling battle-axe street facing (Note: dimensions are in metres)	No change to the front setback for the battle-axe, remains as existing.	☒	☐	☐
4. Private Open Space					
• Ensure that private open space is designed to provide residents with quality usable and functional private outdoor living areas for recreational and outdoor activities. • Ensure that private open space is designed for privacy, solar access, and is well integrated to be accessed from living areas. • Provide private open space that facilitates opportunities for active and passive recreation, landscaping and tree planting.			☒	☐	☐
4.1	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 60m2 with minimum dimensions of 6m and located on the same level (not terraced or over rock outcrops).	In excess of 60m² is retained in the rear yard.	☒	☐	☐
4.3	Private open space is to be located to maximise solar access	Acceptable is maintained to the rear yard and POS.	☒	☐	☐

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6.1.2 Single Dwelling

Clause	Text	Comment	Y	N	N/A
4.4	Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent buildings.	The retained POS is suitable.	☒	☐	☐
5. Landscaping					
• Enhance the existing streetscape. • Enhance the quality and amenity of the built form by reducing the visual and environmental impacts of buildings, structures and hardstand areas. • Provide privacy and shade. • Minimise the extent of hard paved areas and facilitate rainwater infiltration to the water table. • Preserve and enhance native wildlife populations and habitat through appropriate planting of indigenous vegetation. • Retain and provide for mature vegetation and the healthy growth of canopy trees, particularly large and medium sized trees. • Provide continuous vegetation corridors. • Protect existing natural rock outcrops.			☐	☐	☐
5.1	Landscaped area (has the same meaning as GRLEP 2021) is to be provided in accordance with the table contained within Clause 6.12 Landscaped areas in certain residential and conservation zones of the GRLEP 2021.	As discussed above, no change to existing landscaping. All works are above the existing dwelling.	☒	☐	☐
5.2	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.	No change to soft landscaping.	☒	☐	☐
5.3	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.	No change to existing landscaped area, remains suitable.	☒	☐	☐
5.4	Impervious areas are to occupy no more than: i. 60% of the street setback area where the front setback is less than 6m, or ii. 50% of the street setback area where the front setback is 6m or greater, or	No change to impervious area, remains suitable.	☒	☐	☐

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6.1.2 Single Dwelling

Clause	Text	Comment	Y	N	N/A
	iii. 50% of the primary street setback area on corner allotments.				
5.5	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.	No change to front setback.	☒	☐	☐
7. Vehicular Access, Parking and Circulation					
• Ensure car parking is provided to meet the requirements of Council. • Ensure vehicular access routes and parking areas are easily accessible and visible to motorists. • Ensure car access areas and garages/carports do not visually dominate either the development or the streetscape. • Ensure car parking spaces are designed to ensure ease of access, egress and on-site manoeuvring.			☒	☐	☐
7.1	Car parking is to be provided in accordance with the requirements in Part 3 of this DCP.	No change, two (2) car spaces retained.	☒	☐	☐
7.2	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).		☒	☐	☐
7.8	Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1	A condition is recommended to ensure the garage satisfies the Australian standard.	☒	☐	☐
7.9	The maximum width of a garage opening is 6.0m	The garage width will be 5.03m	☒	☐	☐
8. Visual Privacy					
• Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for residents and neighbouring dwellings and their private open space. • Minimise direct overlooking from windows, decks, balconies and terraces. • Minimise direct overlooking between primary living rooms and private open space on the subject site and that of the adjoining sites.			☒	☐	☐
8.1	Windows from active rooms are to be offset with windows in adjacent dwellings, or appropriately treated to avoid direct overlooking onto neighbouring windows	Three (3) high level windows will be positioned along the eastern side of the new gym addition, there will be no impact to adjoining properties.	☒	☐	☐

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6.1.2 Single Dwelling

Clause	Text	Comment	Y	N	N/A
8.2	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.		☒	☐	☐
8.4	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.	Two (2) louvre windows will be positioned on the southern side of the gym addition, there is no increased impact as the balcony was positioned in this location.	☒	☐	☐
8.5	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.	Noted.	☒	☐	☐
9. Noise					
• Minimise the intrusion of noise from external sources into habitable rooms, in particular bedrooms. • Minimise noise transmission between dwellings within the development and from the development to adjoining dwellings.			☒	☐	☐
9.1	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.	A condition is recommended to be imposed to ensure the lift motor does not create any detrimental acoustic impacts for neighbours.	☒	☐	☐
10. Solar Access					
• Minimise loss of sunlight to adjacent buildings. • Ensure the required level of mid-winter solar access to main living areas and areas of principal private open space within the site and adjoining sites is provided. • Maximise mid-winter sunlight to windows of neighbouring living rooms and to the primary private open spaces of adjacent properties. • Minimises adverse impacts on the overshadowing of neighbouring buildings and primary private open spaces.			☐	☐	☐
10.1	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.	Majority of the shadow is absorbed into the existing shadow with only a minor increase at 3pm, on this basis the development is suitable.	☒	☐	☐
10.3	Direct sunlight to north-facing windows of habitable rooms and 50% of the principal private open space	No north facing windows or POS affected due to site orientation.	☒	☐	☐

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6.1.2 Single Dwelling

Clause	Text	Comment	Y	N	N/A
	area of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.				
10.5	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.	Shadow diagrams accompany the application.	☒	☐	☐
11. Materials, Colour Schemes and Details					
• Ensure that the choice of external materials, colour schemes and building details of new development and existing houses visible from a public place, reinforces and enhances any identifiable visual cohesiveness or special qualities evident in the street and the adjoining locality.			☒	☐	☐
11.1	Large expansive surfaces of predominantly white, light or primary colours which would dominate the streetscape or other vistas should not be used	The existing dwelling contains light colours, the additions will integrate with the existing materials and finishes. This is visible from the Georges River.	☐	☒	☐
11.2	New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street.	The colour scheme matches existing.	☒	☐	☐
11.4	All materials and finishes utilised should have low reflectivity.	A mix of glazing and masonry will be utilised, being an acceptable balance.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 6.1.2. The proposal generally complies with the objectives and controls of this section of the DCP, any non-compliances have been suitably justified above.					

6.5.1 Foreshore Scenic Protection Area
(S6.6 of the GRLEP 2021)

Clause	Text	Comment	Y	N	N/A
• 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. • Retain significant existing natural landscape features.			☒	☐	☐

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6.5.1 Foreshore Scenic Protection Area
(S6.6 of the GRLEP 2021)

Clause	Text	Comment	Y	N	N/A
• Ensure that development is sited and designed to blend with the surrounding environment, particularly when viewed from highly visited public viewing points. • Provide for a reasonable sharing of views of significant landscape features, in particular to the Georges River.					
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.	A site analysis has bene provided with the development application.	☒	☐	☐
3	The integrity of the existing edge of bushland closest to the Georges River is retained	No impact to existing vegetation and rock outcrops.	☒	☐	☐
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.	No change to the existing landscaped area within the FSPA.	☐	☐	☒
10	The visual impact of buildings is minimised having regard to building size, height, bulk, siting, external materials and colours and cut and fill.	As discussed above, the lift will be positioned adjacent to the existing dwelling, will be set below the maximum ridgeline and the lift will only be visible for the upper two levels due to the existing dwelling form which will hide the lower two levels, this suitably minimises the bulk and scale when viewed from the Georges River. The addition of the gym to the upper level balcony is setback significantly from the rear and the adjoining three (3) dwelling at 26A Algernon Street buffers the addition when viewed from the Georges Rivere. All other changes are not visible from the street or Georges River. On this basis, the development is supported.	☒	☐	☐
12	Where on a steep site, buildings are sited to sit discretely within the landscape using hillsides as a backdrop and below the tree canopy. The building footprint is to result in the following: i. The preservation of topographic features of the site, including rock shelves and cliff faces;	As discussed above, the existing dwelling stepped down the site and the building elements along with the adjoining property to the east assist in reducing the scale of the proposed works and on this basis the development is recommended for approval.	☒	☐	☐

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6.5.1 Foreshore Scenic Protection Area
(S6.6 of the GRLEP 2021)

Clause	Text	Comment	Y	N	N/A
	ii. The retention of significant tress 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 proposed mix of glazing and solid materials is suitable on balance.	☒	☐	☐
14	Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.	The colours will match existing.	☒	☐	☐
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.	As discussed above, the proposal is suitable and will not detrimentally impact the view from the Georges River.	☒	☐	☐
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.	No blank walls are proposed the southern elevation will remain suitably articulated.	☒	☐	☐
19	Buildings have external finishes that are non-reflective and coloured to	Noted. The colours and materials are suitable.	☒	☐	☐

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6.5.1 Foreshore Scenic Protection Area
(S6.6 of the GRLEP 2021)

Clause	Text	Comment	Y	N	N/A
	blend with the surrounding landscape.				
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 6.5.1. The proposal complies with the objectives and controls of this section of the DCP.					

Any Planning Agreement Under Section 7.4

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

The Regulations

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

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

The Likely Impacts of the Development

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

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

Site Suitability

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

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

Submissions

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. No submissions were received during the neighbour notification period.

The Public Interest

The proposal is in the public interest for the following reasons:

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

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- The proposed development will not result in unreasonable amenity impacts to the adjoining neighbours.

Contributions

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

Conclusion

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

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

Council's delegate supports the request for variation under Clause 4.6 of Georges River Local Environmental Plan 2021, in relation to the Clause 4.3 Hight of Buildings development standard, as the variation sought satisfies the objectives of the standard and sufficient environmental planning grounds have been provided in the written request for variation justifying that compliance would be unnecessary and unreasonable in the circumstances of the case. The proposal is also in the public interest and it satisfies the objectives of the zone resulting in no adverse environmental impacts but rather a superior design outcome.

Determination

Approval of Application

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2025/0382 for alterations and additions to a dwelling on Lot 3 in DP 1105056 on land known as 28A Algernon Street Oatley, is recommended for approval for the reasons below subject to the conditions referenced in Appendix 1:

Signed

Assessing Officer: Louise Meilak
Title: Principal Planner
Date:28/11/2025

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Appendix 1 – Conditions

GENERAL CONDITIONS

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1. Approved Plans and Supporting Documentation - Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Drawing No.	Plan Title.	Drawn By.	Issue No.	Dated.
PDS068 Sheet 3 of 26	Overall Site Plan	Prime Design Studios	C	20/10/25
PDS068 Sheet 4 of 26	Site Plan/ Site Analysis	Prime Design Studios	C	20/10/25
PDS068 Sheet 6 of 26	Existing Floor Plans	Prime Design Studios	C	20/10/25
PDS068 Sheet 7 of 26	Proposed Floor Plan	Prime Design Studios	C	20/10/25
PDS068 Sheet 8 of 26	Proposed Floor Plan	Prime Design Studios	C	20/10/25
PDS068 Sheet 9 of 26	Proposed Middle Floor Plan	Prime Design Studios	C	20/10/25
PDS068 Sheet 10 of 26	Proposed Lower Floor Plan	Prime Design Studios	C	20/10/25
PDS068 Sheet 11 of 26	Proposed Ground Floor Plan	Prime Design Studios	C	20/10/25
PDS068 Sheet 12 of 26	Elevation 1	Prime Design Studios	C	20/10/25
PDS068 Sheet 13 of 26	Elevation 3	Prime Design Studios	C	20/10/25
PDS068 Sheet 14 of 26	Elevations	Prime Design Studios	C	20/10/25
PDS068 Sheet 15 of 26	Section	Prime Design Studios	C	20/10/25
PDS068 Sheet 16 of 26	Section/BASIX	Prime Design Studios	C	20/10/25

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Documents relied upon

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Document Title.	Reference No.	Prepared by.	Dated.
Statement of Environmental Effects	Alterations and Additions	Plan for Tomorrow	6 August 2025
Clause 4.6 Variation	Request to Vary a Development Standard	Plan for Tomorrow	November 2025

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SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

(a) Placing or storing materials or equipment;

(b) Placing or storing waste containers or skip bins;

(c) Erecting a structure or carrying out work

(d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;

(e) Pumping concrete from a public road;

(f) Pumping water from the site into the public road;

(g) Constructing a vehicular crossing or footpath;

(h) Establishing a “works zone”;

(i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);

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

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

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

3. **Ausgrid – Overhead Powerlines are in the vicinity of the development -** The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

   Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

   The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

   It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

4. **Ausgrid – New Driveways- Proximity to Existing Poles** – Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

5. **Sydney Water - Tap in ™** - The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

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

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

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

   Payments must be made prior to the issue of the Construction Certificate or prior to the

commencement of work (if there is no associated Construction Certificate).

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.12)	$900.00
Builders Damage Deposit	$2,060.00
Inspection Fee for Refund of Damage Deposit	$220.00

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

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

Indexation
The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the Georges River Council Local Infrastructure Contributions Plan 2021.

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

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

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

(a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: $2,060.00

(b) Pay Council, before the issue of the Construction Certificate, a non-refundable

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inspection fee to enable assessment of any damage and repairs where required: $220.00

(c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of works, Council will carry out an inspection of its public domain assets. If the inspection is passed, the damage deposit will be returned less the cost of any repairs to damaged Council Assets. The damage deposit will not be refunded until a full Occupation Certificate has been issued for the development.

General Fees

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

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

10. **BASIX Commitments shown on CC Plans** - The Applicant must submit to the Certifying Authority the BASIX Certificate(s) referenced in this Consent with any application for a Construction Certificate.

All commitments in the BASIX Certificate must be shown on the Construction Certificate plans with relevant specifications prior to the issue of any Construction Certificate.

11. **Structural Details Required** - Engineer's details prepared by a suitably qualified practising structural engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Certifying Authority prior to release of a Construction Certificate.

12. **Low reflectivity roof and materials** - Roofing materials must be low glare and reflectivity so as to avoid discomfort glare or disability glare defined as:

Discomfort glare *is a temporary vision sensation caused by high brightness that produces discomfort for an observer, but generally does not present health and safety risks.*

Disability glare *affects contrast in vision to reduce overall visibility, which can present health and safety risks when the observer is impacted.*

External glazing and cladding materials and finishes must avoid disability glare to occupants of adjoining building, public transport operators, pedestrians, road users, to the satisfaction of the certifying authority.

Extended periods of discomfort glare for pedestrians and occupants of surrounding buildings caused by glazing (including tilted glazing) and external cladding materials and

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finishes with specular or glossy finishes (including polished metal cladding, finished stainless steel, glazed tiles, high gloss paint finishes) must be avoided.

Material and finishes details submitted to the Certifying Authority must demonstrate compliance with this requirement to the satisfaction of the Certifying Authority.

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

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

14. **Stormwater System** – Connect the new proposed roof downpipes into the existing stormwater system on site complying with Council's stormwater management policy and in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended) and to the satisfaction of the PCA.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)

15. **Demolition & Asbestos -** The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.
For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

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All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015)
Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

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

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

18. **Dial before you dig –** The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

DURING CONSTRUCTION

19. **Site sign – Soil & Erosion Control Measures** – Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all sites and building works.

20. **Hours of construction for demolition and building work** – Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

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Note: A penalty infringement notice may be issued for any offence.

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

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

23. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

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

25. **Tree Removal prohibited on adjoining properties** - No tree on Council's public footway, public reserves or on neighbouring properties and protected under the Georges River Tree Management Policy 2024 may be removed, pruned or otherwise damaged without Council consent.

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

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

Where required, the receipts (or copied of) must be made available to Council within 7 days of a written request being made by Council.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

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Assessment Report (Low Density Residential)
S4.15 Environmental Planning & Assessment Act, 1979

27. **BASIX Certificate** – All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

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

29. **Requirements prior to the issue of the Occupation Certificate – Stormwater Works** – The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

(a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
(b) Works as Executed Plans prepared and jointly duly signed by a Chartered Consulting Drainage Design Engineer and a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

30. **Acoustic Compliance – General Operation of Premises** - The proposed use of the lift and the operation of all associated plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 (as amended) and Regulations.

(Peter – do you think the above is sufficient to control noise? The following feels a bit over the top but will be guided by you)

A suitably qualified person shall certify that the operation of the lift plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's "NSW industrial Noise Policy.

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

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OPERATIONAL CONDITIONS (ON-GOING)

31. **Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited. To prevent light spill and minimise nuisance external facing lighting fixtures must not be installed higher than 3m above the ground level immediately below.

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

END CONDITIONS

NOTES / ADVICES

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

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

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

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

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

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

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

5. **Appeal Rights -** Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

6. **Lapsing of Consent -** This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

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

   (a) Complete the 'Stormwater Drainage Application Form' which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au
   (b) In the Application Form, quote the Development Consent No. (e.g..DA2021/****) and reference this condition number (e.g. Condition **)
   (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

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

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

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

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PROPOSED 'ALTERATIONS AND ADDITIONS'

AT **LOT 3, 28A ALGERNON STREET, OATLEY**
FOR **YASSA**

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

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CHECK ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORKS. FIGURED DIMENSIONS TO BE TAKEN IN REFERENCE TO SCALING. CONFIRM ALL DIMENSIONS ON SITE.

NOTES:

PLEASE NOTE DETAILS SHOWN ON THESE PLANS ARE INTENDED TO BE ACCURATE. HOWEVER, INFORMATION WRITTEN INTO INDIVIDUAL CONTRACTS WILL TAKE PRECEDENCE OVER PLANS

- ALL DIMENSIONS ARE IN MILLIMETRES

- DO NOT SCALE - USE WRITTEN DIMENSIONS

REV	DATE	DESCRIPTION	DRW	CHK
A	21/08/24	SKETCH PLAN	ES	-
B	15/07/25	DA LODGEMENT PLANS	ES	-
C	20/10/25	LIFT AMENDMENT	ES	-

SCHEDULE OF DRAWINGS

NO.	SHEET NAME
1	COVER PAGE
2	SPECIFICATIONS
3	OVERALL SITE PLAN
4	SITE PLAN/ SITE ANALYSIS
5	COMPLIANCE TABLE
6	EXISTING FLOOR PLANS
7	PROPOSED FLOOR PLANS
8	PROPOSED FLOOR PLAN
9	PROPOSED MIDDLE FLOOR PLAN
10	PROPOSED LOWER FLOOR PLAN
11	PROPOSED GROUND FLOOR PLAN
12	ELEVATION 1
13	ELEVATION 3
14	ELEVATIONS
15	SECTION
16	SECTION/ BASIX
17	3D VIEWS
18	3D VIEWS
19	CONCEPT STORMWATER PLAN
20	SHADOW DIAGRAM 21ST JUNE 9AM, 12PM
21	SHADOW DIAGRAM 21ST JUNE 3PM
22	SCHEDULE OF EXTERNAL FINISHES
23	NOTIFICATION PLAN

FOR:	YASSA
ADDRESS:	LOT 3, 28A ALGERNON STREET OATLEY
COUNCIL:	GEORGES RIVER COUNCIL
DP No:	1105056
DRAWING:	COVER PAGE
	DA LODGEMENT

DRAWN:	CHECKED:	LODGEMENT:
ES	-	DA/CC
DATE DRAWN:	APPROVED FOR CONSTRUCTION:	JOB NO:
20/10/2025		PDS068
SCALE:	PAGE NO:	REV:
	1 of 26	C

GENERAL REQUIREMENTS/SPECIFICATIONS

BUILDING TO BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING/WHERE RELEVANT

NATIONAL CONSTRUCTION CODE: Where NCC is referenced that nomination refers to the National Construction Code of Australia BCA Vol.1 and/or Vol.2 and/or PCA Vol.3 as amended.
FLOOD HAZARD AREAS: NCC Vol. 2 Part H1D10
BUSHFIRE PRONE AREAS: NCC Vol. 2 Part H7D4, and as varied by; NSW H7D4, QLD H7D4 and SA H7D4
ALPINE AREAS: NCC Vol.2 Part H7D3 and Section 12.2 of the ABCB Housing Provisions
EARTHQUAKE: NCC Vol 2 H1D9 and Section 2 of the ABCB Housing Provisions
CLIMATE ZONES: NCC Vol. 2 Table 2, and Table 3
TERMITE MANAGEMENT SYSTEM: NCC Vol. 2 Part H1D3 and Part 3.4 of the ABCB Housing Provisions
EARTHWORKS AND EXCAVATIONS: NCC Vol. 2 Part H1D3 and Part 3.2 of the ABCB Housing Provisions
Piled footings: NCC Vol. 2 Part H1D12
CONCRETE: NCC Vol. 2 Part H1D4
MASONRY: NCC Vol. 2 Part H1D5 and Part 5 of the ABCB Housing Provisions
Weatherproofing of Masonry: H2D4 or Part 5.7 part 8.3 of the ABCB Housing Provisions
FRAMING: Generally: NCC Vol. 2 part H1D6(1)&(7) and Part 6 of the ABCB Housing Provisions
Timber: H1D6(4)
Steel: H1D6(3)
Structural Steel: H1D6(2),(5)&(6)
Attachment of framed decks and balconies to external walls of buildings using a waling plate: H1D11 and clause 12.3.2 & 12.3.4 of the ABCB Housing Provisions
Sub-Floor Ventilation: H2D5 and Part 6.2 of the ABCB Housing Provisions
ROOFING: Generally: NCC Vol. 2 part H1D7(1)
Sheet Roofing and Flashings: NCC Vol. 2 part H1D7(2) and part 7.2 of the ABCB Housing Provisions
Roof Tiles and Flashings: NCC Vol. 2 part H1D7(3)(a)&(b) and / or part 7.3 of the ABCB Housing Provisions
Sarkings: NCC Vol. 2 part H3D2 and part 7.3.4 of the ABCB Housing Provisions
Fibre-Cement, Timber Slates and Shingles: NCC Vol. 2 part H1D7(3)(a)
Gutters and Downpipes: NCC Vol. 2 part H2D6 and part 7.4 of the ABCB Housing Provisions
EXTERNAL WALL CLADDING: Generally: NCC Vol. 2 part H1D7(4) and Part 7.5 of the ABCB Housing Provisions
Metal Wall Cladding: NCC Vol. 2 part H1D7(5)
GLAZING, WINDOWS AND EXTERNAL GLAZED DOORS: Generally: NCC Vol. 2 part H1D8(1) and part 8.2 of the ABCB Housing Provisions as applicable
Glass and Framed / Glazed Assemblies: NCC Vol. 2 part H1D8(2)&(3), and / or part 8.3 & 8.4 of the ABCB Housing Provisions
Protection of openable windows: NCC Vol. 2 part H5D3 and clause 11.3.7 & 11.3.8 of the ABCB Housing Provisions
Glass Balustrades: NCC Vol. 2 part H1D8(2)(b) or part 8.3 of the ABCB Housing Provisions
SMOKE DETECTORS / ALARMS AND EVACUATION LIGHTING: NCC Vol. 2 H3D6 and Part 9.5 of the ABCB Housing Provisions
SLIP RESISTANCE: NCC BCA Vol.2 Part H5D2 and clause 11.2.4 of the ABCB Housing Provisions
STAIRS, HANDRAILS AND BALUSTRADES: NCC Vol. 2 parts H5D2, H5D3 and parts 11.2 and 11.3 of the ABCB Housing Provisions
HEATING APPLIANCES: NCC Vol.2 H7D5 and / or part 12.4 of the ABCB Housing Provisions
OPEN AND INSERT FIREPLACES, CHIMNEYS AND FLUES: NCC Vol. 2 part H1D5 and part 12.4 clauses 2 to 5 of the ABCB Housing Provisions
SWIMMING POOLS: NCC Vol 2 H7D2, and as varied by; NSW H7D2, QLD H7D2, SA H7D2 and NT H7D2
SOUND INSULATION: NCC Vol. 2 Part H4D8 and part 10.7 of the ABCB Housing Provisions

WATERPROOFING OF WET AREAS: NCC Vol. 2 part H4D2 and either Part 10.2 of the ABCB Housing Provisions, or, AS3740 and Clauses 10.2.1 to 10.2.6 and 10.2.12 of the ABCB Housing Provisions. Building elements in wet areas must be protected with a waterproofing system that is either water resistant and/or waterproof in accordance with Clauses 10.2.1 to 10.2.6 and 10.2.12 of the ABCB Housing Provisions, and, constructed in accordance with Section 10.2 of the ABCB Housing Provisions or AS3740. Waterproof Membranes to comply with AS/NZS 4858.
CONDENSATION MANAGEMENT: NCC Vol.2 Part H4D9 and Section 10.8 of the ABCB Housing Provisions. Mitigation of condensation within buildings is achieved by;
• Installation of pliable building membrane on the exterior side of primary insulation layer of the external wall in accordance with the requirements of clause 10.8.1 of the ABCB Housing Provisions, and the inclusion of a drained cavity where a pliable building membrane is not installed in accordance with requirements of clause 10.8.1(c) of the ABCB Housing Provisions.
• Provision of an exhaust system installed in a kitchen, bathroom, sanitary compartment or laundry must discharge directly to outside air in accordance with the requirements of clause 10.8.2 of the ABCB Housing Provisions
• Ventilation of Roof spaces in climate zones 6,7 and 8 in accordance with the requirements of clause 10.8.3 of the ABCB Housing Provisions
Pliable building membrane in exterior walls must comply with and be installed in accordance with AS/NZS 4200 clauses 1 and 2. In Climate Zones 4 and 5 the membrane must be vapour permeable minimum Class 4. In Climate Zones 6, 7 and 8 the membrane must be vapour permeable minimum Class 4.
Note: Adoption of NCC 2022 Condensation Management is subject to transitional periods and differing adoption dates between states and territories. Refer to ABCB NCC 2022 State and Territory Adoption Dates for current transition and adoption dates. NCC 2019 Amendment 1 requirements apply in the interim.
ENERGY EFFICENCY: NCC Vol.2 Parts H6D1 and H6D2, and;
• Thermal Performance: Complying with NCC Vol. 2 Specification 42 - S42C2 – A building in climate zones 3 to 8 must achieve an energy rating, including separate heating and cooling load limits, of equal to or greater than 7 stars using accredited house energy rating software and NCC Vol. 2 Part S42C4(1); or, complying with Parts 13.2 to 13.5 of the ABCB Housing Provisions.
• Energy Usage: Complying with NCC Vol. 2 Specification 42 - S42C3 - A building must achieve a whole-of-home rating of not less than 60 using an accredited house energy rating software and comply with Part 13.7 of the ABCB Housing Provisions; or, complying with Parts 13.6 and 13.7 of the ABCB Housing Provisions for a building with a total area no greater than 500m2.
State and Territory Variations;
• NSW Variation: In NSW, Class 1 buildings and certain Class 10 buildings are subject to BASIX (the Building Sustainability Index). NSW Part H6 Energy Efficiency applies and is designed to complement requirements that arise under BASIX. Where BASIX is not applied to alterations and additions to these buildings, the provisions will also complement council development controls that require energy efficiency measures to be incorporated as part of the alterations and additions

REVISED STANDARDS AND DOCUMENTS REFERENCED by NCC 2022 Vol.2

STANDARD / DOCUMENT	PART	YEAR	AMD'T	TITLE
AS/NZS 1170	2	2021		Structural design actions — Wind actions
AS 1288		2021		Glass in buildings — Selection and installation
AS 1670	1	2018	1	Fire detection, warning, control and intercom systems — System design, installation and commissioning — Fire
AS 1684	2	2021		Residential timber framed const. - Non-cyclonic areas
"	3	2021		Residential timber framed const. - Cyclonic areas
AS 1720	4	2019		Timber structures - Fire resistance of timber elements
AS/NZS 2327		2017	1	Composite structures — Composite steel-concrete construction in buildings
AS/NZS 2699	1	2020		Built-in components for masonry construction - Wall ties
"	3	2020		Built-in components for masonry construction - Lintels & shelf angles
AS/NZS 3500	0	2021		Plumbing and drainage - Glossary of terms
"	3	2021		Plumbing and drainage - Stormwater drainage
AS 3600		2018	1,2	Concrete structures
AS 3740		2021		Waterproofing of domestic wet areas
AS 3959		2018	1,2	Construct of buildings in bushfire prone areas
AS 4055		2021		Wind loads for housing
AS 4100		2020		Steel structures
AS/NZS 4200	1	2017	1	Pliable building membranes and underlays — Materials
"	2	2017	1,2	Pliable building membranes and underlays — Installation requirements
AS 4254	1	2021		Ductwork for air-handling systems in buildings — Flexible duct
AS 4773	2	2015	1	Masonry in small buildings — Construction
AS 5216		2021		Design of post-installed and cast-in fastenings in concrete
ABCB		2022	Version 2022.1	Standard for NatHERS Heating and Cooling Load Limits
NASH STANDARD		2021		Steel Framed Construction in Bushfire Areas

REFERENCED STANDARDS AND DOCUMENTS ADDED by NCC 2022 Vol.2

STANDARD / DOCUMENT	PART	YEAR	AMDT	TITLE
AS 1397		2021		Continuous hot-dip metallic coated steel sheet and strip
AS/NZS 1546	1	2008		On-site domestic wastewater treatment units - Septic tanks
AS/NZS 1546	2	2008		On-site domestic wastewater treatment units - Waterless composting toilets
AS/NZS 1546	3	2017	1	On-site domestic wastewater treatment units - Secondary treatment systems
AS/NZS 1546	4	2016		On-site domestic wastewater treatment units - Domestic greywater treatment systems
AS/NZS 1547		2012		On-site domestic wastewater management
AS 2312	1	2014		Guide - Protection of structural steel - Paint coatings
AS/NZS 2312	2	2014		Guide - Protection of structural steel - Hot dip galv.
AS/NZS 4858		2004		Wet area membranes
AS 5146	3	2018		Reinforced autoclaved aerated concrete — Construction
AS/NZS 5601	1	2013		Gas installations — General installations
ABCB		2022		Housing Provisions Standard
ABCB		2022		Livable Housing Design
ABCB		2022		Standard for Whole-of-Home Efficiency Factors

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A	21/08/24	SKETCH PLAN	ES	-
B	15/07/25	DA LODGEMENT PLANS	ES	-
C	20/10/25	LIFT AMENDMENT	ES	-

FOR: YASSA

ADDRESS: LOT 3, 28A ALGERNON STREET OATLEY

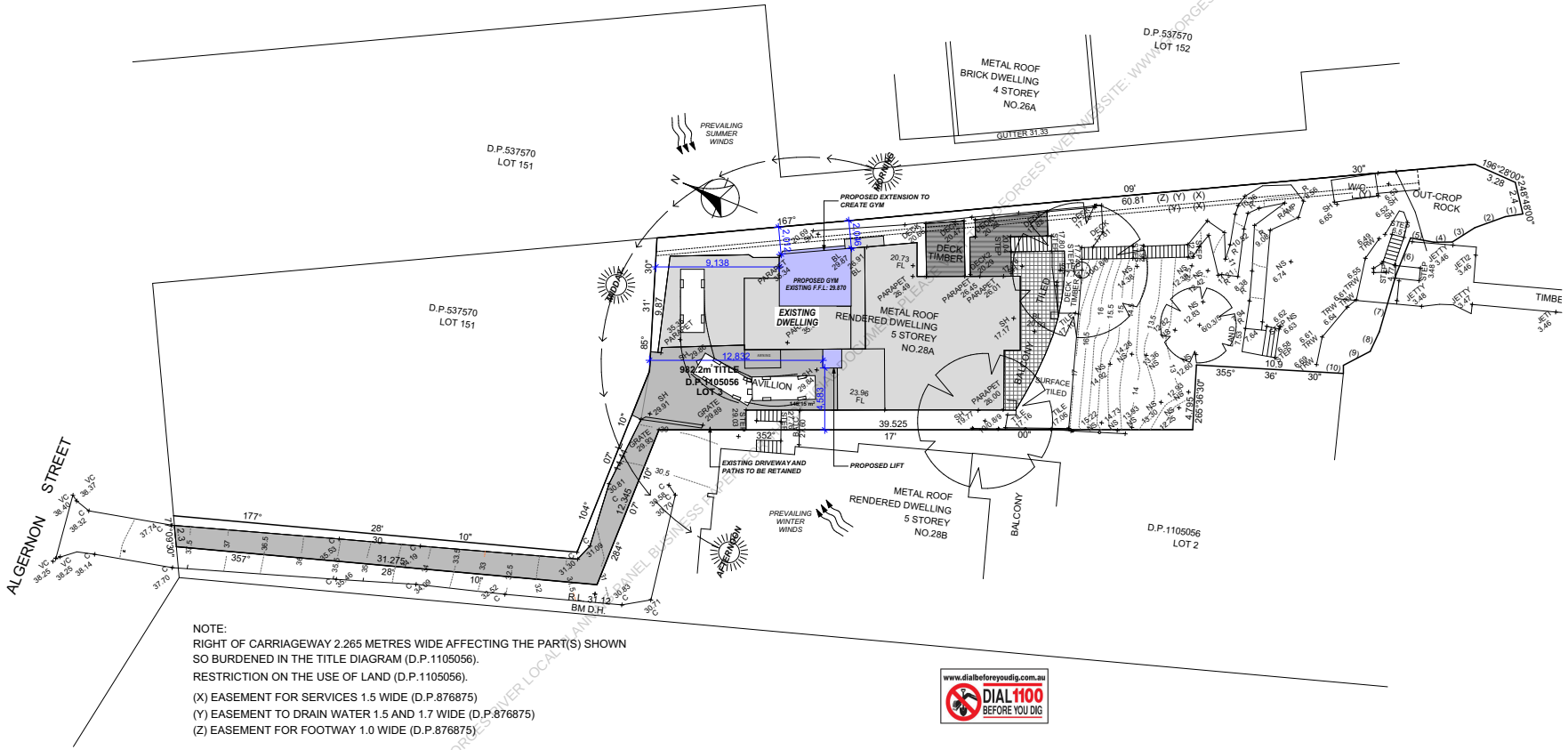
COUNCIL: GEORGES RIVER COUNCIL

DP No: 1105056

DRAWING: SPECIFICATIONS

DA LODGEMENT

DRAWN:	CHECKED:	LODGEMENT:
ES	-	DA/CC
DATE DRAWN: 20/10/2025	APPROVED FOR CONSTRUCTION:	JOB NO: PDS068
SCALE:	PAGE NO: 2 of 26	REV: C



NOTE:
RIGHT OF CARRIAGEWAY 2.265 METRES WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM (D.P.1105056).
RESTRICTION ON THE USE OF LAND (D.P.1105056).
(X) EASEMENT FOR SERVICES 1.5 WIDE (D.P.876875)
(Y) EASEMENT TO DRAIN WATER 1.5 AND 1.7 WIDE (D.P.876875)
(Z) EASEMENT FOR FOOTWAY 1.0 WIDE (D.P.876875)

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SHORT BOUNDARIES					
PT NO.	BEARING	DISTANCE			
1	343° 22'	1.3150			
2	332° 25'	2.4000			
3	319° 58'	1.9800			
4	351° 47'	1.3600			
5	2° 43'	1.7500			
6	283° 58'	2.9400			
7	278° 38'	4.3900			
8	287° 15'	1.6000			
9	324° 45'	2.2400			
10	262° 30'	0.6000			

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B	15/07/25	DA LODGEMENT PLANS	ES	-
C	20/10/25	LIFT AMENDMENT	ES	-

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FOR: YASSA
ADDRESS: LOT 3, 28A ALGERNON STREET OATLEY
COUNCIL: GEORGES RIVER COUNCIL
DP No: 1105056

NORTH POINT

DRAWING: OVERALL SITE PLAN
DA LODGEMENT

DRAWN:	CHECKED:	LODGEMENT:
ES	-	DA/CC
DATE DRAWN: 20/10/2025	APPROVED FOR CONSTRUCTION:	JOB NO: PDS068
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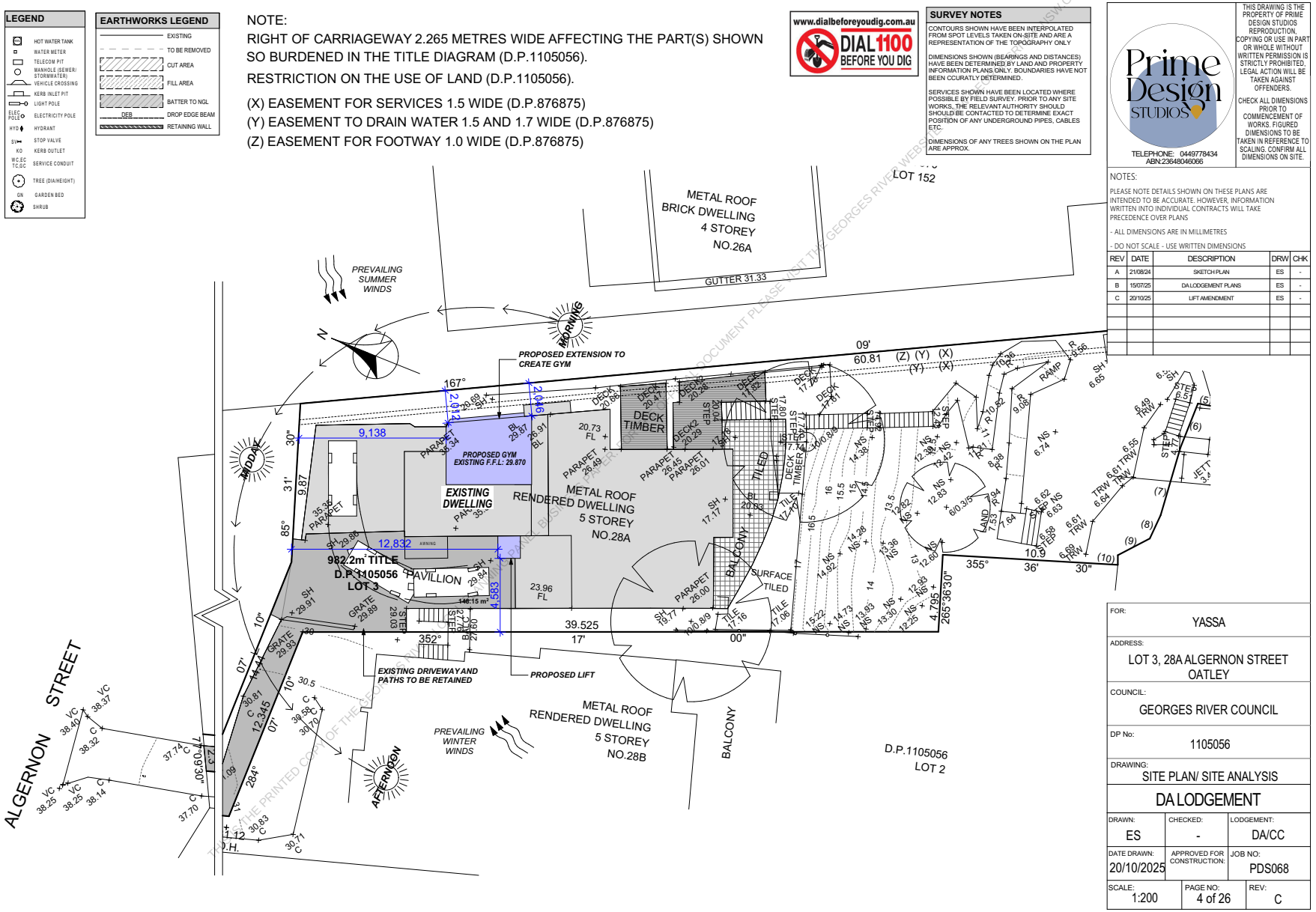
LEGEND
HOT WATER TANK
WATER METER
TELECOM PIT
MANHOLE (SEWER/ STORMWATER)
VEHICLE CROSSING
KERB INLET PIT
LIGHT POLE
ELEC POLE
ELECTRICITY POLE
HYD
HYDRANT
SV
STOP VALVE
KO
KERB OUTLET
WC,EC TC,GC
SERVICE CONDUIT
TREE (DIA/HEIGHT)
GN
GARDEN BED
SHRUB
EARTHWORKS LEGEND
EXISTING
TO BE REMOVED
CUT AREA
FILL AREA
BATTER TO NGL
DEB
DROP EDGE BEAM
RETAINING WALL
NOTE:
RIGHT OF CARRIAGEWAY 2.265 METRES WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM (D.P.1105056).
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(Z) EASEMENT FOR FOOTWAY 1.0 WIDE (D.P.876875)
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SURVEY NOTES
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DIMENSIONS SHOWN (BEARINGS AND DISTANCES) HAVE BEEN DETERMINED BY LAND AND PROPERTY INFORMATION PLANS ONLY. BOUNDARIES HAVE NOT BEEN CCURATLY DETERMINED.
SERVICES SHOWN HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. PRIOR TO ANY SITE WORKS, THE RELEVANT AUTHORITY SHOULD SHOULD BE CONTACTED TO DETERMINE EXACT POSITION OF ANY UNDERGROUND PIPES, CABLES ETC.
DIMENSIONS OF ANY TREES SHOWN ON THE PLAN ARE APPROX.
METAL ROOF BRICK DWELLING 4 STOREY NO.26A
LOT 152
GUTTER 31.33
PREVAILING SUMMER WINDS
MORNING
MIDDAY
AFTERNOON
PROPOSED EXTENSION TO CREATE GYM
PROPOSED GYM EXISTING F.F.L: 29.870
EXISTING DWELLING
METAL ROOF RENDERED DWELLING 5 STOREY NO.28A
982.2m² TITLE D.P.1105056 LOT 3
PAVILLION
DECK TIMBER
TILED
BALCONY
SURFACE TILED
PROPOSED LIFT
EXISTING DRIVEWAY AND PATHS TO BE RETAINED
PREVAILING WINTER WINDS
METAL ROOF RENDERED DWELLING 5 STOREY NO.28B
BALCONY
D.P.1105056 LOT 2
ALGERNON STREET
9,138
12,832
4.583
39.525
4.795
60.81
10.9
RAMP
STEPS
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REV DATE DESCRIPTION DRW CHK
A 21/08/24 SKETCH PLAN ES -
B 15/07/25 DA LODGEMENT PLANS ES -
C 20/10/25 LIFT AMENDMENT ES -
FOR: YASSA
ADDRESS: LOT 3, 28A ALGERNON STREET OATLEY
COUNCIL: GEORGES RIVER COUNCIL
DP No: 1105056
DRAWING: SITE PLAN/ SITE ANALYSIS
DA LODGEMENT
DRAWN: ES
CHECKED: -
LODGEMENT: DA/CC
DATE DRAWN: 20/10/2025
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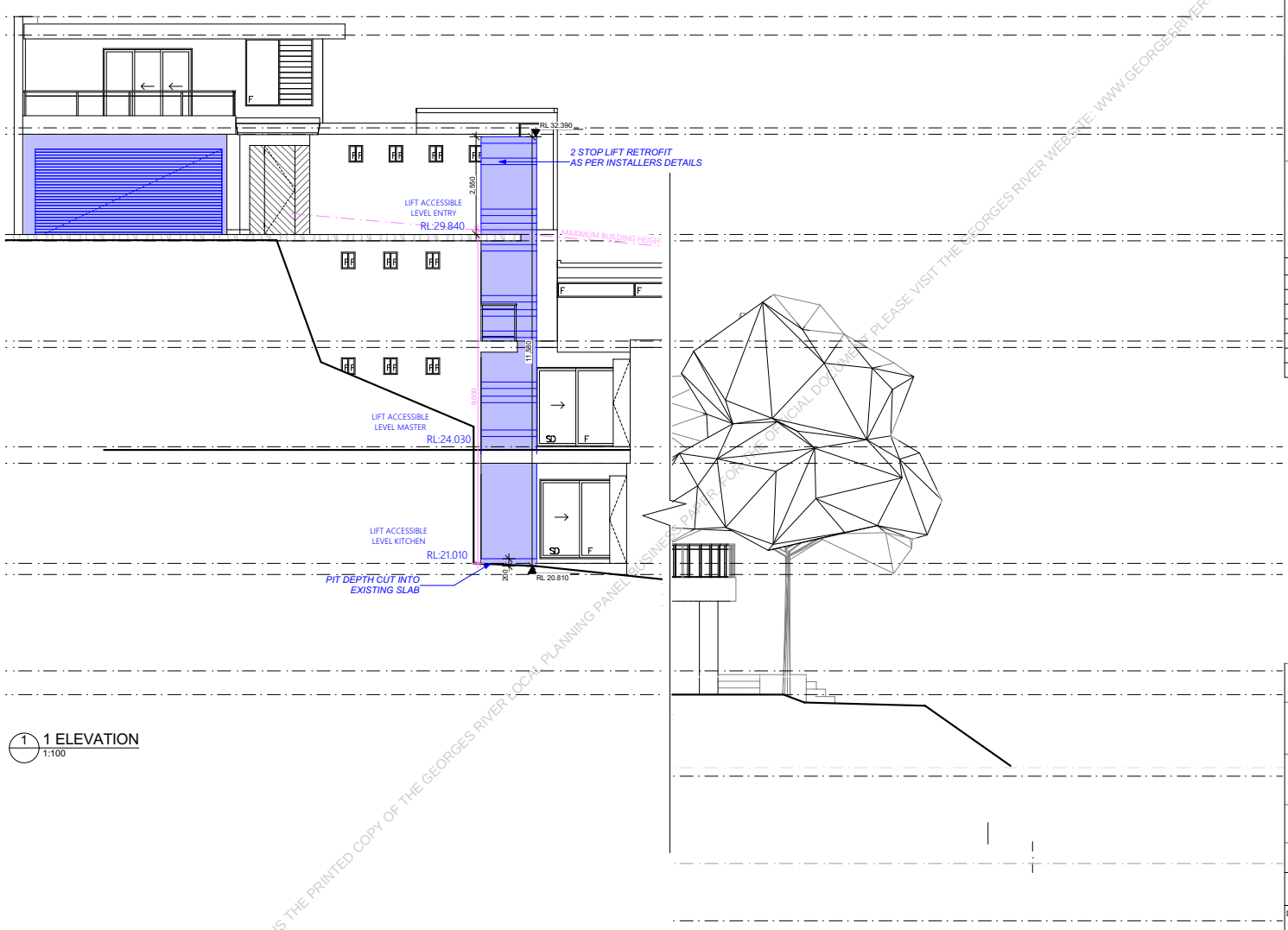

1 1 ELEVATION
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C	20/10/25	LIFT AMENDMENT	ES	-

FOR: YASSA

ADDRESS: LOT 3, 28A ALGERNON STREET OATLEY

COUNCIL: GEORGES RIVER COUNCIL

DP No: 1105056

DRAWING: ELEVATION 1

DA LODGEMENT

DRAWN:	CHECKED:	LODGEMENT:
ES	-	DA/CC

DATE DRAWN:	APPROVED FOR CONSTRUCTION:	JOB NO:
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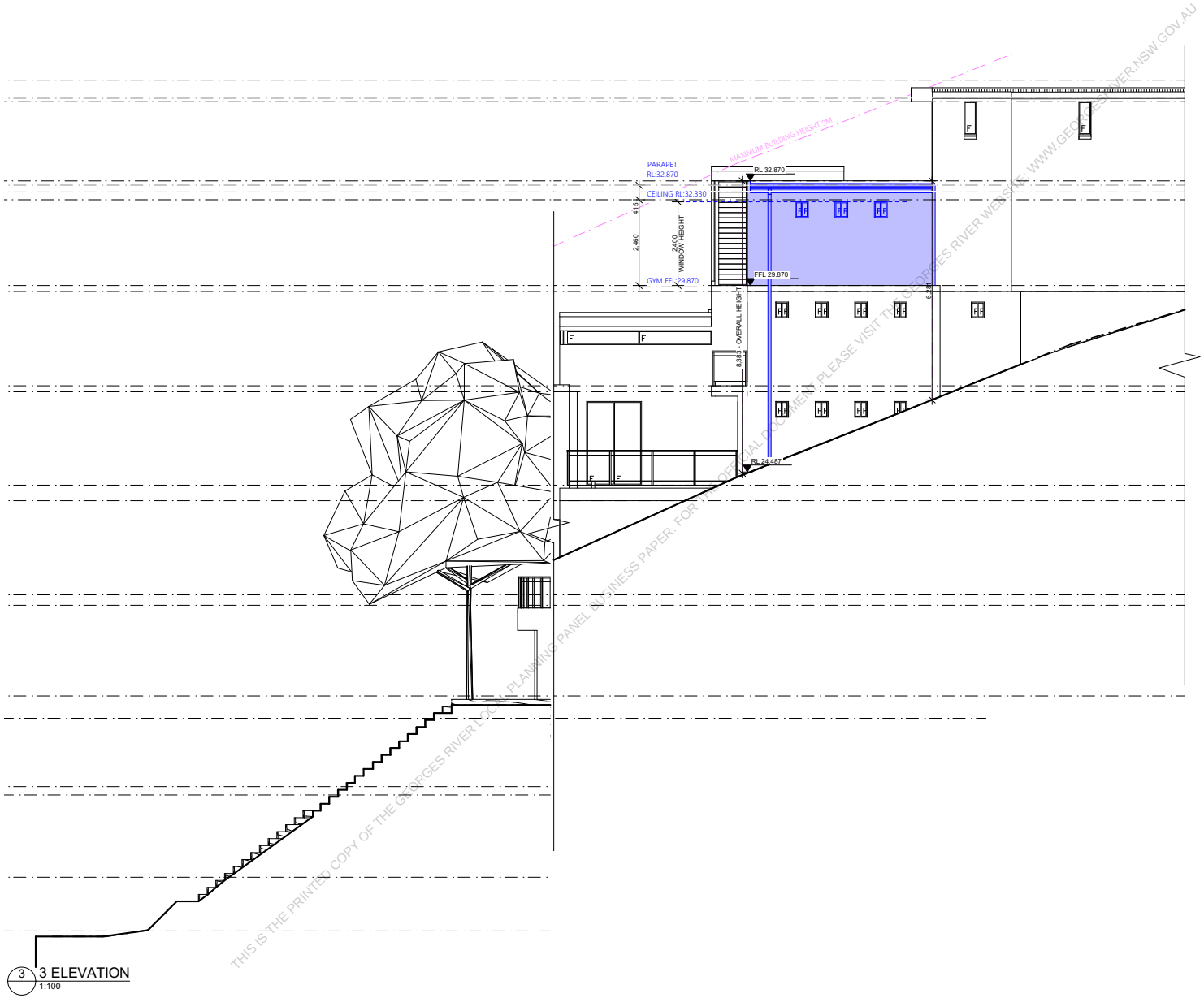

3 3 ELEVATION
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FOR: YASSA

ADDRESS: LOT 3, 28A ALGERNON STREET OATLEY

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DRAWING: ELEVATION 3

DA LODGEMENT

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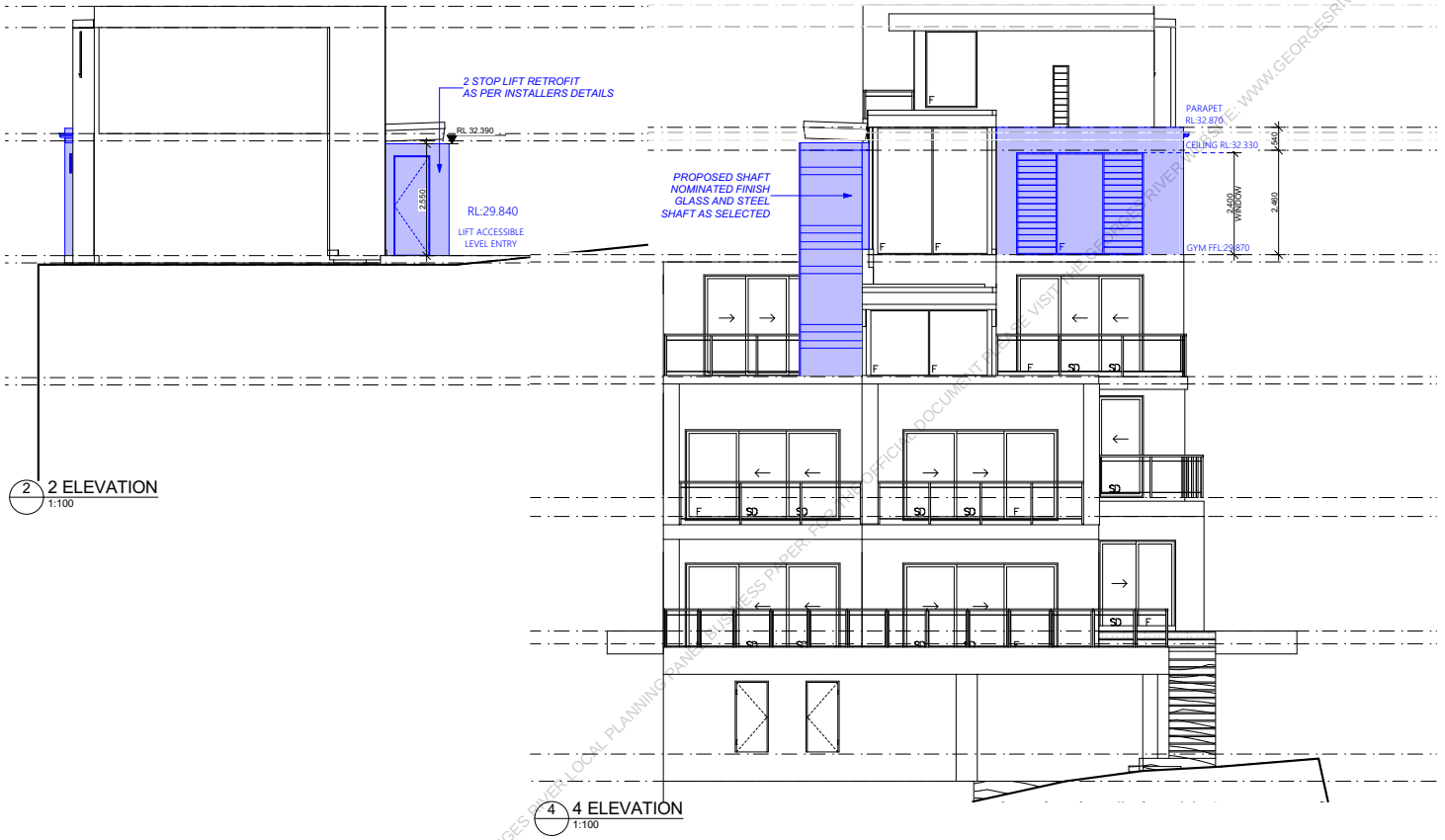

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4 4 ELEVATION
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C	20/10/25	LIFT AMENDMENT	ES	-

FOR: YASSA

ADDRESS: LOT 3, 28A ALGERNON STREET OATLEY

COUNCIL: GEORGES RIVER COUNCIL

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DRAWING: ELEVATIONS

DA LODGEMENT

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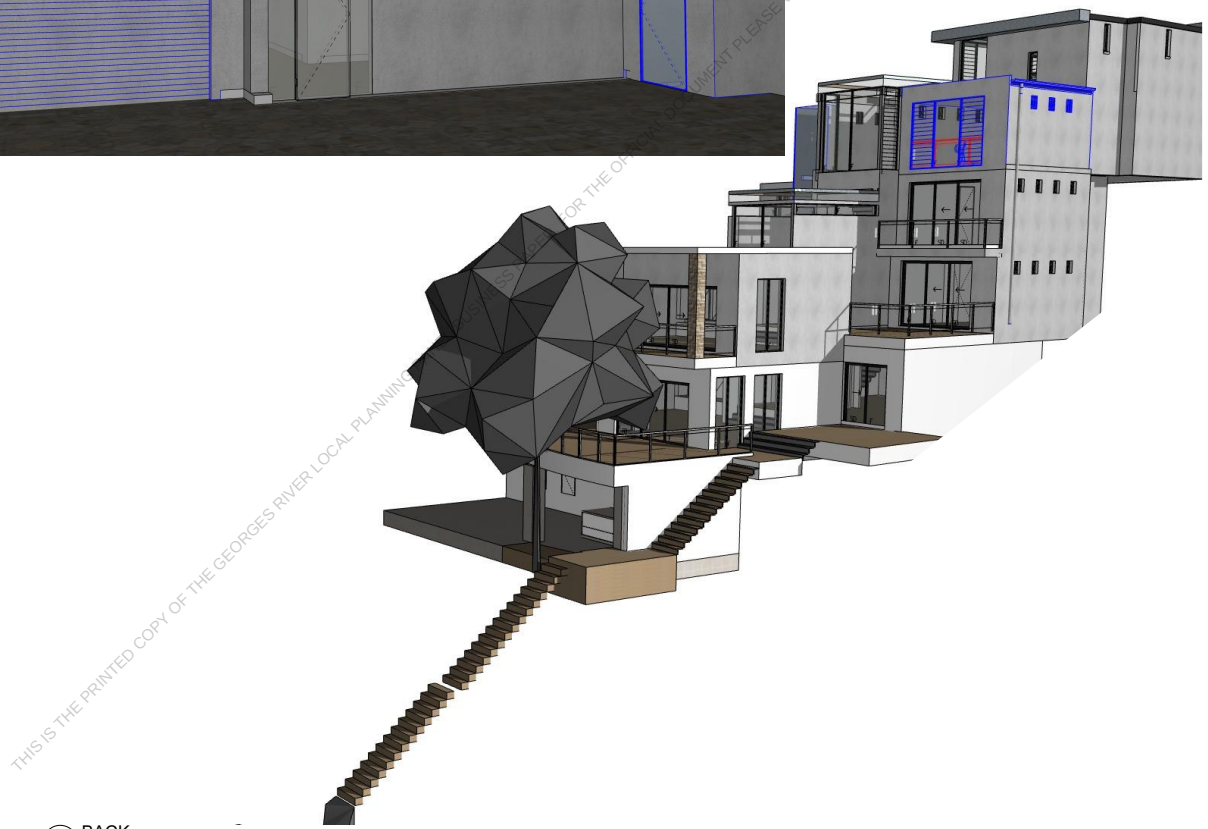
FRONT



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FOR: YASSA

ADDRESS: LOT 3, 28A ALGERNON STREET OATLEY

COUNCIL: GEORGES RIVER COUNCIL

DP No: 1105056

DRAWING: 3D VIEWS

DA LODGEMENT

DRAWN:	CHECKED:	LODGEMENT:
ES	-	DA/CC

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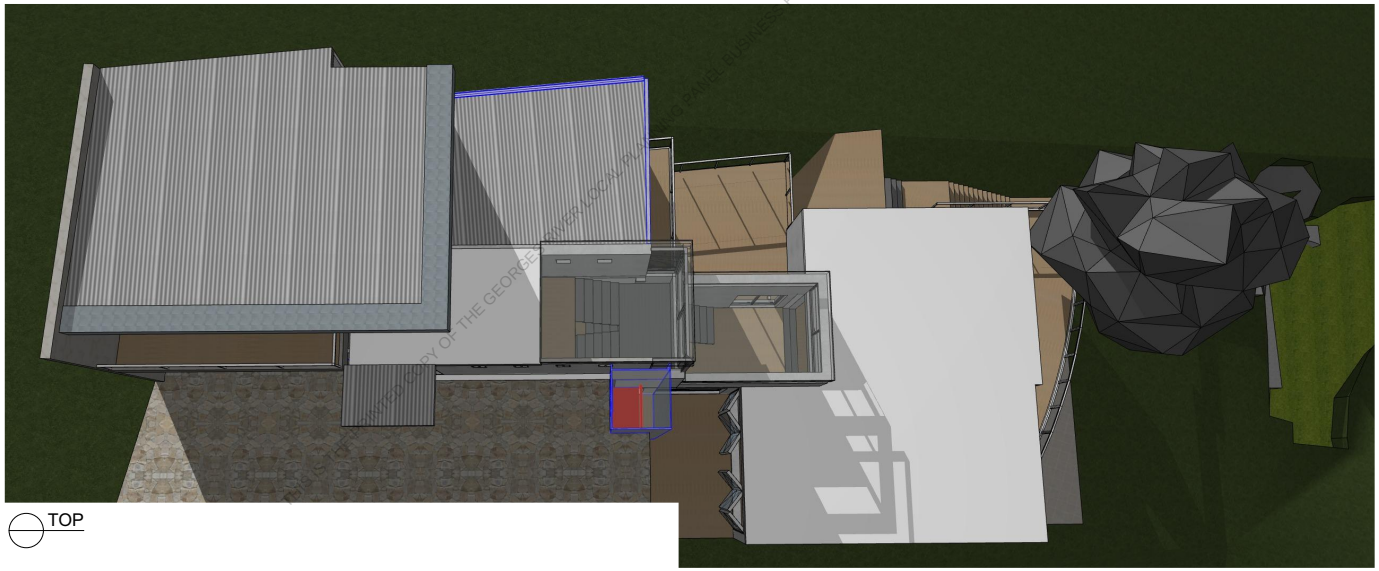
SIDE



TOP

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FOR: YASSA

ADDRESS: LOT 3, 28A ALGERNON STREET OATLEY

COUNCIL: GEORGES RIVER COUNCIL

DP No: 1105056

DRAWING: 3D VIEWS

DA LODGEMENT

DRAWN:	CHECKED:	LODGEMENT:
ES	-	DA/CC

DATE DRAWN:	APPROVED FOR CONSTRUCTION:	JOB NO:
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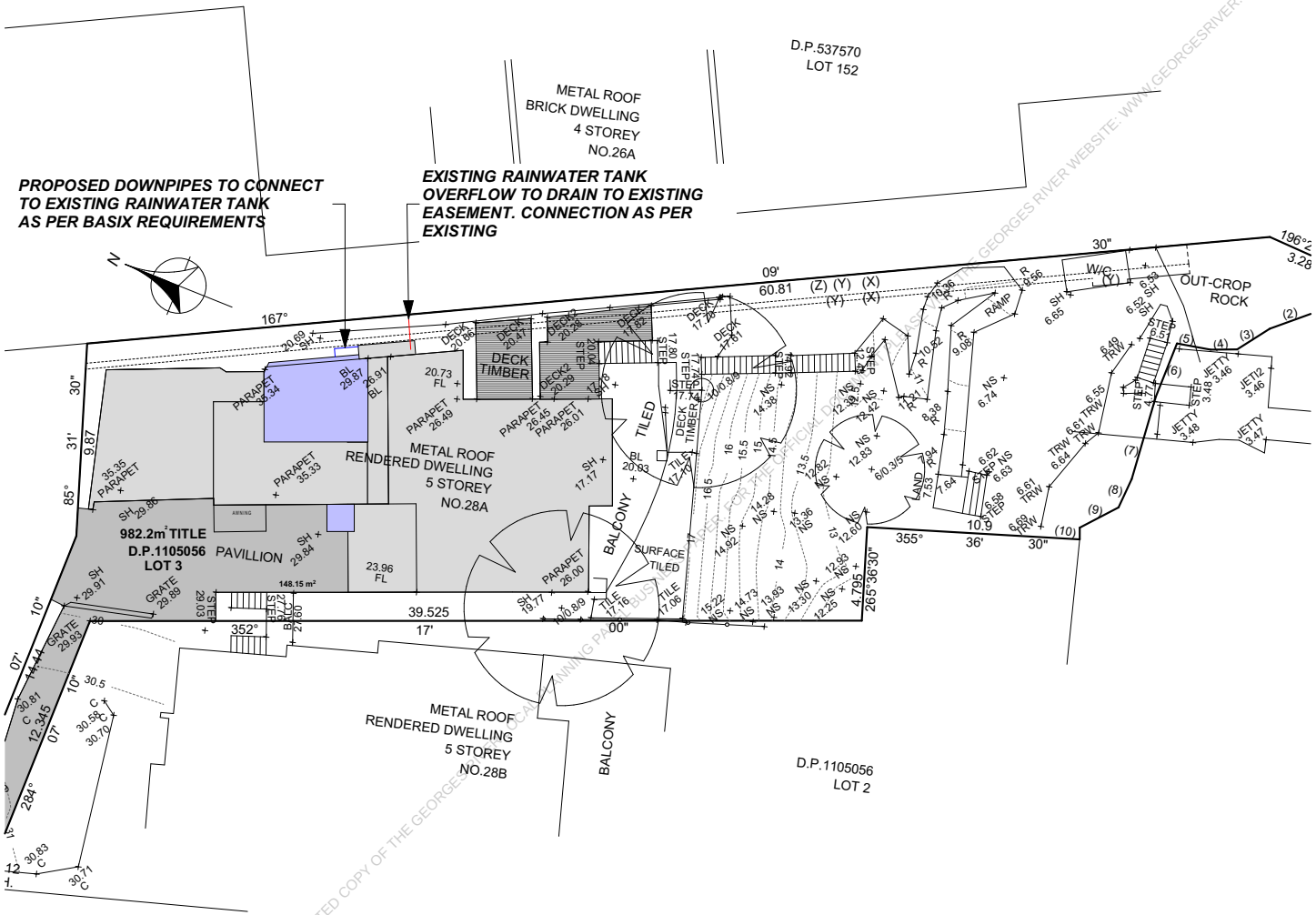

STORMWATER LAYOUT IS DIAGRAMMATIC ONLY AND SUBJECT TO CONTRACTORS RECOMMENDATIONS AND/OR ANY CONSTRUCTION CONSTRAINTS. ALL SURFACE WATER DRAINAGE BY OWNER.

STORMWATER LINES

OVERFLOW LINES

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REV	DATE	DESCRIPTION	DRW	CHK
A	21/08/24	SKETCH PLAN	ES	-
B	15/07/25	DA LODGEMENT PLANS	ES	-
C	20/10/25	LIFT AMENDMENT	ES	-

FOR: YASSA

ADDRESS: LOT 3, 28A ALGERNON STREET OATLEY

COUNCIL: GEORGES RIVER COUNCIL

DP No: 1105056

DRAWING: CONCEPT STORMWATER PLAN

DA LODGEMENT

DRAWN:	CHECKED:	LODGEMENT:
ES	-	DA/CC

DATE DRAWN:	APPROVED FOR CONSTRUCTION:	JOB NO:
20/10/2025		PDS068

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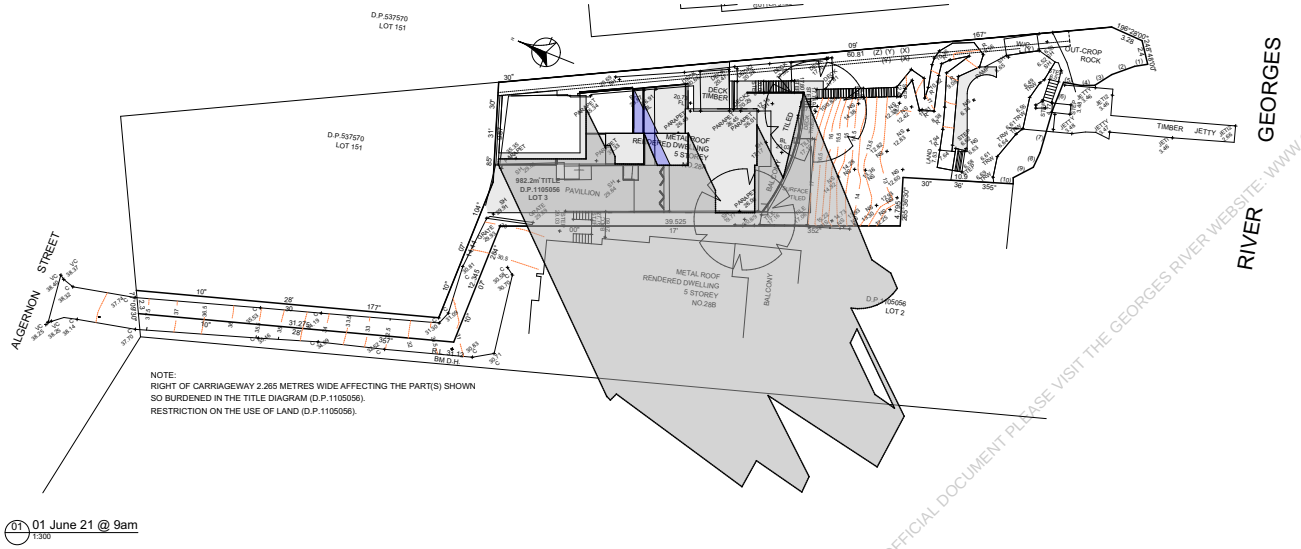

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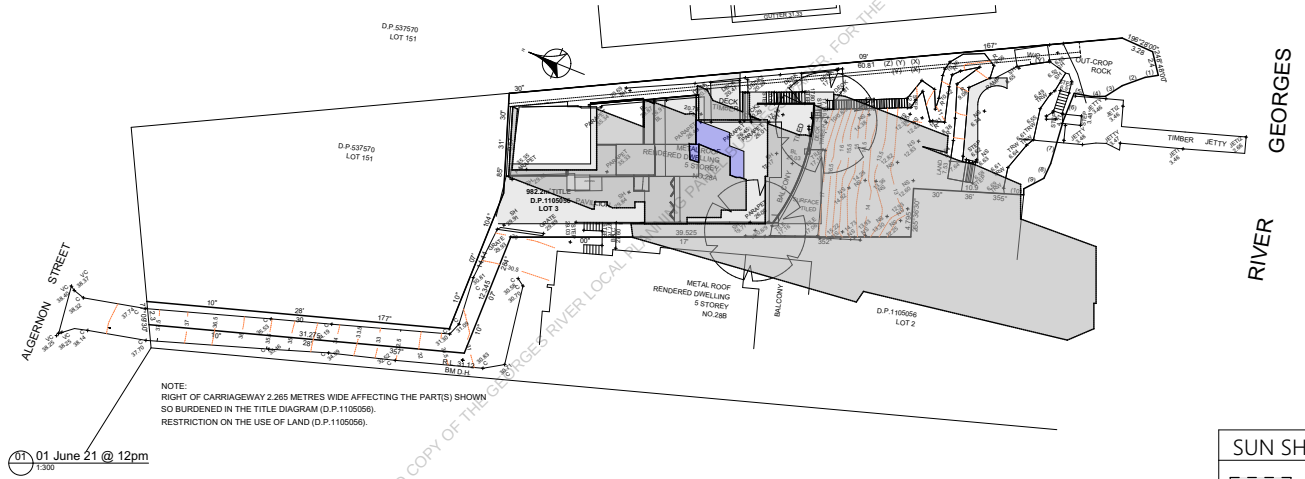

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SUN SHADOW LEGEND

EXISTING SHADOW

SHADOW OF PROPOSED WORKS

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B	15/07/25	DA LODGEMENT PLANS	ES	-
C	20/10/25	LPT AMENDMENT	ES	-

FOR: YASSA
ADDRESS: LOT 3, 28A ALGERNON STREET OATLEY
COUNCIL: GEORGES RIVER COUNCIL
DP No: 1105056

NORTH POINT

DRAWING: SHADOW DIAGRAM 21ST JUNE 9AM, 12PM
DA LODGEMENT

DRAWN:	CHECKED:	LODGEMENT:
ES	-	DA/CC
DATE DRAWN: 20/10/2025	APPROVED FOR CONSTRUCTION:	JOB NO: PDS068
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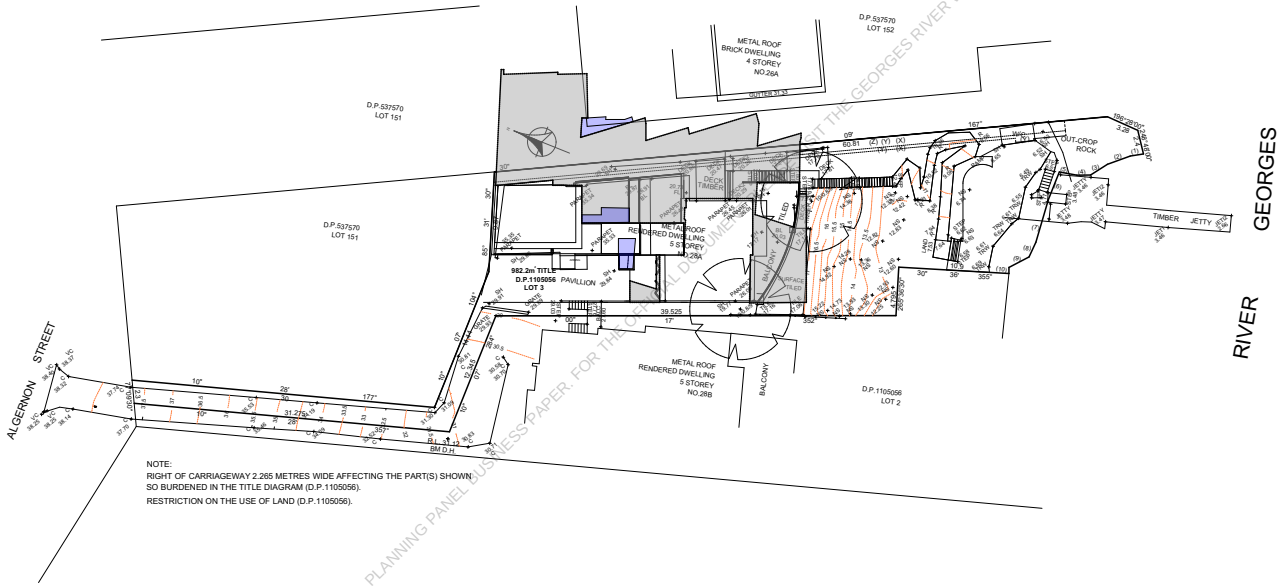

NOTE:
RIGHT OF CARRIAGEWAY 2.285 METRES WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM (D.P.1105056).
RESTRICTION ON THE USE OF LAND (D.P.1105056).

01 01 June 21 @3pm
1:300

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SUN SHADOW LEGEND

EXISTING SHADOW

SHADOW OF PROPOSED WORKS

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FOR: YASSA
ADDRESS: LOT 3, 28A ALGERNON STREET OATLEY
COUNCIL: GEORGES RIVER COUNCIL
DP No: 1105056

NORTH POINT

DRAWING: SHADOW DIAGRAM 21ST JUNE 3PM
DA LODGEMENT

DRAWN:	CHECKED:	LODGEMENT:
ES	-	DA/CC
DATE DRAWN: 20/10/2025	APPROVED FOR CONSTRUCTION:	JOB NO: PDS068
SCALE: 1:300	PAGE NO: 21 of 26	REV: C

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Vivid White™

LIFT REAR WALL
GLASS

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WINDOW FRAMES
LIGHT COLOUR OR SIMILAR
TO MATCH EXISTING

FOR: YASSA

ADDRESS: LOT 3, 28A ALGERNON STREET
OATLEY

COUNCIL: GEORGES RIVER COUNCIL

DP No: 1105056

DRAWING: SCHEDULE OF EXTERNAL FINISHES

DA LODGEMENT

DRAWN:	CHECKED:	LODGEMENT:
ES	-	DA/CC

DATE DRAWN:	APPROVED FOR CONSTRUCTION:	JOB NO:
20/10/2025		PDS068

SCALE:	PAGE NO:	REV:
1:250	22 of 26	C

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

LPP048-25 243A-247 FOREST ROAD HURSTVILLE

LPP Report No	**LPP048-25**	**Development Application No**	**MOD2025/0136**
Site Address & Ward Locality	243A-247 Forest Road Hurstville Hurstville Ward		
Proposed Development	Modification of DA2025/0043 for Temporary use of parts of Forest Road, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza for community, cultural, and corporate events including the erection of associated overlay including temporary structures, for a 5 year period - Amendments to Conditions 1, 5, 9, and 19 to capture extension of hours for bump-in and bump-out activities associated with the annual Lunar New Year event from 4:00am (the day of the event) to 2:00am (the day following the event), correction of a minor error within Condition 9 of the Development Consent relating to bump-in and bump-out hours, increase the number of major events permitted within any 12 month period from 18 to 24, and make reference to addendum acoustic assessment and Statement of Environmental Effects		
Owners	Georges River Council		
Applicant	Milestone (Aust) Pty Limited		
Planner/Architect	Milestone (Aust) Pty Limited		
Date Of Lodgement	28/10/2025		
Submissions	Nil (0)		
Cost of Works	Nil (0)		
Local Planning Panel Criteria	Council-Related Development Application – Council Land		
List of all relevant s.4.15 matters	*State Environmental Planning Policy (Biodiversity & Conservation) 2021, State Environmental Planning Policy (Resilience & Hazards) 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	Statement of Environmental Effects, Addendum Acoustic Assessment and Assessment Report, Original DA Approved Plans		
Report prepared by	Senior Development Assessment Planner		

RECOMMENDATION	That the application be approved in accordance with the recommended conditions included in 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**
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	**Yes**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Not Applicable**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**No, conditions viewableupon publishing of this report**

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SITE PLAN

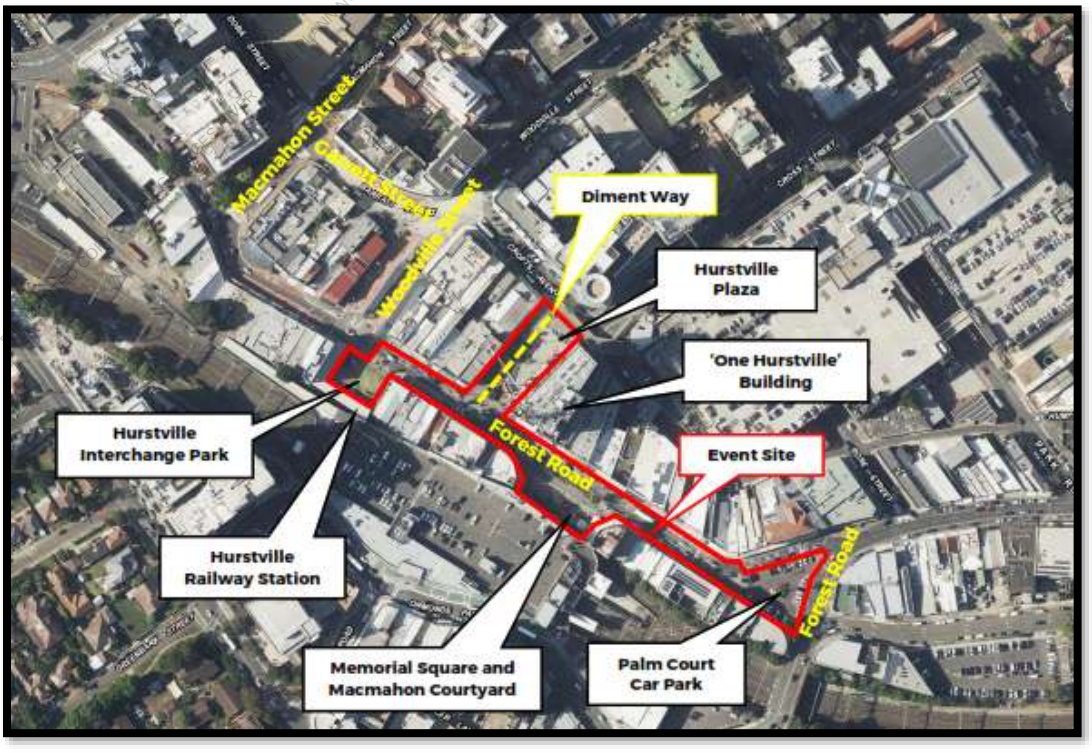

Figure 1 – Site plan *(Source: Milestone – Statement of Environmental Effects)*

BACKGROUND

1. On 19 June 2025, Council issued Deferred Commencement Consent No. DA2025/0043 for the temporary use of parts of Forest Road, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza for community, cultural, and corporate events including the erection of associated overlay including temporary structures, for a 5 year period, subject to conditions of consent.

2. On 29 October 2025 Council issued a deferred commencement activation letter which noted that the conditions outlined in Section 1 of the Deferred Commencement issued on 19 June 2025 were appropriately addressed.

PROPOSAL

3. The subject modification application seeks to make the following changes to the approved development:

- New working in red
- Deleted wording shown with a ~~strikethrough~~

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

Description	Reference No.	Date	Rev	Prepared by
Event Site Plan	DA1.01	13/12/24	A	GSBN
Accessibility Plan	DA1.02	13/12/24	A	GSBN
Noise Management Plan	24208.1.1.R1R1	9/5/25	1	VMS Australia
Addendum Acoustic Assessment	25233.1.1.L1R0	17/09/25	1	VMS Australia
Traffic Management Plan	TGSFR 01, TGSFR 02, TGSFR 03, TGSFR 04 and TGSFR 05	-	1	Guardian Venue Management International
Statement of Environmental Effects	-	30/01/25	V2	Milestone (Aust) P/L
Statement of Environmental Effects	-	17/10/25	-	Milestone (Aust) P/L

Reason: To ensure compliance with the plans as assessed by Council.

5. Major Events
The number of major events to be held at the site (as defined in Council's 'Event Guide – Information on planning and holding events in the Georges River area') is

limited to a maximum of ~~eighteen (18)~~ 24 events (which are included in the 52 days referred to in condition 3) in any period of 12 months.

Reason: To ensure disruption to local businesses and residents is minimised during the operation of events at the site.

9. Hours of Operation
The hours of operation for the events held at the site shall be restricted to the following:

(a) Events:
  (i) 7:30am to 11:00pm, Sunday to Thursday
  (ii) 7:30am to 12:00 midnight, Friday and Saturday
(b) No bump in or bump out activities are to occur between 12.00 midnight and 7.00am on any day (including any deliveries to the site).
(c) Sound check hours of operation (amplified music): 7:00am – 6:00pm on any day
(d) No amplified music, live performances or artist's performances after 10:00pm on any day.
(e) Notwithstanding (b), Bump In and Bump Out activities are permitted for the Lunar New Year event between 4:00am (the day of the event) and 2:00am (the day following the event). These hours are not permitted more than once in any 12-month period or for any other event.

Reason: To ensure the amenity of the surrounding area is maintained during events.

19. Compliance with the Noise Management Plan
The recommendations of the revised Noise Management Plan prepared by VMS Australia, dated 9 May 2025 must be complied with during operation of events at the site.

In particular, the following recommendations of the revised Noise Management Plan are to be observed to reduce noise impacts to nearby properties and include the following:

(a) Ensure the community can register complaints and enquiries and maintain and note items such as main works conducted, mitigation installed (if any), complaints received and management, heavy vehicle movements, weather conditions and incidents.
(b) All contractors and sub-contractors shall be site inducted and instructed to minimise noise as much as possible during bump-in/bump-out.
(c) No bump in or bump out activities are to occur between 12.00 midnight and 7.00am on any day (including any deliveries to the site).
(d) Contractors and subcontractors would be advised by the event organiser to select quiet, modern and well-maintained plant that does not exceed the sound power levels given in Section 5.2. of the revised Noise Management Plan.
(e) The event organiser would advise all contractors and subcontractors to use trucks/trailers fitted with quiet, non-tonal alarms. Contractors and subcontractors would be briefed prior to events to limit the use of unnecessary plant, including vehicle idling.
(f) Locate and angle speakers away from noise-affected receivers to gain directivity noise attenuation. Minimise the number of speakers as much as possible.

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(g) Encourage patrons to leave the events quietly, particularly in the late evenings (including the use of utilising signage, verbal communication). Additionally, establish buffer zones to separate patrons from nearby residents (including designated footpaths leading to the event.).
(h) Notify nearby noise-affected residents when major pyrotechnical displays are intended to be used. Additionally, following consultation with nearby residents, reduce the frequency of pyrotechnical displays (for example once a month).
(i) Install temporary solid barriers/noise blankets around fixed plant (generator/fans). Contractors and sub-contractors would be advised to provide shielding measures or to limit plant locations with direct line-of-sight to nearby residential receivers.
(j) Minimise heavy truck movements via local residential roads, especially during bump-in/bump-out periods.

Additionally, the following recommendations of the Addendum Acoustic Assessment prepared by VMS Australia, dated 17 October 2025, must also be complied with for bump-in and bump-out activities within the extended hours permitted for the Lunar New Year event:

(a) For the Lunar New Year event, bump-in and bump-out is to occur no earlier than 4.00 am on the day of the event, and no later than 2.00 am on the morning immediately following the event.
(b) Where feasible, use of chains should be replaced with straps or equivalent.

Reason: To ensure appropriate acoustic levels are maintained for the amenity of the surrounding area.

SITE AND LOCALITY

4. The site encompasses the Hurstville town centre, including the following area:

- Forest Road: Bounded by Woodville Street (Hurstville Bus Interchange) to the west and Forest Road to the east.
- Memorial Square: Located on the southern side of Forest Road.
- Palm Court Car Park: Located at the eastern end of the event site.
- Hurstville Interchange Park: Located on the southern side of Forest Road at 243A-247 Forest Road and legally described as Lot 1 of DP 221087.
- Hurstville Plaza: Located on the northern side of Forest Road at 296 Forest Road and legally described as Lot 16 of DP 4799.

5. The immediate surrounding area generally comprises the Hurstville city centre, consisting of predominantly two and three storey buildings. Forest Road in this location is a local road with a one-way (easterly direction) traffic flow.

ZONING AND PERMISSIBILITY

6. The site is zoned E2 Commercial Centre zone pursuant to the *Georges River Local Environmental Plan 2021* (GRLEP 2021). The proposal does not seek to alter the primary use of the land adjoining the site, which predominantly comprises road reserve, commercial premises, and shop-top housing. Rather, it seeks minor amendments to conditions of consent imposed under DA2025/0043, without modifying the approved use under the original application.

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ASSESSMENT

SECTION 4.55 (2) CONSIDERATIONS

7. The application has been made pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 to modify Development consent DA2025/0043 for Temporary use of parts of Forest Road, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza for community, cultural, and corporate events including the erection of associated overlay including temporary structures which was approved by the Local Planning Panel on 19 June 2025.

8. *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

- *it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

9. The development as modified is substantially the same development for which consent was originally granted. The subject modification seeks amendments to Conditions 1, 5, 9, and 19 of the Development Consent, to reference an Addendum Acoustic Assessment and an amended statement of Environmental Effects, increase the number of permitted major events, and include extended hours relating to bump-in and bump-out activities for the Lunar New Year Event.

   The proposed amendments to Conditions 1, 5, 9, and 19 are not anticipated to generate any adverse impacts on the locality and are supportable.

- *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

10. No consultation with the minister is required by this modification.

- *it has notified the application in accordance with—*
  - ***(i)*** *the regulations, if the regulations so require, or*
  - ***(ii)*** *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

11. The subject application has been notified in accordance with Council's Community Engagement Strategy and the Regulations (where relevant).

- *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

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12. During the notification period, Council received no submission relating to the proposed modifications.

SECTION 4.15 EVALUATION

13. The DA has been assessed having regard to the matters for consideration contained in section 4.15(1) of the Environmental Planning and Assessment Act, 1979 requiring, amongst other things, an assessment against the provisions contained within the following:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- *State Environmental Planning Policy (Biodiversity & Conservation) 2021*
- *Georges River Local Environmental Plan 2021*
- *Georges River Development Control Plan 2021*

14. The Addendum Acoustic Assessment (VMS, 17 October 2025) confirms that any short-term exceedances of sleep disturbance objectives will be infrequent (once per year) and limited to the Lunar New Year event. Additional mitigation measures, such as restricting bump-in/out times and minimising metal chain use will ensure noise remains acceptable.

15. The modification seeks to formalise the implementation of major events in the LGA and activate the Hurstville City Centre, supporting cultural identity, community connectedness, and economic growth through increased visitation and night-time economy benefits.

16. The modification application satisfactorily addresses the applicable standards and controls for the site and development. It is considered appropriate within the context of the surrounding locality and is therefore acceptable.

SUBMISSIONS

17. The development application was notified and advertised between 5 November and 3 December 2025. No submissions were received during the notification period.

REFERRAL COMMENTS

18. Comments provided by internal referral specialists are summarised below.

Specialist/Agencies	Comment
Environmental Health Officer	No objection raised.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

19. Council-Related Development Application – Council Land.

CONCLUSION

20. The proposed modification is substantially the same development that was originally considered and approved by Council. The proposed modification is considered acceptable having regard to the provision of Sections 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979. Approval of the application under Section 4.55 is recommended.

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DETERMINATION

The modification application (MOD2025/0136) seeking approval to amend conditions 1, 5, 9 and 19 be approved.

ATTACHMENTS

Attachment ⇩1 Assessment Report

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

Introduction	
Application Number	MOD2025/0136
Parent Application Number	DA2025/0043
PAN	PAN-582358
Parent PAN	PAN-508726
Description of Changes	Amendments to Conditions 1, 5, 9, and 19 to capture extension of hours for bump-in and bump-out activities associated with the annual Lunar New Year event from 4:00am (the day of the event) to 2:00am (the day following the event), correction of a minor error within Condition 9 of the Development Consent relating to bump-in and bump-out hours, increase the number of major events permitted within any 12 month period from 18 to 24, and make reference to addendum acoustic assessment and Statement of Environmental Effects.
Modification Type (1, 1A, 2)	2
Address	243A-247 Forest Road HURSTVILLE NSW 2220
Lot / DP	Lot 1 DP 221087 & Lot 12 DP 10296 & Lot 13 DP 10296
Applicant	Milestone (Aust) Pty Limited
Owner(s)	Georges River Council
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.
Approval	The assessment recommends that Council as the Consent Authority in accordance with Section 4.16 (1)(a) *Environmental Planning & Assessment Act* 1979, grant consent to Development Application, subject to the imposed conditions of consent.

S4.55(2) Modification	
History	On 19 June 2025, Council issued Deferred Commencement Consent No. DA2025/0043 for the temporary use of parts of Forest Road, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza for community, cultural, and corporate events including the erection of associated overlay including temporary structures, for a 5 year period, subject to conditions of consent. On 29 October 2025 Council issued a deferred commencement activation letter which noted that the conditions outlined in Section 1 of the Deferred Commencement issued on 19 June 2025 were appropriately addressed.

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S4.55(2) Modification

Proposed Modification

The subject modification application seeks to make the following changes to the approved development:

- New working in **red**
- Deleted wording shown with a ~~**strikethrough**~~

1. Approved Plans

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

Description	Reference No.	Date	Rev	Prepared by
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Addendum Acoustic Assessment	**25233.1.1.L1R0**	**17/09/25**	**1**	**VMS Australia**
Traffic Management Plan	TGSFR 01, TGSFR 02, TGSFR 03, TGSFR 04 and TGSFR 05	-	1	Guardian Venue Management International
Statement of Environmental Effects	-	30/01/25	V2	Milestone (Aust) P/L
Statement of Environmental Effects	**-**	**17/10/25**	**-**	**Milestone (Aust) P/L**

Reason: To ensure compliance with the plans as assessed by Council.

5. Major Events

The number of major events to be held at the site (as defined in Council's 'Event Guide – Information on planning and holding events in the Georges River area') is limited to a maximum of ~~eighteen (18)~~ **24** events (which are included in the 52 days referred to in condition 3) in any period of 12 months.

Reason: To ensure disruption to local businesses and residents is minimised during the operation of events at the site.

9. Hours of Operation

The hours of operation for the events held at the site shall be restricted to the following:

(a) Events:

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S4.55(2) Modification

(i) 7:30am to 11:00pm, Sunday to Thursday
(ii) 7:30am to 12:00 midnight, Friday and Saturday

(b) No bump in or bump out activities are to occur between 12.00 midnight and 7.00am on any day (including any deliveries to the site).
(c) Sound check hours of operation (amplified music): 7:00am – 6:00pm on any day
(d) No amplified music, live performances or artist's performances after 10:00pm on any day.
(e) Notwithstanding (b), Bump In and Bump Out activities are permitted for the Lunar New Year event between 4:00am (the day of the event) and 2:00am (the day following the event). These hours are not permitted more than once in any 12-month period or for any other event.

Reason: To ensure the amenity of the surrounding area is maintained during events.

19. Compliance with the Noise Management Plan

The recommendations of the revised Noise Management Plan prepared by VMS Australia, dated 9 May 2025 must be complied with during operation of events at the site.

In particular, the following recommendations of the revised Noise Management Plan are to be observed to reduce noise impacts to nearby properties and include the following:

(a) Ensure the community can register complaints and enquiries and maintain and note items such as main works conducted, mitigation installed (if any), complaints received and management, heavy vehicle movements, weather conditions and incidents.
(b) All contractors and sub-contractors shall be site inducted and instructed to minimise noise as much as possible during bump-in/bump-out.
(c) No bump in or bump out activities are to occur between 12.00 midnight and 7.00am on any day (including any deliveries to the site).
(d) Contractors and subcontractors would be advised by the event organiser to select quiet, modern and well-maintained plant that does not exceed the sound power levels given in Section 5.2, of the revised Noise Management Plan.
(e) The event organiser would advise all contractors and subcontractors to use trucks/trailers fitted with quiet, non-tonal alarms. Contractors and subcontractors would be briefed prior to events to limit the use of unnecessary plant, including vehicle idling.
(f) Locate and angle speakers away from noise-affected receivers to gain directivity noise attenuation. Minimise the number of speakers as much as possible.
(g) Encourage patrons to leave the events quietly, particularly in the late evenings (including the use of utilising signage, verbal communication). Additionally, establish buffer zones to separate patrons from nearby residents (including designated footpaths leading to the event.).
(h) Notify nearby noise-affected residents when major pyrotechnical displays are intended to be used. Additionally, following consultation with nearby residents, reduce the frequency of pyrotechnical displays (for example once a month).
(i) Install temporary solid barriers/noise blankets around fixed plant (generator/fans). Contractors and sub-contractors would be advised to provide shielding measures or to limit plant locations with direct line-of-sight to nearby residential receivers.
(j) Minimise heavy truck movements via local residential roads, especially during bump-in/bump-out periods.

Additionally, the following recommendations of the Addendum Acoustic Assessment prepared by VMS Australia, dated 17 October 2025, must also be complied with for bump-in and bump-out activities within the extended hours permitted for the Lunar New Year event:

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S4.55(2) Modification		
	(a) For the Lunar New Year event, bump-in and bump-out is to occur no earlier than 4.00 am on the day of the event, and no later than 2.00 am on the morning immediately following the event. **(b) Where feasible, use of chains should be replaced with straps or equivalent.** Reason: To ensure appropriate acoustic levels are maintained for the amenity of the surrounding area.	
Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—		
(a)	it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development as modified is substantially the same development for which consent was originally granted. The subject modification seeks amendments to Conditions 1, 5, 9, and 19 of the Development Consent, to reference an Addendum Acoustic Assessment and an amended statement of Environmental Effects, increase the number of permitted major events, and include extended hours relating to bump-in and bump-out activities for the Lunar New Year Event. The proposed amendments to Conditions 1, 5, 9, and 19 are not anticipated to generate any adverse impacts on the locality and are supportable.
(b)	it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	No consultation with the minister is required by this modification.
©	it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The subject application has been notified in accordance with Council's Community Engagement Strategy and the Regulations (where relevant).
(d)	it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	During the notification period, Council received no submission relating to the proposed modifications.

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S4.55(2) Modification
Proceed to s4.15 Assessment.

S4.15 Assessment

Site Affectations

Affectation	Y	N	Comment
Georges River Local Environmental Plan 2021			
(5.1) Land Acquisition	☐	☒	-
(5.7) Development Below Mean High Water Mark	☐	☒	-
(5.10) Heritage Conservation	☐	☒	-
(5.21) Flood Planning	☐	☒	-
(5.23) Public Bushland	☐	☒	-
(6.1) Acid Sulfate Soils	☐	☒	-
(6.4) Foreshore Area and Coastal Hazards and Risk	☐	☒	-
(6.5) Riparian Land and Waterways	☐	☒	-
(6.6) Foreshore Scenic Protection Area	☐	☒	-
(6.7) Airspace Operations	☐	☒	-
(6.8) Development in Areas Subject to Aircraft Noise	☐	☒	-
Others			
Bushfire Prone Land	☐	☒	-
Contamination	☒	☐	Refer to Resilience and Hazards SEPP assessment below.
Council Owned Land	☒	☐	The application has been referred to Local Planning Panel for determination.
Crown Land	☐	☒	-
Easements	☐	☒	-
Narrow Lot Housing Precinct	☐	☒	-
Rail Noise	☐	☒	-
Road Noise	☐	☒	-
Road Widening	☐	☒	-
Site Area	☐	☒	-
Topography	☐	☒	-

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Site Affectations			
Affectation	**Y**	**N**	**Comment**
Zoning	☒	☐	E2 Commercial Centre.

A site plan is provided below:

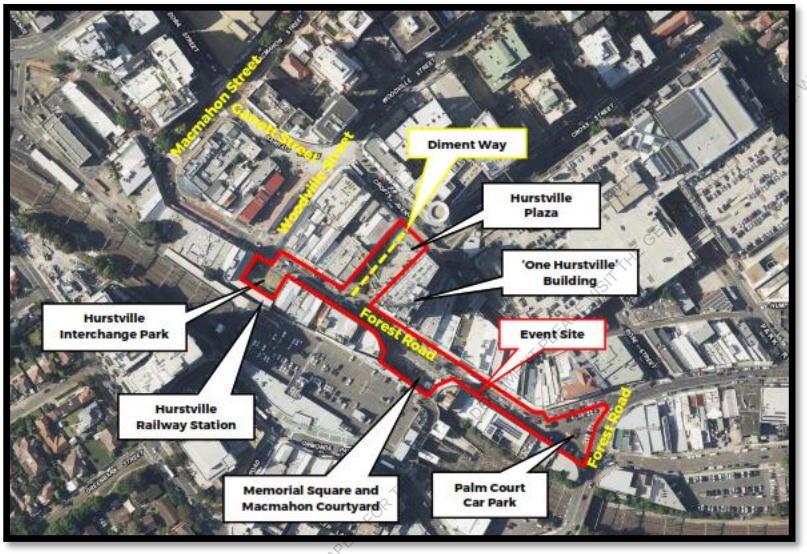

Figure 1 – Site plan *(Source: Milestone – Statement of Environmental Effects)*

History			
Application Number	**Lodged**	**Determined**	**Comments**
DA2025/0043	7 February 2025	19 June 2025	Deferred commencements consent issued.
-	-	20 October 2025	Deferred Commencements Activation Letter issued.

Processing		
Action	**Date**	**Comments**
Submission	17/10/2025	-
Lodgement	28/10/2025	-
RFI Issued	N/A	-
Revised Documents Received	N/A	-
Final Assessment Completed	18/12/2025	LPP Determination

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Referrals				
Authority	**Y**	**N**	**Date Referred**	**Comments**
Integrated				
Fisheries – Fisheries Management Act 1994 s144, s201, s205, s219	☐	☒	-	
Heritage Office – Heritage Act 1977 s58	☐	☒	-	
National Parks – National Parks and Wildlife Act 1974 s90	☐	☒	-	
Department of Education – Protection of the Environment Operations Act 1997 s43(a),(b),(d), s47, s48, s55, s122	☐	☒	-	
Water NSW – Water Management Act 2000 s89, s90, s91	☐	☒	-	
Department of Primary Industries – Water Act 1912 s10, s13A, s18F, s20B, s20CA, s20L, s116,	☐	☒	-	
Transport for New South Wales – Roads Act 1993 s138	☐	☒	-	
Rural Fire Service – Rural Fires Act 1997 -s100B	☐	☒	-	
Concurrence / Referrals / Determining Authority				
Local Planning Panel	☒	☐	18.12.2025	Council owned land.
Designated Development	☐	☒	-	
Crown Development	☐	☒	-	
Ausgrid	☐	☒	-	
Department of Education	☐	☒	-	
Natural Resource Access Regulator	☐	☒	-	
NSW RFS	☐	☒	-	
TfNSW	☐	☒	-	
Water NSW	☐	☒	-	
Council Referrals				
Building Surveyor	☐	☒	-	
Development Engineering	☐	☒	-	
Environmental Health	☒	☐	28.10.2025	No concerns were raised by Councils Environmental Health Officer.
Heritage	☐	☒	-	

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Referrals				
Authority	**Y**	**N**	**Date Referred**	**Comments**
Infrastructure / Assets	☐	☒	-	
Land Information (GIS)	☐	☒	-	
Landscaping	☐	☒	-	
Strategic Planning	☐	☒	-	
Urban Design	☐	☒	-	
Traffic	☐	☒	-	
Waste	☐	☒	-	

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 ≥ 3m, diameter ≥ 100mm at ground level, or branch spread ≥ 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.

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SEPP (Biodiversity and Conservation) 2021 Chapter 2

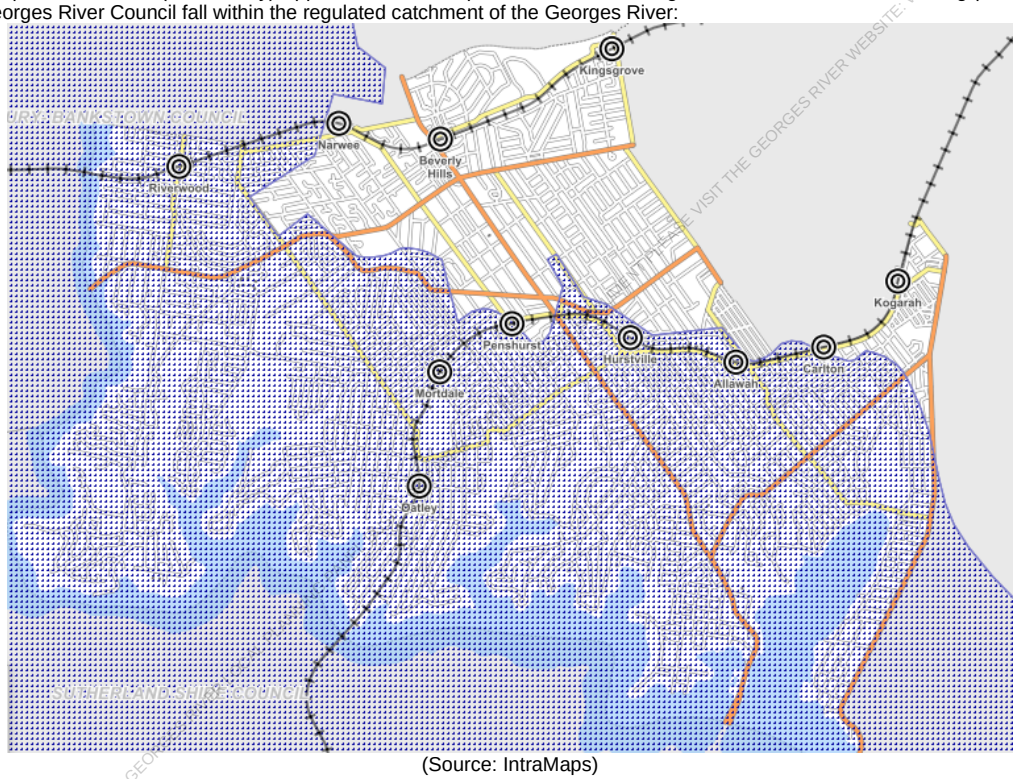
No change

This modification does not seek to alter the previously assessed impacts of the development 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:



(Source: IntraMaps)

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

No change

The proposed modification does not seek to change previously considered impacts of the development 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.

SEPP (Resilience and Hazards) 2021 **Chapter 4 Remediation of land**
There is no information which requires a review of the site's previously assessed suitability for the development. The site remains suitable for the development.

Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
1.2 Aims	(a) to provide for housing choices to cater for changing demographics and population needs, (c) to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised, (e) to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River and to build upon and enhance the character of local areas, (f) to promote a high standard of urban design and built form, (g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use, (h) to protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways,	The development as modified remains consistent with the relevant aims of the Plan.	☒	☐	☐
2.2 Zoning	Refer to LEP map.	E2 Commercial Centre Zone	☒	☐	☐
2.3 Zone objectives	Zone E2 • To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity. • To encourage investment in commercial development that generates employment opportunities and economic growth. • To encourage development that has a high level of accessibility and amenity, particularly for pedestrians. • To enable residential development only if it is consistent with the	The development as modified remains consistent with the relevant objectives of the zone.	☒	☐	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	Council's strategic planning for residential development in the area. • To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. • To encourage a range of tourism, recreation, function and entertainment uses.				
The application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021. The proposal complies with the aims and controls of the EPI.					

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 development application has been assessed against the provisions contained in the Georges River Development Control Plan 2021, whereby no concerns were noted with the proposal. The proposed modification application is limited to amendments to the operational management conditions of the original development application, which will maintain compliance with the relevant controls found in the GRDCP 2021.

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 as proposed to be modified is located within an established residential area and is not considered to result in unreasonable impact on the natural environment.
Built Environment	The modified built form and supporting infrastructure are appropriate with its setting and is consistent with the desired future character of the site.
Social Impact	The proposal will have no significant social impact on the locality.

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Economic Impact	The proposal is not considered to result in unreasonable economic impact

Site Suitability

The site is zoned E2 Commercial Centre Zone. The proposal is considered a suitable outcome for the subject site for the following reasons:

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

Submissions

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

The Public Interest

The proposal is in the public interest for the following reasons:

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

Contributions

The development is not subject to Section 7.11/7.12 Contributions.

Conclusion

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

Determination

Approval of Application

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the delegated officer determines MOD2025/0136 subject to the conditions referenced in Appendix 1:

Application Number (PAN)	Determination Date	Modification Description
DA2025/0043 - PAN-508726	**19 June 2025**	ORIGINAL APPLICATION
MOD2025/0136 - PAN-582358	**18 December 2025**	Amend Condition 1 Amend Condition 5 Amend Condition 9 Amend Condition 19

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Appendix 1 – Conditions

General Conditions

1. **Approved Plans**

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

Description	Reference No.	Date	Issue	Prepared by
Event Site Plan	DA1.01	13/12/24	A	GSBN
Accessibility Plan	DA1.02	13/12/24	A	GSBN
Noise Management Plan	24208.1.1.R1R1	9/5/25	1	VMS Australia
Addendum Acoustic Assessment	25233.1.1.L1R0	17/09/25	1	VMS Australia
Traffic Management Plan	TGSFR 01, TGSFR 02, TGSFR 03, TGSFR 04 and TGSFR 05	-	1	Guardian Venue Management International
Statement of Environmental Effects	-	30/01/25	V2	Milestone (Aust) P/L
Statement of Environmental Effects	-	17/10/25	-	Milestone (Aust) P/L

Amended by Modification MOD2025/0136: PAN-582358

Reason: To ensure compliance with the plans as assessed by Council.

2. **Duration of Consent**
The duration of this consent is limited to five (5) years from the date of this Determination Notice. In this regard, a separate application shall be lodged before the expiration date for Council's consideration should the continuation of the use be proposed.

Reason: To ensure the consent is limited to five (5) years such that a review can be undertaken for future events.

3. **Frequency of Event Use**
The site may be used for events for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months, including bump in/bump out activities.

Reason: To ensure compliance with Clause 2.8(2) of the Georges River Local Environmental Plan 2021.

4. **Event Capacity and Event Types**
The site shall have a maximum capacity of up to 5,000 people at any one time and shall be used for any of the following type of events:

(a) Food and wine festivals

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(b) Markets, including night markets
(c) Outdoor exhibitions
(d) Cultural exhibitions, festivals, and demonstrations.
(e) Key performances
(f) Film and Movie nights
(g) Art shows
(h) Youth activities

Reason: To ensure the site is used for events in accordance with the traffic and noise management plans.

5. **Major Events**
The number of major events to be held at the site (as defined in Council's 'Event Guide – Information on planning and holding events in the Georges River area') is limited to a maximum of ~~eighteen (18)~~ Twenty-four (24) events (which are included in the 52 days referred to in condition 3) in any period of 12 months.

Amended by Modification MOD2025/0136: PAN-582358

Reason: To ensure disruption to local businesses and residents is minimised during the operation of events at the site.

6. **Farmer's Market Consent**
Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979,* Development Consent 2021/0240 dated 2 December 2021 is to be surrendered so that DA 2021/0240 is consistent with this Development Consent for DA 2025/0043.

For this surrender to take effect, the requirements of Section 67 of the *Environmental Planning and Assessment Regulation 2021* need to be followed (i.e. a written request for surrender of the Development Consent DA2021/0240 is required).

Prior to the first event being held at the event site under this consent, the applicant must provide a written notice of surrender in accordance with the requirements of Section 4.17(5) of the *Environmental Planning and Assessment Act 1979* and Section 67 of the *Environmental Planning and Assessment Regulation 2021* providing details of the surrender of Development Consent DA-2021/0240.

Reason: To ensure the temporary uses at the event site are reduced to minimise disruptions to surrounding businesses and the town centre.

7. **Traffic Management**
Any road closures associated with events must be subject to approval by the Local Traffic Committee.

Reason: To ensure traffic disruption to local businesses and residents associated with relevant events is effectively managed.

8. **Event Permit**
A Council Event Permit must be obtained for each event to be held at the site from Council's Events Team prior to any event occurring in accordance with this consent. A Detailed

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Operational Plan of Management prepared in accordance with Council's Event Toolkit, including the following documents, must be provided with each Event Permit application:

(a) Event Site Plan and Overlay
(b) Operational Management Procedures
(c) Waste Management Strategy
(d) Event Risk Assessment and Management Strategy (e) Emergency Plan
(f) Resident Notification Letter.
(g) Alcohol Management Plan (if alcohol being served)
(h) Signage plan
(i) Lost Child Response Plan.

All events held at the site must be undertaken in accordance with the terms of the Event Permit.

Reason: To ensure compliance with the requirements outlined in Council's Event Toolkit.

9. **Hours of Operation**
The hours of operation for the events held at the site shall be restricted to the following:

(a) Events:
  (i) 7:30am to 11:00pm, Sunday to Thursday
  (ii) 7:30am to 12:00 midnight, Friday and Saturday
(b) No bump in or bump out activities are to occur between 12.00 midnight and 7.00am on any day (including any deliveries to the site).
(c) Sound check hours of operation (amplified music): 7:00am – 6:00pm on any day
(d) No amplified music, live performances or artist's performances after 10:00pm on any day.
(e) Notwithstanding (b), Bump In and Bump Out activities are permitted for the Lunar New Year event between 4:00am (the day of the event) and 2:00am (the day following the event). These hours are not permitted more than once in any 12-month period or for any other event.

Amended by Modification MOD2025/0136: PAN-582358

Reason: To ensure the amenity of the surrounding area is maintained during events.

10. **Condition of Event Site**
The site must be restored to the pre-event condition as soon as possible after each event held at the event site.

Reason: To ensure the site is returned to its pre-event condition and that the normal operational requirements of the land can be resumed.

11. **Site set up**
Site set-up must be undertaken no earlier than 48 hours before the commencement of the event unless the prior written approval from Council is obtained. Vehicles associated with the delivery and installation of the set-up shall not remain parked on grassed areas once unloading and installation is completed.

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Reason: To ensure disruptions on the site are minimised.

12. **Traffic and Transport Management**
The event must be undertaken in accordance with the *Guide to Traffic and Transport Management for Special Events* prepared by Transport for NSW dated July 2024. Satisfactory details of public transport, car parking, pedestrian access and accessibility must be provided in the Event Permit application for review by Council's Events Team.

All events are to be undertaken in accordance with the following

(a) Footpaths shall not be obstructed by temporary structures, staging, equipment, speakers or signage.
(b) Any proposed structures adjacent to the roadway shall comply with the requirements of AS 2890.1 to provide for adequate sight distance. This includes, but is not limited to, structures such as temporary signage, stalls, registration tables etc.
(c) If car parking is provided within the site, sufficient signage and supervision shall be provided by the operator/proprietor to ensure that parking is carried out in an orderly and safe manner.
(d) Parking and Traffic Marshals shall direct vehicles to appropriate parking areas and ensure safe vehicular and pedestrian movement. All marshals must wear reflective safety vests at all times and be positioned at the entry to the site, the parking area and throughout the event course.
(e) Any Marshal directing traffic within the Road Reserve must be TfNSW Traffic Control accredited.
(f) Heavy or other vehicles used as part of any event shall be of a size that does not require the vehicle to travel over any kerb or traffic control device/island when entering or exiting the event site.
(g) All temporary events requiring road closures will need approval from Council under Part 9 of the *Roads Act 1993* via the lodgement of a Temporary Road Closures Application Form

Reason: To ensure events are carried out safely near the road and that there is no damage to Council and Transport for NSW road infrastructure during the events at the site.

13. **Compliance with Requirements of other Authorities and Legislation**
The person authorised to conduct the events at the site must abide by the following:

(a) SafeWork NSW Regulations - All temporary structures (such as tents, marquees, stages, grandstand seating and the like) shall satisfy the requirements of SafeWork NSW and shall be certified by a structural engineer.

(b) Amusement device - Any amusement device must have current NSW Workcover Authority registration, public liability insurance cover of a minimum $10 million and current technical manual for installation and operation.

(c) Pyrotechnics – Any pyrotechnics used at the site are to be covered by relevant licences and certification required by SafeWork NSW.

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Reason: To ensure the temporary structures and other equipment on the site are safe for people attending events at the site.

14. **Structural Soundness Certification (for all Structures)**
A report from a suitably qualified and experienced Structural Engineer shall be submitted to Council prior to each event commencing. The report must verify that the structures proposed to be installed and erected as part of the special event (including temporary structures) can withstand the potential uses associated with the event.

Reason: To ensure the temporary structures are structurally sound and safe for people attending events at the site.

15. **Temporary Structures and Food Trucks**
All temporary structures, food trucks and uses on the site must comply with the following:

(a) Must not restrict any vehicular or pedestrian access to or from the land,
(b) Must not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
(c) Must not result in damage to any protected tree growing on the land or on adjacent land,
(d) Must be erected on a surface that is sufficiently firm and level to sustain the structure while in use
(e) Must be able to resist loads determined in accordance with AS/NZS 1170.0:2002, *Structural design actions,*
(f) Must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia and relevant Australian Standards.
(g) Must have a maximum footprint of 14m x 10m, and a maximum overall height of 9 metres.
(h) Food trucks on the site shall not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and must not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
(i) Food trucks on the site shall not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land and must not result in any damage to public property on the land or on adjacent land.

Reason: To ensure the temporary structures are structurally sound and safe for people attending events at the site.

16. **Notification**
A notification plan is to be prepared by the Event Organiser in accordance with the Event Management Plan to the satisfaction of Council's Events Team. Notification must take place for surrounding residents and businesses in accordance with the approved Notification Plan to the satisfaction of Council's Events Team.

Reason: To ensure the community is made aware of the event which is to take place in their area.

17. **Public Liability Insurance**
Evidence of Public Liability Insurance to a minimum value of $20,000,000 in the legal organisation name or governing body holding the event must be provided when applying for an

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Event Permit. Council will not accept liability for any personal injury, loss or damage that may occur to participants, third parties or their property as a result of the event.

Reason: To ensure the necessary insurance is held by the event organiser.

18. **Insurances**
The person responsible for conducting the event should ensure any other organisations participating have suitable insurance cover, including, but not limited to, public liability insurances of sub-contractors, volunteers' insurance, workers compensation and/or professional indemnity insurance.

Reason: To ensure the necessary insurance is held by the event organiser and event participating parties.

19. **Compliance with the Noise Management Plan**
The recommendations of the revised Noise Management Plan prepared by VMS Australia, dated 9 May 2025 must be complied with during operation of events at the site.

In particular, the following recommendations of the revised Noise Management Plan are to be observed to reduce noise impacts to nearby properties and include the following:

(a) Ensure the community can register complaints and enquiries and maintain and note items such as main works conducted, mitigation installed (if any), complaints received and management, heavy vehicle movements, weather conditions and incidents.
(b) All contractors and sub-contractors shall be site inducted and instructed to minimise noise as much as possible during bump-in/bump-out.
(c) No bump in or bump out activities are to occur between 12.00 midnight and 7.00am on any day (including any deliveries to the site).
(d) Contractors and subcontractors would be advised by the event organiser to select quiet, modern and well- maintained plant that does not exceed the sound power levels given in Section 5.2. of the revised Noise Management Plan.
(e) The event organiser would advise all contractors and subcontractors to use trucks/trailers fitted with quiet, non-tonal alarms. Contractors and subcontractors would be briefed prior to events to limit the use of unnecessary plant, including vehicle idling.
(f) Locate and angle speakers away from noise-affected receivers to gain directivity noise attenuation. Minimise the number of speakers as much as possible.
(g) Encourage patrons to leave the events quietly, particularly in the late evenings (including the use of utilising signage, verbal communication). Additionally, establish buffer zones to separate patrons from nearby residents (including designated footpaths leading to the event.).
(h) Notify nearby noise-affected residents when major pyrotechnical displays are intended to be used. Additionally, following consultation with nearby residents, reduce the frequency of pyrotechnical displays (for example once a month).
(i) Install temporary solid barriers/noise blankets around fixed plant (generator/fans). Contractors and sub-contractors would be advised to provide shielding measures or to limit plant locations with direct line-of-sight to nearby residential receivers.
(j) Minimise heavy truck movements via local residential roads, especially during *bump-in/bump-out periods.*

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Additionally, the following recommendations of the Addendum Acoustic Assessment prepared by VMS Australia, dated 17 October 2025, must also be complied with for bump-in and bump-out activities within the extended hours permitted for the Lunar New Year event:

(a) For the Lunar New Year event, bump-in and bump-out is to occur no earlier than 4.00 am on the day of the event, and no later than 2.00 am on the morning immediately following the event.
(b) Where feasible, use of chains should be replaced with straps or equivalent.

Amended by Modification MOD2025/0136: PAN-582358

Reason: To ensure appropriate acoustic levels are maintained for the amenity of the surrounding area.

20. **Security**
Where a major event or an event that involves the sale or service of alcohol and/or where an event occurs after daylight hours, the person responsible for conducting the event shall ensure qualified security personnel are employed for the full duration of the event (including set up and pack up).

Duties of security personnel are to include (but not be limited to) monitoring of entry/exit points, general surveillance to ensure safety, ensuring socially appropriate behaviour, assistance with coordination of emergency services and for the quiet and efficient movement of people to and from the site, protection of equipment and vehicles, stalls and confiscation of prohibited items (including glass containers).

Reason: To ensure the safety of event participants is achieved during events at the site.

21. **Lighting**
Any additional temporary lighting erected within the site associated with an event shall be designed so as to not cause a nuisance to residences within the area or to motorists, and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Reason: To ensure protection of neighbourhood amenity and road safety.

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

Reason: To ensure the protection of neighbourhood amenity.

23. **Temporary food stall and mobile food vehicle information**
Councils *Temporary Food Premises Attendance Form* must be completed and submitted to Council's Environmental Health Unit at least seven (7) days prior to each event. This list must include the following information:

(a) Temporary food premises permit number
(b) Trading name and

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(c) Contact number

Reason: To ensure the food businesses comply with legislation and to protect public health.

24. **Food Stalls/Mobile Food Vehicles**
The event organiser must only accept temporary food and mobile food operators that hold a current temporary food premises permit with Georges River Council.

Reason: To ensure the food businesses comply with legislation and to protect public health.

25. **Signage**
Signage associated with the event may be displayed at the site provided that it complies with the following requirements:

(a) The proposed temporary event signage must only consist of signage that identifies the event to the community, or comprises wayfinding, crowd management and information delivery signage
(b) All event signage must be erected on Council managed land only, must not be displayed earlier than 14 days before the event and must be removed within 2 days after the event
(c) No signage is to be placed on any heritage items in the vicinity of the event site
(d) Signage must not be illuminated
(e) Signage which is not associated with the event or is third party advertising or comprises 'A' frame signage is prohibited
(f) Obscene, offensive, derogatory and defamatory signs are not permitted
(g) All event signage is to be safely secured and must not obstruct a public road, footpath or cycleway.

Details of any signage for the events use of the site shall be submitted to Council with the Event Permit application prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.
Signage that does not comply with the above criteria must be subject to a separate development application.

Reason: To ensure the amenity of the area is protected.

26. **Liquor Licence**
The serving and/or sale of alcohol at any event is prohibited unless an appropriate liquor licence has been obtained from Office of Liquor and Gaming NSW. It is the responsibility of the event organiser to obtain the required licence for the event.

Reason: To ensure the serving and selling of alcohol is undertaken responsibly.

27. **Waste Management Plan**
A detailed Waste Management Plan, including a site plan detailing bin station locations, is required to be prepared by the event organiser for each event held at the site as part of the *Operational Plan of Management*. General rubbish, organics (food and green waste) and recycling bins must be available at the event site pursuant to the requirements of Council's *Event*

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Toolkit. Each event must be undertaken in accordance with the approved Waste Management Plan.

Reason: To ensure that waste generated at the site is adequately managed.

28. **Protection of Trees and Vegetation**
Any temporary structures and facilities erected for events at the site must be clear of all trees and other significant vegetation on the site. No part of any tree is to be used as an anchorage point, nor are any signs, ropes, guys etc to be attached to any part of any tree.

Reason: To ensure the environment is protected on the site.

29. **Incident Reporting**
The event organiser must have a systematic method of reporting incidents that have occurred at each event. This should include a written incident reporting manual whereby staff are required to provide written details on the exact nature of the incident and what procedures were implemented to deal with the incident. The Incident Reporting Manual is to be maintained for the duration of each event and a copy submitted to Council within two (2) weeks from the completion of the event so that Council may use the records to manage future events.

Reason: To ensure that events are managed safely and relevant records are kept for public safety.

30. **Accessibility and the *Disability Discrimination Act 1992***
This consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992*. It is the responsibility of the event organiser to ensure compliance with the requirements of the *Disability Discrimination Act 1992*. Accessible paths of travel and associated amenities within the event site must be provided in accordance with the Accessibility Plan prepared by GSBN Studio (Drawing No. DA 1.02, dated 15 November 2024) for each event.

Reason: To ensure the events are accessible to all members of the community.

END CONDITIONS

Notes/Advice

1. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales within twelve (12) months of the date of this determination notice.

2. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within five (5) years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

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

LPP049-25 198-200 PRINCES HIGHWAY, KOGARAH BAY NSW 2217

LPP Report No	**LPP049-25**	**Development Application No**	**MOD2025/0031**
Site Address & Ward Locality	198-200 Princes Highway, Kogarah Bay NSW 2217 Kogarah Bay Ward		
Proposed Development	Demolition of existing structures, construction of six storey residential flat building comprising twenty-two (22) residential units and two (2) levels of basement carpark - modification includes modify unit size and floor level changes		
Owners	Kogarah Bay P Holdings Pty Ltd		
Applicant	Amber Ingleton		
Planner/Architect	Design Corp Architects		
Date Of Lodgement	22/03/2025		
Submissions	0		
Cost of Works	$6,334,536.00		
Local Planning Panel Criteria	The proposal exceeds the maximum building height development standard by greater than 10%.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, Georges River Local Environmental Plan 2021 (GRLEP 2021), Georges River Development Control Plan 2021 (GRDCP 2021)		
List all documents submitted with this report for the Panel's consideration	Architectural plans, assessment report, landscape plan,		
Report prepared by	Senior Development Assessment Planner		

RECOMMENDATION	Approval, subject to amended conditions

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

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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?	**Not Applicable**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**No, conditions to be made available when the report is published.**

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PROPOSAL

1. The residential flat building as approved under DA2017/0655 is proposed to be modified as follows:
   - Basement level:
     - Re-arrangement of storage and parking spaces
     - Increase number of car parking spaces from 21 to 22

   - Lower round floor:
     - Increase ceiling height
     - Re-arrangement of storage, parking, plant room, and waste room
     - Reduce the number of car parking spaces from 19 to 18
     - Introduction of a car wash bay

   - Ground floor:
     - Introduction of above-ground on-site stormwater detention tanks, which results in projection of the ground floor by approximately 0.8m above existing ground level.
     - Introduction of an access ramp at the front setback,
     - Modifications to the layout of units and inclusion of a second accessway to the ground level communal open space, and
     - Increase in ceiling height to achieve Building Code of Australia (BCA) compliance.

   - First floor to fifth floor:
     - Modifications to the layout of units and balconies, and
     - Increase in ceiling height on each level to achieve BCA compliance.

   - Roof:
     - Modifications to the layout of the roof level and rooftop communal open space, and
     - Further encroachment of roof level beyond maximum building height limit.

- Façade and other changes:
  - Modifications to include minor changes of material and window arrangements.

No changes proposed on the overall apartment mix and the approved kerb and gutter stormwater discharge.

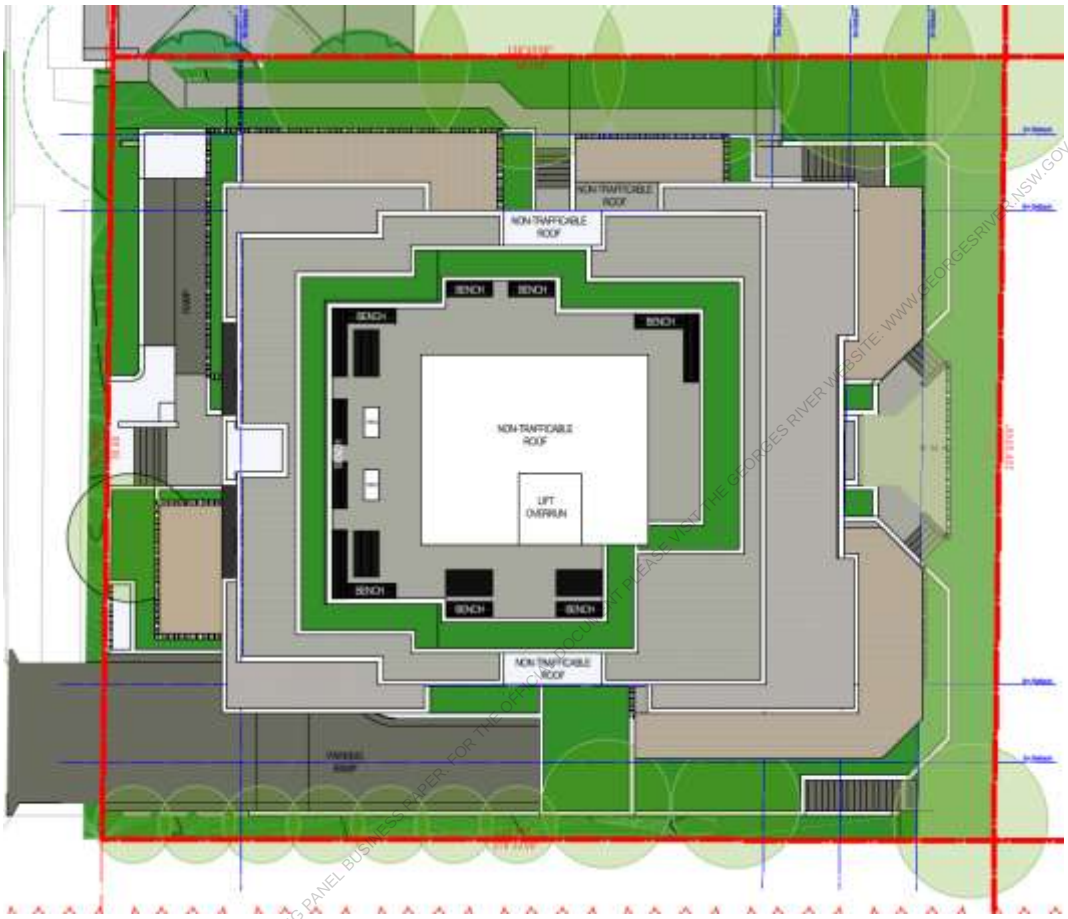

***Figure 1** – Site Plan (Source: Architectural Plans)*

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Figure 2 *– Northwest (front) elevation (Source: Architectural Plans)*

Figure 3 *– Southeast (rear) elevation (Source: Architectural Plans)*

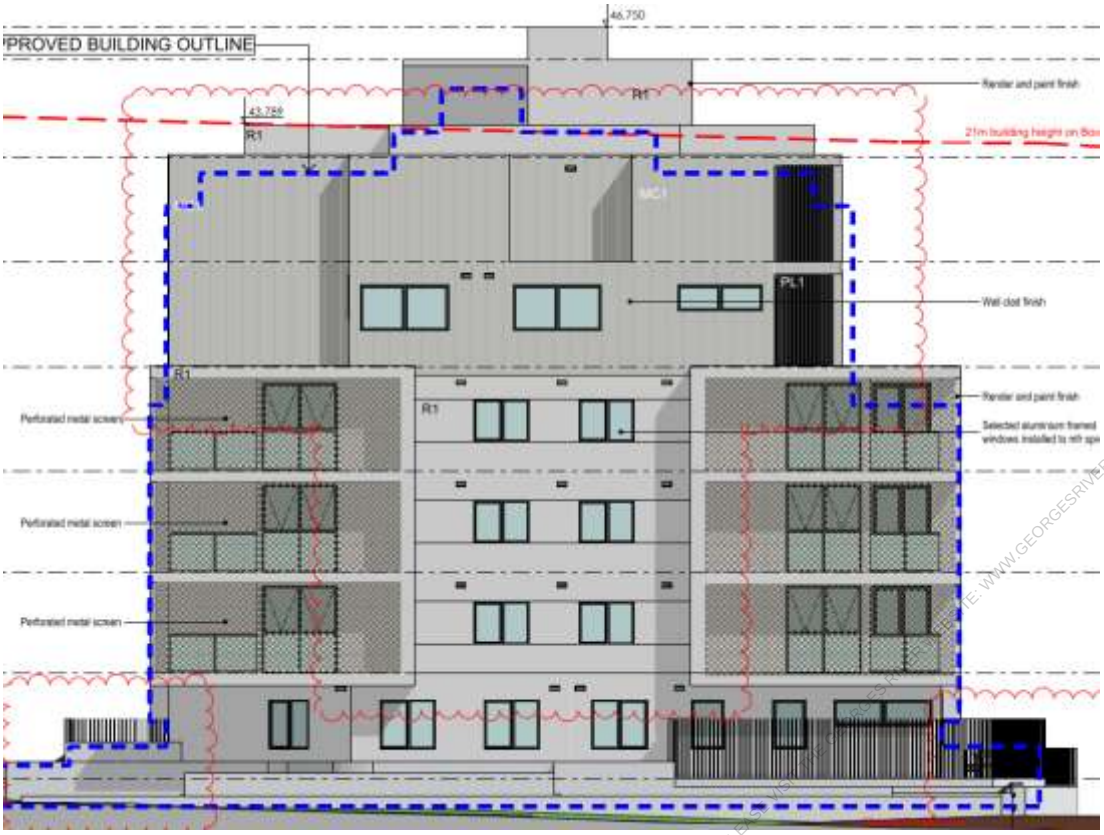

Figure 4 *– Southwest elevation (Source: Architectural Plans)*

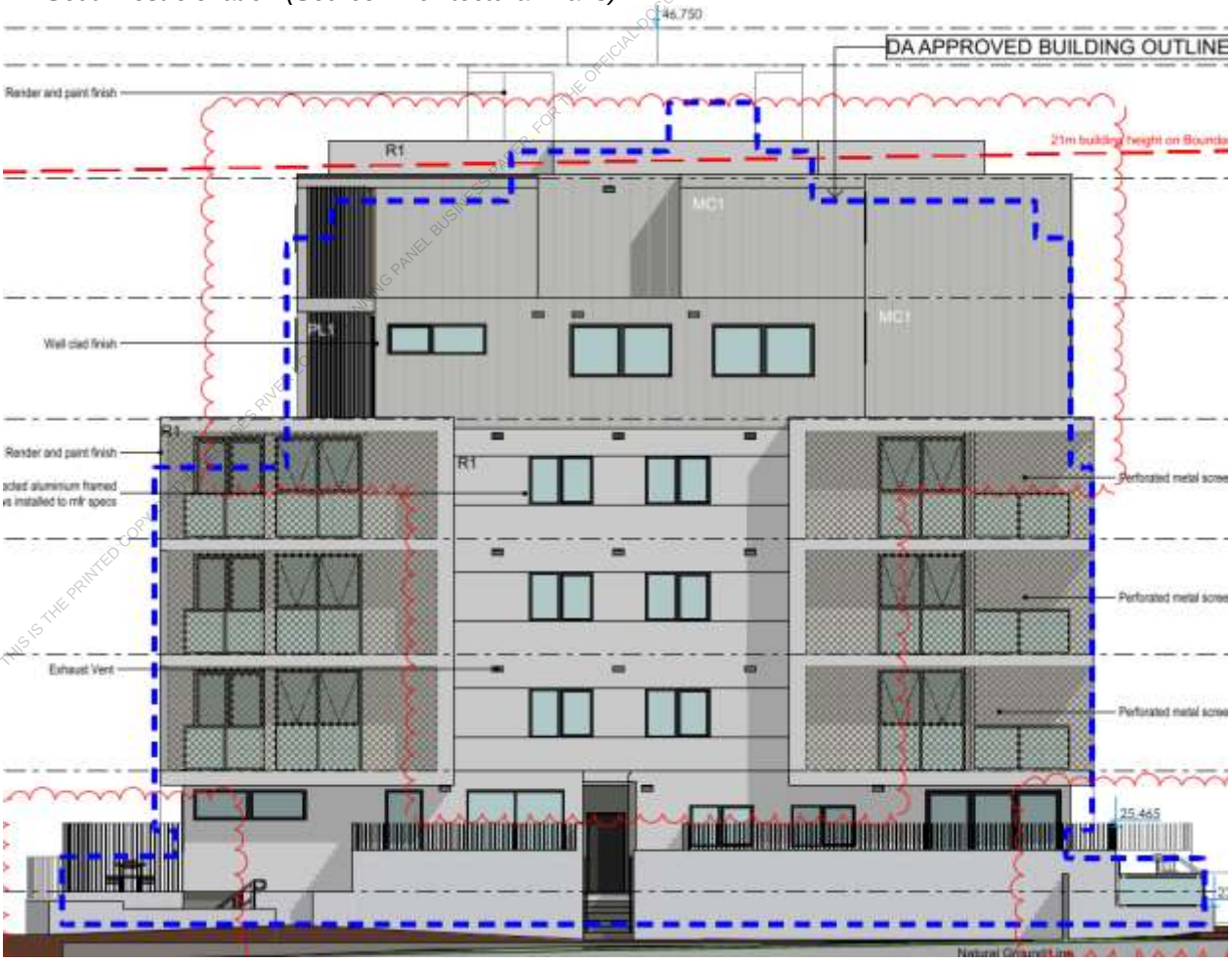

Figure 5 *– Northeast elevation (Source: Architectural Plans)*

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

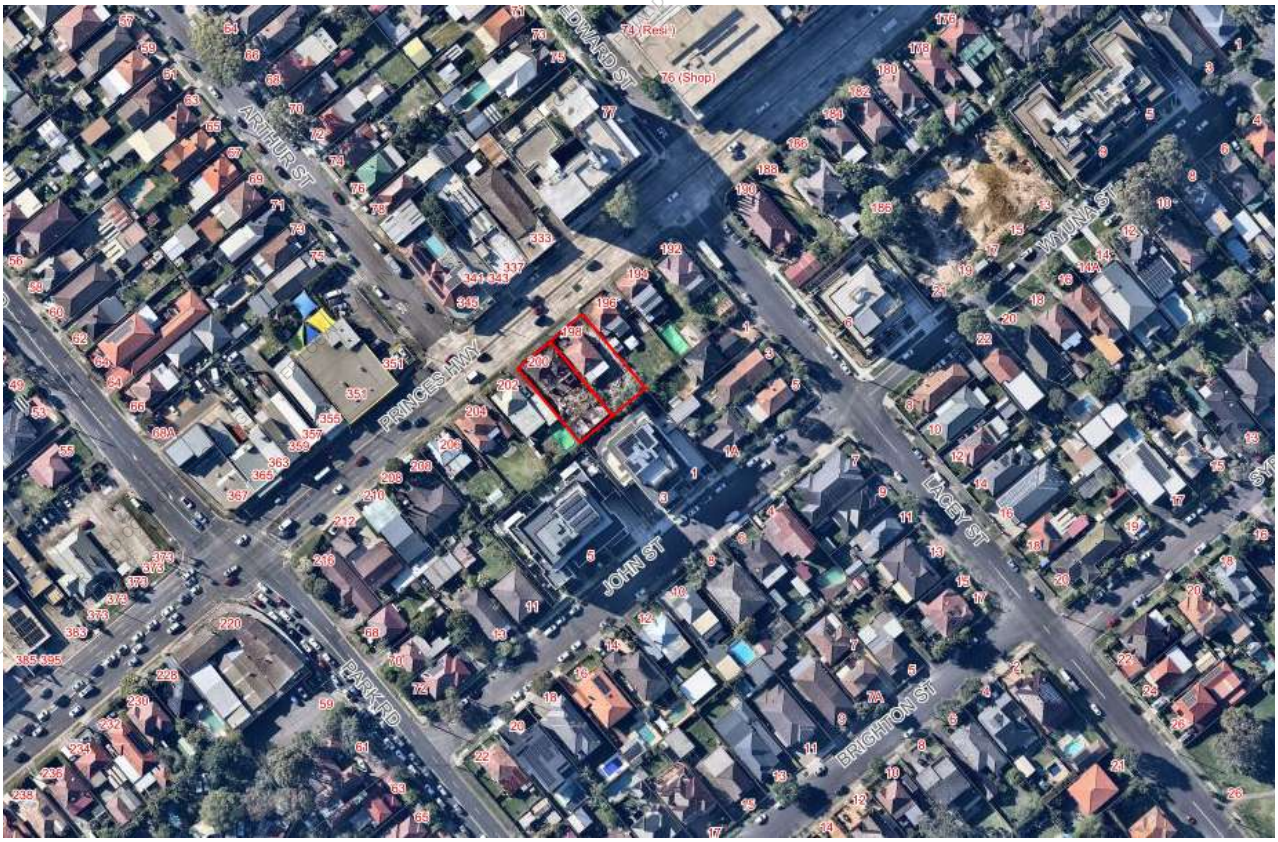

Figure 7 *– Aerial view of development site outlined in red (Source: IntraMaps)*

Figure 8 *– Close up aerial view of development site outlined in red (Source: IntraMaps)*

Figure 9 *– Zoning map of development site and surrounds. The subject site is outlined in red (Source: IntraMaps)*

SITE AND LOCALITY

2. The subject site is legally described as Lot 4 and 5 Sec 17 DP 1963. The site encompasses 198-200 Princes Highway, Kogarah Bay NSW 2217.

3. The site has an area of 1075sqm by Deposited Plan. The subject site has a 30.48m frontage and rear boundary, and a 40.235m side boundaries. The site is generally flat with a gradient of 2.2% sloping to the rear.

4. The site currently contains no structures. Vegetation on the site consists of two palm trees to the rear. Those trees are required to be protected per DA2017/0655. All other vegetation that existed on the site had been cleared per DA2017/0655.

5. The subject site is zoned R4 High Density Residential. Existing development in the locality consists of a mixture of dwelling houses, residential flat buildings, mixed use residential buildings, and commercial premises. Existing development adjoining the subject site consists of a single-storey dwelling house to the northeast, a residential flat building to the southeast, and a single-storey detached dwelling house to the southwest. It is noted that a residential flat building was approved on the site southwest of the subject site (202-206 Princes Highway).

ZONING AND PERMISSIBILITY

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

ASSESSMENT

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

State Environmental Planning Policy (Housing) 2021 Apartment Design Guide (ADG)			
Standard	**Required**	**Proposal**	**Complies yes/no**
3D - Communal open space (Minimum control)	25% of the site = 268.75sqm.	370.5sqm	Yes
3E – Deep Soil zones (Minimum control)	7% = 75.3sqm	14.6% 157.4sqm	Yes
3F- Visual Privacy (Minimum control)	Separation distance from side and rear boundaries required: Up to 12m (4 storeys) Habitable room and balconies - 6m Non-habitable – 3m Up to 25m (5-8 storeys) Habitable room and balconies – 9m Non-habitable – 4.5m	No change proposed to the approved windows and balcony setbacks.	Yes
4A- Solar and daylight access (Minimum control)	Living rooms and private open spaces of at least 70% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter A maximum of 15% of apartments may receive no direct sunlight between 9am and 3pm in midwinter.	72.7% of all units will receive at least 2 hours of direct solar access onto the living rooms and private open spaces. 4.5% of units will not receive direct solar access in midwinter.	Yes
4B- Natural Ventilation	60% of apartments are naturally cross ventilated.	All apartment units are cross-ventilated.	Yes

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(Minimum control)	Overall depth of a cross-through apartment does not exceed 18m.	Both cross through apartments on Level 5 has a depth of 17.6m.	
4C-Ceiling Heights (Minimum control)	Habitable rooms = 2.7m Non-habitable rooms = 2.4m	All habitable levels achieve a minimum ceiling height of 2.8m.	Yes
4D- Apartment size and layout (Minimum control)	1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each Total minimum glass area: No less than 10% of the floor area of the habitable room.	All apartments comply with the minimum internal area and window size requirements.	Yes
	Maximum habitable room depths: 2.5 x of ceiling height. Open plan layouts - the maximum habitable room depth is 8m from a window	All apartments comply with the minimum room depth requirements.	Yes
	Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space). Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments The width of cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	All apartments comply with the minimum bedroom and living room dimensions requirements. All cross through apartments have a width of at least 4.0m.	Yes
4E- Private Open space and balconies (Minimum control)	All apartments are required to have primary balconies as follows: -1 bedroom = 8sqm/2m depth -2 bedroom = 10sqm/2m depth -3+ bedroom = 12sqm/2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m. Private open space for ground level apartments: Minimum area of 15sqm	All units comply with minimum private open space requirements.	Yes

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	Minimum depth of 3m		
4F- Common circulation areas	The maximum number of apartments off a circulation core on a single level is eight	No more than four (4) units are provided to any one core on a single level.	Yes
4G- Storage (Minimum control)	Storage requirement: 1 bedroom = 6m³ 2 bedroom – 8m³ 3 bedroom – 10m³ At least 50% of storage is to be located within the apartment.	All units comply with minimum storage requirement.	Yes
4Q – Universal Design (Minimum control)	3 adaptable units	3 adaptable units.	Yes

GRLEP 2021			
Standard	**Required**	**Proposed**	**Complies Yes/no**
4.3 - Height of Buildings	21.0m (maximum)	24.49m	No, see discussion below.
4.4 - Floor Space Ratio	2:1 = 2,118.0sqm (maximum)	1,938.9sqm	Yes
6.12 - Landscaped Area	10% (minimum)	14.6% (157.4m^2)	Yes

GRDCP 2021			
Standard	**Required**	**Proposal**	**Complies yes/no**
6.3.3 Building Setbacks and Street Interface	Front setbacks (minimum): i. Street setback: 5.0m up to four storeys 8.0m beyond four storeys	Existing setbacks to be retained.	Yes
	Encroachments into boundary setbacks (maximum): i. Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of deep soil area to the street. ii. Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer	No deep soil area is retained for the front setback area (as per the original approval) 2.7m of landscaped area is provided between unit G.01 and the northeastern side boundary.	No, however variation is acceptable on merit.
6.3.4 Basement Setbacks	Basement setbacks (minimum): i. Located within the building footprint, or ii. 6m from the front and rear boundaries, and 3m from the side boundaries.	Approved basement setbacks to be retained.	Yes
	Driveways and driveway crossings setback (minimum): 1.5m	No change proposed to driveway location	Yes
	Car parking and car wash space rate (minimum):	34 resident parking spaces	Yes

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3.13 Parking Access and Transport	24 resident parking spaces 4 visitor parking spaces 1 car wash space (can be used as visitor parking) Total required: 28 spaces	6 visitor spaces (including 1 car wash space) 40 spaces in total	
	Bicycle parking rate (minimum): 10 spaces	10 bicycle spaces provided.	Yes
	Accessible parking rate (minimum): 3 spaces (ADG requires 3 adaptable units)	3 accessible parking spaces provided	Yes
6.3.9 Vehicular Access, Parking and Circulation	Parking area clearance (minimum): 2.5m	2.5m clearance provided.	Yes
6.3.10 Dwelling Mix	Dwelling percentage mix: i. Studio apartments and 1 bed apartments – Maximum of 25% ii. 2 bed apartments – Minimum of 35% iii. 3+ bed apartments – Minimum of 15%	Approved dwelling mix retained.	Yes

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Building Height

8. The proposal involves increasing the building height to 24.49m, representing a variation of 16.6% or 3.49m. The height increase is attributed to the following modifications:
   - Increase of floor-to-floor height on all levels to maximum 3.2m. This change contributes to a 0.7m increase to the approved building height.
   - Projection of the ground floor level by 0.8m to accommodate above-ground Onsite Stormwater Detention tanks.
   - Increase of lift overrun by 0.4m

9. The proposed variation is considered acceptable for the following reasons:

   (a) Necessity – the modifications to the floor-to-floor height and stormwater system are required to achieve compliance with relevant Building Code of Australia (BCA) provision and stormwater management requirements respectively.

   The development approved under DA2017/0655 has a floor-to-floor height of 3.05m and an ADG non-compliant ceiling height of 2.65m for each habitable level. Per ADG Figure 4C.5, a residential flat building typically has a floor-to-floor height of 3.1m. The proposal to increase the floor-to-floor height is necessary to accommodate building services while complying with the BCA and the ADG.

   The stormwater system approved under DA2017/0655 involves below-ground OSD tanks which discharges to kerb and gutter on Princes Highway. The approved system was later found to be unviable as the invert level of the stormwater pipe would be lower than the road level. On that basis, raising the OSD tanks is necessary to enable discharge through kerb and gutter. Alternative drainage solutions that do not require projecting the building, such as a drainage easement to downstream properties and a connection to stormwater pipe on Princes Highway were explored during the assessment process, however none of the alternative measures are deemed viable.

   (b) Bulk and scale – the proposal maintains the overall bulk and scale of the approved development. Only the lift overrun protrudes beyond the height plane.

(c) Amenity impacts – the proposal results in no unacceptable amenity impacts. The height variation will not result in excessive overshadowing, visual privacy intrusion, and loss of existing vistas. Given the lift overrun is the only component that is situated above the height plane, the proposed height variation is not readily perceptible from the street level.

(d) Clause objectives – the proposal aligns with the objectives of Clause 4.3.

10. Given the height increase is necessary to enable compliance and does not introduce unacceptable amenity impacts, the proposed height variation is considered acceptable on merit.

Landscape Buffer

11. Control 5 of Part 6.3.3 of the GRDCP 2021 require a ground floor terrace to leave a minimum 3m of landscape buffer. The proposal to relocate the terrace for Unit G.01 results in a landscape buffer of 2.7m. It is considered that the variation in this instance is justifiable for the following reasons:

(a) Necessity – The variation is caused by shifting the terrace of unit G0.1 from the front setback area to the side setback area. This is required to accommodate the pedestrian access ramp at the front such that equitable access is still provided to the elevated ground floor. Furthermore, the terrace is required to comply with the ADG which requires an internal width of at least 3.0m for ground floor terraces. Strict compliance may result in non-compliance with the ADG.

(b) Design Merit – The intention of this control is to accommodate sufficient landscaping on the side setback areas. The proposed variation (0.3m) is minor and the design still enables adequate deep-soil planting within the northeastern side setback area and allows the area to be utilised as a communal open space. The variation does not offend the intention of the control.

(c) The proposed variation is consistent with the objectives of the Part 6.3.3 with respect to accommodating deep soil landscaping and maintaining adequate setback rhythm.

Waste

12. Condition 56 of the original Development Consent DA2017/0655 requires waste bins to be taken to Princes Highway for collection. The subject application retains the approved waste collection method.

13. The waste officer raised objection to maintaining the approved waste collection method, noting that the current waste management policy does not permit kerbside collection on a Classified Road. The assessing officer notes that the proposal does not increase the approved residential capacity and the request to amend the waste collection method is therefore not reasonable. On that basis, no change is imposed on the approved waste collection method.

14. The amended plans addressed all other aspects of the waste comments with respect to on-site waste storage size, bulk waste storage size, and provision of bin wash area.

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SUBMISSIONS

15. 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.

16. Council received no submissions during the notification period.

REFERRAL COMMENTS

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

Specialist/Agencies	Comment
Development Engineer	No objection raised. Existing stormwater conditions to be retained.
Urban Design	No objection raised.
Traffic Engineering	No objection subject to recommended conditions.
Waste	Objection raised with respect to waste collection service. The assessing planner is of the opinion that the request to amend the approved waste collection arrangement is not reasonable given the proposal retains the residential capacity as originally approved. The proposal satisfied other waste requirements.
Ausgrid	No objection subject to recommended conditions.
Transport for NSW	Concurrence granted subject to conditions.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

18. The proposal incorporates a variation to the maximum height development standard of greater than 10%, and the subject application is a Section 4.55(2) application for a Development Consent that was approved by Georges River Council. The variation sought to the building height is 16.6% or 3.49m.

19. In accordance with Schedule 1 subsection 3 of the Local Panning Panels Direction, this development requires referral to the Georges River Local Planning Panel.

CONTRIBUTIONS

20. The approved development contribution is not required to be changed as the proposal retains the approved apartment mix.

CONCLUSION

21. The application has been assessed having regard to the matters for consideration under Section 4.15 and Section 4.55(2) of the environmental planning and assessment act 1979, the provisions of the relevant state environmental planning policies, local environmental plans and development control plans.

22. The proposal has been assessed against the provisions of the State Environmental Planning Policy (Housing) 2021, Georges River Local Environmental Plan 2021, and Georges River Development Control Plan 2021. The development generally complies with the LEP objectives of Clause 4.3 Height of Buildings. In this instance, the height variation is considered acceptable as the height increase is necessary to enable compliance with

BCA and stormwater provisions, and the height variation will not introduce unacceptable amenity impacts.

23. Having regard to the provisions of the Environmental Planning and Assessment Act 1979, the Georges River Local Environmental Plan 2021, the Georges River Development Control Plan 2021, the proposal is considered to be satisfactory. The development is expected to deliver a positive outcome for the community, and no unreasonable adverse impacts on the surrounding locality are anticipated.

SPECIFIC DEVELOPMENT CONDITIONS

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

Description	Reference No.	Date	Revision	Prepared By
~~Cover Sheet~~	~~DA0.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Site Analysis~~	~~DA0.02~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Basement 02 Floor Plan~~	~~DA1.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Basement 01 Floor Plan~~	~~DA1.02~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Ground Floor Plan~~	~~DA1.03~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Level 01 Floor Plan~~	~~DA1.04~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Level 02 Floor Plan~~	~~DA1.05~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Level 03 Floor Plan~~	~~DA1.06~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Level 04 Floor Plan~~	~~DA1.07~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Level 05 Floor Plan~~	~~DA1.08~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Roof Plan~~	~~DA1.09~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~

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~~South-west/North-east Elevation~~	~~DA2.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~North-west/South-east Elevation~~	~~DA2.02~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Sections AA~~	~~DA3.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~GFA Calculations~~	~~DA7.04~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Solar Access June 21~~	~~DA4.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Solar Access September 21~~	~~DA4.03~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Deep Soil Zone~~	~~DA7.05~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Natural Ventilation and Solar Access~~	~~DA7.03~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Typical Floor Plan~~	~~DA7.02~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Typical Unit Layout~~	~~DA7.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~External materials schedule~~	~~DA6.02~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Adaptable Unit layout~~	~~DA5.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Building Height Plane~~	~~DA4.04~~		~~A~~	
Cover Page	DA0.01	13 November 2025	F	Design Corp Architects
Site Analysis	DA0.02	05 September 2025	E	Design Corp Architects
Site Plan	DA0.03	13 November 2025	F	Design Corp Architects

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Basement 2	DA1.01	05 September 2025	E	Design Corp Architects
Basement 1	DA1.02	13 November 2025	F	Design Corp Architects
Ground Floor Plan	DA1.03	13 November 2025	F	Design Corp Architects
Level 1 Floor Plan	DA1.04	13 November 2025	F	Design Corp Architects
Level 2 Floor Plan	DA1.05	13 November 2025	F	Design Corp Architects
Level 3 Floor Plan	DA1.06	13 November 2025	F	Design Corp Architects
Level 4 Floor Plan	DA1.07	13 November 2025	F	Design Corp Architects
Level 5 Floor Plan	DA1.08	13 November 2025	F	Design Corp Architects
Roof Terrace Plan	DA1.09	13 November 2025	F	Design Corp Architects
South West/North East Elevations	DA2.01	13 November 2025	F	Design Corp Architects
North West/South East Elevations	DA2.02	13 November 2025	F	Design Corp Architects
Section A	DA3.01	13 November 2025	B	Design Corp Architects
Shadow diagrams	DA4.01 to DA4.08	13 November 2025	B	Design Corp Architects
Maximum Building Height Plane	DA4.09	13 November 2025	F	Design Corp Architects
External Finishes	DA6.02	13 November 2025	F	Design Corp Architects
Common Open Space & Deep Soil Zone	DA7.01	13 November 2025	F	Design Corp Architects

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GFA Calculations	DA7.02	13 November 2025	D	Design Corp Architects
Ventilation Diagrams	DA7.03	13 November 2025	D	Design Corp Architects
Solar Access Diagrams	DA7.04	13 November 2025	D	Design Corp Architects
Typical Adaptable Unit	DA8.01	13 November 2025	A	Design Corp Architects
Adaptable Housing Audit	N/A	21/12/17	N/A	Building Innovation Australia
Arboricultural Assessment Report prepared by dated	N/A	19/12/17	N/A	TALC
~~BASIX Report No.891709M_02~~	~~-~~	~~21/12/17~~	~~-~~	
BASIX Certificate	1824659M	2 December 2025	-	House Energy Certified
BCA & Access Report	N/A	20/12/17	N/A	Building Innovations Australia
Geotechnical Report	N/A	15 Dec 17	N/A	Morrow
~~Statement of Environmental Effects~~	~~-~~	~~21 December 2017~~	~~-~~	~~Rod Logan Planning~~
Thermal Assessment	-	19/12/17	-	Michael Young
Traffic and Parking Assessment	-	21/12/17	-	Terraffic
Waste Management Plan	-	-	-	Charles Tang and Geoform

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Documents relied upon

Description	Reference No.	Date	Revision	Prepared By
Stormwater Plan	240069	13 November 2025	D	Civil & Stormwater Engineering Services Pty Ltd

This condition is amended per MOD2025/0031 (MOD2025/0016)

2. The pergola structure on the roof shall be scaled back and reduced in size so that it does not extend beyond the rear alignment of the lift, staircase and be aligned with the rear of the Ambulant Toilet.

   The intent of the pergola is to provide cover over a small portion of the roof and not extend beyond the main fixed structures (stair, amenities and lift). Amended details are to accompany the Construction Certificate plans and documents.

~~3. The mechanical ventilation and a/c units shall be implemented in accordance with the plans and specifications prepared by PTC Consulting Engineers and dated 23/11/18.~~

This condition is deleted per MOD2025/0031 (MOD2025/0016)

Section B Fees and Contributions

4. Fees and contributions to be paid - Fees referred to in this consent must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

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

   Please contact Council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

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

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

   (ii) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: $37,673.28.

   (ii) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee (for two inspections) to enable assessment of any damage and repairs where required: $371.00.

6. Long Service Levy - A Long Service Levy shall be paid in respect to this development. Details are provided below;

   a) The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction

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Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at http://www.longservice.nsw.gov.au.

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

7. Development Contributions - The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

The Section 7.11 contribution has been levied on the subject development pursuant to the Kogarah Section 94 Contributions Plans as follows (based on 43 units with credit for five existing dwellings):

Contribution Plan	**Description**	**Section 94 contributions assessed ($)**	**No. of existing lots (credit) ($)**	**Section 94 contributions payable ($)**
Plan No. 1	Road and traffic management - residential	4,697.73	629.16	4,068.57
Plan No. 5	Open Space - 2006	246,403.48	29,154.62	217,248.86
Plan No. 9	Kogarah libraries - buildings component	5,417.70	707.72	4,709.98
Plan No. 9	Kogarah libraries - books component	3,619.20	504.60	3,114.60
Total Section 94 Contributions Currently Payable				**229,142.01**

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Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan. The above rates only are current to **1 February 2019**.

Timing of Payment

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

Further Information

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

Section C Separate Approvals Required Under Other Legislation

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

Separate approval is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 for any of the following activities carried out in, on or over a public road (including the footpath) listed below. An application is required to be lodged and approved prior to the commencement of any of the following works or activities:

(i) Placing or storing materials or equipment;
(ii) Placing or storing waste containers or skip bins;
(iii) Erecting a structure or carrying out work;
(iv) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
(v) Pumping concrete from a public road;
(vi) Pumping water from the site into the public road;
(vii) Constructing a vehicular crossing or footpath;
(viii) Establishing a "works zone";
(ix) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);
(x) Stormwater and ancillary works in the road reserve;
(xi) Stormwater and ancillary to public infrastructure on private land.

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

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

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

9. Below ground anchors - Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993 - In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the *Local Government Act 1993* and the *Roads Act 1993* for approval, prior to commencement of those works.

The following details must be submitted:

(i) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council;

(ii) The applicant has indemnified council from all public liability claims arising from the

proposed works, and provide adequate insurance cover to the satisfaction of Council.

(iii) Documentary evidence of such insurance cover to the value of $20 million;

(iv) The applicant must register a non-terminating bank guarantee in favour of Council. An amount will be determined when the application is lodged;

(v) The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.

(vi) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

10. Road Opening Permit - A Road Opening Permit must be obtained from Council for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

Section D Requirements of other Government Authorities

11. Sydney Water – Tap in ™ - The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

12. Notice of Requirements for a Section 73 Certificate - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site Error! Hyperlink reference not valid. then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

13. Section 73 Compliance Certificate - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

14. Electricity Supply - An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented.

Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or Error! Hyperlink reference not valid. (Business and Commercial Services).

15. Roads and Maritime - The following RMS requirements are to be met;

I. The subject property is affected by a road proposal as shown by the grey colour on the attached Aerial – 'X'. This area should be identified on any plan of development.

II. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth) along the Princes Highway boundary.

III. The layout of the proposed basement car park area associated with the subject development should be in accordance with AS 2890.1 -2004 and AS2890.6 2009.

IV. Sight distances from the proposed vehicular crossings to vehicles on Princes Highway are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.

V. All vehicles are to enter and exit the site in a forward direction and are to be wholly contained on site before being required to stop.

VI. Bicycle parking associated with the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities). Consideration should also be given to providing end-of trip facilities within the commercial development to support and encourage active transport to the subject development.

VII. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Email Suppiah.Thillai@rms.nsw.gov.au.

VIII. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

IX. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

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~~Project Engineer, External Works~~
~~Sydney Asset Management~~
~~Roads and Maritime Services~~
~~PO Box 973 Parramatta CBD 2124.~~
~~Telephone 8849 2114~~

~~As it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.~~

~~X. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.~~

~~XI. Construction works zone will not be permitted on Princes Highway.~~

~~XII. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.~~

a. The design and construction of the kerb and guttering and new gutter crossing on the Princes Highway shall be in accordance with TfNSW requirements. Detailed design plans of the proposed gutter crossing and kerb and guttering are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

   A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

b. Detailed design plans and hydraulic calculations (for the 1 in 5, 1 in 20 and 1 in 100 storm events pre development and post development) of any changes to the stormwater drainage system that impact upon the Princes Highway are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

   A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

c. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

   The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport .nsw.gov.au.

   If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the

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roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

d. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the prior to the issue of a Construction Certificate and commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au.

   A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

e. The developer is required to enter a Works Authorisation Deed (WAD) with TfNSW, or other suitable arrangement as agreed to by TfNSW, for the works required by Conditions 1, 2 and 3 that impact the Princes Highway.

f. A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows on the Princes Highway during construction activities. A ROL can be obtained through https://myrta. com/oplinc2/pages/security/oplincLogin.jsf.

This condition is amended per MOD2025/0031 (MOD2025/0016)

Section E Prior To Demolition And Prior to Commencement of Work On Site Including Excavation

16. Tree Removal & Replacement - The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres)
Phoenix canariensis x 2	Both palms located at back south fence of 198 Princes Hwy	6m

Details of the trees to be retained must be included on the Construction Certificate plans.

Permission is granted for the removal of the trees specified in the Landscape Plans prepared by Ground Ink (refer to ConditionNo.1).

All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).

No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.

Council shall be appointed to remove all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's ‘Schedule of Fees and Charges’, applicable at the time of payment.

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This consent does not approve the removal or pruning (branches or roots) of any trees on Council's public footway, public reserves or on neighbouring properties.

17. Tree Replacement - The following replacement trees are to be planted prior to the issue of either an Occupation Certificate or Subdivision Certificate (whichever is first). All replacement trees must be replanted a minimum of 3m away from any driveway, building or structure.

Trees species, quantities, pot/ bag size as per landscape plans and specifications ~~LDA – 01 to LDA-03, provided by Ground Ink Landscape Architects~~ A02-A04 dated 2 December 2025, provided by Plandrew.

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy and Masterplan, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

This condition is amended per MOD2025/0031 (MOD2025/0016)

18. Tree Protection Measures - The tree/s to be protected are listed in the table below;

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres)
Phoenix canariensis x 2	Both palms located at back south fence of 198 Princes Hwy	6m

Trees noted as T3 and T4 (in accordance with (a) above) on the Landscape Plan street are to be retained shall be protected and during demolition, excavation and construction of the site.

Four (4) x ~~"Tristaniopsis 'Luscious'~~ 'Lagerstroemia indica – Crepe Myrtle' are to be planted at the front of the site.

The tree protection measures must be in undertaken in accordance *AS4970 -2009 Protection of trees on development sites.*

Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.

This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

The Tree Protection zone of each tree to be protected shall be watered thoroughly, regularly to minimise the effects of construction works.

No services shall be installed within the TPZ of the tree unless approved by Council.

This condition is amended per MOD2025/0031 (MOD2025/0016)

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19. Tree removal - Permission is granted for the removal of the following trees:

Tree species	Number of trees	Location
T1 – *Citrus* spp	1	Back yard of 198 Princes Hwy
T2 – *Laurus nobilis*	1	Back fence of 198 Princes Hwy
T5 – Dicksonia antartica	1	Side eastern boundary fence of 198 Princes Hwy
T6 – Phoenix canariensis	1	Side eastern boundary fence of 198 Princes Hwy
T7 – Phoenix canariensis	1	Side eastern boundary fence of 198 Princes Hwy
T8 – Robinia psuedoacacia	1	Front eastern side fence of 198 Princes Hwy
T9 - Robinia psuedoacacia	1	Front eastern side fence of 198 Princes Hwy
T10 – Dicksonia antartica	1	Front of existing dwelling, 198 Princes Hwy
T11 – Ficus benjamina	1	Front of existing dwelling, 198 Princes Hwy
T12 – Dypsis decaryi	1	Middle of backyard of 200 Princes Hwy

20. Compliance with submitted Arborist Report - The recommendations outlined in the Arborist's Report titled Arboricultural Assessment Report prepared by TALC Consultants dated 19 December, must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites.*

21. Pier and Beams - To preserve the two Phoenix canariensis Palms, T3 and T4 as marked on the landscape Plan prepared by Ground Ink, Landscape Architects, the footings of the proposed back, south structures/ retaining walls shall be isolated pier and beam construction within a five (5) metre radius of the trunk. The piers shall be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam shall be located on or above the existing soil levels.

Details of this construction method shall be shown on the Construction Certificate plans.

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved. All pruning must be undertaken by a qualified Arborist in accordance with AS4373 -2007 Pruning of Amenity Trees and Amenity Tree Industry, Code of Practice (SafeWork NSW August 1998).

~~22. Traffic, Parking and Driveways - The gradient for the first 6m of the basement ramp should not exceed 5%. Plan DA1.03 prepared by Geoform, are showing that only the first 5m are 1 in 20. This will need to be changed as per AS2890.1 :2004 section 3.3 Gradient of Access driveways.~~

~~All shared zone area marked for disabled parking need to have the bollards installed as per the AS2890.6~~

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This condition is deleted per MOD2025/0031 (MOD2025/0016)

23. Dilapidation Report on Public Land - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site. The report must include the following:

f) Photographs showing the existing condition of the road pavement fronting the site
f) Photographs showing the existing condition of the kerb and gutter fronting the site
f) Photographs showing the existing condition of the footpath pavement fronting the site
f) Photographs showing the existing condition of any retaining walls within the footway or road,
f) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
f) The full name and signature of the structural engineer.

The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Certifier and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

24. Pre-Construction Dilapidation Report – Private Land - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining the four adjoining properties.

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

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

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

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

26. Demolition Notification Requirements - The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be

placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

(ii) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

(ii) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

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

28. Utility Arrangements - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.

29. Erosion and Sedimentation Control - Erosion and sediment controls must be provided to in accordance with the approved Site Management Plan.

Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval). All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.

All clean water run-off is diverted around cleared or exposed areas.

Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways.

Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway. Compliance with Managing Urban Stormwater – Soils and Construction (Blue Book) produced by Landcom 2004 is to be met.

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

30. Site sign – Soil and Erosion Control Measures - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

31. Dial before you dig - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.

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Section F Prior to the Issue of a Construction Certificate

32. ~~Provision of a~~ Car Wash Bay - ~~A visitor space must be designated as a car wash bay~~. The car wash bay must:

(i) have clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the bay;
(ii) have a fixed basket trap for floor waste; and
(iii) includes a 1000 litre general purpose pit.

Details of the disposal of trade waste water are to be indicated on the Construction Certificate drawings. Three options exist for the disposal of trade wastewater from residential car wash bays. They are:

(i) removal off-site by an authorised liquid waste disposal contractor;

(ii) reuse of treated wastewater for car washing or irrigation on landscaped areas. An appropriate method should be used to treat grease, oil and silt before reuse or irrigation; or

(iii) discharge to the sewer via appropriate pre-treatment. If the car wash bay discharges into the sewer, a Permission to Discharge Trade Wastewater issued by Sydney Water must be obtained prior to approval of the development.

(iv) If the carwash bay is not discharged into the sewer, applicants must provide Council with details and evidence of how wastewater will be removed (eg removal by an authorised liquid waste disposal contractor).

(v) Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

(vi) All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

(vii) If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

This condition is amended per MOD2025/0031 (MOD2025/0016)

32a. **Sightlines for pedestrian safety** - details of how it is proposed to achieve and maintain sightlines for pedestrian safety on the south-western/exit side of the driveway shall be submitted to the Certifier for approval prior to issue of the Construction Certificate.

This condition is added per MOD2025/0031 (MOD2025/0016)

33. Amendments to the Landscape Plan - The submitted Landscape Plan shall be amended as follows:

~~a) The front of the site shall include 4 x "*Tristaniopsis 'Luscious'*. The plan only notes 3~~

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~~of these trees are to be planted at the front of the Site.~~

~~b) Planter boxes shall continue along the entire periphery of the roof terrace.~~

c) Planter boxes shall have a minimum depth of 900mm and minimum width of 900mm.

This condition is amended per MOD2025/0031 (MOD2025/0016)

33a. **Required Design Amendments** - Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

Area of change required	Change Required
Ground floor communal open space	A mechanical device shall be provided to transport wheelchair users between the ground floor and the ground floor communal open space.

This condition is added per MOD2025/0031 (MOD2025/0016)

34. Use of Rooftop open space - A Plan of Management (POM) for use of rooftop open space must be submitted for approval of Council. The POM must outline the:

(i) hours of use of the rooftop deck which shall be restricted from 8am until 10pm;

(ii) maximum number of users at any one time;

(iii) provisions for no amplified music to be played;

(iv) and identify other measures to ensure that the amenity of persons within the development and in nearby existing and future development is maintained.

(v) The approved POM shall be incorporated into the Owners Corporation by-laws in any future Strata subdivision and a sign in the front entry of the building shall be included to ensure the use of this space is monitored and understood by all occupants.

35. Road Noise attenuation - The site is affected by noise from the Princes Highway. The construction certificate plans shall show that the development has been designed in accordance with the measures of acoustic attenuation to meet the internal noise levels specified in Clause 102 of State Environmental Planning Policy (Infrastructure) 2007, as recommended in the Noise Impact Assessment prepared by Acoustic Logic, dated 14 December 2017.

36. Site Management Plan - Major Development - A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:
(i) location of protective site fencing;
(ii) location of site storage areas/sheds/equipment;
(iii) location of building materials for construction, e.g. stockpiles;
(iv) provisions for public safety;
(v) dust control measures;
(vi) method used to provide site access location and materials used;
(vii) details of methods of disposal of demolition materials;
(viii) method used to provide protective measures for tree preservation;

(ix) provisions for temporary sanitary facilities;
(x) location and size of waste containers/skip bins;
(xi) details of proposed sediment and erosion control measures;
(xii) method used to provide construction noise and vibration management;
(xiii) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity.

A copy of the Site Management Plan must be kept on site and is to be made available upon request.

37. Vehicular Crossing – Major Development - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

(i) Construct a 1.5m wide footpath for the full length of the frontage of the site in Princes Highway in accordance with Council's Specifications applying at the time construction approval is sought.

(ii) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.

(iii) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.

Constructing a vehicular crossing and/or footpath requires separate approval under Section 138 of the Roads Act 1993, prior to the commencement of those works.

37a. Vehicular crossing design - The vehicle crossing shall:
(i) Be splayed on its north-eastern/left side to make provision for the B85 Australian Standard Design Vehicle to turn left into the site from the kerbside lane on the Princes Highway without the inside wheels of the travelling over the kerb.
(ii) Be splayed on its south-western/right side so that when a vehicle exits the site to the Princes Highway, the wheels of the vehicle are fully on the new vehicle crossing.

This condition is added per MOD2025/0031 (MOD2025/0016)

38. Driveway Construction Plan Details - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application that shows:

a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004;

b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits); and

c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

39. General Tree Protection Measures - The following tree protection measures shall be adhered to;

(a) All trees to be retained shall be protected BEFORE and maintained during demolition, excavation and construction of the site.

(b) The tree protection measures must be in undertaken in accordance AS4970 -2009 Protection of trees on development sites.

(c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).

(d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.

(e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.

(f) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly, regularly to minimise the effects of construction works.

(g) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.

40. Excavation works near tree/s to be retained - Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.

Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

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

    All stormwater shall drain by gravity to Council's kerb and gutter in the street as indicated on the approved drainage plan in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

    Prior to the commencement of works, the PCA/builder shall ensure that the stormwater discharge pipe across the footpath shall be RHS at an angle and is laid with minimum disturbance at a minimum 1% grade to the kerb and gutter in the street and is made in good working condition.

    There shall be no damage to the adjoining driveway crossing. All damages are to be rectified to its original condition at the cost of the applicant.

    The stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

42. Stormwater Systems with Basement - The underground basement car park must pump to and all other stormwater must drain by gravity to the drainage system within the site via a silt trap pit.

    The design of the proposed drainage system must be prepared by a professional engineer who specialises in hydraulic engineering and be submitted for approval with the Construction Certificate application.

43. Protection of basement from inundation of stormwater waters - The protection of the underground basement shall be protected from possible inundation by surface waters from the street.

    Evidence from a professional engineer who specialises in hydraulic engineering that this design requirement has been adhered to shall be submitted with the Construction Certificate application.

44. On Site Detention - An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

    (i) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden;

    (ii) at Annual Recurrence Intervals of 2 years and 100 years;

    (iii) discharge by gravity to the street stormwater system; and

    (iv) ensure the provision of an overland flow bypassing the orifice plate to the street.

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(v) The design and structural adequacy of the OSD tank system shall be certified by a practicing drainage engineer to the satisfaction of the certifier.

(vi) Site Stormwater runoff is to be discharged to kerb and gutter along Princes Highway frontage through twin 200mm x 75mm Rectangular Hollow Sections (RHS)

This condition is amended per MOD2025/0031 (MOD2025/0016)

45. Pump-Out System Design for Stormwater Disposal - The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

(i) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm;

(ii) The pump system shall be regularly maintained and serviced, every six (6) months; and

(iii) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

(iv) Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

46. Driveway Construction Plan Details - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.

b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).

c) A longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level.

d) The civil/traffic engineer shall provide specific written certification on the plans that:

(i) Vehicular access can be obtained using grades of 25% (1 in 4) maximum; and

(ii) All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the scraping of the underside of the vehicles.

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47. Council Property Shoring - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

48. Geotechnical requirements during construction - The recommendations of the Geotechnical Report ~~Geotechnical Investigation~~ for ~~Leonard Street Pty Limited dated December 2017 prepared by STS GeoEnvironmental~~ Shinecorp Kogarah Bay Pty Ltd dated December 2017 prepared by Morrow Geotechnic Pty Ltd shall be complied with during construction.~~, including:~~

~~(i) to ensure that buildings or other developments on adjacent properties are not damaged when excavating rock, limiting vibration to 10mm/sec, with vibration monitoring; or using the excavation methods shown in Table 5.1 on page 5;~~

~~(ii) adopting the other recommendations in each paragraph on pages 5, 6 and 7 in Section 5.2;~~

(iii) ~~adopting recommendations for foundation design in Section 5.3~~.

Construction methods must ensure that nuisance from vibration does not occur, ~~which as noted in page 5 of the Geotechnical Report may occur~~ at levels below the threshold for building damage. Vibration monitoring in this regard may be required and on-site guidance by a vibration specialist during the early part of excavation.

As the submitted Geotechnical Report is based on the findings of three boreholes only (due to limited site access) and data has been extrapolated across the site, should actual site conditions differ from those inferred, an updated Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction is to be submitted before the issue of the Construction Certificate.

This condition is amended as per MOD2025/0016 (DA2017/0655)

49. Traffic Management - Compliance with AS2890 - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

50. Construction Traffic Management Plan - A Construction Traffic Management Plan shall be submitted detailing the following:

(i) construction vehicle routes;
(ii) anticipated number of trucks per day;
(iii) hours of construction;
(iv) access arrangements

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(v) proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council's ~~Engineers~~ Senior Traffic and Parking Assessment Officer.
(vi) Compliance with AS2890
(vii) Council's ~~Engineers~~ Senior Traffic and Parking Assessment Officer must specify in writing ~~that they are satisfied with~~ the Traffic Management Plan is satisfactory prior to the issue of the Construction Certificate.

This condition is amended per MOD2025/0031 (MOD2025/0016)

51. Fire Safety Measures - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either the Council or a private Certifier. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Certifier will then issue a Fire Safety Schedule for the building.

52. Access for Persons with a Disability and Adaptable Housing - Access for persons with disabilities and adaptable housing must be provided to the premises/building in accordance with the requirements of AS4299-1995, the Building Code of Australia, and AS 1428.1 where relevant. The requirements and amendments indicated in Access Report prepared by Vista Access Architects Revision B are to be complied with and are to be shown on the construction certificate drawings.

53. SEPP 65 Design Verification Statement - A design verification statement, prepared by the qualified designer, shall be submitted to the Certifier verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of State Environmental Planning Policy No 65 -Design Quality of Residential Flat Development.

54. BASIX Commitments - All energy efficiency measures as detailed in the BASIX Certificate No. ~~8891709M_02 dated 21 December 2017~~ 1824659M dated 2 December 2025 must be implemented on the plans lodged with the application for the Construction Certificate.

This condition is amended per MOD2025/0031 (MOD2025/0016)

55. Design Quality Excellence - In order to ensure the design quality excellence of the development is retained:

a) The design architect is to have direct involvement in the design documentation, contract documentation and construct stages of the project.

b) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project.

c) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.

d) The design architect of the project is not to be changed without prior notice and approval of the Council.

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56. Waste Storage - The number of bins required for this property is 11 X 240L garbage bins and 12 X240L recycling bins. Bins will be collected once a week and need to be taken to the Princes Highway for collection.

The waste room will contain the following to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:

i) floor to be sealed;
ii) walls and floor surface is flat and even;
iii) all walls painted with light colour and washable paint;
iv) equipment electric outlets to be installed 1700mm above floor levels;
v) is mechanically exhausted as required by AS 1668.2;
vi) must be well lit (sensor lighting recommended); a light switch is installed at height of 1.6m;
vii) an optional automatic odour and pest control system may be installed to eliminate all pest types and assist with odour reduction;
viii) all personnel doors are hinged and self-closing; and
ix) conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensure that the bin movements should be with ease of access.
x) Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
xi) Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.

57. Structural details - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Certifier for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the Certifier.

Section G Prior to Construction

58. Dilapidation Report on Public Land – Major Development Only - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site:

The report must include the following:

(a) Photographs showing the existing condition of the road pavement fronting the site,
(b) Photographs showing the existing condition of the kerb and gutter fronting the site,
(c) Photographs showing the existing condition of the footpath pavement fronting the site,
(d) Photographs showing the existing condition of any retaining walls within the footway or road, and
(e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
(f) The full name and signature of the structural engineer.
(g) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

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The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

59. Site Stormwater Discharge Pipe across the Footpath - The site stormwater discharge pipe shall be RHS type connected to the existing kerb and gutter in the street through an outlet from a boundary pit within the subject site. The Principal Certifying Authority shall engage a registered surveyor to ensure that the proposed stormwater connection into Council's stormwater system in the street is satisfactory in location and grade to drain the site by gravity and to the satisfaction of Council's Asset engineer prior to the commencement of works:

- Prior to the commencement of works, the registered surveyor shall ensure to the PCA that the stormwater discharge pipe across the footpath shall be RHS at an angle and is laid with minimum disturbance at a minimum 1% grade to the kerb and gutter in the street and is made in good working condition. Stormwater discharge pipe across the footpath shall not connect against the flow in the street.
- A longitudinal section of the site stormwater discharge pipe across the footpath reserve shall be prepared showing the public utility services particularly those may encroach the above proposed stormwater pipe.
- The RHS galvanised pipe must have a minimum of 50mm of cover along its length through the road reserve. A detailed section of the connection through the road reserve is to be prepared and shown on the drainage plan prior to the commencement of works.
- There shall be no damage to the adjoining driveway crossings. All damages within the footpath road reserve are to be rectified to its original condition at the cost of the applicant.

Section H During Construction

60. Physical connection of stormwater to site - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Princes Highway.

61. Hazardous or Intractable Waste – Removal and Disposal - Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and with the provision of:

- Work Health and Safety Act 2011 (NSW) (as amended);
- Work Health and Safety Regulation 2011 (as amended);
- Protection Of the Environment Operations Act 1997 (NSW) (as amended); and
- Protection of the Environment Operations (Waste) Regulation 2014 (as amended)

62. Cost of work to be borne by the applicant - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by

deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

63. No Obstruction of Road or Footpath - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

64. Hours of construction for demolition and building work - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

65. Waste Management Facility - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifier, and Council, where Council is not the Principal Certifier.

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

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

(i) Set out before commencing excavation;

(ii) Floor slabs or foundation wall, before formwork or commencing brickwork;

(iii) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans;

(iv) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey;

(v) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries;

(vi) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

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

Section I Prior to the Issue of the Occupation Certificate

68. Acoustic Certification - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled 198-200 Princes Highway, Kogarah Bay – Noise Impact Assessment prepared by Acoustic Logic and dated 14 December 2017.

69. Acoustic Compliance – General Operation of Premises - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 (as amended) and Regulations.

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's "NSW industrial Noise Policy.

Certification must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

70. Completion of Landscape Works - All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with landscape plans, drawn by ~~Zenith Landscape Design L01- L03 dated 4/9/2018~~ Plandrew A02-A04 dated 2 December 2025 (as amended by Condition 26) in its entirety.

This condition is amended per MOD2025/0031 (MOD2025/0016)

71. Post Construction Dilapidation report – Private Land - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the five adjoining premises.

The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the Principal Certifier prior to the issue of any Occupation Certificate.

72. Traffic Control Devices - The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line

marked in accordance with Australian Standard - AS1742, Manual of Uniform Traffic Control Devices.

If an exit from car park utilises a pedestrian footpath, then a warning system such as flashing light and/or 'alarm sound' must be installed on the subject property to alert pedestrians of vehicles exiting the car park. The Alarm System must be designed and installed in accordance with AS2890.1 -2004.

73. SEPP 65 Design Verification Statement - The Principal Certifier must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 (Schedule 1) of State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development.

74. Car parking areas - Major Development - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

75. Consolidation of Site - The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land and Property Information prior to the issue of an occupation certificate.

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

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

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

b) **Positive Covenants**
The registered proprietor of the lot(s) hereby burdened will in respect of the system:

i) keep the system clean and free from silt, rubbish and debris

ii) maintain and repair at the sole expense of the registered proprietors the whole of the system so that if functions in a safe and efficient manner

iii) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant

iv) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.

c) Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:

In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part b) (iii) above.

The Council may recover from the registered proprietor in a Court of competent jurisdiction:

i) any expense reasonably incurred by it in exercising its powers under subparagraph (c) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (c) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.

ii) Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act.

Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.

77. Maintenance Schedule for On-site Stormwater Management - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

78. Works as Executed and certification of stormwater works - Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the Principal Certifier and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Principal Certifier.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

(i) The location of any detention basin/s with finished surface levels;
(ii) Finished site contours at 0.2 metre intervals (if applicable);
(iii) Volume of storage available in any detention areas;
(iv) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
(v) The orifice size/s (if applicable);
(vi) Details of any infiltration/absorption systems; and (if applicable);
(v) Details of any pumping systems installed (including wet well volumes) (if applicable).

79. Requirements prior to the issue of the Occupation Certificate - The following shall be completed and or submitted to the Principal Certifier prior to the issue of the Occupation Certificate:

a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

c) Construct any new vehicle crossings required.

d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.

e) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the Principal certifier prior to the issue of the Occupation Certificate.

f) The construction of the new footpath shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval

80. Completion of major road related works - Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate.

The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

81. Dilapidation Report on Public Land - Upon completion of works, a follow up dilapidation report must be prepared or the items of Council infrastructure adjoining the development site. The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

(i) Photographs showing the condition of the road pavement fronting the site;
(ii) Photographs showing the condition of the kerb and gutter fronting the site;

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(vi) Photographs showing the condition of the footway including footpath pavement fronting the site;
(vi) Photographs showing the condition of retaining walls within the footway or road;
(vi) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
(vi) The full name and signature of the professional engineer.

The report must be provided to the Principal Certifier and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether or not to refund the damage deposit.

82. Stormwater drainage works – Works As Executed - Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:
a) Compliance with conditions of development consent relating to stormwater;
b) The structural adequacy of the On-Site Detention system (OSD);
c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
d) Pipe invert levels and surface levels to Australian Height Datum;
e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

83. Fire Safety Certificate before Occupation or Use - In accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000*, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state that:

(i) the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so;

(ii) as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

~~84. Completion of Landscape Works - All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with plans drawn by Ground Ink, Landscape Architects, drawing number LDA – 01 to LDA-03.~~

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This condition is deleted per MOD2025/0031 (MOD2025/0016)

85. Allocation of car parking spaces - Car parking associated with the development is to be allocated as follows and shall be reflected on the strata plan:

a) Residential dwellings: at least one car space per unit, total 33 spaces including three spaces for persons with a disability allocated to the adaptable units.
b) Residential visitors: ~~5~~ 6 residential visitor spaces ~~(including a car wash bay and loading bay).~~ with one space being a vehicle car wash bay.
c) A minimum of 3 accessible spaces.
d) ~~Motorbike parking catering for a minimum of 2 motorbikes~~ Parking for 2 motorcycles as shown on Basement Level 1 unless those spaces are required for additional bicycle parking.

This condition is amended per MOD2025/0031 (MOD2025/0016)

85a. Bicycle facilities and certification - prior to the issue of an Occupation Certificate, documentation from a suitably qualified and experienced Traffic Engineering consultant shall be submitted to the Certifier certifying the bicycle parking facilities have been constructed in accordance with the approved plans and the above Australian Standard.

This condition is added per MOD2025/0031 (MOD2025/0016)

85b. Driveways, ramp design and certification - the design and construction of the footpath crossing/driveway and internal driveways and ramps shall comply with the requirements of *AS/NZS 2890.1:2004 Parking Facilities, Part 1- Off street car parking.*

Prior to the issue of an Occupation Certificate, documentation from a suitably qualified and experienced engineering consultant shall be submitted to the Certifier certifying the footpath crossing/driveway and internal driveways and ramps have been constructed in accordance with the approved plans and the above Australian Standard.

This condition is added per MOD2025/0031 (MOD2025/0016)

85c. Carpark layout, design and certification - the layout and design of off street car parking areas shall comply with the requirements of AS/NZS 2890.1:2004 Parking Facilities, Part 1- Off street Car parking and other Australian Standards as applicable.

Prior to the issue of an Occupation Certificate, documentation from a suitably qualified and experienced Traffic Engineering consultant shall be submitted to the Certifier certifying the carparking facilities have been constructed in accordance with the approved plans and the above Australian Standard.

This condition is added per MOD2025/0031 (MOD2025/0016)

85d. Convex mirrors - the size, location on walls, angle and height above the basement floors of all convex mirrors to provide the required vehicle to vehicle sightlines shall be determined by a suitably qualified and experienced professional practicing in the field of convex mirror design and installation. Documentation from the professional designing the system of convex mirrors shall be submitted to the Certifier for approval certifying:

(i) The convex mirror at the foot of ramp adjacent to “Visitors” parking space 15 provides adequate sighting for those drivers exiting Basement Level 1 to sight drivers on the ramp entering the basement.

(ii) The convex mirrors proposed in other locations in the basement provide suitable vehicle to vehicle sightlines.

All convex mirrors shall be installed as specified prior to the issue of the Occupation Certificate.

This condition is added per MOD2025/0031 (MOD2025/0016)

86. Structural Certificate During Construction - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.

87. Structural Certificates - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate.

88. Council as PCA - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
- Provision of natural light to all habitable areas.
- Fire-fighting services and equipment including hydrant and booster assembly systems, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems and sound & warning systems.
- Emergency lighting and exit signs throughout, including terrace areas, lobby and basement areas.
- Construction of all fire (smoke) doors including warning and operational signage to required exit and exit door areas.
- Egress, travel distance and the discharge from an exit including the swing of exit doors.
- The protection of openings including spandrel separation.
- Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- Protection of openings including paths of travel from fire isolated exists
- Re-entry facilities from fire isolated exit stairways.
- Sound transmission and insulation details.
- Window schedule is to include the protection of openable windows.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

89. Energy Efficiency Provisions - Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA.

The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.

90. Building - Structural Engineers Details - Supporting excavations and adjoining land - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.

91. Building – Hoarding Application - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/road reserve, where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under s68 of the Local Government Act and s138 of the Roads Act 1993:

(a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
(b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
(c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
(d) A Public Risk Insurance Policy with a minimum cover of $10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party; and
(e) The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.

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92. BASIX Certificate - All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

93. Completion of Major Works - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

(a) If applicable stormwater pipes, pits and connections to public stormwater systems within the road related area;
(b) Driveways and vehicular crossings within the road related area;
(c) Removal of redundant driveways and vehicular crossings;
(d) New footpaths within the road related area;
(e) Relocation of existing power/light pole if applicable
(f) Relocation/provision of street signs
(g) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
(h) New or reinstated kerb and guttering within the road related area and new or reinstated road surface pavement within the road where it is applicable.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. [Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

Section J Operational Conditions (Ongoing)

94. Noise Control - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended). This includes the use of the rooftop open space.

95. Compliance with POM for use of rooftop open space - The approved POM for use of the rooftop open space shall be enforced by the Owners Corporation.

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

97. Entering & Exiting of vehicles - All vehicles shall enter and exit the premises in a forward direction.

98. Annual Fire Safety Statement - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
a) Within 12 months after the date on which the fire safety certificate was received.

b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.

c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.

d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

99. Responsibility of Owners Corporation - The Owners Corporation shall be responsible for presenting all approved waste and recycling receptacles for collection and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

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

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

102. Waste facilities - Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored. Cleaners must monitor the bin storage area and all spills need to be attended to immediately by cleaners.

Section K Operational Requirements Under The Environmental Planning & Assessment Act 1979

103. Requirement for a Construction Certificate - The erection of a building must not commence until a Construction Certificate has been issued.

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

i) appointed a Principal Certifier for the building work; and

ii) if relevant, advised the Principal Certifier that the work will be undertaken as an Owner -Builder.

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

i) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

ii) notify the Principal Certifier of the details of any such appointment; and
iii) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

105. Notification Requirements of Principal Certifier - No later than two days before the building work commences, the Principal Certifier must notify:

a) the consent authority and the Council (if not the consent authority) of his or her appointment; and

b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

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106. Notice of Commencement - The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection of a building.

107. Critical Stage Inspections - The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

108. Notice to be given prior to critical stage inspections - The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out. Where Georges River Council has been appointed as the Principal Certifier, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

109. Occupation Certificate - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the building work can issue the Occupation Certificate.

Section J Prescribed Conditions

110. Clause 97A - BASIX Commitments - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

111. Clause 98 – Building Code of Australia & Home Building Act 1989 - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

112. Clause 98A – Erection of Signs - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.

113. Clause 98B – Home Building Act 1989 - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.

114. Clause 98E - Protection & support of adjoining premises - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

115. Clause 98E - Site Excavation - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

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

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

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

END CONDITIONS

NOTES/ADVICES

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

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

2. Appeal Rights - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

3. Lapsing of Consent - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

4. Disability Discrimination Act - This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

5. Security deposit administration & compliance fee - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

   a) Council must cover administration and other costs incurred in the investment of these monies. The current charge is $50.00 plus 2% of the bond amount per annum.
   b) The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.
   c) All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

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

   (i) Complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au
   (ii) In the Application Form, quote the Development Consent No. (eg. 2017/DA-****)
   (iii) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

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

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

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

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

7. Site Safety Fencing - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work. A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

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ATTACHMENTS

Attachment ⇩1 Assessment Report - 198 Princes Highway, Kogarah Bay NSW 2217 - MOD2025-0031

Attachment ⇩2 Architectural Plans (Masterview) - 198-200 Princes Highway, Kogarah Bay NSW 2217 - MOD2025/0031

GEORGES RIVER COUNCIL

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Assessment Report

MOD2025/0031

Lot 4 and 5 Sec 17 DP 1963

198-200 Princes Highway, Kogarah Bay NSW 2217

Acknowledgment of Country

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

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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.

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

Proposal

The works proposed in this application are specifically outlined below:

Modification of residential flat building
The residential flat building as approved under DA2016/0366 is proposed to be modified as follows:

- Basement level:
  - Re-arrangement of storage and parking spaces
  - Increase number of car parking spaces from 21 to 22.
- Lower round floor:
  - Increase ceiling height
  - Re-arrangement of storage, parking, plant room, and waste room
  - Reduce the number of car parking spaces from 19 to 18
  - Introduction of a car wash bay
- Ground floor:
  - Introduction of above-ground on-site stormwater detention tanks, which results in projection of the ground floor by approximately 0.8m above existing ground level.
  - Introduction of an access ramp at the front setback,
  - Modifications to the layout of units and inclusion of a second accessway to the ground level communal open space, and
  - Increase in ceiling height to achieve Building Code of Australia (BCA) compliance.
- First floor to fifth floor:
  - Modifications to the layout of units and balconies, and
  - Increase in ceiling height to achieve BCA compliance.
- Roof:
  - Modifications to the layout of the roof level and rooftop communal open space, and
  - Further encroachment to lift overrun beyond maximum building height limit.
- Façade and other changes:
  - Modifications to include minor changes of material and window arrangements.

No changes proposed on the overall apartment mix and the approved kerb and gutter stormwater discharge.

A site plan is provided below:

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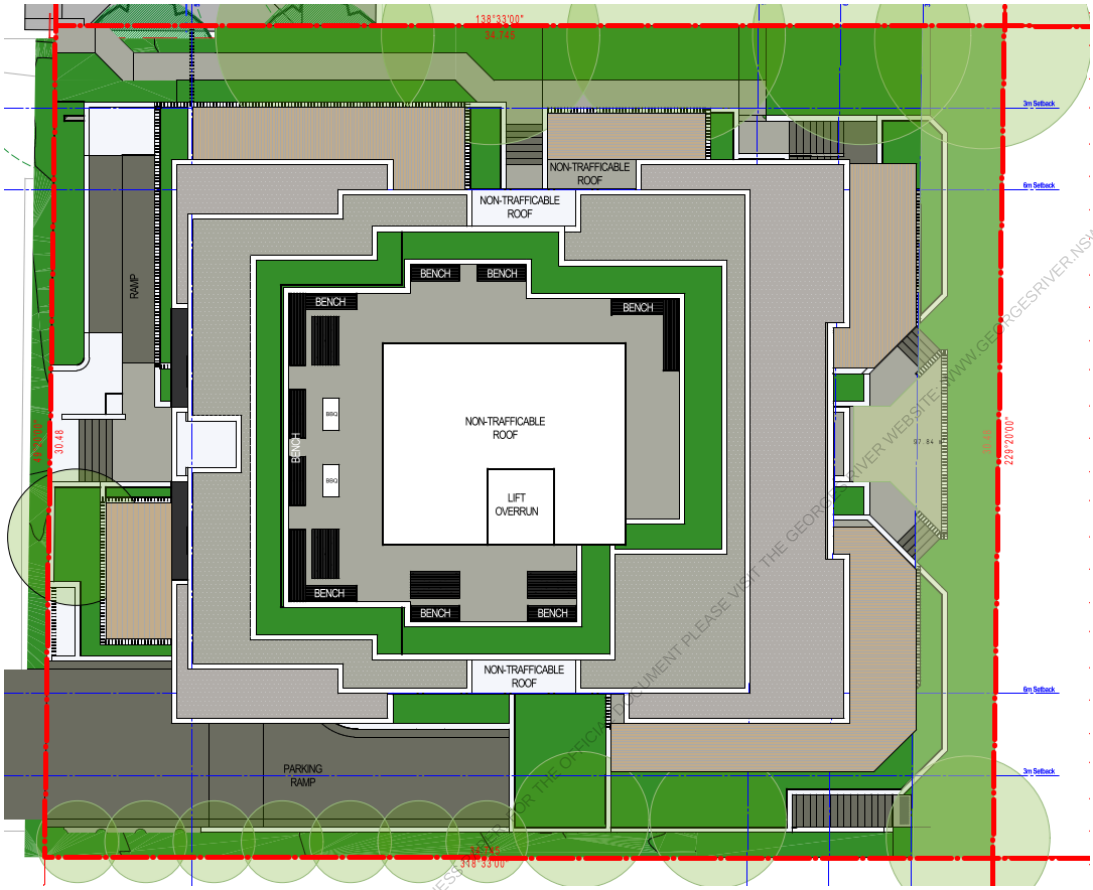

Figure 1 – Site plan *(Source: Architectural Plans)*

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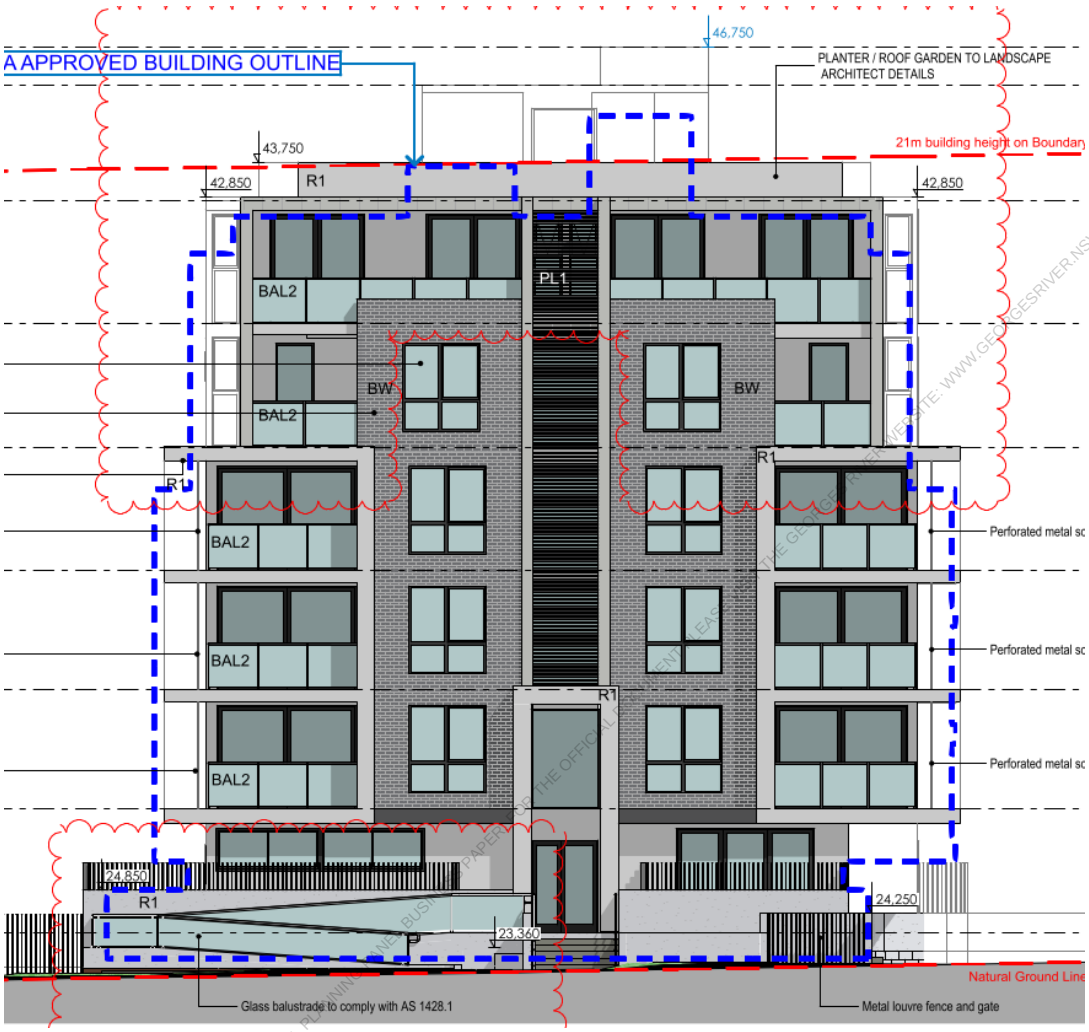

Figure 2 – Northwest (front) elevation *(Source: Architectural Plans)*

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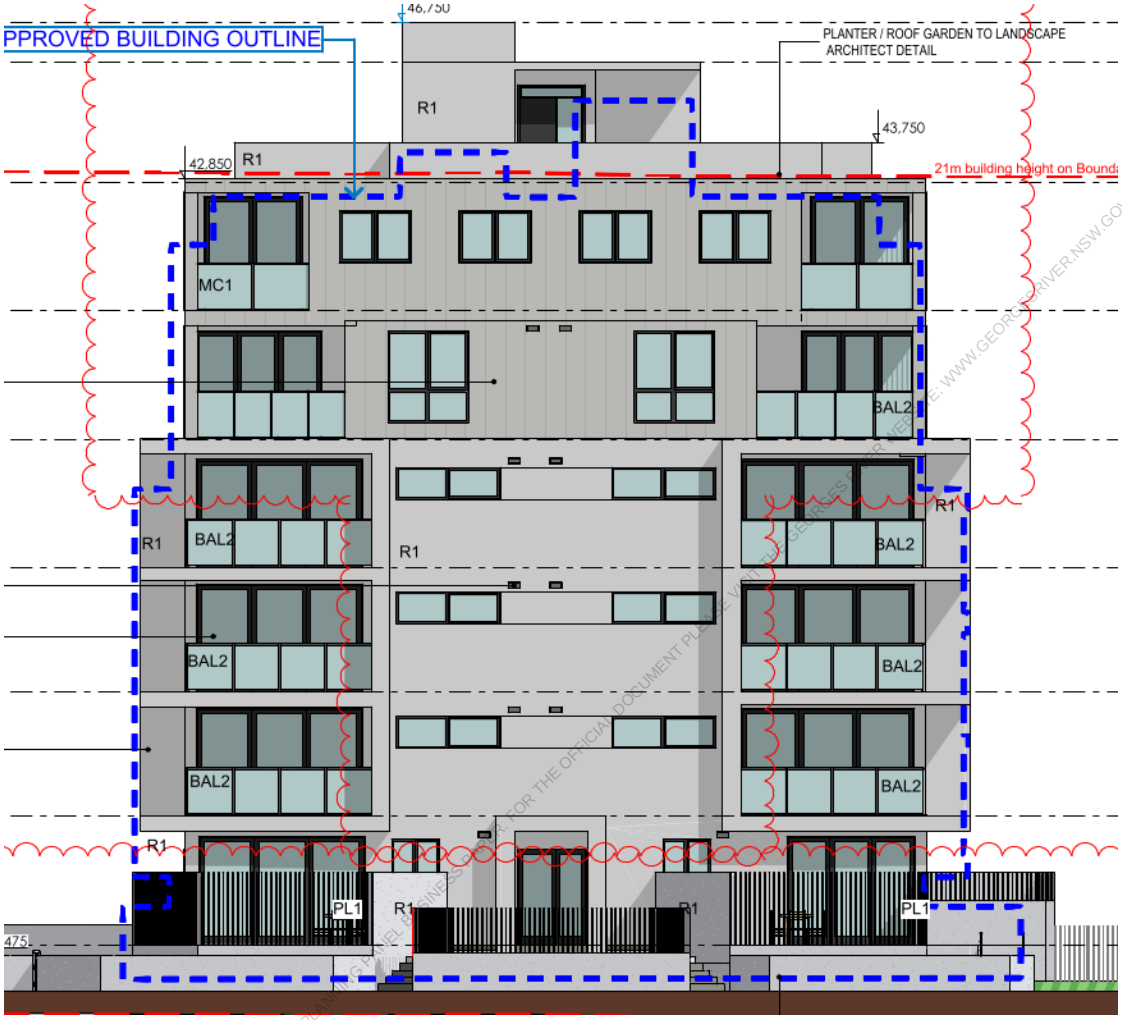

Figure 3 – Southeast (rear) elevation *(Source: Architectural Plans)*

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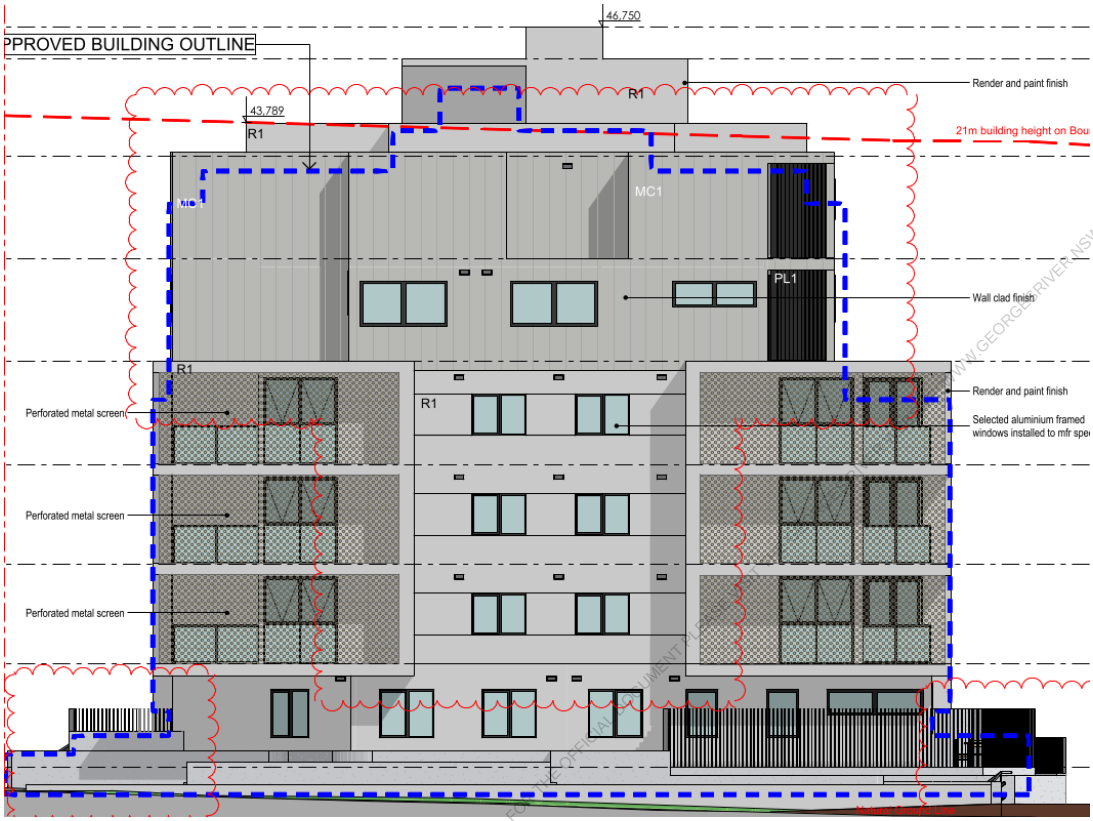

Figure 4 – Southwest elevation *(Source: Architectural Plans)*

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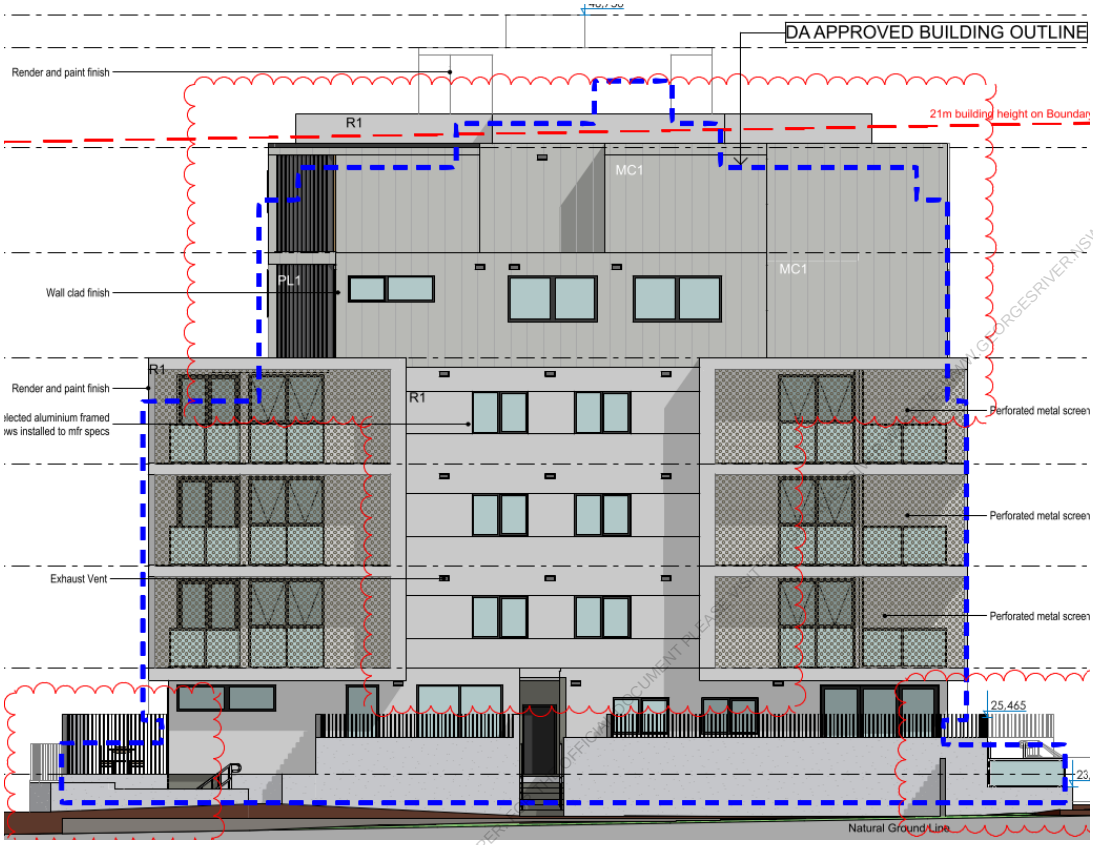

Figure 5 – Northeast elevation *(Source: Architectural Plans)*

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Site and Locality

Site Description

The subject site is legally described as Lot 4 and 5 Sec 17 DP 1963. The site encompasses 198-200 Princes Highway, Kogarah Bay NSW 2217.

The site has an area of 1075sqm by Deposited Plan. The subject site has a 30.48m frontage and rear boundary, and a 40.235m side boundaries. The site is generally flat with a gradient of 2.2% sloping to the rear.

The site currently contains no structures. Vegetation on the site consists of two palm trees to the rear. Those trees are required to be protected per DA2017/0655. All other vegetation that existed on the site had been cleared per DA2017/0655.

Vehicular access is gained via Princes Highway.

Orientation is northwest-southeast

No easements identified on subject site.

Locality Description

The subject site is zoned R4 High Density Residential. Existing development in the locality consists of a mixture of dwelling houses, residential flat buildings, mixed use residential buildings, and commercial premises. Existing development adjoining the subject site consists of a single-storey dwelling house to the northeast, a residential flat building to the southeast, and a single-storey detached dwelling house to the southwest. It should be noted that a residential flat building was approved on the site southwest of the subject site (202-206 Princes Highway).

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Aerial Image of Land Zoning

Figure 6 – Zoning map of development site and surrounds. The subject site is outlined in red *(Source: IntraMaps)*

Aerial Image of Site

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

Background

History

The following applications are relevant to the proposed works.

Application Number	Proposed Works	Determination	Date	Relevance
MOD2025/0016	Amendments to Condition 48	Approved	4 April 2025	This is the latest Development Consent.
MOD2022/0148	Reconfiguration of all levels of the development, façade changes and landscaping amendments	Refused by Georges River Local Planning Panel	15 February 2024	-
DA2017/0655	Demolition of existing structures, construction of six storey residential flat building comprising twenty two (22) residential units and two (2) levels of basement carpark	Approved by Georges River Local Planning Panel	18 January 2019	This is the original Development Consent for the proposed development. The approved stormwater plan is not considered viable, thus the above ground onsite detention stormwater tanks (OSD) are proposed under the subject application to rectify the issue.

Processing

Application History		
Action	**Date**	**Comment**
Submission Date	Wednesday, 12 March 2025	
Lodgement Date	Saturday, 22 March 2025	
Site Inspection Conducted	Monday, 14 July 2025	
Request to Withdraw Letter Sent	Friday, 15 August 2025	The applicant addressed all the issues outlined in the letter. The letter functioned as a Request for Further Information.
Revised Documentation Received	Tuesday, 18 November 2025	

Site Inspection

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

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Figure 8: Street view of development site (image taken facing East *(Source: Assessing Officer)*)

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Assessment - Section 4.55 Evaluation

The following is an assessment of the application with regard to Section 4.55(1A) Evaluation of the Environmental Planning and Assessment Act 1979.

Section 4.55 (2) Matters for consideration – Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: The proposed development has been assessed and is substantially the same development as that of which the development consent has been granted. The development will remain as a residential flat building. The approved dwelling mix and overall configuration will remain as approved.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment:
The original application was referred to Road and Maritime Services (now named Transport for NSW) and imposed Condition 13 to the approved consent. The authority was consulted with regard to the proposed modifications and is satisfied with the proposal and imposed additional conditions to replace the existing Road and Maritime Services conditions.

(c) it has notified the application in accordance with—
(i) the regulations, if the regulations so require, or
(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: In accordance with the provisions of Council's Public Notification policy, this modification application was notified. No submissions were received.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: Refer to the Submissions section of this report.

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The main changes are summarised as follows:

Numerical modifications	Standard	Approved	Proposed
Height	21m	22.6m	24.49m
FSR	2:1	1.79:1	1.83:1
Setbacks	Basements are to be setback a minimum of 3m from site boundaries	3m (northern boundary) and 600mm (southern boundary)	Existing setbacks to be retained.
Landscaped Area	Minimum 7% or 74sqm	109.37sqm or 10%	157.4sqm (14.6%)
Number of car spaces	38 spaces in total required under the former Kogarah DCP under which the original report was assessed. Pursuant to GRDCP 2021 a total of 29 spaces is required.	40 spaces including: Residential = 35 spaces Visitors = 5 spaces Of which accessible spaces = 3	40 spaces including: Residential = 34 spaces Visitors = 6 spaces Of which accessible spaces = 3

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 Affectations Relevant Under SEPPs

SEPPs		Applicable	
Affectation	**SEPP Name**	**Yes**	**No**
Water Catchment	SEPP (Biodiversity Conservation) 2021	☒	☐
Land Contamination	SEPP (Resilience and Hazards) 2021	☐	☒
Coastal Zone	SEPP (Resilience and Hazards) 2021	☐	☒

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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

The proposal will not result in adverse environmental and ecological impacts to the Georges River Catchment as the proposed increase in excavation is marginal. Existing geotechnical and sediment control conditions are to be retained to mitigate environmental impacts on the Georges River Catchment.

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

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:

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BASIX Certificate Details	
Author:	House Energy Certified
Certificate Number:	1824659M
Certificate Date:	2 December 2025

State Environmental Planning Policy (Resilience and Hazards) 2021

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

Chapter 4 – Remediation of Land

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

As part of the assessment process, a site inspection was conducted, and Council's Contamination Records and 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 (Housing) 2021

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

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

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

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

Standard	Proposal	Complies
3C – Public domain interface		
3C-1 Objective Transition between private and public domain is achieved without compromising safety and security	The proposal adequately accommodates for the visual privacy of the street-facing units. No change proposed to the access arrangement for the street-facing units.	Yes

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	The redesigned front entrance area provides sufficient area to enable social interaction.	
3C-2 Objective Amenity of the public domain is retained and enhanced	The communal open spaces are provided with a wide variety of landscaping and amenities. Services and utilities are located in basement out of public view.	
3D - Communal open space		
3D-1 Objective An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping Design Criteria 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter) Site area: 1,075sqm Required: 268.75sqm	Ground floor: 187.3sqm Roof top: 183.2sqm Total: 370.5sqm More than 50% of the principal usable part of the communal open space will receive more than 2 hours of direct solar exposure. It is noted that the ground level communal space has no accessible connection to the ground floor of the building. To ensure equitable access to the communal open space, a new condition is imposed requiring a mechanical device capable of transporting wheelchair users to be installed at the rear entranceway of the residential flat building.	Yes
3D-2 Objective Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	Seating area and barbeque are provided on the rooftop communal open space.	Yes
3D-3 Objective Communal open space is designed to maximise safety	The ground floor open space is readily visible from habitable rooms and private open spaces. The roof top terrace is adequately contained to ensure safety of occupants.	Yes
3E – Deep Soil zones		

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3E-1 Objective Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality Design Criteria 1. Deep soil zones are to meet the following minimum requirements: Where the site has an area between 650sqm and 1,500sqm Minimum dimension 3m. Minimum deep soil area of 7% Site area: 1,075sqm Required: 75.3sqm	Deep soil area: 157.4sqm (14.6%)	Yes
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. 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	No change proposed to the approved windows and balcony setbacks,	Yes

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3F-2 Objective Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	The unit arrangements are conducive to providing visual privacy.	Yes
3G – Pedestrian Access and entries		
3G-1 Objective Building entries and pedestrian access connects to and addresses the public domain	The front entrance remains easily identifiable.	Yes
3G-2 Objective Access, entries and pathways are accessible and easy to identify	The stairs and ramp access to the front entrance are easily identified. The proposed entry ramp is integrated into the overall building and landscape design, with glass balustrade to enable visual permeability.	Yes
3H-Vehicle Access		
3H-1 Objective Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	No change to the approved access location and driveway design. The garage door remains well recessed into the basement level.	Yes
3J-Bicycle and carparking		
3J-1 Objective Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	N/A	N/A
3J-2 Objective Parking and facilities are provided for other modes of transport	10 bicycle parking spaces provided. See DCP discussion on compliance with parking rate.	Yes
3J-3 Objective Car park design and access is safe and secure	Storage and bicycle parking spaces are consolidated to enable safe movements in parking area. Rubbish and plant room access are considered acceptable as	Yes

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	they do not require traversing through car spaces.	
3J-4 Objective Visual and environmental impacts of underground car parking are minimised	No change proposed to the overall footprint of the basement parking levels. The proposal will increase the ceiling height of Basement Level 1 and introduce an additional 200mm of excavation. The proposal will not introduce additional excessive earthworks. Ventilation grilles are integrated into the façade design.	Yes
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.	72.7% of all units (16 units) will receive at least 2 hours of direct solar access onto the living rooms and private open spaces. 1 unit (4.5% of units) will not receive direct solar access in midwinter.	Yes
4A-2 Objective Daylight access is maximised where sunlight is limited	Solar access is maximised by utilising low sill windows in habitable rooms.	Yes
4A-3 Objective Design incorporates shading and glare control, particularly for warmer months	Screening proposed on balconies.	Yes
4B- Natural Ventilation		
4B-1 Objective All habitable rooms are naturally ventilated	All habitable rooms are naturally ventilated.	Yes
4B-3 Objective	All apartment units are cross-ventilated.	Yes

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The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents Design Criteria At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Both cross through apartments on Level 5 has a depth of 17.6m.	
4C-Ceiling Heights		
4C-1 Objective Ceiling height achieves sufficient natural ventilation and daylight access Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms = 2.7m Non-habitable rooms = 2.4m	All habitable levels achieve a minimum ceiling height of 2.8m.	Yes
4C-2 Objective Ceiling height increases the sense of space in apartments and provides for well proportioned rooms	Adequate ceiling height provided for all units.	Yes
4C-3 Objective Ceiling heights contribute to the flexibility of building use over the life of the building	Adequate ceiling height provided for all units.	Yes-
4D- Apartment size and layout		
4D-1 Objective The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity Design Criteria Apartments are required to have the following minimum internal areas: 1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm	All apartments comply with the minimum internal area and window size requirements.	Yes

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The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms		
4D-2 Objective Environmental performance of the apartment is maximised Design Criteria Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	All apartments comply with the minimum room depth requirements.	Yes
4D-3 Objective Apartment layouts are designed to accommodate a variety of household activities and needs Design Criteria Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space). Living rooms or combined living/dining rooms have a minimum width of: -3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	All apartments comply with the minimum bedroom and living room dimensions requirements. All cross through apartments have a width of at least 4.0m.	Yes
4E- Private Open space and balconies		
4E-1 Objective	All balconies comply with the minimum size requirements.	Yes

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Apartments provide appropriately sized private open space and balconies to enhance residential amenity Design Criteria 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		
4E-2 Objective Primary private open space and balconies are appropriately located to enhance liveability for residents	All primary private open spaces are accessible from living rooms.	Yes
4E-3 Objective Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	The balconies are integral to the overall architectural expression of the building which has an emphasis on brickwork and curved surfaces.	Yes
4E-4 Objective Private open space and balcony design maximises safety	All proposed balconies have adequate balustrade heights	Yes
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	Complies – the maximum number of apartments on a level is 4.	Yes
4F-2 Objective	All internal circulation spaces have solar access and are free of obstacles. The circulation	Yes

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Common circulation spaces promote safety and provide for social interaction between residents	areas are conducive to social interactions.	
4G- Storage		
4G-1 Objective Adequate, well designed storage is provided in each apartment Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: 1 bedroom = 6m³ 2 bedroom – 8m³ 3 bedroom – 10m³ At least 50% of storage is to be located within the apartment.	All apartments are provided with adequate internal and external (in parking area) storage areas pursuant to the ADG.	Yes
4G-2 Objective Additional storage is conveniently located, accessible and nominated for individual apartments	All external storage spaces are easily accessible.	Yes
4H- Acoustic Privacy		
4H-1 Objective Noise transfer is minimised through the siting of buildings and building layout	Noisy uses, such as waste management and car parking, are well separated from apartment units.	Yes
4H-2 Objective Noise impacts are mitigated within apartments through layout and acoustic treatments	Internal layout of apartments are adequate to promote noise attenuation.	Yes
4J – Noise and Pollution		
4J-1 Objective In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Existing noise control condition to remain	Yes
4J-2 Objective Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission		
4K – Apartment Mix		
4K-1 Objective		Yes

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A range of apartment types and sizes is provided to cater for different household types now and into the future	No change to the approved apartment mix which includes the following: 1-bedroom: 2 units 2-bedroom: 18 units 3-bedroom: 2 units	
4K-2 Objective The apartment mix is distributed to suitable locations within the building		
4L – Ground Floor Apartments		
4L-1 Objective Street frontage activity is maximised where ground floor apartments are located.	The proposal maximises street activation by retaining street-facing terraces on the ground level.	Yes
4L-2 Objective Design of ground floor apartments delivers amenity and safety for residents.	The proposal incorporates adequate landscaping and privacy measures for ground floor apartments	Yes
4M - Facades		
4M-1 Objective Building facades provide visual interest along the street while respecting the character of the local area	The proposal demonstrates a bottom, middle, and top proportion using external materials. The proposal retains the overall layout and architectural features as originally approved.	Yes
4M-2 Objective Building functions are expressed by the façade	The proposal includes clearly defined entries. The apartment layout is expressed externally with protruding balconies.	Yes
4N – Roof design		
4N-1 Objective Roof treatments are integrated into the building design and positively respond to the street.	The proposed roof is compatible within the locality.	Yes
4N-3 Objective Incorporates sustainability features.	The proposed roof will not intensify adverse sustainability outcome given the roof boasts a similar design to what was originally approved.	Yes
4O – Landscape Design		
4O-1 Objective Landscape design is viable and sustainable.	The proposed landscape design retains the trees that are originally approved, and still enables preservation of the existing two trees on site.	Yes

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4O-2 Objective Landscape design contributes to the streetscape and amenity	The proposal provides four trees within the front setback area to soften the impact of the structure.	Yes
4P- Planting on Structures		
4P-1 Objective Appropriate soil profiles are provided.	Adequate soil profiles provided for vegetations in planter boxes.	Yes
4P-2 Objective Plant growth is optimised with appropriate selection and maintenance	All vegetation is drought resistant.	Yes
4P-3 Objective Planting on structures contributes to the quality and amenity of communal and public open spaces	Sufficient planter boxes are provided for a wide variety of plants on the rooftop communal open space	Yes
4Q – Universal Design		
4Q-1 Objective Universal design features are included in apartment design to promote flexible housing for all community members	3 two-bedroom adaptable units provided. No change to the provision of adaptable units.	Yes
4Q-2 Objective A variety of apartments with adaptable designs are provided	Adaptable units are provided in two-bedroom layout which supports a wide variety of lifestyle.	Yes
4Q-3 Objective Apartment layouts are flexible and accommodate a range of lifestyle needs		
4U – Energy Efficiency		
4U-1 Objective Development incorporates passive environmental design	All units retain adequate natural light access.	Yes
4U-2 Objective Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	The proposal retains recessed living areas to mitigate heat transfer in summer.	Yes
4U-3 Objective Adequate natural ventilation minimises the need for mechanical ventilation	Adequate natural ventilation provided for all units.	Yes
4V – Water management and conservation		

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4V-1 Objective Potable water use is minimised	The proposal maintains the approved residential capacity. No substantial additional water use anticipated.	Yes
4V-2 Objective Urban stormwater is treated on site before being discharged to receiving waters		
4V-3 Objective Flood management systems are integrated into site design	The proposal demonstrates adequate stormwater system.	Yes
4W – Waste Management		
4W-1 Objective Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	The proposal provides for sufficient waste storage area and bulk waste storage area. The waste storage area is easily accessible at the lower ground level parking area. No change proposed to the approved waste management plan.	Yes
4W-2 Objective Domestic waste is minimised by providing safe and convenient source separation and recycling	The proposal can accommodate general waste bins and recycling bins.	Yes
4X – Building Maintenance		
4X-1 Objective Building design detail provides protection from weathering	The proposal incorporates the following features to enable ease of maintenance and minimise weathering: - Roof overhang protecting walls, - Window design enables cleaning from the inside - Centralised maintenance, services and storage in lobby and basement.	Yes
4X-2 Objective Systems and access enable ease of maintenance		
4X-3 Objective Material selection reduces ongoing maintenance costs		

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State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Division 5 – Electricity transmission or distribution

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

Ausgrid raised no objection to the proposal.

Division 17 – Roads and Traffic

Clause 2.119 is applicable to this application as the proposed development has a frontage on a classified road. Council is satisfied that the proposal avoids creating additional vehicular access on classified road, maintains safety on the classified road, and adequately ameliorates potential traffic noise and emissions as the proposal will not increase the number of dwellings on site.

Clause 2.120 is applicable to this application as the subject site adjoins a roadway with an annual average daily traffic volume of more than 20,000 vehicles (refer to TfNSW Traffic Volume Map - Map 16A). Council considered *Development Near Rail Corridors and Busy Roads – Interim Guideline* pursuant to the Clause and is satisfied with the noise attenuation measures, subject to conditions requiring the following maximum noise levels are achieved:

(a) in any bedroom – 35dB(A) at any time between 10.00p.m and 7.00a.m;

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom, or hallway) – 40 dB(A) at any time.

As the proposal involves the creation of a new driveway crossover to a classified road, the application was referred to Transport for NSW. The agency supports the proposed development for the reasons outlined in the *Referral* section of the report.

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	☒	☐
6.4	Foreshore Building Line	☐	☒
6.4	Coastal Hazard and Risk	☐	☒
6.5	Riparian Lands & Waterways	☐	☒
6.6	Foreshore Scenic Protection Area – also consider Design Excellence	☐	☒
6.8	Impacted by airspace operations	☐	☒

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

GRLEP 2021 Part 2 – Permitted or prohibited development		
Clause 2.3 – Zone objectives and Land Use Table		
Standard	**Proposal**	**Compliance**
The subject site is zoned 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

GRLEP 2021 Numeric Controls			
Standard	**Required**	**Proposed**	**Compliance**

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Cl. 4.3 *Height of Buildings*	21m	24.49m (16.6% variation) The variation is confined to the roof level only.	☐ Yes ☒ No, however the variation is considered acceptable on merit. See Clause 4.6 assessment below.
Cl. 4.4 *Floor Space Ratio*	Site area: 1,059sqm 2:1 (2,118.0sqm)	G/F: 351.89sqm 1/F: 341.38sqm 2/F: 338.12sqm 3/F: 338.12sqm 4/F: 288.74sqm 5/F: 224.41sqm 6/F: 16.22sqm Total: 1,938.9sqm (1.8:1)	☒ Yes ☐ No
Cl 6.12 *Landscaped Area*	10% for land zoned R4 High Density Residential (Equivalent to 105.9sqm)	157.4sqm (14.6%)	☒ 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 proposed earthworks are satisfactory with regards to the matters identified. The proposal will marginally increase the overall excavation depth by approximately 0.2m to enable compliance with BCA and effective stormwater discharge.	☒ Yes ☐ No

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

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the development are available, or that adequate arrangements have been made to make them available when required a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.		
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: (b) land in the following zones if the building concerned is 3 or more storeys or has a height of 12 metres or greater above ground level (existing), or both, not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking— (i) Zone R4 High Density Residential, (4) Development consent must not be granted for development to which this clause applies unless Council considers that the development exhibits design excellence.	Clause 6.10 applies to substantial modifications to an approved residential flat building proposal. The proposal has been considered with regards the matters identified in Clause (5) and is considered to suitably demonstrate compliance with the Clause for the following reasons: - The proposal demonstrates a bottom, middle, and top component as required in the ADG - The use of material is compatible with the streetscape - The proposal provides for adequate amenities to the residents.	☒ Yes ☐ No

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(5) In considering whether the development exhibits design excellence, Council must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d)how the development addresses the following matters— i. the suitability of the land for development, ii. existing and proposed uses and use mix, iii. heritage issues and streetscape constraints, iv. the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, v. bulk, massing and modulation of buildings, vi. street frontage heights, vii. environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, viii. pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, ix. the impact on, and proposed improvements to, the public domain,		

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x. achieving appropriate interfaces at ground level between the building and the public domain, xi. excellence and integration of landscape design, xii. the provision of communal spaces and meeting places, xiii. the provision of public art in the public domain, xiv. the provision of on-site integrated waste and recycling infrastructure, xv. the promotion of safety through the application of the principles of crime prevention through environmental design.		
Clause 6.11 Environmental Sustainability		
Standard	**Proposal**	**Compliance**
(2) This clause applies to development— (a) on land in the following zones— (i) Zone R4 High Density Residential, (b) that involves— (i) the erection of a new building, or (3) Development consent must not be granted to development on land to which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building— (a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage, (b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power, (c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort, (d) the minimisation of surfaces that absorb and retain heat	The subject site is zoned R4 High Density Residential and involves the erection of a building with a gross floor area greater than 1,500sqm. The proposal complies with BASIX requirements and does not involve substantial extension of the existing floor area. On that basis, the proposal is considered to comply with this clause.	☒ Yes ☐ No

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and the use of surfaces that reflect heat where possible, (e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation, (f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.		

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GRLEP 2021 Clause 4.6 Variation

A Clause 4.6 Variation is not required for a Modification Application. Notwithstanding that, a variation to the development standard is requested for the clause(s) outlined in the table below.

Name of Clause	Proposed Variation
4.3 - Height	24.49m (a variation of 16.6% or 3.49m);

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

Clause 4.6 Assessment

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

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

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

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

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

The extent of the proposed variation is indicated below:

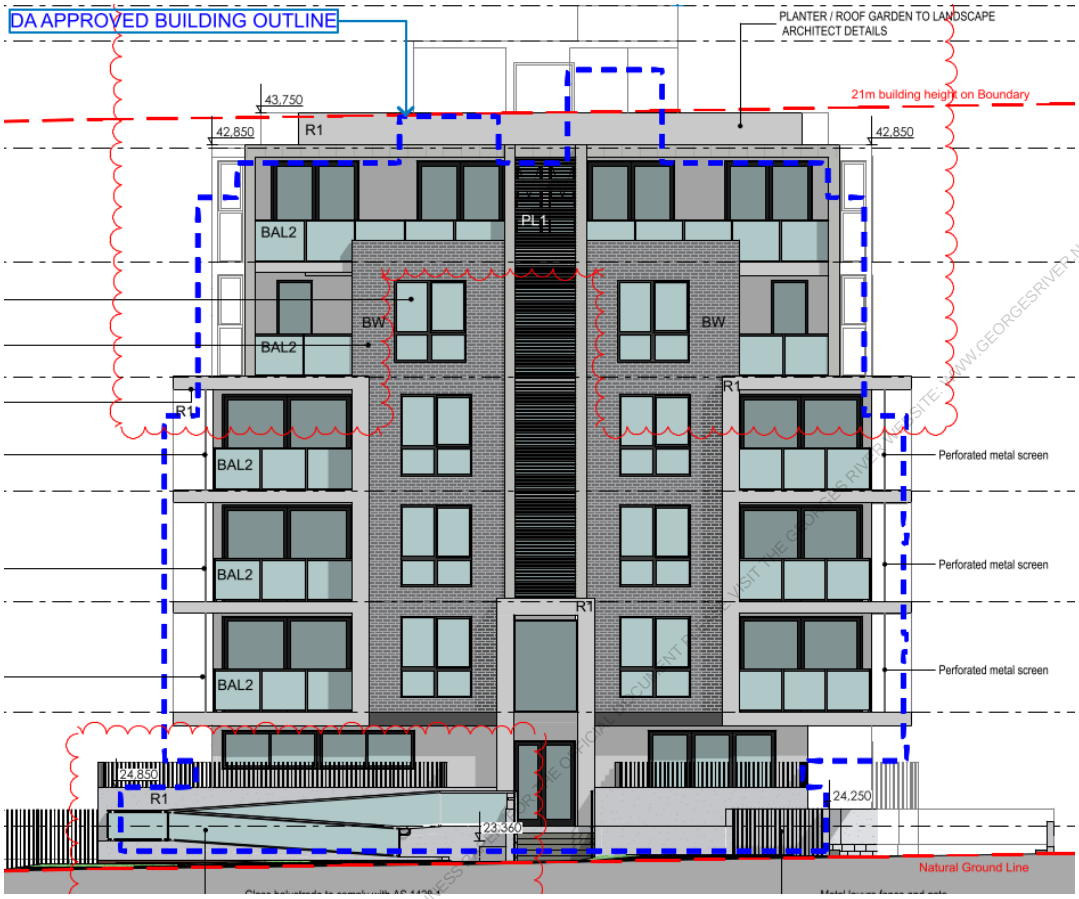

Figure 9: Front elevation. The 21m height plane is represented by the red dotted line. The approved building profile is outlined in blue dotted line. *(Source: architectural plans)*

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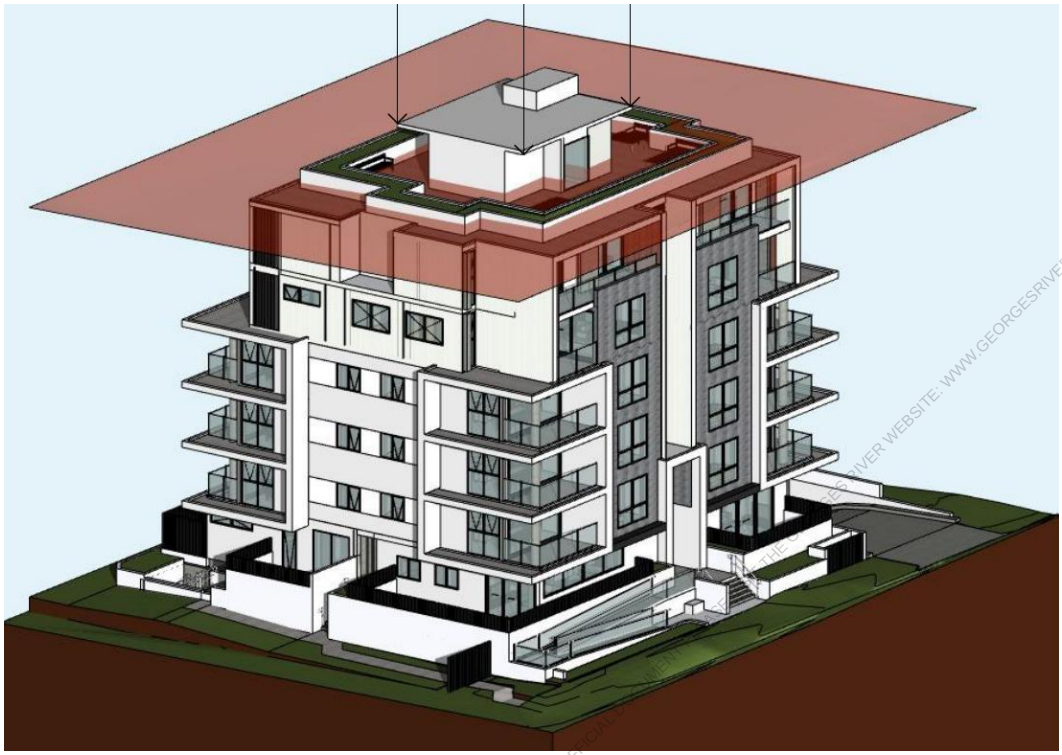

Figure 10: Three dimensional model taken from the northern corner. The 21m height plane is represented in red. *(Source: architectural plans)*

The applicant justifies the proposed variation with the following reasons:

- Council approved a variation to the building height for the original Development Application
- The proposed height increase is due to the need to increase the floor to floor heights to maximum 3.2m to satisfy the BCA requirements
- The additional overshadowing impacts and bulk and scale impacts are minor.

The assessment of the variation is contained below:

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

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

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

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

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

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

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

Objective	Assessment
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	Only the lift overrun exceeds the height limit. The lift overrun is located at the centre of the building and is not perceptible on the street level. For the habitable levels, the proposal generally boasts a bulk and scale similar to the development as originally approved under DA2017/0655. The proposed bulk and scale is compatible with the existing and desired future character of Kogarah Bay.
(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	The proposal will result in a height increase by between 1.5m (habitable levels) and 1.9m (overall height) compared to the original approval. Based on the shadow diagrams supplied by the applicant, the proposal will not substantially increase the extent of overshadowing. As a result of the On-site Stormwater Detention tanks and increase in floor to floor heights, each habitable level will be elevated above the approved finished floor level. The projection on all floor levels is minor and will not introduce unacceptable visual privacy risks on adjoining properties. No significant vistas are identified in the locality. Given the height variation will only introduce a minor increase in the main bulk of the building, the proposal is unlikely to disrupt any views.
(c) to ensure an appropriate height transition between new buildings and— (i) adjoining land uses, or (ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.	The proposal remains suitable in an area that features a diversity of developments. The proposed height variation retains suitable height transition and will not result in unacceptable amenity impacts. The proposal has no heritage impacts.

As outlined above, the proposal is consistent with the objectives of the standard.

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

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

- The underlying objective of the maximum building height development standard is to mitigate adverse amenity impacts. This objective is relevant to all developments in R4 High Density Residential zone.

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

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

- The underlying objective of the maximum building height development standard is to mitigate adverse amenity impacts. The development standard supports the objective of the clause as a measure to control the bulk and scale of a building such that new developments will not cause adverse amenity impacts to existing developments.

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

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

The proposed variation, which is confined to the lift overrun, is in line with the extent of height variations that were previously approved.

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

The R4 High Density Residential zoning of the subject site is considered to be appropriate given it is compatible with the locality which contains multiple shop top housing and residential flat building developments.

Conclusion

As discussed above, the applicant's justification and the proposed design satisfactorily demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

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

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It is considered that the proposal demonstrates sufficient environmental planning grounds to warrant the variation for the following reasons:

- BCA compliance – The approved development has a floor to floor height of 3.05m at habitable levels which does not allow compliance with the BCA. The proposed increase of floor to floor height is necessary to enable compliance with the BCA and allow the approved development to be completed.

- Stormwater discharge – The assessment planner identifies the proposal to incorporate new aboveground OSD tanks contributes 0.8m to the height variation. The original approval relies on below ground OSD tanks for stormwater discharge through kerb and gutter. However, based on the statement provided by the applicant's stormwater engineer, the changes to the stormwater system are necessary to comply with stormwater standards imposed by Transport for NSW.

  Council's stormwater engineer reviewed the stormwater documents and agreed that aboveground OSD tanks is the only viable options to achieve effective stormwater discharge through kerb and gutter. During the assessment period, other stormwater discharge methods, such as easement to downstream property and direct connection to the stormwater pipe on Princes Highway, were explored and found to be impractical.

  Imposing strict compliance with building height control will result in a breach of Clause 6.9 Essential Service provisions of the GRLEP 2021.

- Minimal amenity impacts – the proposed height variation will not result in unacceptable impacts on visual amenity, visual privacy, solar access, and view sharing.

Summary of 4.6 Assessment and Conclusion

Height Variation Supported

The proposal seeks to vary Clause 4.3 of the Georges River Local Environmental Plan 2021.

The variation request has been assessed and is considered to be satisfactory with regards to the matters it is required to address under Clause 4.6(3).

Given the above, a variation to the control is recommended.

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

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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).	Existing waste management plan to be retained. No change to the waste management plan is required given the proposal retains the same residential capacity as previously approved.	☒ Yes ☐ No

Universal / Accessible Design		
3.17 Universal / Accessible Design		
Control	**Proposal**	**Compliance**
1. All new building work should comply with the accessibility provisions of the Building Code of Australia (BCA) and the Disability (Access to Premises - Buildings) Standards 2010 where required.	3 accessible parking spaces provided. The proposal is capable of complying with BCA with regards to accessibility. Accessways for pedestrians and vehicles are separated.	☒ Yes ☐ No
2. Continuous unobstructed paths of travel should be provided from public footpaths, accessible car parking, and set down areas to public building entrances. Paths of travel should be designed in accordance with the Disability (Access to Premises - Buildings) Standards 2010.		
3. Accessways for pedestrians and vehicles to be separated		
6. Accessible parking space provision <u>High Density Residential Development</u> 1 space per adaptable unit		

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Required 3 spaces (3 adaptable units proposed)		

Future Desired Character		
5.18 Carss Park and Kogarah Bay		
Control	**Proposal**	**Compliance**
The Future Desired Character for Carss Park and Kogarah Bay is as follows: • Retain and enhance the existing low density suburban residential character through articulated contemporary developments that respond to the human scale. • Encourage well-designed high density residential development in designated areas along Princes Highway. • Facilitate urban renewal in appropriate locations, allowing substantial change to the streetscape character while resulting in a high quality public domain. • Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback. • Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls. • Public views to waterways should be retained from streets and public places.	The proposal is compatible with the future desired character for the following reasons: - The proposal still enables adequate height transition with the existing low-density developments adjoining the subject site. - The proposal retains key design elements as originally approved. - The proposal is necessary to enable development on the subject site, as the proposal rectifies previous BCA non-compliances and stormwater issues. - The proposal retains existing window setbacks. - The proposal will not result in additional tree removal.	☒ Yes ☐ No

Site Isolation and Amalgamation		
6.3.2 Site Isolation and Amalgamation		
Control	**Proposal**	**Compliance**

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1. Development for the purpose of residential flat buildings or residential components of shop top housing is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the GRLEP 2021 and this DCP.	The proposal will not result in site isolation.	☒ Yes ☐ No

Setbacks		
6.3.3 Building Setbacks and Street Interface		
Control	**Proposal**	**Compliance**
1. Front setbacks: i. Street setback: up to a building height of four storeys, a minimum setback of 5m is to be provided. iii. Above four storeys, the front setback of the upper building levels is to be increased to a minimum of 8m to the street. The minimum 8m setback also applies to balconies, terraces and balustrades and must be accommodated behind the setback. vi. The street setback area needs to be predominantly landscaped and is to accommodate a minimum of two (2) canopy trees to a mature height of at least 6m.	The proposal retains all existing setbacks. Adequate landscaping is provided at the front setback area to soften the visual impact of the proposed ramp. The proposed terrace protrusion into the front setback area remains the same as originally approved. The protrusion of the private open space on the northeastern side setback area is 3m. No deep soil area is retained for the front setback area (as per the original approval), and a 2.7m of landscaped area is provided between unit G.01 and the northeastern side boundary. The variation in the provision of landscaped buffer on the northeastern side boundary is considered acceptable – see Comment 1 below for further discussion. Side setback and rear setback overrode by ADG. See discussion on the ADG above. The proposed fire boaster unit is contained behind metal louvre fence which is well-integrated into the façade. The gas meter is located within the communal open space along the northeastern side boundary, and the water meter is located in the basement.	☐ Yes ☒ No, however variation to deep soil area provision in the side setback is considered acceptable on merit.
5. Encroachments into boundary setbacks: i. Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of deep soil area to the street. ii. Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer		
6. The setback areas, other than any permitted ground floor private open space, are to be landscaped and be retained as part of the common property of the development.		
7. For improved streetscape, reduction in visual clutter and to provide above		

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ground space for street tree canopy, powerlines in the street verge in front of new development to which this part applies will be undergrounded. This includes the connection of power supply from the road reservation into the development site.		
8. Sub-stations, fire booster assemblies and waste bin storage structures need to be integrated into the development and identified at the DA stage.		
6.3.4 Basement Setbacks		
Control	**Proposal**	**Compliance**
1. Basements are to be: i. Located within the building footprint (refer to Figure 5), or ii. Set back a minimum of 6m from the front and rear boundaries and 3m from the side boundaries (refer to Figure 6).	No change proposed to approved basement setbacks.	☒ Yes ☐ No
2. The basement setback areas are to be deep soil zones as defined in the Apartment Design Guide.		
3. Driveways and driveway crossings are to be located a minimum of 1.5m from a side boundary.		
5. The 6m basement setback at a zone boundary is to be planted to provide a vegetated landscape buffer between the development and adjoining lower density development. Planting is to include trees that achieve a minimum mature height of 6.0m. Under canopy planting is to include lower scale planting that provides a visual buffer between developments and creates the desired landscape buffer.		
6. Basements fronting the primary street address are not to project above ground level (existing) at the street setback alignment.		
Comment 1 – Variation in the provision of landscaped area Control 5 of Part 6.3.3 of the GRDCP 2021 require a ground floor terrace to leave a minimum 3m of landscape buffer. The proposal to relocate the terrace for Unit G.01 results in a landscape buffer of 2.7m.		

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It is considered that the variation in this instance is justifiable for the following reasons:

1. Necessity – The variation is caused by shifting the terrace of unit G0.1 from the front setback area to the side setback area. This is required to accommodate the pedestrian access ramp at the front such that equitable access is still provided to the elevated ground floor. Furthermore, the terrace is required to comply with the ADG which requires an internal width of at least 3.0m for ground floor terraces. Strict compliance may result in non-compliance with the ADG.

2. Design Merit – The intention of this control is to accommodate sufficient landscaping on the side setback areas. The proposed variation (0.3m) is minor and the design still enables adequate deep-soil planting within the northeastern side setback area and allows the area to be utilised as a communal open space. The variation does not offend the intention of the control.

3. The proposed variation is consistent with the objectives of the Part 6.3.3 being:
   d) Accommodate deep soil landscaping that will enable existing plantings to be retained and augmented with new canopy trees to assist with improving the visual impacts in and around the development.
   e) Integrate new development with the desired setback and rhythm of built elements that comprise the character of the street.

Façade Treatment		
6.3.5 Façade Treatment and Street Corners		
Control	**Proposal**	**Compliance**
1. New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP.	The proposal maintains the façade composition and utilise a set of external material and finishes that are similar to the approved development. The external walls are well articulated and screenings are incorporated into balconies. The proposed ramp incorporates glass balustrade to maintain visual permeability. The utilities are well-integrated into the façade. The boaster is screened by grilles, and the water and gas meters are located in obscure locations not clearly visible on street level. Existing noise attenuation condition to be remained.	☒ Yes ☐ No
2. Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character.		
4. Human scale at street level must be reinforced in the design of the building and overall development. The scale, rhythm, materiality and landscaping treatment need to define the appearance of the building to create physical and visual connections between the private and public domain for pedestrians.		
5. Services such as substations and fire booster assemblies must be integrated into the design of the façade.		
6. Development must not rely solely on the use of two-dimensional colour and materials to create visual interest.		

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Modulation and articulation in the building form must be considered in the design of the building, in plan view and elevation.		
7. Large areas of blank, minimally or poorly articulated walls are not acceptable. Façade treatments such as wall cladding, and green walls should be considered as alternatives to blank walls.		
8. Clear glazing to balustrades must be avoided where they are visible from nearby vantage points. Screening of balconies by way of adjustable or fixed panels should be included where there are issues of privacy, and/or excessive exposure to solar impacts.		
9. Noise mitigation treatments and design considerations for developments adjoining busy roads or rail corridors, that satisfy the requirements for habitable rooms in accordance with Department of Planning, Industry and Environment's 'Development Near Rail Corridors and Busy Roads – Interim Guideline' and the requirements of Clause 102 (3) of State Environmental Planning Policy (Transport and Infrastructure) 2021 need to be considered.		

Landscape Treatment		
6.3.6 Landscaped Treatment and Private Open Space		
Control	**Proposal**	**Compliance**
1. Deep soil is to be provided within the setbacks areas as required in Figures 3, 4 and 5 and consistent with Part 3E of the NSW State Government's Apartment Design Guide. To be included as deep soil as required by Part 3E of the Apartment Design Guide, the deep soil area must have a minimum dimension of 3m on any axis. Planting in the deep soil areas is to include trees that achieve a minimum mature height of 6m and under canopy planting.	The proposal complies with the ADG with respect to deep soil area provision and private open space requirements. The street-facing hydrant booster is screen by metal grates Private open spaces are located near the living rooms and new north-facing private open spaces are introduced.	☒ Yes ☐ No

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2. The visual appearance of developments is to be softened through the incorporation of planter boxes and similar design treatments that will support landscaping in a minimum soil depth which is consistent with Part 4P of the Apartment Design Guide.	The new landscape design introduces additional impervious area at the ground floor communal open space. The two existing palm trees at the rear are retained in the new landscape plan. The amended landscape scheme results in no loss in the number of trees as originally approved.	
3. Where landscaping is included on balconies and terraces, the functional area of the private open space is not to be reduced to below the minimum requirements of Part 4E of the Apartment Design Guide.		
4. Where services including fire booster valves, substations and other infrastructure required as part of the any new development present to a public road or public space, they must be concealed by a screen or fence that corresponds with the materiality of the building façade		
5. Any proposed deep soil, landscape area, podium or raised planter box landscaping that forms part of the communal open space or common property must be provided with suitable maintenance access from the site or building entry through common property to allow for landscape maintenance work.		
6. Private open space should be adjacent to and visible from the main living and/or dining rooms and be accessible from those areas.		
7. Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year-round use.		
8. Unpaved or unsealed areas within a development site should be maximised and designed to facilitate on site infiltration of stormwater to the water table.		
9. Existing significant trees and vegetation must be incorporated into the proposed landscape treatment.		

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10. Private open space and balconies must comply with Part 4E of the NSW State Government's Apartment Design Guide.		
11. Planting of replacement trees is to be in accordance with Council's Tree Management Policy.		

Communal Open Space		
6.3.7 Communal Open Space		
Control	**Proposal**	**Compliance**
1. Communal open space to a minimum area of 25% of the site area, with a minimum dimension of 5m is to be provided and must be designed with consideration of the user's thermal comfort throughout the year and may include smaller areas with designated functions such as a shaded garden for summer and an open courtyard for winter.	The ground floor communal open space has a minimum dimension of 3.0m as originally approved, and the rooftop communal open space complies with Control 1. The proposal maintains the minimum communal open space dimensions with the exception of the part adjacent to Unit G0.1 which has a minimum dimension of 2.7m (see Comment 1 for further discussion). The proposed communal open spaces remain functional with a wide variety of amenities provided in those spaces. Adequate amenities, such as benches and barbeque stoves, are provided on the rooftop communal open space. Adequate solar provided for communal open space. The ground floor communal open space contains more than 50% unpaved area. The trafficable area of the rooftop communal space has a setback of no less than 2.5m from the roofline.	☒ Yes ☐ No
2. Communal open space may be provided above ground level where: i. The proposed elevated communal open space will provide a high level of amenity to supplement the communal open space provided at ground level of the site; and ii. There will be no significant impact on surrounding properties with respect to the loss of privacy; and iii. The above ground communal open space does not exceed 40% of the required communal open space area.		
3. At least 50% of the required communal open space area is to receive 2 hours of direct sunlight between 9am and 3pm on 21 June.		
4. At least 50% of the ground level communal open space is to comprise unpaved landscaped area.		

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5. The useable and trafficable area of any roof top communal open space is to be set back a minimum of 2.5m from the edge of the roof of the floor immediately below with landscape planters (minimum 1.2m wide) provided to prevent close and direct views into adjoining properties.		
6. Roof top communal open space areas, amenities and common (non-private) rooms should include equitable access for all residents, and must be designed to ensure that noise and overlooking will be avoided, by way of screening and setbacks from boundaries as detailed.		
8. Ancillary structures on the roof such as lift overruns and staircases should be located where their impact is minimised to reduce their visual dominance. Balustrades should be visually recessive.		

Solar Access		
6.3.8 Solar Access		
Control	**Proposal**	**Compliance**
1. Shadow diagrams are to be submitted for the winter solstice (21 June) to demonstrate impacts at a minimum of 9am, midday and 3pm.	Shadow diagrams submitted to demonstrate the impacts of the proposal at 09:00, 12:00, and 15:00. The submitted shadow diagrams indicate minimal additional overshadowing onto adjoining properties. No PV panels affected.	☒ Yes ☐ No
2. Shadow diagrams must include elevational diagrams identifying the habitable rooms and private open space areas of the adjoining dwellings, and view from the sun diagrams, identifying solar access compliance to the proposed development.		
3. Shadow diagrams are required to show the impact of the proposal on the sunlight to the open space of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams.		

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

Vehicular Access, Parking and Circulation		
3.13 Parking Access and Transport		
Control	**Proposal**	**Compliance**
1. Parking required: <u>Residential Flat Building</u> 1 space per 1 and 2 beds, 2 spaces per 3 beds or more 1 visitor space per 5 units (1 car wash bay can be used as a visitor space) <u>Proposed Apartment Mix</u> 1-bedroom: 2 units 2-bedroom: 18 units 3-bedroom: 2 units 22 apartments in total <u>Required Parking Spaces</u> 28 spaces (parking rate: 28.4 spaces)	Residential: 34 Visitor: 6 (carwash included) Total: 40 spaces	☒ Yes ☐ No
8. Bicycle Parking <u>Residential Flat Building</u> 1 space per 3 dwellings, and 1 space per 10 dwellings (visitors) <u>Required</u> 10 for 22 apartments (required rate = 9.5)	10 bicycle spaces provided	

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9. In calculating the total number of bicycle spaces required for a development type, the total should be rounded up to the nearest whole number (i.e. 0.5 or greater).		
10. Bicycle parking facilities are to be designed in accordance with Australian Standard AS2890.3 (Parking Facilities – Part 3 Bicycle Parking Facilities).		
12. Internal car park layouts, space dimensions, ramp grades, access driveways, internal circulation aisles and service vehicle areas shall be designed in accordance with the requirements set out in AS 2890.1 (2004) and AS 2890.2 (2002) for off street parking and commercial vehicles.	The proposal complies with relevant Australian Standards with respect to carpark layout.	
13. Design vehicular access in accordance with the current Australian Standard for 'off-street parking (Part 1) 'and 'off-street carparking for commercial vehicles (Part 2)'.		
15. Basement car parking is preferable in commercial and residential flat buildings.	Basement parking provided. No change proposed to the footprint of the carpark levels. The car park is secured by a roller door in Basement Level 1. Ventilation is integrated into the façade.	
16. Basement car parking is to be located within the building footprint.		
17. All basement parking areas are to have security doors.		
19. Integrate ventilation design into the façade of the building, or parking structure, treating it with appropriate features such as louvres, well designed grilles, planting or other landscaping elements.		
23. Parking complies with AS 1428 Design for access and mobility and AS/NZS 2890.6.	3 accessible parking spaces provided for residents, all located near the lift.	

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24. All off-street parking facilities shall allocate accessible parking spaces for people with disabilities at the rate in accordance with Section 3.17 – Universal/ Accessible Design of this DCP.		
25. Accessible parking spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel.		
26. Accessible parking spaces shall be indicated by a permanent sign as specified in AS 1428.1		
27. For residential development, accessible car parking spaces are to be allocated to adaptable unit, or as visitor parking.		
28. A designated car washing area (which may also be a designated visitor car space) is required residential developments of four or more dwellings.	Car wash bay proposed. Amended conditions to be imposed to bring the car wash bay up to current standards.	
29. Car wash bays which collect waste water must be covered and discharge the water to the sewer in accordance with the requirements of Sydney Water.		
30. Design parking to ensure pedestrian safety.	Pedestrian entrances are separated from vehicular travel paths.	
31. Pedestrian entrances and exits shall be separated from vehicular access paths		
32. Design driveways to minimise visual impact on the street and maximise pedestrian safety	The garage door is placed underground, obscured from view lines from the street. Vehicular ingress and egress can be achieved in forward direction.	
33. Ensure that all vehicles, including vehicles using loading bays, can enter and leave the site in a forward direction.		

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34. Avoid locating accessways to driveways adjacent to the doors or windows of habitable rooms.		
6.3.9 Vehicular Access, Parking and Circulation		
Control	**Proposal**	**Compliance**
1. Car parking is to be provided in accordance with the requirements in Part 3 General Considerations of this DCP unless Objective 3J-1 of the Apartment Design Guide applies. Car access areas and garages doors do not visually dominate either the development or the streetscape.	No change to the approved car parking access and crossing location. Both car parking levels achieve a clearance of 2.5m for general parking surface.	☒ Yes ☐ No
2. Vehicular access points should be clearly visible from the street with adequate sign posting or design cues to alert drivers to their availability.		
3. The design of the vehicular access should prevent vehicles queueing across footpaths and onto the public road. Vehicles should be accommodated wholly within the site before being required to stop.		
6. Crossings are to be positioned so that on-street parking and landscaping on the site are maximised, and removal or damage to existing street trees is avoided.		
7. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1 (latest edition).		
8. Clearance above the general parking surface must be a minimum of 2.5m		
10. All residential flat buildings or residential components of shop top housing must provide a car wash bay which: i. Is roofed and bunded to exclude rainwater. ii. Has clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the car wash bay.	A car wash bay is proposed. The car wash bay is surrounded by a flexible bunding kerb and the waste water is collected through an arrestor pit.	

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iii. Has a fixed basket trap for floor waste. iv. Includes a 1000 litre general purpose pit.		
11. Three options exist for the disposal of trade wastewater from residential car wash bays. They are: i. Removal off-site by an authorised liquid waste disposal contractor; ii. Reuse of treated wastewater for car washing or irrigation on landscaped areas. An appropriate method should be used to treat grease, oil and silt before reuse or irrigation; or iii. Discharge to the sewer via appropriate pre-treatment.		
12. If the carwash bay is not discharged into the sewer, applicants must provide Council with details and evidence of how wastewater will be removed (e.g. removal by an authorised liquid waste disposal contractor).		
13. Developments on Classified Roads are to: i. Minimise the number of access points or seek alternative access wherever possible. ii. Provide safe vehicle access, adequate sight distances and make provision for vehicles to leave the site in a forward direction in accordance with AS2890.1 (latest edition). iii. Sufficient space within the property boundary is to be provided to accommodate vehicles entering the property and waiting for security gates or booms to open. The queuing area is to be sufficient to ensure waiting vehicles are wholly within the property boundary. iv. Comply with any conditions imposed by Council to satisfy the requirements of TfNSW.	No change to the approved access point on Princes Highway. TfNSW raised no objection, subject to new conditions being imposed.	
14. Basement car parking should be naturally ventilated where possible.	Pedestrian and vehicular access are separated.	

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15. Separate pedestrian access to buildings should be provided which does not rely upon access from a basement as the sole pedestrian access location.		
16. The use of mechanical parking devices such as car lifts, turn tables and car stackers for the provision of car parking should be avoided wherever possible.	No mechanical parking device required.	

Dwelling Mix		
6.3.10 Dwelling Mix		
Control	**Proposal**	**Compliance**
1. Developments that propose more than 20 dwellings are to provide a mix of dwellings consistent with the following percentage mix: i. Studio apartments and 1 bed apartments – Maximum of 25% ii. 2 bed apartments – Minimum of 35% iii. 3+ bed apartments – Minimum of 15%	The existing apartment mix is to be retained as follows: 1-bedroom: 2 units 2-bedroom: 18 units 3-bedroom: 2 units	☒ Yes ☐ No

Any Planning Agreement Under Section 7.4

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

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

The Regulations

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

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

The Likely Impacts of the Development

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

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

Site Suitability

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

The site is zoned R4 High Density Residential. The proposal is considered a suitable outcome for the subject site for the following reasons:

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

Submissions

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

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

Revised Plans - Re-notification

The applicant lodged revised plans on Tuesday, 18 November 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.

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

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

Referrals

Internal Referrals

Internal Referrals		
Specialist	**Comment**	**Outcome**
Development Engineer	The officer has considered the following planning provisions: - Clause 5.21 of GRLEP 2021 - Clause 6.3 of GRLEP 2021 - Clause 6.9 of GRLEP 2021 - Part 3.10 of GRDCP 2021 - Georges River Stormwater Management Policy No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.
Urban Design	The officer has considered the following planning provisions: - Clause 6.10 of GRLEP 2021 - Part 5 of GRDCP 2021 The following concerns were raised: - The water meter is to be relocated to the basement - Balconies or architectural articulations shall be introduced within the approved building footprint at the eastern and southern corner of Level 5 to introduce visual interest to the development. - Consideration shall be made to introduce a lighter-toned external finishes in replacement of the approved dark grey finishes to improve energy efficiency.	The amended design adequately addressed all urban design concerns.

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Traffic Engineering	The officer has considered the following planning provisions: - Clause 6.9 of GRLEP 2021 - Part 3.13 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.
Waste	The officer has considered the following planning provisions: - Council waste collection service specifications - NSW EPA Better Practice Guide for Resource Recovery in Residential Developments - NSW EPA Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities It should be noted that the comments were made with reference to the initial set of plans which contain 27 units. The following objections were raised: - The proposal fails to provide adequate space for on-site waste storage - Kerbside waste collection is not suitable for the proposed development. - Insufficient bulk storage area proposed. A minimum bulk waste storage area of 8sqm is required. - A bin wash area of 3sqm is not provided.	The proposal demonstrates the basement waste storage area can contain 11 general waste bins and 11 recycling bins per requirements. The waste bin storage area also contains a bin wash area of 3sqm and a bulk waste area of no less than 8sqm. The assessment officer disagreed with the rest of the comments for the following reasons: - The proposed development is approved with a kerbside collection scheme per Condition 56. Given the proposal retains the approved residential capacity, it is not considered reasonable to impose additional requirement pursuant to the current waste management requirement, such as imposing on-property collection or wheel out wheel back services.

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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.	No actions taken as the impacts on the existing electricity network remains the same as originally approved.
Transport for NSW	The referral body has considered the following planning provisions: - Clause 2.119 of SEPP (Transport and Infrastructure) 2021 No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.

Contributions

The development is not subject to Development Contributions as the proposal retains the same number of units as originally approved.

Conclusion

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

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

The following condition is recommended to be deleted:

Condition	Reasons
Condition 3	This condition is to be deleted to reflect the proposed changes to the roof level
Condition 22 – Traffic, Parking and Driveways	To remove reference to the previous approved plans. The requirements outlined in this condition is covered by other conditions in the consent.
Condition 84 - Completion of Landscape Works	This condition duplicates Condition 70.

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The following conditions are recommended to be amended:

Conditions	Reasons
Condition 1 – Approved Plans and design	This condition is to be amended to reflect the latest plans.
Condition 15 – Roads and Maritime	The current Transport for NSW concurrence superseded the concurrence conditions placed under DA2017/0655. New conditions to be imposed per Transport for NSW concurrence.
Condition 17 – Tree Replacement	This condition is updated to reflect the latest landscape plans. The tree species is to remain unchanged from the landscape plan approved under DA2017/0655
Condition 18 – Tree Protection Measures	The tree species to be planted at the front of the site is changed to reflect changes to the area available for tree planting.
Condition 32 – Provision of a Car Wash Bay	This condition is amended per Traffic Engineer's advice for clarification.
Condition 33 – Amendments to the Landscape Plan	The tree species to be planted at the front of the site is changed to reflect changes to the area available for tree planting.
Condition 44 – On Site Detention	A requirement of providing twin 200mm x 75mm Rectangular Hollow Sections (RHS) is inserted to improve durability and discharge capacity of the stormwater system.
Condition 50 – Construction Traffic Management Plan	Replace 'engineers' with 'Senior Traffic and Parking Assessment Officer' to provide greater clarity with respect to the responsible reviewer in Council.
Condition 54 – BASIX Certificate	This condition is to be amended to reflect the latest BASIX Certificate.
Condition 70 - Completion of Landscape Works	This condition is to be amended to reflect the latest landscape plans.
Condition 85 – Allocation of car parking spaces	To reflect the proposed changes to basement parking levels.

The following conditions are recommended to be added:

Conditions	Reasons
Condition 32a - Sightlines for pedestrian safety	Imposed to ensure the parking area is appropriate for pedestrian safety.

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Condition 33a – Required Design Amendments	The following design change conditions are to be imposed: - Installation of a mechanical device to transport wheelchair users between the ground floor and the ground floor communal open space. - (removal of planters near the two Phoenix canariensis to be protected pursuant to Condition 16)
Condition 37a – Vehicle crossing design	To ensure compliance with Council's standard and relevant Australian Standards.
Condition 85a - Bicycle facilities and certification	To ensure bicycle facilities are built to relevant Australian Standards.
Condition 85b - Driveways, ramp design and certification	To ensure the driveway is built to relevant Australian Standards.
Condition 85c - Carpark layout, design and certification	To ensure the carpark layout is built to relevant Australian Standards.
Condition 85d - Convex mirrors	To ensure convex mirrors are installed per relevant Australian Standards

The conditions to be deleted read as follows:

~~3. The mechanical ventilation and a/c units shall be implemented in accordance with the plans and specifications prepared by PTC Consulting Engineers and dated 23/11/18.~~

This condition is deleted per MOD2025/0031 (MOD2025/0016)

~~**22. Traffic, Parking and Driveways** - The gradient for the first 6m of the basement ramp should not exceed 5%. Plan DA1.03 prepared by Geoform, are showing that only the first 5m are 1 in 20. This will need to be changed as per AS2890.1 :2004 section 3.3 Gradient of Access driveways.~~

~~All shared zone area marked for disabled parking need to have the bollards installed as per the AS2890.6~~

This condition is deleted per MOD2025/0031 (MOD2025/0016)

~~**84. Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with plans drawn by Ground Ink, Landscape Architects, drawing number LDA – 01 to LDA-03.~~

This condition is deleted per MOD2025/0031 (MOD2025/0016)

The conditions to be amended read as follows:

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

Description	Reference No.	Date	Revision	Prepared By
~~Cover Sheet~~	~~DA0.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Site Analysis~~	~~DA0.02~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Basement 02 Floor Plan~~	~~DA1.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Basement 01 Floor Plan~~	~~DA1.02~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Ground Floor Plan~~	~~DA1.03~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Level 01 Floor Plan~~	~~DA1.04~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Level 02 Floor Plan~~	~~DA1.05~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Level 03 Floor Plan~~	~~DA1.06~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Level 04 Floor Plan~~	~~DA1.07~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Level 05 Floor Plan~~	~~DA1.08~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Roof Plan~~	~~DA1.09~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~South-west/North-east Elevation~~	~~DA2.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~North-west/South-east Elevation~~	~~DA2.02~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Sections AA~~	~~DA3.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~GFA Calculations~~	~~DA7.04~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~

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~~Solar Access June 21~~	~~DA4.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Solar Access September 21~~	~~DA4.03~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Deep Soil Zone~~	~~DA7.05~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Natural Ventilation and Solar Access~~	~~DA7.03~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Typical Floor Plan~~	~~DA7.02~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Typical Unit Layout~~	~~DA7.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~External materials schedule~~	~~DA6.02~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Adaptable Unit layout~~	~~DA5.01~~	~~16/04/18~~	~~A~~	~~Geoform Architects and Charles Tang Design~~
~~Building Height Plane~~	~~DA4.04~~		~~A~~	
Cover Page	DA0.01	13 November 2025	F	Design Corp Architects
Site Analysis	DA0.02	05 September 2025	E	Design Corp Architects
Site Plan	DA0.03	13 November 2025	F	Design Corp Architects
Basement 2	DA1.01	05 September 2025	E	Design Corp Architects
Basement 1	DA1.02	13 November 2025	F	Design Corp Architects
Ground Floor Plan	DA1.03	13 November 2025	F	Design Corp Architects

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Level 1 Floor Plan	DA1.04	13 November 2025	F	Design Corp Architects
Level 2 Floor Plan	DA1.05	13 November 2025	F	Design Corp Architects
Level 3 Floor Plan	DA1.06	13 November 2025	F	Design Corp Architects
Level 4 Floor Plan	DA1.07	13 November 2025	F	Design Corp Architects
Level 5 Floor Plan	DA1.08	13 November 2025	F	Design Corp Architects
Roof Terrace Plan	DA1.09	13 November 2025	F	Design Corp Architects
South West/North East Elevations	DA2.01	13 November 2025	F	Design Corp Architects
North West/South East Elevations	DA2.02	13 November 2025	F	Design Corp Architects
Section A	DA3.01	13 November 2025	B	Design Corp Architects
Shadow diagrams	DA4.01 to DA4.08	13 November 2025	B	Design Corp Architects
Maximum Building Height Plane	DA4.09	13 November 2025	F	Design Corp Architects
External Finishes	DA6.02	13 November 2025	F	Design Corp Architects

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Common Open Space & Deep Soil Zone	DA7.01	13 November 2025	F	Design Corp Architects
GFA Calculations	DA7.02	13 November 2025	D	Design Corp Architects
Ventilation Diagrams	DA7.03	13 November 2025	D	Design Corp Architects
Solar Access Diagrams	DA7.04	13 November 2025	D	Design Corp Architects
Typical Adaptable Unit	DA8.01	13 November 2025	A	Design Corp Architects
Adaptable Housing Audit	N/A	21/12/17	N/A	Building Innovation Australia
Arboricultural Assessment Report prepared by dated	N/A	19/12/17	N/A	TALC
~~BASIX Report No.891709M_02~~	~~-~~	~~21/12/17~~	~~-~~	
BASIX Certificate	1824659M	2 December 2025	-	House Energy Certified
BCA & Access Report	N/A	20/12/17	N/A	Building Innovations Australia
Geotechnical Report	N/A	15 Dec 17	N/A	Morrow
~~Statement of Environmental Effects~~	~~-~~	~~21 December 2017~~	~~-~~	~~Rod Logan Planning~~
Thermal Assessment	-	19/12/17	-	Michael Young

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Traffic and Parking Assessment	-	21/12/17	-	Terraffic
Waste Management Plan	-	-	-	Charles Tang and Geoform

Documents relied upon

Description	Reference No.	Date	Revision	Prepared By
Stormwater Plan	240069	24 October 2024	A	Civil & Stormwater Engineering Services Pty Ltd

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This condition is deleted per MOD2025/0031 (MOD2025/0016)

15. ~~**Roads and Maritime**~~ **Transport for NSW** ~~-~~ The following ~~RMS~~ Transport for NSW requirements are to be met;

~~I. The subject property is affected by a road proposal as shown by the grey colour on the attached Aerial – 'X'. This area should be identified on any plan of development.~~

~~II. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth) along the Princes Highway boundary.~~

~~III. The layout of the proposed basement car park area associated with the subject development should be in accordance with AS 2890.1 -2004 and AS2890.6 2009.~~

~~IV. Sight distances from the proposed vehicular crossings to vehicles on Princes Highway are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.~~

~~V. All vehicles are to enter and exit the site in a forward direction and are to be wholly contained on site before being required to stop.~~

~~VI. Bicycle parking associated with the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities). Consideration should also be given to providing end-of-trip facilities within the commercial development to support and encourage active transport to the subject development.~~

VII. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Email Suppiah.Thillai@rms.nsw.gov.au.

VIII. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

IX. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114

As it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

X. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

XI. Construction works zone will not be permitted on Princes Highway.

XII. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.

a. The design and construction of the kerb and guttering and new gutter crossing on the Princes Highway shall be in accordance with TfNSW requirements. Detailed design plans of the proposed gutter crossing and kerb and guttering are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and

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commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

b. Detailed design plans and hydraulic calculations (for the 1 in 5, 1 in 20 and 1 in 100 storm events pre development and post development) of any changes to the stormwater drainage system that impact upon the Princes Highway are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

c. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

d. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the prior to the issue of a Construction Certificate and commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

e. The developer is required to enter a Works Authorisation Deed (WAD) with TfNSW, or other suitable arrangement as agreed to by TfNSW, for the works required by Conditions 1, 2 and 3 that impact the Princes Highway.

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f. A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows on the Princes Highway during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.

This condition is amended per MOD2025/0031 (MOD2025/0016)

17. **Tree Replacement -** The following replacement trees are to be planted prior to the issue of either an Occupation Certificate or Subdivision Certificate (whichever is first). All replacement trees must be replanted a minimum of 3m away from any driveway, building or structure.

Trees species, quantities, pot/ bag size as per landscape plans and specifications* LDA – 01 to LDA-03, *provided by Ground Ink Landscape Architects.

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy and Masterplan, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

This condition is amended per MOD2025/0031 (MOD2025/0016)

18. **Tree Protection Measures -** The tree/s to be protected are listed in the table below;

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres)
Phoenix canariensis x 2	Both palms located at back south fence of 198 Princes Hwy	6m

Trees noted as T3 and T4 (in accordance with (a) above) on the Landscape Plan street are to be retained shall be protected and during demolition, excavation and construction of the site.

Four (4) x ~~"Tristaniopsis 'Luscious'~~ 'Lagerstroemia indica – Crepe Myrtle' are to be planted at the front of the site.

The tree protection measures must be in undertaken in accordance *AS4970 -2009 Protection of trees on development sites.*

Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.

This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

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The Tree Protection zone of each tree to be protected shall be watered thoroughly, regularly to minimise the effects of construction works.

No services shall be installed within the TPZ of the tree unless approved by Council.

This condition is amended per MOD2025/0031 (MOD2025/0016)

32. ~~**Provision of a**~~ **Car Wash Bay -** ~~A visitor space must be designated as a car wash bay~~. The car wash bay must:

(i) have clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the bay;
(ii) have a fixed basket trap for floor waste; and
(iii) includes a 1000 litre general purpose pit.

Details of the disposal of trade waste water are to be indicated on the Construction Certificate drawings. Three options exist for the disposal of trade wastewater from residential car wash bays. They are:

(i) removal off-site by an authorised liquid waste disposal contractor;

(ii) reuse of treated wastewater for car washing or irrigation on landscaped areas. An appropriate method should be used to treat grease, oil and silt before reuse or irrigation; or

(iii) discharge to the sewer via appropriate pre-treatment. If the car wash bay discharges into the sewer, a Permission to Discharge Trade Wastewater issued by Sydney Water must be obtained prior to approval of the development.

(iv) If the carwash bay is not discharged into the sewer, applicants must provide Council with details and evidence of how wastewater will be removed (eg removal by an authorised liquid waste disposal contractor).

(v) Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

(vi) All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

(vii) If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

This condition is amended per MOD2025/0031 (MOD2025/0016)

44. **On Site Detention -** An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The

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design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

(i) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden;

(ii) at Annual Recurrence Intervals of 2 years and 100 years;

(iii) discharge by gravity to the street stormwater system; and

(iv) ensure the provision of an overland flow bypassing the orifice plate to the street.

(v) The design and structural adequacy of the OSD tank system shall be certified by a practicing drainage engineer to the satisfaction of the certifier.

(vi) Site Stormwater runoff is to be discharged to kerb and gutter along Princes Highway frontage through twin 200mm x 75mm Rectangular Hollow Sections (RHS)

This condition is amended per MOD2025/0031 (MOD2025/0016)

50. **Construction Traffic Management Plan -** A Construction Traffic Management Plan shall be submitted detailing the following:

(i) construction vehicle routes;
(ii) anticipated number of trucks per day;
(iii) hours of construction;
(iv) access arrangements
(v) proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council's ~~Engineers~~ Senior Traffic and Parking Assessment Officer.
(vi) Compliance with AS2890
(vii) Council's ~~Engineers~~ Senior Traffic and Parking Assessment Officer must specify in writing ~~that they are satisfied with~~ the Traffic Management Plan is satisfactory prior to the issue of the Construction Certificate.

This condition is amended per MOD2025/0031 (MOD2025/0016)

54. **BASIX Commitments -** All energy efficiency measures as detailed in the BASIX Certificate No. ~~8891709M_02 dated 21 December 2017~~ 1824659M dated 2 December 2025 must be implemented on the plans lodged with the application for the Construction Certificate.

This condition is amended per MOD2025/0031 (MOD2025/0016)

70. **Completion of Landscape Works -** All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with landscape plans, drawn by Zenith Landscape Design L01- L03 dated 4/9/2018 (as amended by Condition 26) in its entirety.

This condition is amended per MOD2025/0031 (MOD2025/0016)

85. **Allocation of car parking spaces -** Car parking associated with the development is to be allocated as follows and shall be reflected on the strata plan:

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a) Residential dwellings: at least one car space per unit, total 33 spaces including three spaces for persons with a disability allocated to the adaptable units.
b) Residential visitors: ~~5~~ 6 residential visitor spaces ~~(including a car wash bay and loading bay).~~ with one space being a vehicle car wash bay
c) A minimum of 3 accessible spaces.
d) ~~Motorbike parking catering for a minimum of 2 motorbikes~~ Parking for 2 motorcycles as shown on Basement Level 1 unless those spaces are required for additional bicycle parking.

This condition is amended per MOD2025/0031 (MOD2025/0016)

The conditions to be added read as follows:

32a. **Sightlines for pedestrian safety** - details of how it is proposed to achieve and maintain sightlines for pedestrian safety on the south-western/exit side of the driveway shall be submitted to the Certifier for approval prior to issue of the Construction Certificate.

This condition is added per MOD2025/0031 (MOD2025/0016)

33a. **Required Design Amendments** - Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

Area of change required	Change Required
Ground floor communal open space	A mechanical device shall be provided to transport wheelchair users between the ground floor and the ground floor communal open space.

This condition is added per MOD2025/0031 (MOD2025/0016)

37a. **Vehicular crossing design** - The vehicle crossing shall:
(i) Be splayed on its north-eastern/left side to make provision for the B85 Australian Standard Design Vehicle to turn left into the site from the kerbside lane on the Princes Highway without the inside wheels of the travelling over the kerb.
(ii) Be splayed on its south-western/right side so that when a vehicle exits the site to the Princes Highway, the wheels of the vehicle are fully on the new vehicle crossing.

This condition is added per MOD2025/0031 (MOD2025/0016)

85a. **Bicycle facilities and certification** - prior to the issue of an Occupation Certificate, documentation from a suitably qualified and experienced Traffic Engineering consultant shall be submitted to the Certifier certifying the bicycle parking facilities have been constructed in accordance with the approved plans and the above Australian Standard.

This condition is added per MOD2025/0031 (MOD2025/0016)

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85b. **Driveways, ramp design and certification** - the design and construction of the footpath crossing/driveway and internal driveways and ramps shall comply with the requirements of *AS/NZS 2890.1:2004 Parking Facilities, Part 1- Off street car parking.*

Prior to the issue of an Occupation Certificate, documentation from a suitably qualified and experienced engineering consultant shall be submitted to the Certifier certifying the footpath crossing/driveway and internal driveways and ramps have been constructed in accordance with the approved plans and the above Australian Standard.

This condition is added per MOD2025/0031 (MOD2025/0016)

85c. **Carpark layout, design and certification** - the layout and design of off street car parking areas shall comply with the requirements of AS/NZS 2890.1:2004 Parking Facilities, Part 1- Off street Car parking and other Australian Standards as applicable.

Prior to the issue of an Occupation Certificate, documentation from a suitably qualified and experienced Traffic Engineering consultant shall be submitted to the Certifier certifying the carparking facilities have been constructed in accordance with the approved plans and the above Australian Standard.

This condition is added per MOD2025/0031 (MOD2025/0016)

85d. **Convex mirrors -** the size, location on walls, angle and height above the basement floors of all convex mirrors to provide the required vehicle to vehicle sightlines shall be determined by a suitably qualified and experienced professional practicing in the field of convex mirror design and installation. Documentation from the professional designing the system of convex mirrors shall be submitted to the Certifier for approval certifying:

(i) The convex mirror at the foot of ramp adjacent to “Visitors” parking space 15 provides adequate sighting for those drivers exiting Basement Level 1 to sight drivers on the ramp entering the basement.

(ii) The convex mirrors proposed in other locations in the basement provide suitable vehicle to vehicle sightlines.

All convex mirrors shall be installed as specified prior to the issue of the Occupation Certificate.

This condition is added per MOD2025/0031 (MOD2025/0016)

Determination

Approval of Application

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the Georges River Local Planning Panel determines MOD2025/0031 for Modification of DA2017/0655 for Demolition of existing structures, construction of six storey residential flat building comprising twenty two (22) residential units and two (2) levels of basement carpark - modification includes modify unit size and floor level changes on Lot 4 and 5 Sec 17 DP 1963 on land known as 198-200 Princes Highway, Kogarah Bay NSW 2217 as an approval for the reasons below subject to the conditions referenced in Appendix 1:

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Appendix 1 – Conditions

SPECIFIC DEVELOPMENT CONDITIONS

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

Description	Reference No.	Date	Revision	Prepared By
Cover Sheet	DA0.01	16/04/18	A	Geoform Architects and Charles Tang Design
Site Analysis	DA0.02	16/04/18	A	Geoform Architects and Charles Tang Design
Basement 02 Floor Plan	DA1.01	16/04/18	A	Geoform Architects and Charles Tang Design
Basement 01 Floor Plan	DA1.02	16/04/18	A	Geoform Architects and Charles Tang Design
Ground Floor Plan	DA1.03	16/04/18	A	Geoform Architects and Charles Tang Design
Level 01 Floor Plan	DA1.04	16/04/18	A	Geoform Architects and Charles Tang Design
Level 02 Floor Plan	DA1.05	16/04/18	A	Geoform Architects and Charles Tang Design
Level 03 Floor Plan	DA1.06	16/04/18	A	Geoform Architects and Charles Tang Design
Level 04 Floor Plan	DA1.07	16/04/18	A	Geoform Architects and Charles Tang Design
Level 05 Floor Plan	DA1.08	16/04/18	A	Geoform Architects and Charles Tang Design
Roof Plan	DA1.09	16/04/18	A	Geoform Architects and Charles Tang Design
South-west/North-east Elevation	DA2.01	16/04/18	A	Geoform Architects and Charles Tang Design
North-west/South-east Elevation	DA2.02	16/04/18	A	Geoform Architects and Charles Tang Design

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Sections AA	DA3.01	16/04/18	A	Geoform Architects and Charles Tang Design
GFA Calculations	DA7.04	16/04/18	A	Geoform Architects and Charles Tang Design
Solar Access June 21	DA4.01	16/04/18	A	Geoform Architects and Charles Tang Design
Solar Access September 21	DA4.03	16/04/18	A	Geoform Architects and Charles Tang Design
Deep Soil Zone	DA7.05	16/04/18	A	Geoform Architects and Charles Tang Design
Natural Ventilation and Solar Access	DA7.03	16/04/18	A	Geoform Architects and Charles Tang Design
Typical Floor Plan	DA7.02	16/04/18	A	Geoform Architects and Charles Tang Design
Typical Unit Layout	DA7.01	16/04/18	A	Geoform Architects and Charles Tang Design
External materials schedule	DA6.02	16/04/18	A	Geoform Architects and Charles Tang Design
Adaptable Unit layout	DA5.01	16/04/18	A	Geoform Architects and Charles Tang Design
Building Height Plane	DA4.04		A	
Adaptable Housing Audit	N/A	21/12/17	N/A	Building Innovation Australia
Arboricultural Assessment Report prepared by dated	N/A	19/12/17	N/A	TALC
BASIX Report No.891709M_02	-	21/12/17	-	
BCA & Access Report	N/A	20/12/17	N/A	Building Innovations Australia
Geotechnical Report	N/A	15 Dec 17	N/A	Morrow

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Statement of Environmental Effects	-	21 December 2017	-	Rod Logan Planning
Thermal Assessment	-	19/12/17	-	Michael Young
Traffic and Parking Assessment	-	21/12/17	-	Terraffic
Waste Management Plan	-	-	-	Charles Tang and Geoform

2. The pergola structure on the roof shall be scaled back and reduced in size so that it does not extend beyond the rear alignment of the lift, staircase and be aligned with the rear of the Ambulant Toilet.

   The intent of the pergola is to provide cover over a small portion of the roof and not extend beyond the main fixed structures (stair, amenities and lift). Amended details are to accompany the Construction Certificate plans and documents.

3. The mechanical ventilation and a/c units shall be implemented in accordance with the plans and specifications prepared by PTC Consulting Engineers and dated 23/11/18.

Section B Fees and Contributions

4. **Fees and contributions to be paid** - Fees referred to in this consent must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

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

   Please contact Council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

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

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

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(ii) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **$37,673.28**.

(ii) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee (for two inspections) to enable assessment of any damage and repairs where required: **$371.00**.

6. **Long Service Levy -** A Long Service Levy shall be paid in respect to this development. Details are provided below;

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

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

7. **Development Contributions -** The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

The Section 7.11 contribution has been levied on the subject development pursuant to the Kogarah Section 94 Contributions Plans as follows (based on 43 units with credit for five existing dwellings):

Contribution Plan	Description	Section 94 contributions assessed ($)	No. of existing lots (credit) ($)	Section 94 contributions payable ($)
Plan No. 1	Road and traffic management - residential	4,697.73	629.16	4,068.57
Plan No. 5	Open Space - 2006	246,403.48	29,154.62	217,248.86
Plan No. 9	Kogarah libraries - buildings component	5,417.70	707.72	4,709.98
Plan No. 9	Kogarah libraries - books component	3,619.20	504.60	3,114.60

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Total Section 94 Contributions Currently Payable			**229,142.01**

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan. The above rates only are current to **1 February 2019**.

Timing of Payment

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

Further Information

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

Section C Separate Approvals Required Under Other Legislation

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

Separate approval is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 for any of the following activities carried out in, on or over a public road (including the footpath) listed below. An application is required to be lodged and approved prior to the commencement of any of the following works or activities:

(i) Placing or storing materials or equipment;
(ii) Placing or storing waste containers or skip bins;
(iii) Erecting a structure or carrying out work;
(iv) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
(v) Pumping concrete from a public road;
(vi) Pumping water from the site into the public road;
(vii) Constructing a vehicular crossing or footpath;
(viii) Establishing a "works zone";
(ix) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);
(x) Stormwater and ancillary works in the road reserve;
(xi) Stormwater and ancillary to public infrastructure on private land.

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

These separate activity approvals must be obtained and evidence of the approval provided to

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the Certifier prior to the issue of the Construction Certificate.

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

9. **Below ground anchors - Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993** - In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the *Local Government Act 1993* and the *Roads Act 1993* for approval, prior to commencement of those works.

The following details must be submitted:

(i) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council;

(ii) The applicant has indemnified council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council.

(iii) Documentary evidence of such insurance cover to the value of $20 million;

(iv) The applicant must register a non-terminating bank guarantee in favour of Council. An amount will be determined when the application is lodged;

(v) The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.

(vi) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

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

Section D Requirements of other Government Authorities

11. **Sydney Water – Tap in ™** - The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

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12. **Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

    Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

    The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

13. **Section 73 Compliance Certificate -** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

14. **Electricity Supply -** An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).

15. **Roads and Maritime -** The following RMS requirements are to be met;

    XIII. The subject property is affected by a road proposal as shown by the grey colour on the attached Aerial – 'X'. This area should be identified on any plan of development.

    XIV. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth) along the Princes Highway boundary.

    XV. The layout of the proposed basement car park area associated with the subject development should be in accordance with AS 2890.1 -2004 and AS2890.6 2009.

    XVI. Sight distances from the proposed vehicular crossings to vehicles on Princes Highway are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.

    XVII. All vehicles are to enter and exit the site in a forward direction and are to be wholly contained on site before being required to stop.

    XVIII. Bicycle parking associated with the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities). Consideration should also be given to providing end-of trip facilities within the commercial development to support and encourage active transport to the subject development.

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XIX. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Email Suppiah.Thillai@rms.nsw.gov.au.

XX. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

XXI. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114

As it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

XXII. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

XXIII. Construction works zone will not be permitted on Princes Highway.

XXIV. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.

Section E Prior To Demolition And Prior to Commencement of Work On Site Including Excavation

16. **Tree Removal & Replacement -** The following trees shall be retained and protected:

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Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres)
Phoenix canariensis x 2	Both palms located at back south fence of 198 Princes Hwy	6m

Details of the trees to be retained must be included on the Construction Certificate plans.

Permission is granted for the removal of the trees specified in the Landscape Plans prepared by Ground Ink (refer to ConditionNo.1).

All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).

No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.

Council shall be appointed to remove all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.

This consent does not approve the removal or pruning (branches or roots) of any trees on Council's public footway, public reserves or on neighbouring properties.

17. **Tree Replacement -** The following replacement trees are to be planted prior to the issue of either an Occupation Certificate or Subdivision Certificate (whichever is first). All replacement trees must be replanted a minimum of 3m away from any driveway, building or structure.

Trees species, quantities, pot/ bag size as per landscape plans and specifications* LDA – 01 to LDA-03, *provided by Ground Ink Landscape Architects.

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy and Masterplan, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

18. **Tree Protection Measures -** The tree/s to be protected are listed in the table below;

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres)
Phoenix canariensis x 2	Both palms located at back south fence of 198 Princes Hwy	6m

Trees noted as T3 and T4 (in accordance with (a) above) on the Landscape Plan street are to be retained shall be protected and during demolition, excavation and construction of the site.

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Four (4) x "Tristaniopsis 'Luscious' are to be planted at the front of the site.

The tree protection measures must be in undertaken in accordance *AS4970 -2009 Protection of trees on development sites.*

Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.

This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

The Tree Protection zone of each tree to be protected shall be watered thoroughly, regularly to minimise the effects of construction works.

No services shall be installed within the TPZ of the tree unless approved by Council.

19. **Tree removal -** Permission is granted for the removal of the following trees:

Tree species	Number of trees	Location
T1 – *Citrus* spp	1	Back yard of 198 Princes Hwy
T2 – *Laurus nobilis*	1	Back fence of 198 Princes Hwy
T5 – Dicksonia antartica	1	Side eastern boundary fence of 198 Princes Hwy
T6 – Phoenix canariensis	1	Side eastern boundary fence of 198 Princes Hwy
T7 – Phoenix canariensis	1	Side eastern boundary fence of 198 Princes Hwy
T8 – Robinia psuedoacacia	1	Front eastern side fence of 198 Princes Hwy
T9 - Robinia psuedoacacia	1	Front eastern side fence of 198 Princes Hwy
T10 – Dicksonia antartica	1	Front of existing dwelling, 198 Princes Hwy
T11 – Ficus benjamina	1	Front of existing dwelling, 198 Princes Hwy
T12 – Dypsis decaryi	1	Middle of backyard of 200 Princes Hwy

20. **Compliance with submitted Arborist Report -** The recommendations outlined in the Arborist's Report titled Arboricultural Assessment Report prepared by TALC Consultants dated 19 December, must be implemented throughout the relevant stages of construction. Details

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of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites.*

21. **Pier and Beams -** To preserve the two Phoenix canariensis Palms, T3 and T4 as marked on the landscape Plan prepared by Ground Ink, Landscape Architects, the footings of the proposed back, south structures/ retaining walls shall be isolated pier and beam construction within a five (5) metre radius of the trunk. The piers shall be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam shall be located on or above the existing soil levels.

Details of this construction method shall be shown on the Construction Certificate plans.

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved. All pruning must be undertaken by a qualified Arborist in accordance with AS4373 -2007 Pruning of Amenity Trees and Amenity Tree Industry, Code of Practice (SafeWork NSW August 1998).

22. **Traffic, Parking and Driveways -** The gradient for the first 6m of the basement ramp should not exceed 5%. Plan DA1.03 prepared by Geoform, are showing that only the first 5m are 1 in 20. This will need to be changed as per AS2890.1 :2004 section 3.3 Gradient of Access driveways.

All shared zone area marked for disabled parking need to have the bollards installed as per the AS2890.6

23. **Dilapidation Report on Public Land** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site. The report must include the following:

f) Photographs showing the existing condition of the road pavement fronting the site
f) Photographs showing the existing condition of the kerb and gutter fronting the site
f) Photographs showing the existing condition of the footpath pavement fronting the site
f) Photographs showing the existing condition of any retaining walls within the footway or road,
f) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
f) The full name and signature of the structural engineer.

The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Certifier and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

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24. **Pre-Construction Dilapidation Report – Private Land -** A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining the **four** adjoining properties.

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

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

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

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

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

(ii) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

(ii) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

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

28. **Utility Arrangements -** Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant’s expense.

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29. **Erosion and Sedimentation Control -** Erosion and sediment controls must be provided to in accordance with the approved Site Management Plan.

Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval). All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.

All clean water run-off is diverted around cleared or exposed areas.

Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways.

Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway. Compliance with Managing Urban Stormwater – Soils and Construction (Blue Book) produced by Landcom 2004 is to be met.

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

30. **Site sign – Soil and Erosion Control Measures -** Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

31. **Dial before you dig -** The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

Section F Prior to the Issue of a Construction Certificate

32. **Provision of a Car Wash Bay -** A visitor space must be designated as a car wash bay. The car wash bay must:

(iv) have clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the bay;
(v) have a fixed basket trap for floor waste; and
(vi) includes a 1000 litre general purpose pit.

Details of the disposal of trade waste water are to be indicated on the Construction Certificate drawings. Three options exist for the disposal of trade wastewater from residential car wash bays. They are:

(viii) removal off-site by an authorised liquid waste disposal contractor;

(ix) reuse of treated wastewater for car washing or irrigation on landscaped areas. An appropriate method should be used to treat grease, oil and silt before reuse or

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irrigation; or

(x) discharge to the sewer via appropriate pre-treatment. If the car wash bay discharges into the sewer, a Permission to Discharge Trade Wastewater issued by Sydney Water must be obtained prior to approval of the development.

(xi) If the carwash bay is not discharged into the sewer, applicants must provide Council with details and evidence of how wastewater will be removed (eg removal by an authorised liquid waste disposal contractor).

(xii) Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

(xiii) All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

(xiv) If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

33. **Amendments to the Landscape Plan -** The submitted Landscape Plan shall be amended as follows:

a) The front of the site shall include 4 x "*Tristaniopsis 'Luscious'*. The plan only notes 3 of these trees are to be planted at the front of the Site.

b) Planter boxes shall continue along the entire periphery of the roof terrace.

c) Planter boxes shall have a minimum depth of 900mm and minimum width of 900mm.

34. **Use of Rooftop open space -** A Plan of Management (POM) for use of rooftop open space must be submitted for approval of Council. The POM must outline the:

(i) hours of use of the rooftop deck which shall be restricted from 8am until 10pm;

(ii) maximum number of users at any one time;

(iii) provisions for no amplified music to be played;

(iv) and identify other measures to ensure that the amenity of persons within the development and in nearby existing and future development is maintained.

(v) The approved POM shall be incorporated into the Owners Corporation by-laws in any future Strata subdivision and a sign in the front entry of the building shall be included to ensure the use of this space is monitored and understood by all occupants.

35. **Road Noise attenuation -** The site is affected by noise from the Princes Highway. The construction certificate plans shall show that the development has been designed in accordance with the measures of acoustic attenuation to meet the internal noise levels

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specified in Clause 102 of State Environmental Planning Policy (Infrastructure) 2007, as recommended in the Noise Impact Assessment prepared by Acoustic Logic, dated 14 December 2017.

36. **Site Management Plan - Major Development -** A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

(i) location of protective site fencing;
(ii) location of site storage areas/sheds/equipment;
(iii) location of building materials for construction, e.g. stockpiles;
(iv) provisions for public safety;
(v) dust control measures;
(vi) method used to provide site access location and materials used;
(vii) details of methods of disposal of demolition materials;
(viii) method used to provide protective measures for tree preservation;
(ix) provisions for temporary sanitary facilities;
(x) location and size of waste containers/skip bins;
(xi) details of proposed sediment and erosion control measures;
(xii) method used to provide construction noise and vibration management;
(xiii) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity.

A copy of the Site Management Plan must be kept on site and is to be made available upon request.

37. **Vehicular Crossing – Major Development -** The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

(i) Construct a 1.5m wide footpath for the full length of the frontage of the site in Princes Highway in accordance with Council's Specifications applying at the time construction approval is sought.

(ii) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.

(iii) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.

Constructing a vehicular crossing and/or footpath requires separate approval under Section 138 of the Roads Act 1993, prior to the commencement of those works.

38. **Driveway Construction Plan Details -** Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application that shows:

b) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and

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AS/NZS2890.1-2004;

c) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits); and

d) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

39. **General Tree Protection Measures -** The following tree protection measures shall be adhered to;

(a) All trees to be retained shall be protected BEFORE and maintained during demolition, excavation and construction of the site.

(b) The tree protection measures must be in undertaken in accordance AS4970 -2009 Protection of trees on development sites.

(c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).

(d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.

(e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.

(f) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly, regularly to minimise the effects of construction works.

(g) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.

40. **Excavation works near tree/s to be retained -** Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.

Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

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Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

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

All stormwater shall drain by gravity to Council's kerb and gutter in the street as indicated on the approved drainage plan in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

Prior to the commencement of works, the PCA/builder shall ensure that the stormwater discharge pipe across the footpath shall be RHS at an angle and is laid with minimum disturbance at a minimum 1% grade to the kerb and gutter in the street and is made in good working condition.

There shall be no damage to the adjoining driveway crossing. All damages are to be rectified to its original condition at the cost of the applicant.

The stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

42. **Stormwater Systems with Basement -** The underground basement car park must pump to and all other stormwater must drain by gravity to the drainage system within the site via a silt trap pit.

The design of the proposed drainage system must be prepared by a professional engineer who specialises in hydraulic engineering and be submitted for approval with the Construction Certificate application.

43. **Protection of basement from inundation of stormwater waters -** The protection of the underground basement shall be protected from possible inundation by surface waters from the street.

Evidence from a professional engineer who specialises in hydraulic engineering that this design requirement has been adhered to shall be submitted with the Construction Certificate application.

44. **On Site Detention -** An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The

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design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

(i) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden;

(ii) at Annual Recurrence Intervals of 2 years and 100 years;

(iii) discharge by gravity to the street stormwater system; and

(iv) ensure the provision of an overland flow bypassing the orifice plate to the street.
(v) The design and structural adequacy of the OSD tank system shall be certified by a practicing drainage engineer to the satisfaction of the certifier.

45. **Pump-Out System Design for Stormwater Disposal -** The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

(i) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm;

(ii) The pump system shall be regularly maintained and serviced, every six (6) months; and

(iii) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

(iv) Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

46. **Driveway Construction Plan Details -** Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.

b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).

c) A longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level.

d) The civil/traffic engineer shall provide specific written certification on the plans that:

(i) Vehicular access can be obtained using grades of 25% (1 in 4) maximum; and

(ii) All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) –

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"Off-street car parking" to prevent the scraping of the underside of the vehicles.

47. **Council Property Shoring -** Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

48. **Geotechnical requirements during construction** - The recommendations of the Geotechnical Report ~~Geotechnical Investigation~~ for ~~Leonard Street Pty Limited dated December 2017 prepared by STS GeoEnvironmental~~ Shinecorp Kogarah Bay Pty Ltd dated December 2017 prepared by Morrow Geotechnic Pty Ltd shall be complied with during construction.~~, including:~~

~~(i) to ensure that buildings or other developments on adjacent properties are not damaged when excavating rock, limiting vibration to 10mm/sec, with vibration monitoring; or using the excavation methods shown in Table 5.1 on page 5;~~

~~(ii) adopting the other recommendations in each paragraph on pages 5, 6 and 7 in Section 5.2;~~

(iii) ~~adopting recommendations for foundation design in Section 5.3~~.

Construction methods must ensure that nuisance from vibration does not occur, ~~which as noted in page 5 of the Geotechnical Report may occur~~ at levels below the threshold for building damage. Vibration monitoring in this regard may be required and on-site guidance by a vibration specialist during the early part of excavation.

As the submitted Geotechnical Report is based on the findings of three boreholes only (due to limited site access) and data has been extrapolated across the site, should actual site conditions differ from those inferred, an updated Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction is to be submitted before the issue of the Construction Certificate.

This condition is amended as per MOD2025/0016 (DA2017/0655)

49. **Traffic Management - Compliance with AS2890 -** All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the

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current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

50. **Construction Traffic Management Plan -** A Construction Traffic Management Plan shall be submitted detailing the following:

(viii) construction vehicle routes;
(ix) anticipated number of trucks per day;
(x) hours of construction;
(xi) access arrangements
(xii) proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council's Engineers.
(xiii) Compliance with AS2890
(xiv) Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

51. **Fire Safety Measures -** Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either the Council or a private Certifier. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Certifier will then issue a Fire Safety Schedule for the building.

52. **Access for Persons with a Disability and Adaptable Housing -** Access for persons with disabilities and adaptable housing must be provided to the premises/building in accordance with the requirements of AS4299-1995, the Building Code of Australia, and AS 1428.1 where relevant. The requirements and amendments indicated in Access Report prepared by Vista Access Architects Revision B are to be complied with and are to be shown on the construction certificate drawings.

53. **SEPP 65 Design Verification Statement -** A design verification statement, prepared by the qualified designer, shall be submitted to the Certifier verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of State Environmental Planning Policy No 65 -Design Quality of Residential Flat Development.

54. **BASIX Commitments -** All energy efficiency measures as detailed in the BASIX Certificate No. 8891709M_02 dated 21 December 2017 must be implemented on the plans lodged with the application for the Construction Certificate.

55. **Design Quality Excellence -** In order to ensure the design quality excellence of the development is retained:

a) The design architect is to have direct involvement in the design documentation, contract documentation and construct stages of the project.

b) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project.

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c) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.

d) The design architect of the project is not to be changed without prior notice and approval of the Council.

56. **Waste Storage -** The number of bins required for this property is 11 X 240L garbage bins and 12 X240L recycling bins. Bins will be collected once a week and need to be taken to the Princes Highway for collection.

The waste room will contain the following to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:

i) floor to be sealed;
ii) walls and floor surface is flat and even;
iii) all walls painted with light colour and washable paint;
iv) equipment electric outlets to be installed 1700mm above floor levels;
v) is mechanically exhausted as required by AS 1668.2;
vi) must be well lit (sensor lighting recommended); a light switch is installed at height of 1.6m;
vii) an optional automatic odour and pest control system may be installed to eliminate all pest types and assist with odour reduction;
viii) all personnel doors are hinged and self-closing; and
ix) conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensure that the bin movements should be with ease of access.
x) Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
xi) Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.

57. **Structural details -** Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Certifier for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the Certifier.

Section G Prior to Construction

58. **Dilapidation Report on Public Land – Major Development Only -** Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site:

The report must include the following:

(a) Photographs showing the existing condition of the road pavement fronting the site,
(b) Photographs showing the existing condition of the kerb and gutter fronting the site,
(c) Photographs showing the existing condition of the footpath pavement fronting the site,
(d) Photographs showing the existing condition of any retaining walls within the footway or road, and
(e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and

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(f) The full name and signature of the structural engineer.

(g) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

59. **Site Stormwater Discharge Pipe across the Footpath -** The site stormwater discharge pipe shall be RHS type connected to the existing kerb and gutter in the street through an outlet from a boundary pit within the subject site. The Principal Certifying Authority shall engage a registered surveyor to ensure that the proposed stormwater connection into Council's stormwater system in the street is satisfactory in location and grade to drain the site by gravity and to the satisfaction of Council's Asset engineer prior to the commencement of works:

- Prior to the commencement of works, the registered surveyor shall ensure to the PCA that the stormwater discharge pipe across the footpath shall be RHS at an angle and is laid with minimum disturbance at a minimum 1% grade to the kerb and gutter in the street and is made in good working condition. Stormwater discharge pipe across the footpath shall not connect against the flow in the street.
- A longitudinal section of the site stormwater discharge pipe across the footpath reserve shall be prepared showing the public utility services particularly those may encroach the above proposed stormwater pipe.
- The RHS galvanised pipe must have a minimum of 50mm of cover along its length through the road reserve. A detailed section of the connection through the road reserve is to be prepared and shown on the drainage plan prior to the commencement of works.
- There shall be no damage to the adjoining driveway crossings. All damages within the footpath road reserve are to be rectified to its original condition at the cost of the applicant.

Section H During Construction

60. **Physical connection of stormwater to site -** No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Princes Highway.

61. **Hazardous or Intractable Waste – Removal and Disposal** - Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and with the provision of:

- Work Health and Safety Act 2011 (NSW) (as amended);
- Work Health and Safety Regulation 2011 (as amended);
- Protection Of the Environment Operations Act 1997 (NSW) (as amended); and
- Protection of the Environment Operations (Waste) Regulation 2014 (as amended)

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

63. **No Obstruction of Road or Footpath -** The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

64. **Hours of construction for demolition and building work -** Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

    Note: A penalty infringement notice may be issued for any offence.

65. **Waste Management Facility -** All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifier, and Council, where Council is not the Principal Certifier.

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

67. **Registered Surveyors Report - During Development Work** - A report must be submitted to the Principal Certifier at each of the following applicable stages of construction:

    (i) Set out before commencing excavation;

    (ii) Floor slabs or foundation wall, before formwork or commencing brickwork;

    (iii) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans;

    (iv) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey;

    (v) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries;

    (vi) Completion of all Work - Detailing the location of the structure (including eaves/gutters)

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relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

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

Section I Prior to the Issue of the Occupation Certificate

68. **Acoustic Certification -** Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled 198-200 Princes Highway, Kogarah Bay – Noise Impact Assessment prepared by Acoustic Logic and dated 14 December 2017.

69. **Acoustic Compliance – General Operation of Premises -** The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 (as amended) and Regulations.

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's "NSW industrial Noise Policy.

Certification must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

70. **Completion of Landscape Works -** All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with landscape plans, drawn by Zenith Landscape Design L01- L03 dated 4/9/2018 (as amended by Condition 26) in its entirety.

71. **Post Construction Dilapidation report – Private Land -** At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the five adjoining premises.

The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the Principal Certifier prior to the issue of any Occupation Certificate.

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72. **Traffic Control Devices -** The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with Australian Standard - AS1742, Manual of Uniform Traffic Control Devices.

If an exit from car park utilises a pedestrian footpath, then a warning system such as flashing light and/or 'alarm sound' must be installed on the subject property to alert pedestrians of vehicles exiting the car park. The Alarm System must be designed and installed in accordance with AS2890.1 -2004.

73. **SEPP 65 Design Verification Statement -** The Principal Certifier must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 (Schedule 1) of State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development.

74. **Car parking areas - Major Development -** Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

75. **Consolidation of Site -** The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land and Property Information prior to the issue of an occupation certificate.

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

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

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

b) **Positive Covenants**
The registered proprietor of the lot(s) hereby burdened will in respect of the system:

i) keep the system clean and free from silt, rubbish and debris

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ii) maintain and repair at the sole expense of the registered proprietors the whole of the system so that if functions in a safe and efficient manner

iii) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant

iv) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.

c) Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:

In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part b) (iii) above.

The Council may recover from the registered proprietor in a Court of competent jurisdiction:

i) any expense reasonably incurred by it in exercising its powers under subparagraph (c) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (c) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.

ii) Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act.

Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.

77. **Maintenance Schedule for On-site Stormwater Management -** A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

78. **Works as Executed and certification of stormwater works -** Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the Principal Certifier and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Principal Certifier.

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The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

(i) The location of any detention basin/s with finished surface levels;
(ii) Finished site contours at 0.2 metre intervals (if applicable);
(iii) Volume of storage available in any detention areas;
(iv) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
(v) The orifice size/s (if applicable);
(vi) Details of any infiltration/absorption systems; and (if applicable);
(v) Details of any pumping systems installed (including wet well volumes) (if applicable).

79. **Requirements prior to the issue of the Occupation Certificate -** The following shall be completed and or submitted to the Principal Certifier prior to the issue of the Occupation Certificate:

a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

c) Construct any new vehicle crossings required.

d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.

e) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the Principal certifier prior to the issue of the Occupation Certificate.

f) The construction of the new footpath shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval

80. **Completion of major road related works -** Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate.

The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

81. **Dilapidation Report on Public Land -** Upon completion of works, a follow up dilapidation report must be prepared or the items of Council infrastructure adjoining the development site. The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

(i) Photographs showing the condition of the road pavement fronting the site;
(ii) Photographs showing the condition of the kerb and gutter fronting the site;

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(vi) Photographs showing the condition of the footway including footpath pavement fronting the site;
(vi) Photographs showing the condition of retaining walls within the footway or road;
(vi) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
(vi) The full name and signature of the professional engineer.

The report must be provided to the Principal Certifier and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether or not to refund the damage deposit.

82. **Stormwater drainage works – Works As Executed -** Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

a) Compliance with conditions of development consent relating to stormwater;

b) The structural adequacy of the On-Site Detention system (OSD);

c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;

d) Pipe invert levels and surface levels to Australian Height Datum;

e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

83. **Fire Safety Certificate before Occupation or Use -** In accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000*, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state that:

(i) the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so;

(ii) as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

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84. **Completion of Landscape Works -** All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with plans drawn by Ground Ink, Landscape Architects, drawing number LDA – 01 to LDA-03.

85. **Allocation of car parking spaces -** Car parking associated with the development is to be allocated as follows and shall be reflected on the strata plan:

a) Residential dwellings: at least one car space per unit, total 33 spaces including three spaces for persons with a disability allocated to the adaptable units.
b) Residential visitors: 5 residential visitor spaces (including a car wash bay and loading bay).
c) A minimum of 3 accessible spaces.

d) Motorbike parking catering for a minimum of 2 motorbikes

86. **Structural Certificate During Construction -** The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.

87. **Structural Certificates -** The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate.

88. **Council as PCA -** Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
- Provision of natural light to all habitable areas.
- Fire-fighting services and equipment including hydrant and booster assembly systems, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems and sound & warning systems.
- Emergency lighting and exit signs throughout, including terrace areas, lobby and basement areas.
- Construction of all fire (smoke) doors including warning and operational signage to required exit and exit door areas.
- Egress, travel distance and the discharge from an exit including the swing of exit doors.
- The protection of openings including spandrel separation.
- Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- Protection of openings including paths of travel from fire isolated exists
- Re-entry facilities from fire isolated exit stairways.
- Sound transmission and insulation details.
- Window schedule is to include the protection of openable windows.

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In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

89. **Energy Efficiency Provisions -** Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA.

The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.

90. **Building - Structural Engineers Details - Supporting excavations and adjoining land** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.

91. **Building – Hoarding Application** - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/road reserve, where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under s68 of the Local Government Act and s138 of the Roads Act 1993:

(a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and

(b) Hoarding plan and details that are certified by an appropriately qualified engineer; and

(c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and

(d) A Public Risk Insurance Policy with a minimum cover of $10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party; and

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(e) The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.

92. **BASIX Certificate -** All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

93. **Completion of Major Works -** Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

(a) If applicable stormwater pipes, pits and connections to public stormwater systems within the road related area;
(b) Driveways and vehicular crossings within the road related area;
(c) Removal of redundant driveways and vehicular crossings;
(d) New footpaths within the road related area;
(e) Relocation of existing power/light pole if applicable
(f) Relocation/provision of street signs
(g) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
(h) New or reinstated kerb and guttering within the road related area and new or reinstated road surface pavement within the road where it is applicable.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. [Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

Section J Operational Conditions (Ongoing)

94. **Noise Control -** The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended). This includes the use of the rooftop open space.

95. **Compliance with POM for use of rooftop open space -** The approved POM for use of the rooftop open space shall be enforced by the Owners Corporation.

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

97. **Entering & Exiting of vehicles -** All vehicles shall enter and exit the premises in a forward direction.

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

a) Within 12 months after the date on which the fire safety certificate was received.

b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.

c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.

d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

99. **Responsibility of Owners Corporation -** The Owners Corporation shall be responsible for presenting all approved waste and recycling receptacles for collection and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

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

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

102. **Waste facilities -** Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored. Cleaners must monitor the bin storage area and all spills need to be attended to immediately by cleaners.

Section K Operational Requirements Under The Environmental Planning & Assessment Act 1979

103. **Requirement for a Construction Certificate -** The erection of a building must not commence until a Construction Certificate has been issued.

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

i) appointed a Principal Certifier for the building work; and

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ii) if relevant, advised the Principal Certifier that the work will be undertaken as an Owner -Builder.

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

i) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

ii) notify the Principal Certifier of the details of any such appointment; and
iii) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

105. **Notification Requirements of Principal Certifier -** No later than two days before the building work commences, the Principal Certifier must notify:

a) the consent authority and the Council (if not the consent authority) of his or her appointment; and

b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

106. **Notice of Commencement -** The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection of a building.

107. **Critical Stage Inspections -** The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

108. **Notice to be given prior to critical stage inspections -** The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out. Where Georges River Council has been appointed as the Principal Certifier, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

109. **Occupation Certificate -** A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the building work can issue the Occupation Certificate.

Section J Prescribed Conditions

110. **Clause 97A - BASIX Commitments -** This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

111. **Clause 98 – Building Code of Australia & Home Building Act 1989 -** Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

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112. **Clause 98A – Erection of Signs -** Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.

113. **Clause 98B – Home Building Act 1989 -** If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.

114. **Clause 98E - Protection & support of adjoining premises -** If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

115. **Clause 98E - Site Excavation -** Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

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

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

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

END CONDITIONS

NOTES/ADVICES

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

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

117. **Appeal Rights -** Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

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118. **Lapsing of Consent -** This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

119. **Disability Discrimination Act** - This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

120. **Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

a) Council must cover administration and other costs incurred in the investment of these monies. The current charge is $50.00 plus 2% of the bond amount per annum.
b) The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.
c) All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

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

(i) Complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au
(ii) In the Application Form, quote the Development Consent No. (eg. 2017/DA-****)
(iii) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

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

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

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

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

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122. **Site Safety Fencing -** Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work. A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

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ID	Sheet Name	Revision
DA0.01	Cover Sheet	F
DA0.02	Site Analysis Plan	E
DA0.03	Site Plan	F
DA1.01	Basement 2	E
DA1.02	Basement 1	F
DA1.03	Ground Floor	F
DA1.04	Level 1	F
DA1.05	Level 2	F
DA1.06	Level 3	F
DA1.07	Level 4	F
DA1.08	Level 5	F
DA1.09	Roof Terrace Plan	F
DA2.01	South West / North East Elevations	F
DA2.02	North West / South East Elevation	F
DA3.01	Sections	F

ID	Sheet Name	Revision
DA3.02	Street Elevation	F
DA4.01	Shadow Diagrams Jun 21: 9am	F
DA4.01.1	Shadow Diagrams Jun 21: 10am	F
DA4.02	Shadow Diagrams Jun 21: 11am	F
DA4.02.1	Shadow Diagrams Jun 21: 12pm	A
DA4.03	Shadow Diagrams Jun 21: 1pm	F
DA4.03.1	Shadow Diagrams Jun 21: 2pm	A
DA4.04	Shadow Diagrams Jun 21: 3pm	F
DA4.05	Shadow Diagrams Sep 21: 9am	F
DA4.05.1	Shadow Diagrams Sep 21: 10am	A
DA4.06	Shadow Diagrams Sep 21: 11am	F
DA4.06.1	Shadow Diagrams Sep 21: 12pm	A
DA4.07	Shadow Diagrams Sep 21: 1pm	F
DA4.07.1	Shadow Diagrams Sep 21: 2pm	A
DA4.08	Shadow Diagrams Sep 21: 3pm	F

ID	Sheet Name	Revision
DA4.09	Maximum Building Height Plane	F
DA6.02	External Finishes	E
DA7.01	Common Open Space & Deep Soil Zone	F
DA7.02	GFA Diagrams	E
DA7.03	Ventilation Diagrams	F
DA7.04	Solar Access Diagrams	F
DA7.05	Views from the sun	F
DA7.06	Views from the sun	F
DA7.07	Storage Calculations	F
DA7.08	Storage Calculations	F
DA7.09	Storage Calculations	F
DA8.01	Typical Adaptable Unit	A
DA8.02	External Window and Door	A

GENERAL NOTES

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SECTION 4.55 - MINOR CHANGES TO THE STREET FACADE

Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
A	DA RFI Issue	04/07/2025
C	DA RFI Issue	05/09/2025
D	DA RFI Issue	15/09/2025
E	Amended for resubmission	05/09/2025
F	Amended for Submission	10/11/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
Lift by:
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Stormwater Engineer by:
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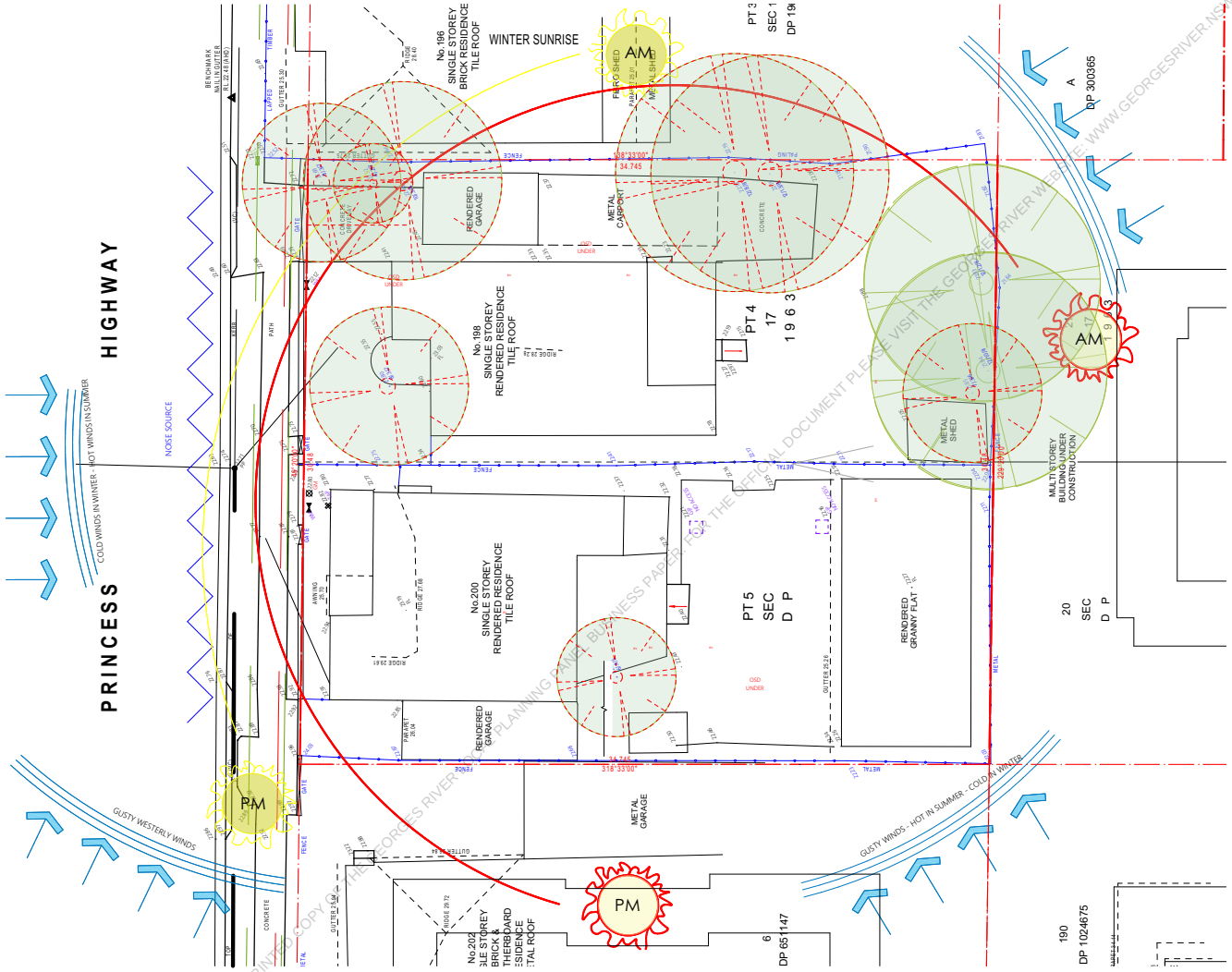
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: COVER PAGE
client: KOGARAH BAY P PTY LTD
drawn: EH
scale: as shown @A1
ref: 2023-172
checked: EK
date: NOV25
Council: GRC
sheet size: A1
DA0.01
Rev: F



SITE ANALYSIS PLAN
1:100

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SECTION 4.55

REV	DESCRIPTION	Date
A	04.09 Issue	04/09/2025
C	24.09 Issue	05/09/2025
D	24.09 Issue	10/09/2025
E	Amended for resubmission	05/09/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
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Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
Waterproofing Consultant by:
Waste Consultant by:
Wet Fire Engineer by:

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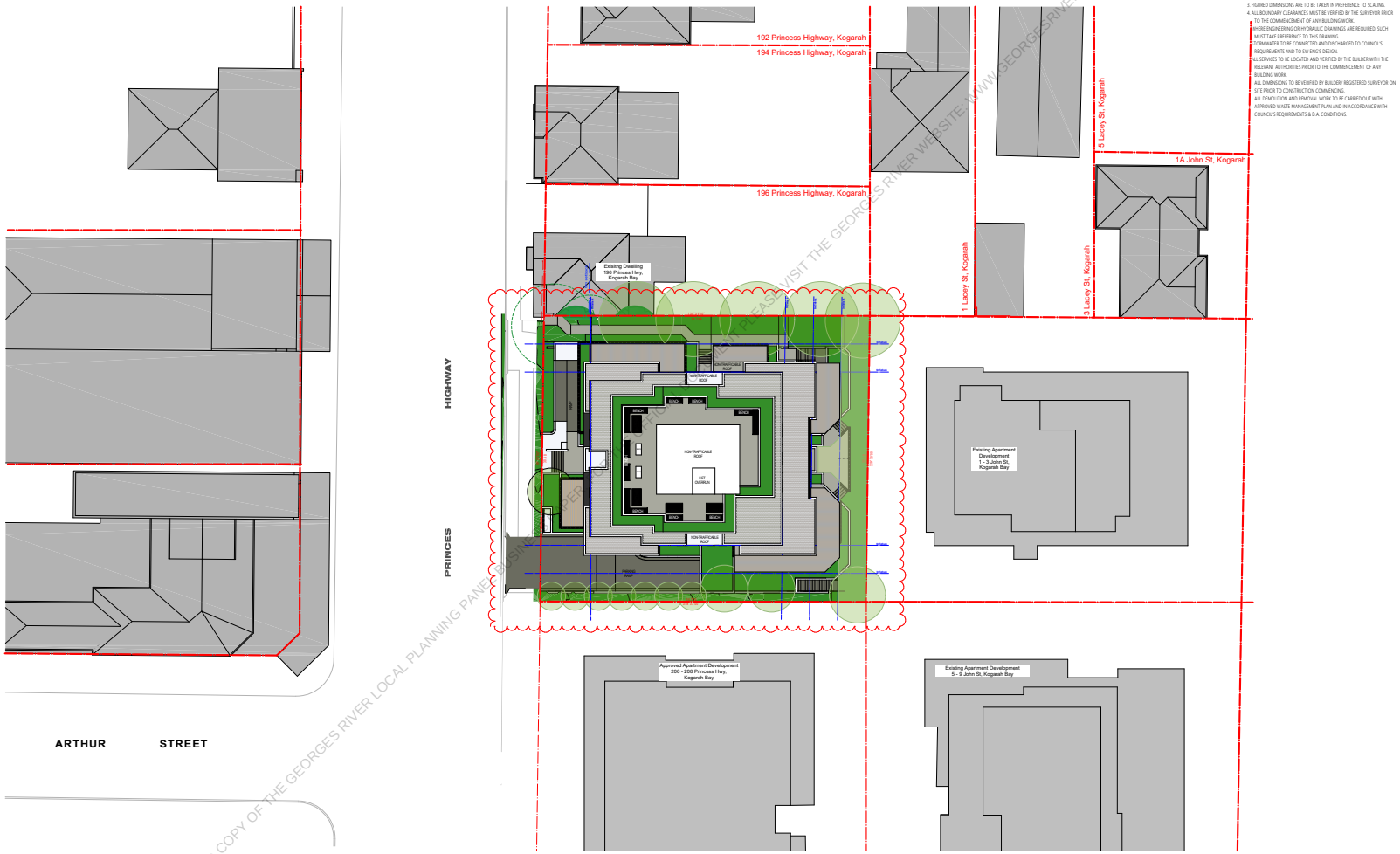
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: SITE ANALYSIS PLAN
client: KOGARAH BAY P PTY LTD
drawn: EH
checked: EK
scale: as shown @ A1
date: NOV25
ref: 2023-172
Council: GRC
sheet size: A1
DA0.02
Rev: E



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REV	DESCRIPTION	Date
B	64.55 Issue	06/03/2026
C	64.55 Issue	05/05/2026
D	64.55 Issue	13/08/2026
E	Amended for resubmission	05/09/2026
F	Amended for Submission	03/11/2026

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
Lift by:
Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
Waterproofing Consultant by:
Waste Consultant by:
Wet Fire Engineer by:

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www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: SITE PLAN
client: KOGARAH BAY P PTY LTD
sheet size: A1
drawn: EH
scale: as shown @A1
ref: 2023-172
checked: EK
date: NOV25
Council: GRC
DA0.03
Rev: F

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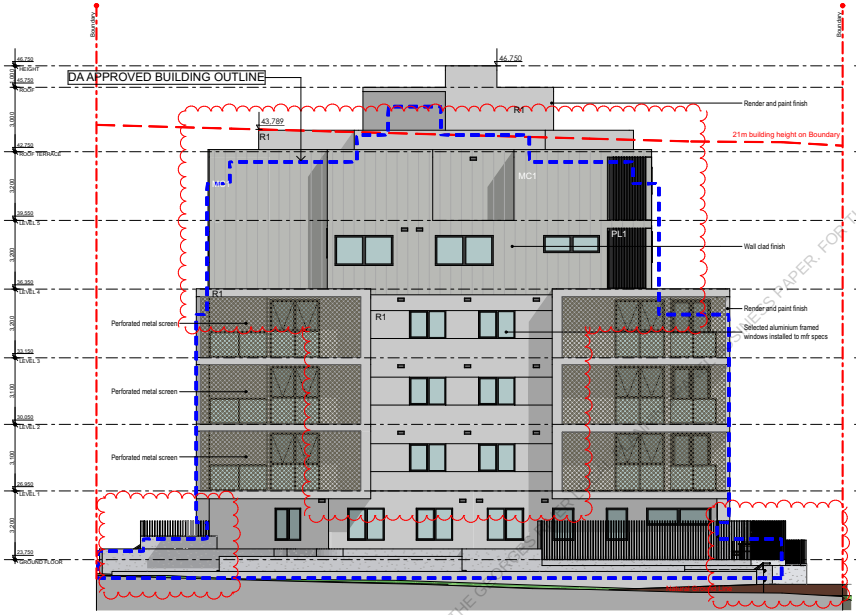
LEGEND

R1 RENDER AND PAINTED WHITE
BAL2 FRAMELESS GLASS BALUSTRADE CLEAR
BW EXTERNAL BRICK DARK GREY/LIGHT GREY
MC1 VERTICAL PROFILE METAL CLADDING SHALE GREY
WT1 EXTRUDED WINDOW WITH STEEL PLATE CHARCOAL
PL1 ALUM PRIVACY SCREEN CHARCOAL ANODIZED ALUMINIUM



ELEVATION SOUTH WEST
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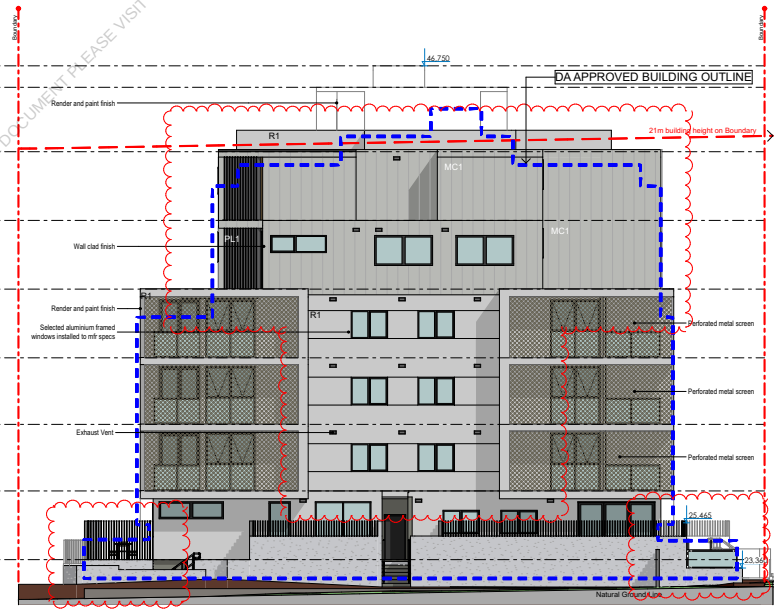

ELEVATION NORTH EAST
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BASIX COMMITMENTS
Compliance to be achieved with the conditions and requirements in the BASIX certificate and the BALX assessment report prepared by Exo Engineering Group.

Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
A	64.55 Issue	04/07/2025
C	64.55 Issue	05/09/2025
D	64.55 Issue	15/09/2025
E	Amended for resubmission	05/09/2025
F	Amended for Submission	07/11/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
Lift by:
Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
Waterproofing Consultant by:
Waste Consultant by:
Wet Fire Engineer by:

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DESIGN CORP ARCHITECTS
19 Dunlop Street North Parramatta NSW 2151
ph: +61 2 9630 9811 mob: 0423 111 777 admin@designcorp.com.au
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: SOUTH WEST / NORTH EAST ELEVATIONS
client: KOGARAH BAY P PTY LTD
sheet size: A1
drawn: EH
scale: as shown on
checked: EK
date: NOV25
ref: 2023-172
Council: GRC
DA2.01
Rev: F

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LEGEND

R1 RENDER AND PAINTED WHITE
BAL2 FRAMELESS GLASS BALUSTRADE CLEAR
BW EXTERNAL BRICK DARK GREY/LIGHT GREY
MC1 VERTICAL PROFILE METAL CLADDING SHALE GREY
WT1 EXTRUDED WINDOW WITH STEEL PLATE CHARCOAL
PL1 ALUM PRIVACY SCREEN CHARCOAL ANODIZED ALUMINIUM

GENERAL NOTES
1. ALL DIMENSIONS AND FLOOR AREAS ARE TO BE VERIFIED BY BUILDER PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK. ANY DISREPANCIES ARE TO BE CONFIRMED BY THE DESIGNER.
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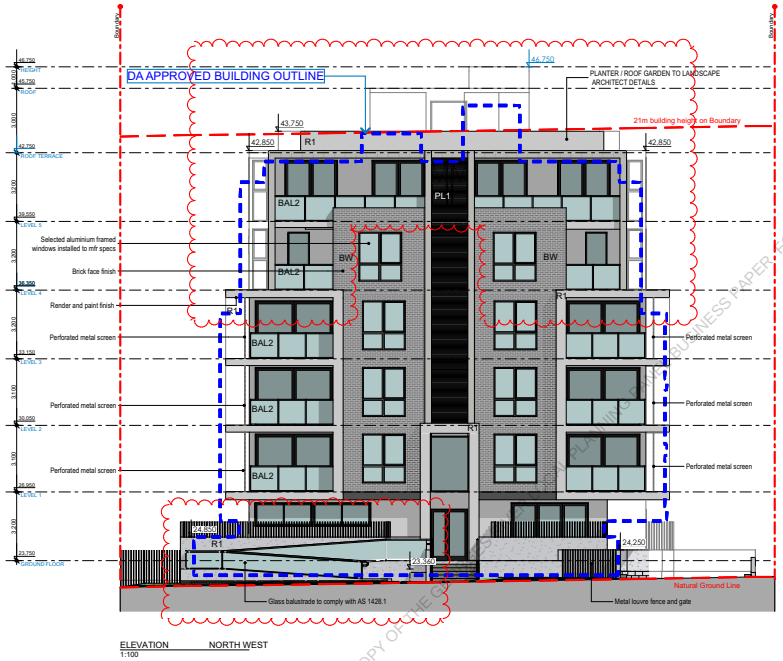

ELEVATION NORTH WEST
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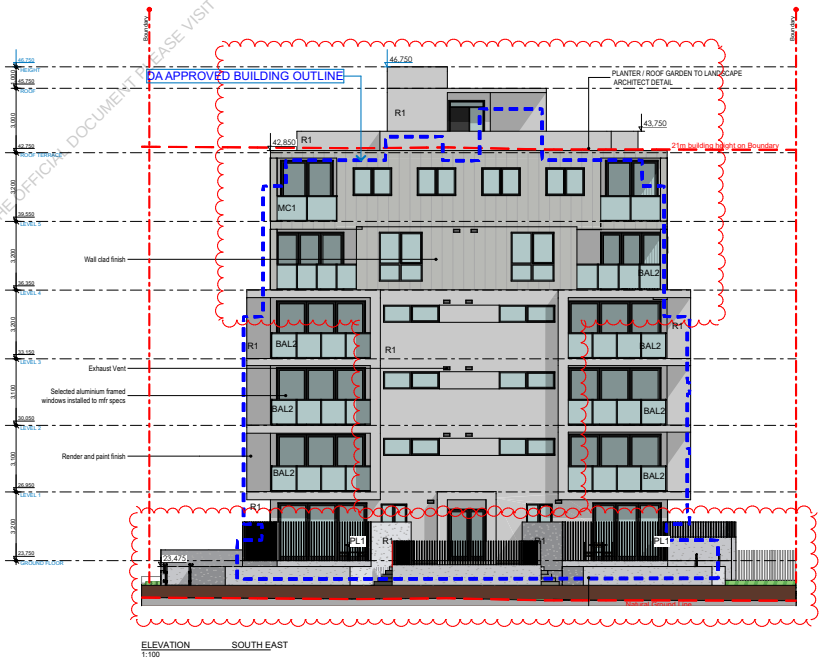

ELEVATION SOUTH EAST
1:100

BASIX COMMITMENTS
Compliance to be achieved with the conditions and requirements in the BASIX certificate and the BALX assessment report prepared by Exo Engineering Group.

Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
A	64.85 Issue	16/07/2024
C	64.85 Issue	05/09/2025
D	64.85 Issue	15/09/2025
E	Amended for resubmission	05/09/2025
F	Amended for Submission	07/10/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
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Wet Fire Engineer by:

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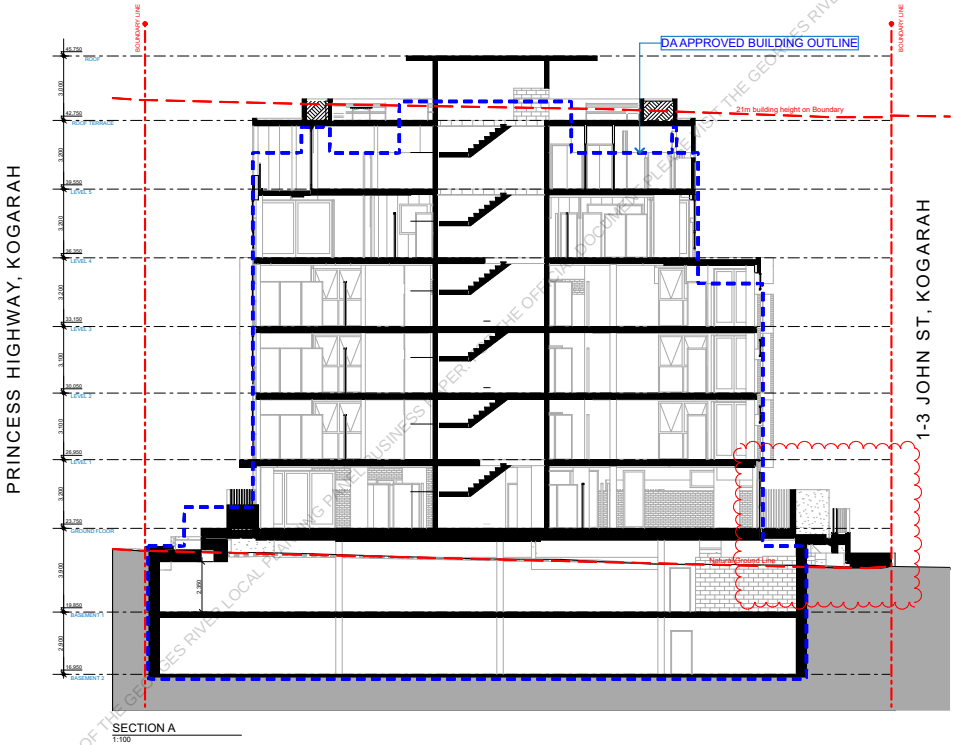
ph: +61 2 9630 9811 mob: 0423 111 777 admin@designcorp.com.au
www.designcorp.com.au nominated architect - joe el-sabaagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: NORTH WEST / SOUTH EAST ELEVATIONS
sheet size: A1
client: KOGARAH BAY P PTY LTD
drawn: EH
scale: as shown @ A1
checked: EK
date: NOV25
ref: 2023-172
Council: GRC
DA2.02
Rev: F

198 - 200 PRINCESS HIGHWAY, KOGARAH



SECTION A
1:100

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REV	DESCRIPTION	Date
10	Amended for resubmission	02/09/2025
9	Amended for Submission	15/11/2025

Client:
KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
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Certificate No. #HR-7EE1QL-01

SECTION 4.55

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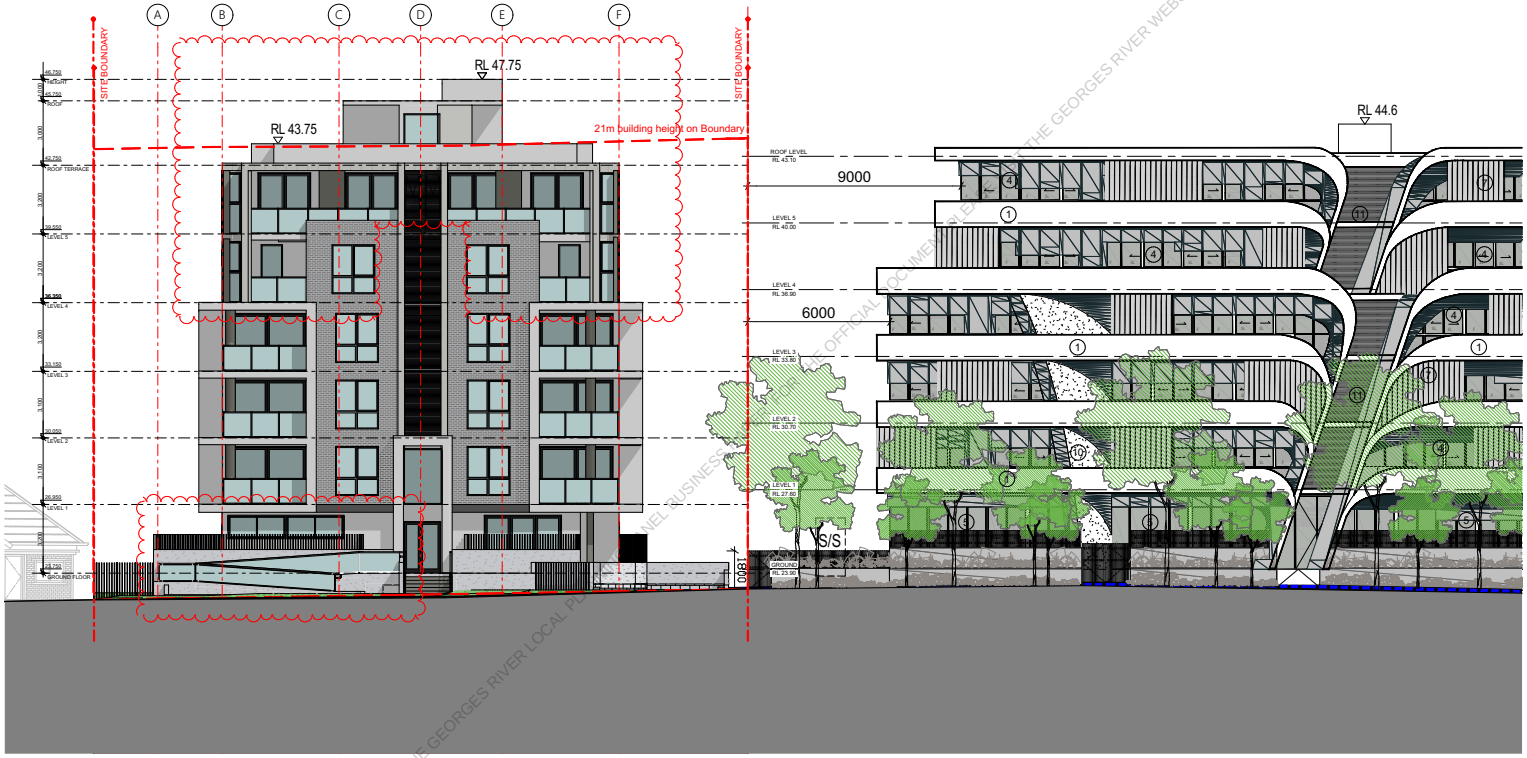
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: SECTIONS
client: KOGARAH BAY P PTY LTD
sheet size: A1
drawn: EH
scale: as shown @A1
ref: 2023-172
checked: EK
date: NOV25
Council: GRC
DA3.01
Rev: B

LPP049-25 Attachment 2

198 - 200 PRINCESS HIGHWAY, KOGARAH

APPROVED DEVELOPMENT
202 - 206 PRINCESS HIGHWAY, KOGARAH



STREET ELEVATION
1:100

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SECTION 4.55

REV	DESCRIPTION	Date
A	64.55 Issue	06/03/2024
C	64.55 Issue	05/06/2024
D	64.55 Issue	13/08/2024
E	Amended for resubmission	05/09/2025
F	Amended for Submission	02/12/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
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Facade Engineer by:
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Geotechnical Engineer by:
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18 Dunlop Street North Parramatta NSW 2151
ph: +61 2 9635 9811 mob: 0423 111 777 admin@designcorp.com.au
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: STREET ELEVATION
client: KOGARAH BAY P PTY LTD
drawn: EH
checked: EK
scale: as shown @A1
date: NOV25
ref: 2023-172
Council: GRC
sheet size: A1
DA3.02
Rev: F

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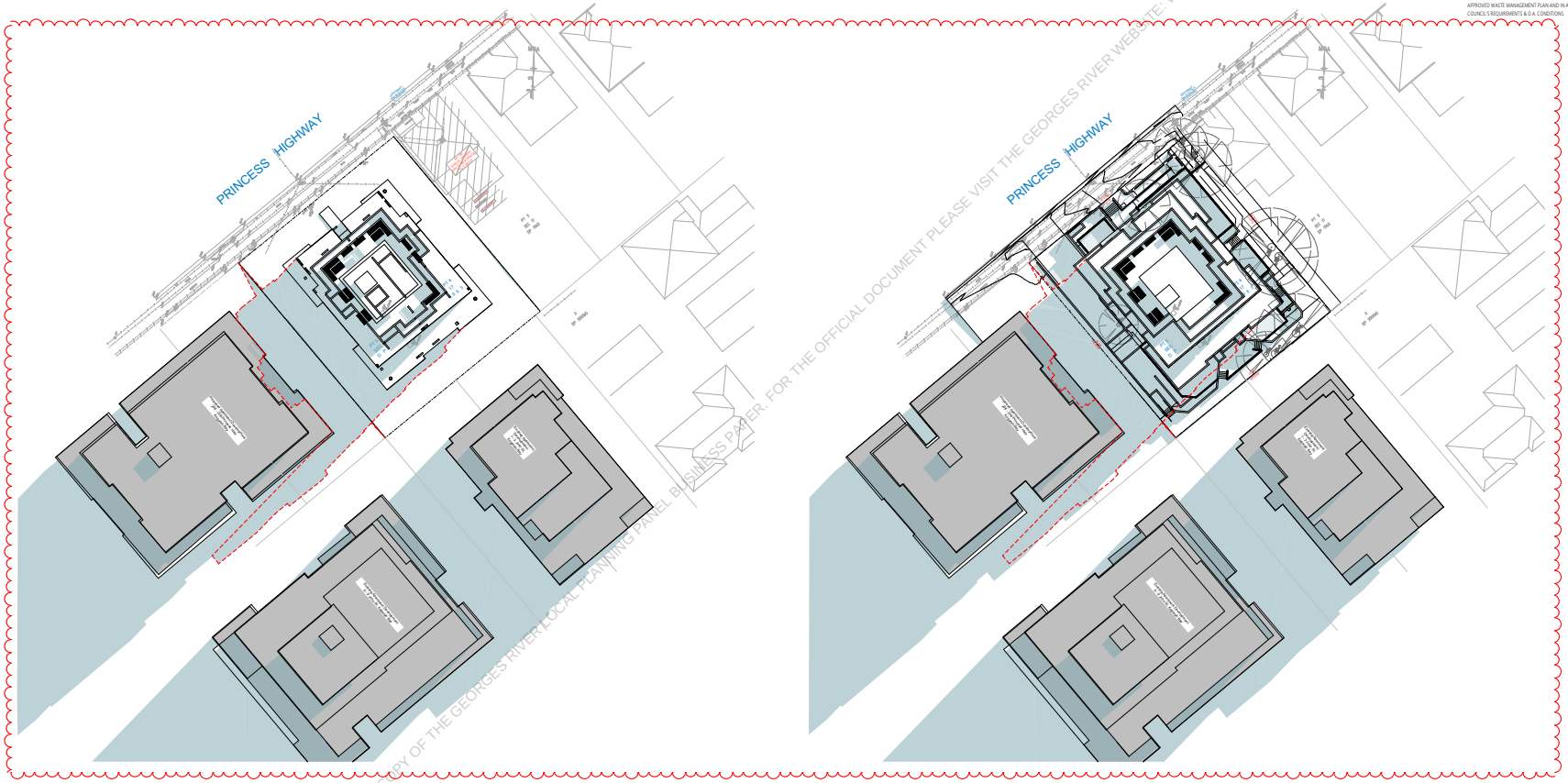

38 Jun-21-9am - Approved
SCALE 1:300

Jun-21-9am - Proposed
SCALE 1:300

Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
B	64.55 Issue	30/07/2025
C	64.55 Issue	05/09/2025
D	64.55 Issue	15/09/2025
E	Amended for resubmission	05/09/2025
F	Amended for Submission	07/10/2025

Client: KOGARAH BAY P PTY LTD

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status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: SHADOW DIAGRAM - JUN 21 - 9AM
sheet size: A1
client: KOGARAH BAY P PTY LTD
drawn: EH
scale: as shown @A1
ref: 2023-172
checked: EK
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Council: GRC
DA4.01
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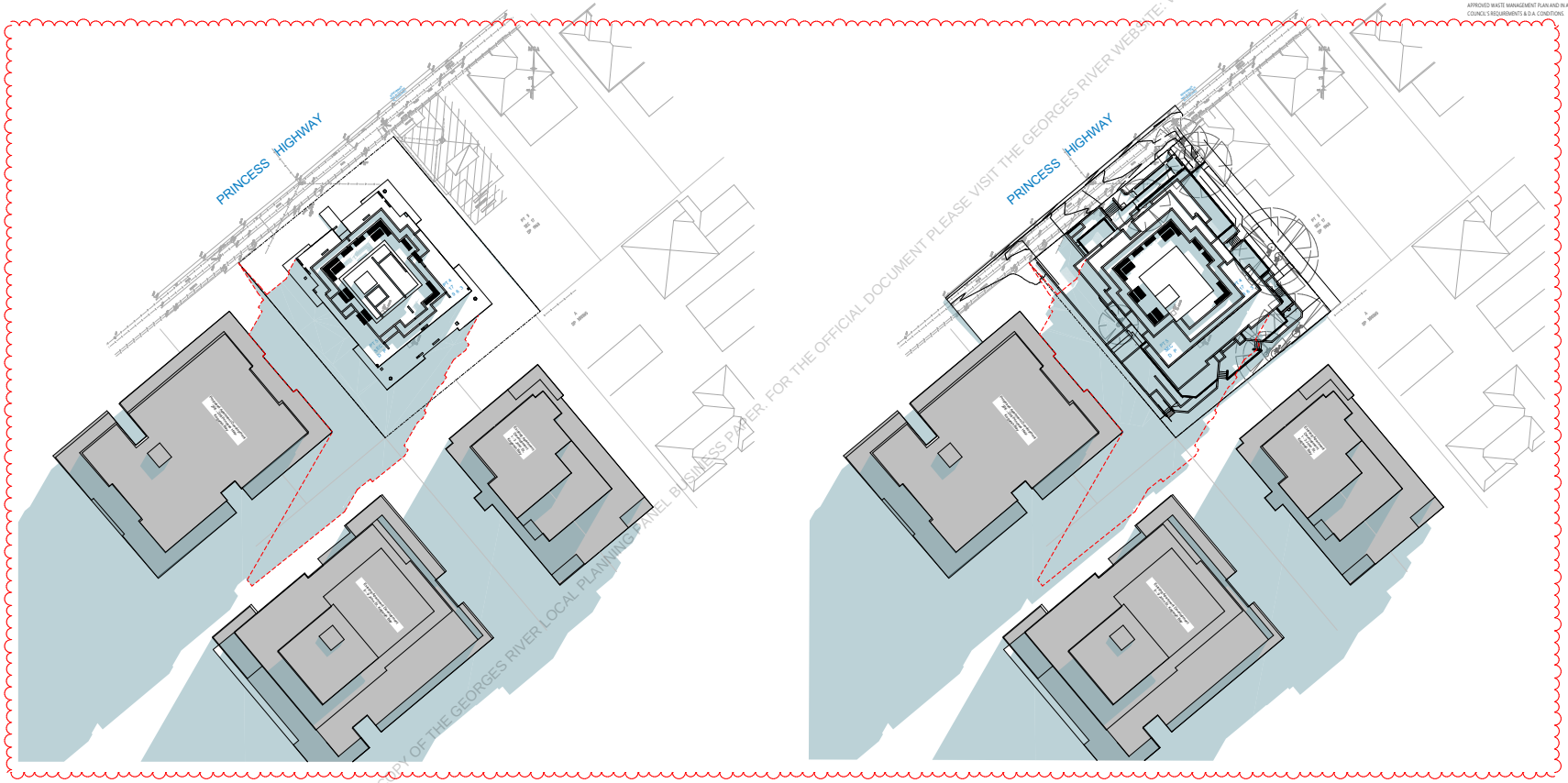

02 Jun- 21-10am - Approved
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Jun- 21-10am - Proposed
SCALE 1:300

Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
A	Amended for Submission	10/11/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
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Acoustics by:
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BCA Consultant by:
Certifier by:
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Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
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project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: SHADOW DIAGRAM - JUN 21 - 10AM
client: KOGARAH BAY P PTY LTD
drawn: EH
checked: EK
scale: as shown @ A1
date: NOV25
ref: 2023-172
Council: GRC
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Rev: A
status:

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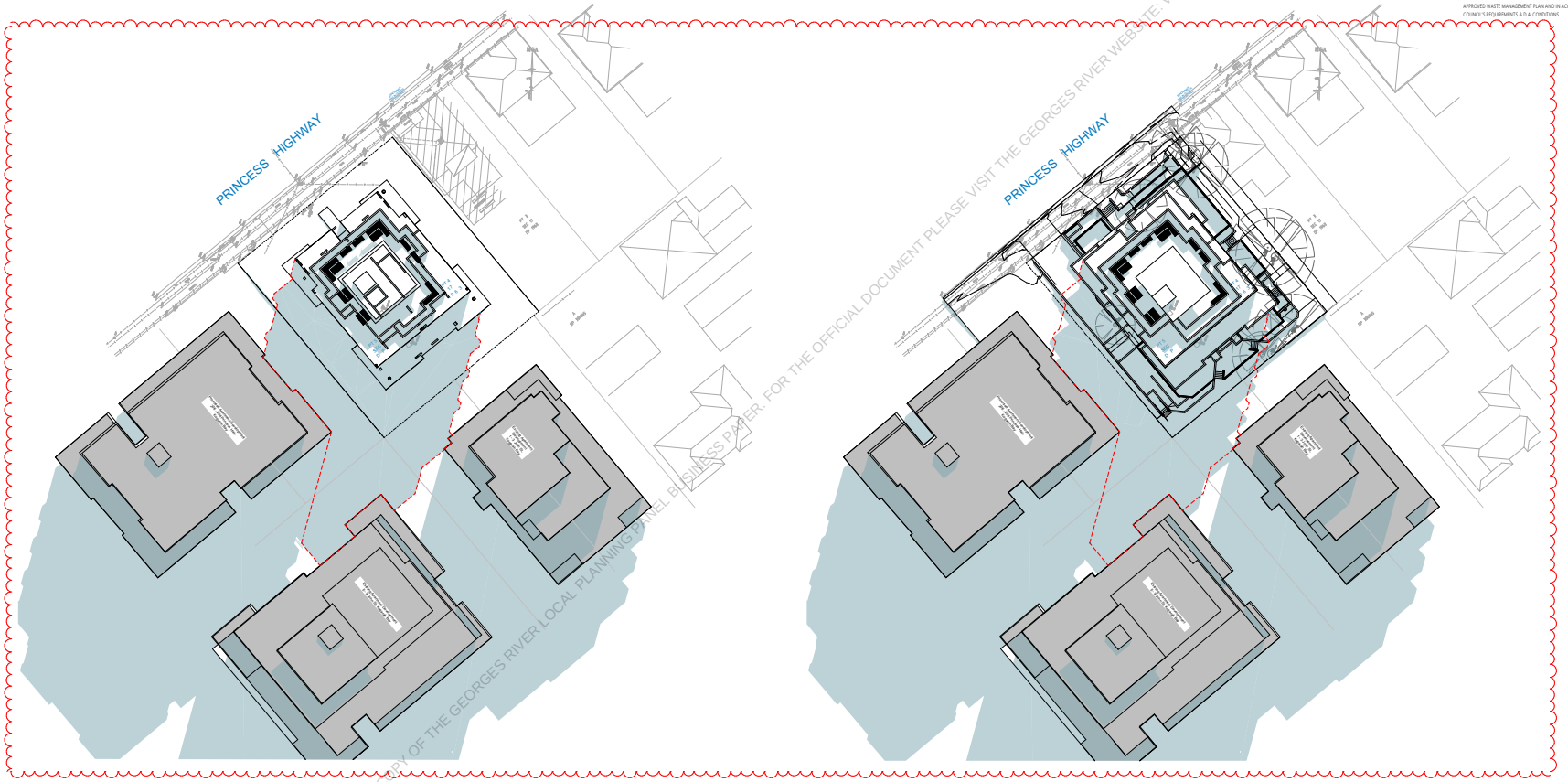

03 Jun-21-11am - Approved
SCALE 1:300

Jun-21-11am - Proposed
SCALE 1:300

Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
A	Amended for resubmission	30/09/2025
B	Amended for Submission	10/11/2025

Client: KOGARAH BAY P PTY LTD

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Dry Fire Engineer by:
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drawing: SHADOW DIAGRAM - JUN 21 - 11AM
client: KOGARAH BAY P PTY LTD
drawn: EH
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Rev: B

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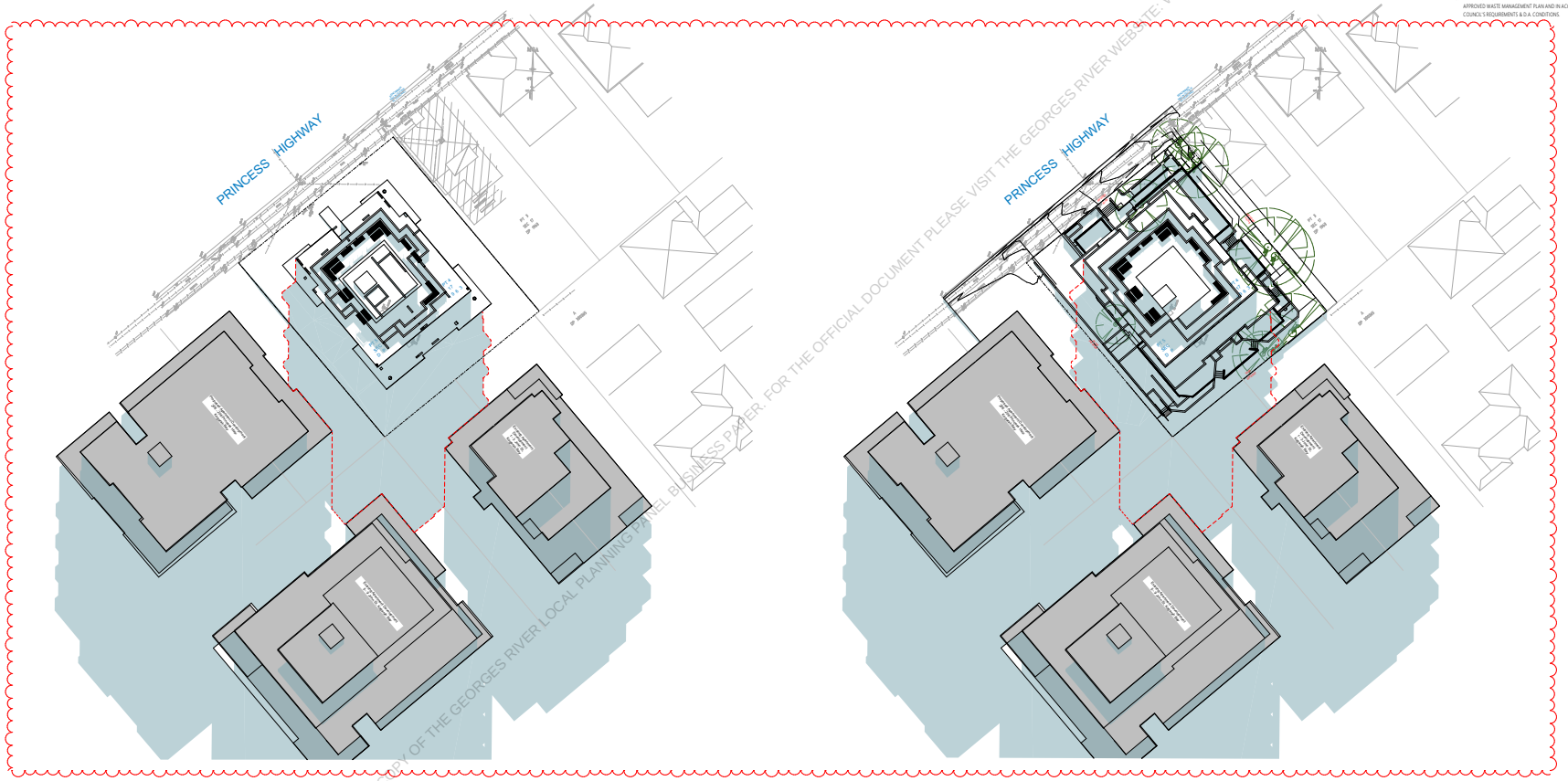

04 Jun-21-12pm - Approved
SCALE 1:300

04 Jun-21-12pm - Proposed
SCALE 1:300

Certificate No. #HR-7EE1QL-01

SECTION 4.55

NO	DESCRIPTION	Date
A	Amendments Submission	10/11/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
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Lift by:
Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
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Waste Consultant by:
Wet Fire Engineer by:

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19 Dunlop Street North Parramatta NSW 2151
ph: +61 2 9630 9811 mob: 0423 111 777 admin@designcorp.com.au
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: SHADOW DIAGRAM - JUN 21 - 12PM
client: KOGARAH BAY P PTY LTD
sheet size: A1
drawn: EH
scale: as shown @A1
ref: 2023-172
checked: EK
date: NOV25
Council: GRC
DA4.02.1
Rev: A

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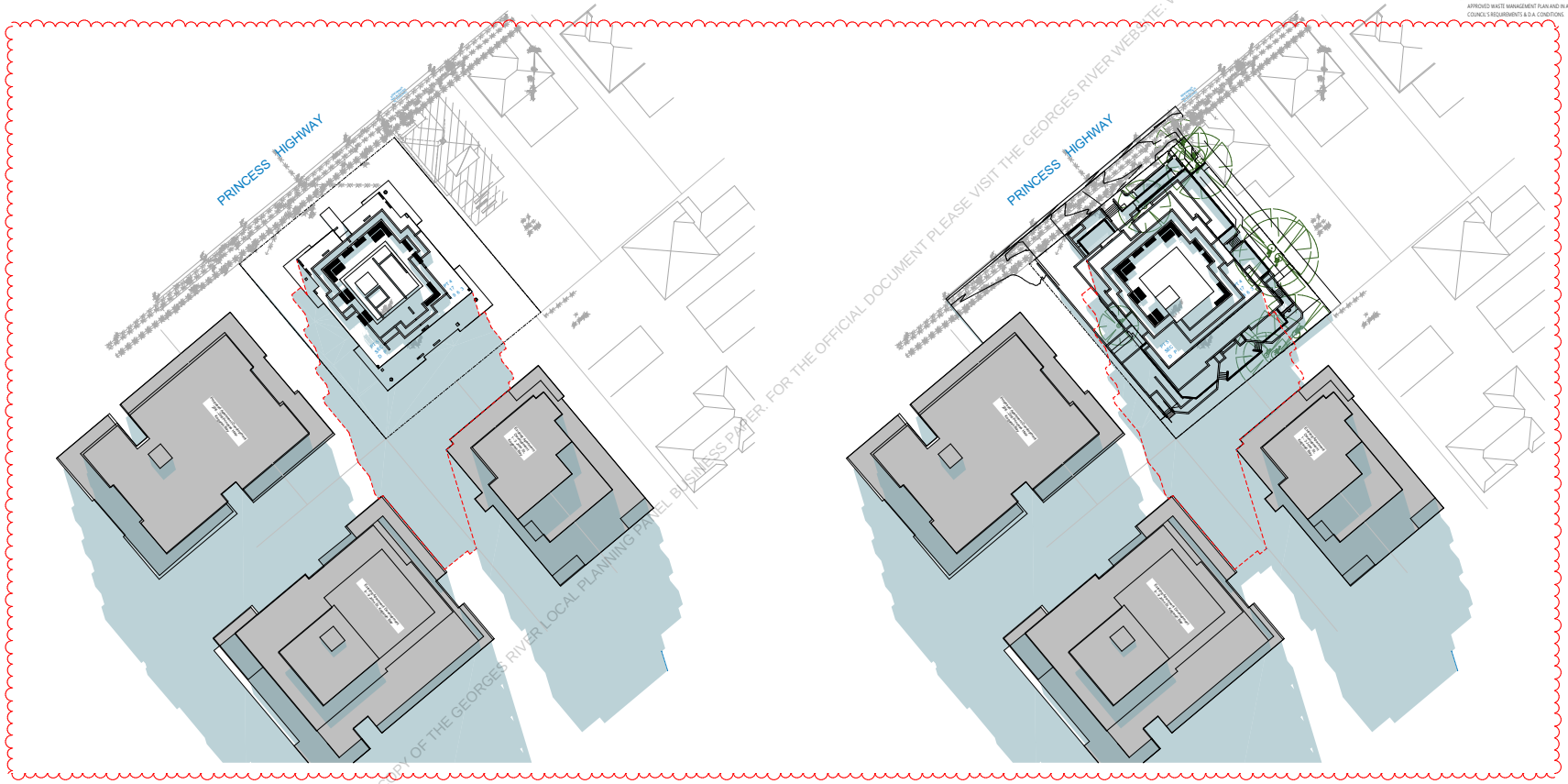

46 Jun-21-1pm - Approved
SCALE 1:300

45 Jun-21-1pm - Proposed
SCALE 1:300

Certificate No. #HR-7EE1QL-01

SECTION 4.55

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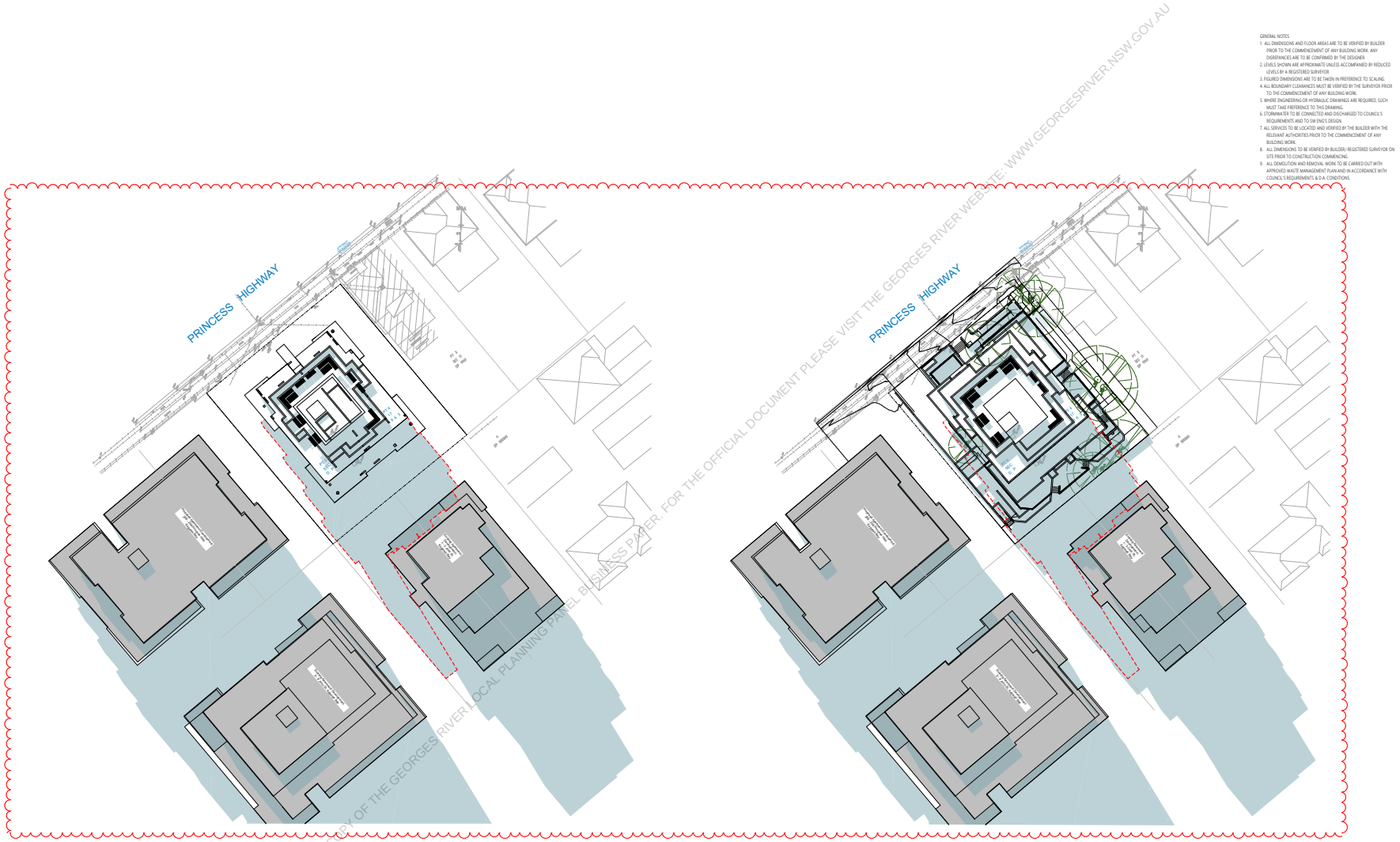
Council: GRC
DA4.03
Rev: A



Jun-21-2pm - Proposed
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B	Amended for Submission	10/11/2025

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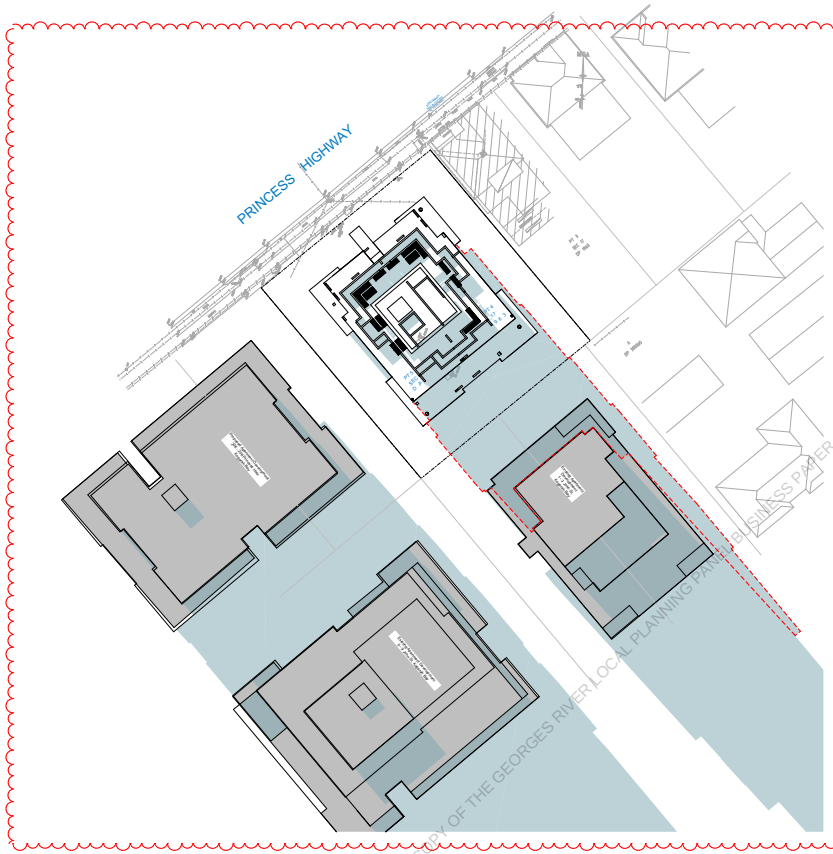

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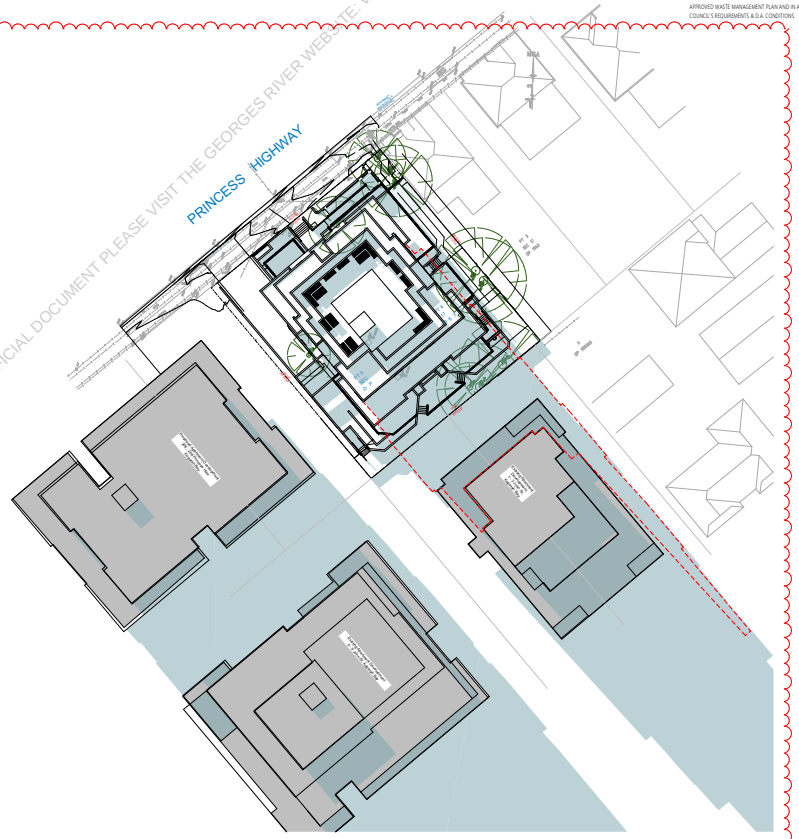

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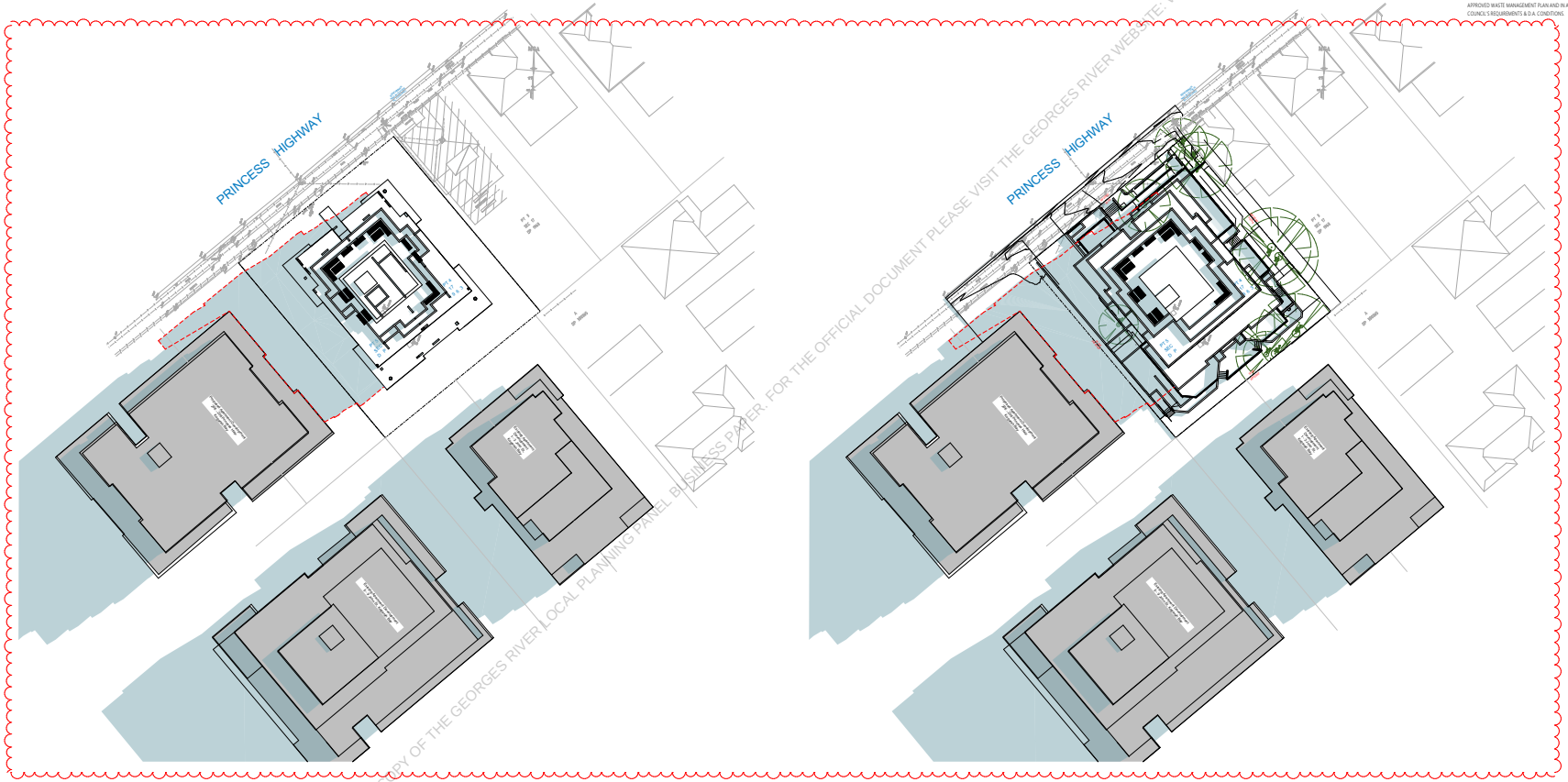

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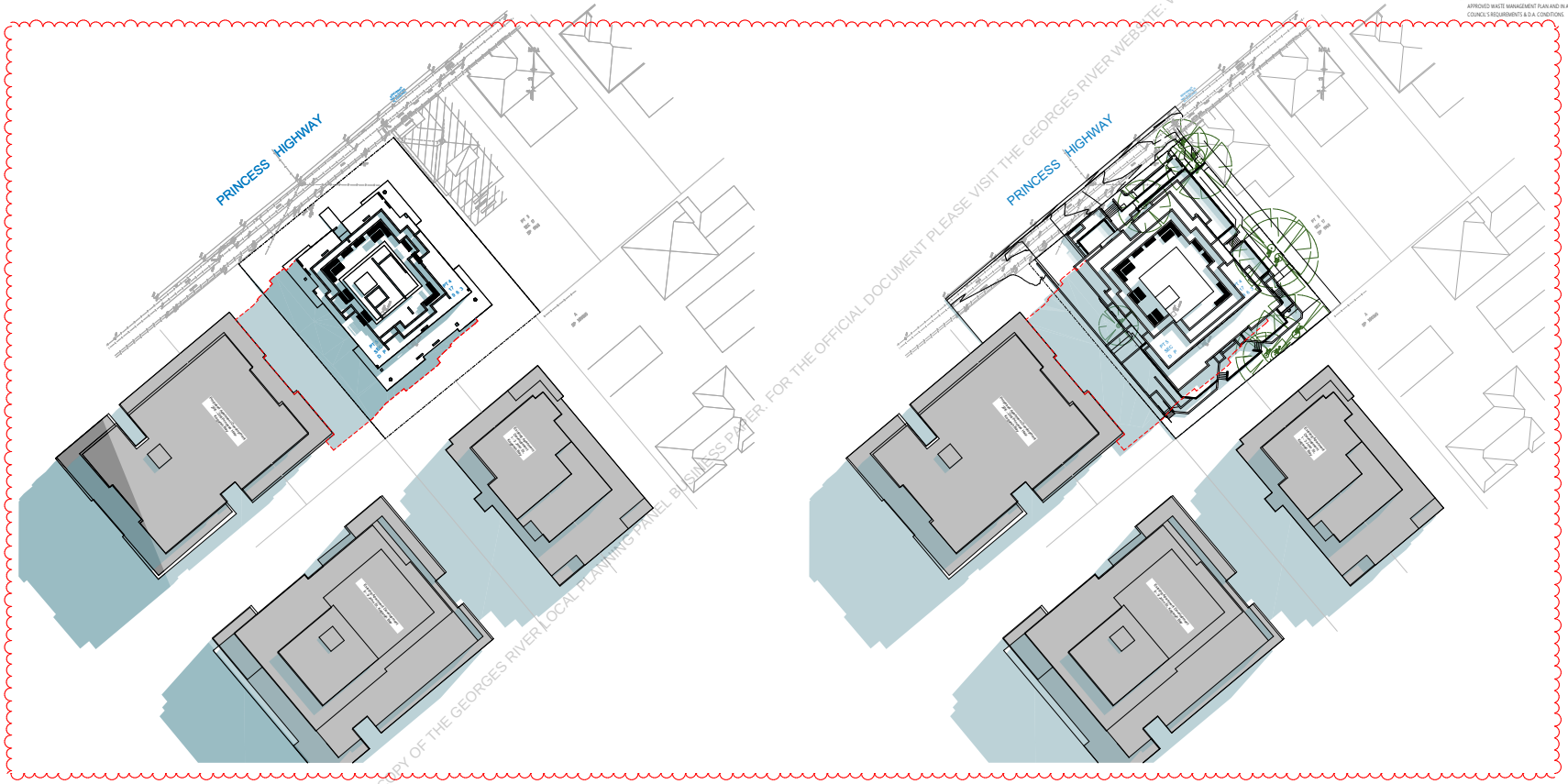

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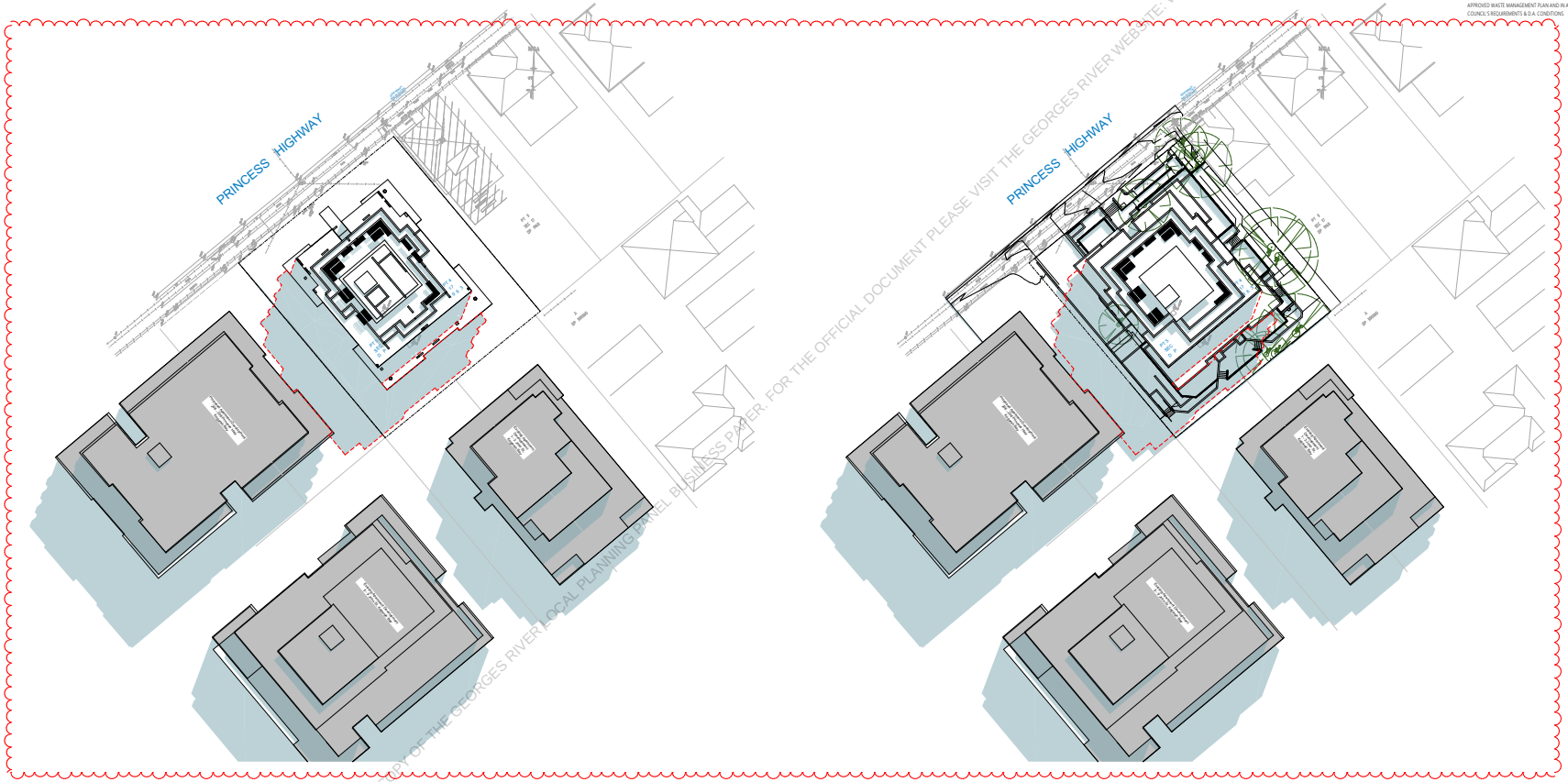

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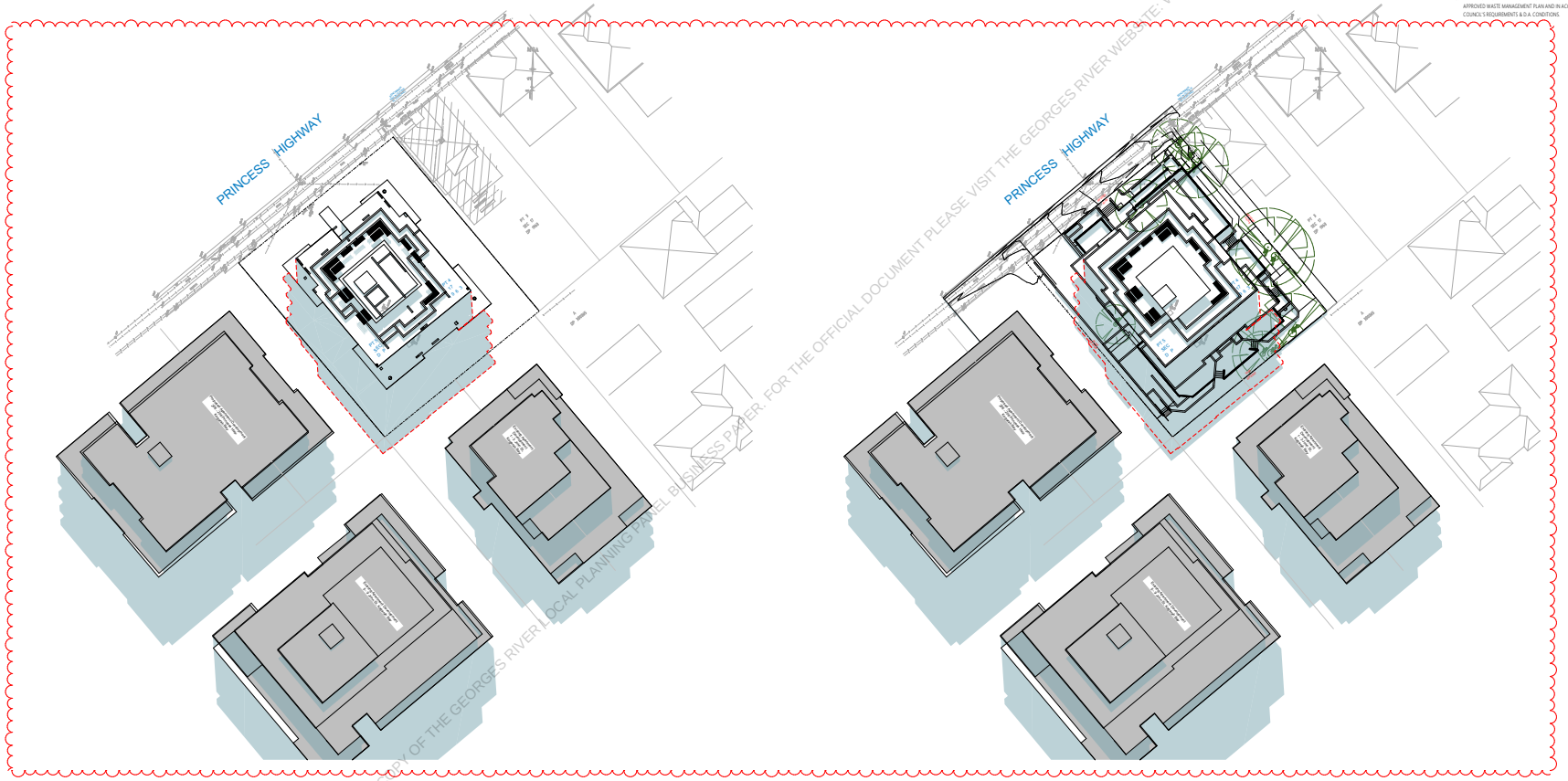

Sep - 21 - 12pm - Approved
SCALE 1:300

Sep - 21 - 12pm - Proposed
SCALE 1:300

Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
A	Amended for Submission	10/11/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
Lift by:
Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
Waterproofing Consultant by:
Waste Consultant by:
Wet Fire Engineer by:

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DESIGN CORP ARCHITECTS
19 Dunlop Street North Parramatta NSW 2151
ph: +61 2 9630 9811 mob: 0423 111 777 admin@designcorp.com.au
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: SHADOW DIAGRAM - SEP 21 - 12PM
sheet size: A1
client: KOGARAH BAY P PTY LTD
drawn: EH
scale: as shown @A1
ref: 2023-172
checked: EK
date: NOV25
Council: GRC
DA4.06.1
Rev: A

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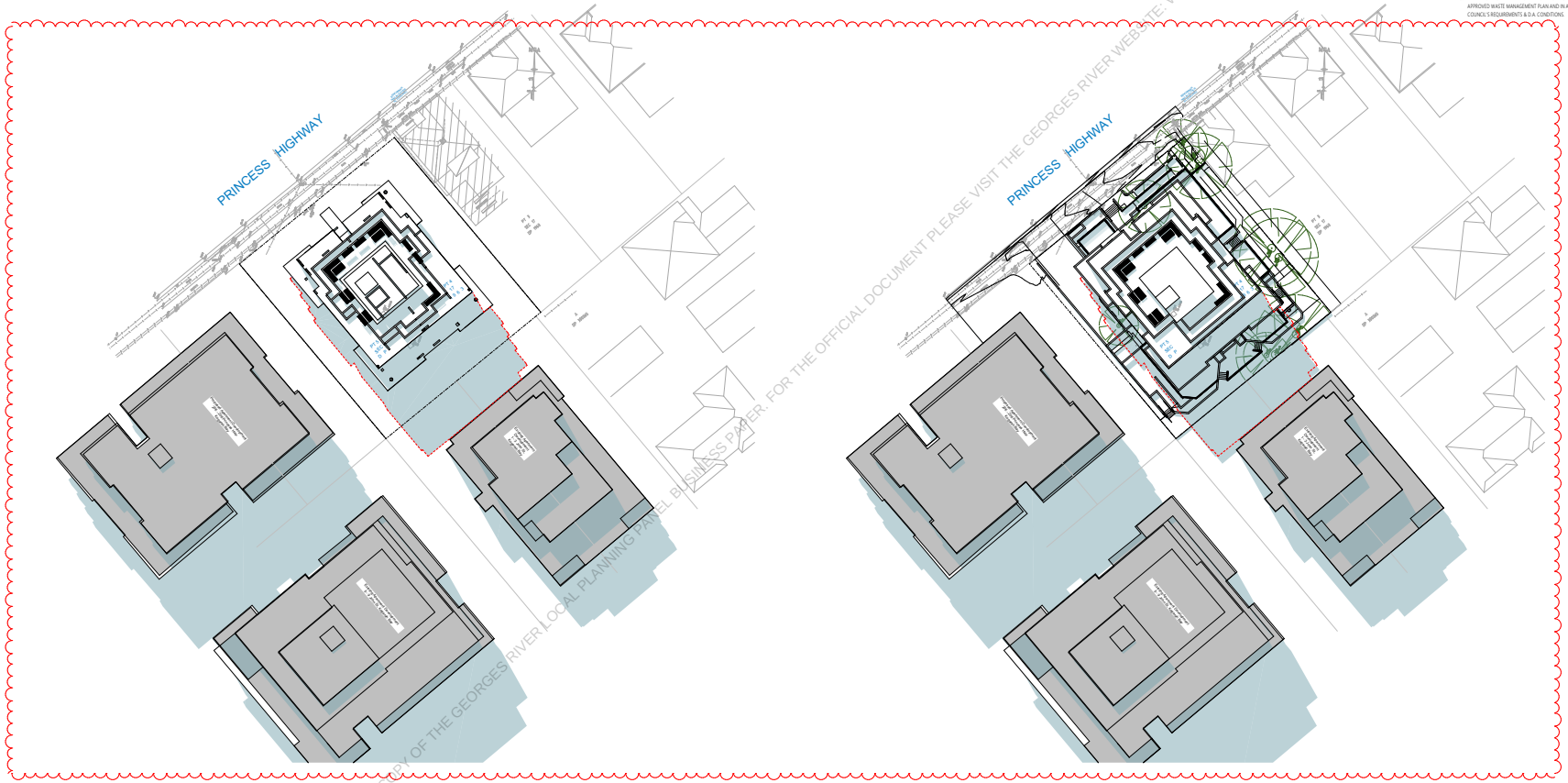

Sep - 21 - 1pm - Approved
SCALE 1:300

Sep - 21 - 1pm - Proposed
SCALE 1:300

Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
A	Amended for resubmission	30/09/2025
B	Amended for Submission	10/11/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
Lift by:
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Waste Consultant by:
Wet Fire Engineer by:

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ph: +61 2 9630 9811 mob: 0423 111 777 admin@designcorp.com.au
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: SHADOW DIAGRAM - SEP 21 - 1PM
client: KOGARAH BAY P PTY LTD
sheet size: A1
drawn: EH
scale: as shown @A1
ref: 2023-172
checked: EK
date: NOV25
Council: GRC
DA4.07
Rev: B

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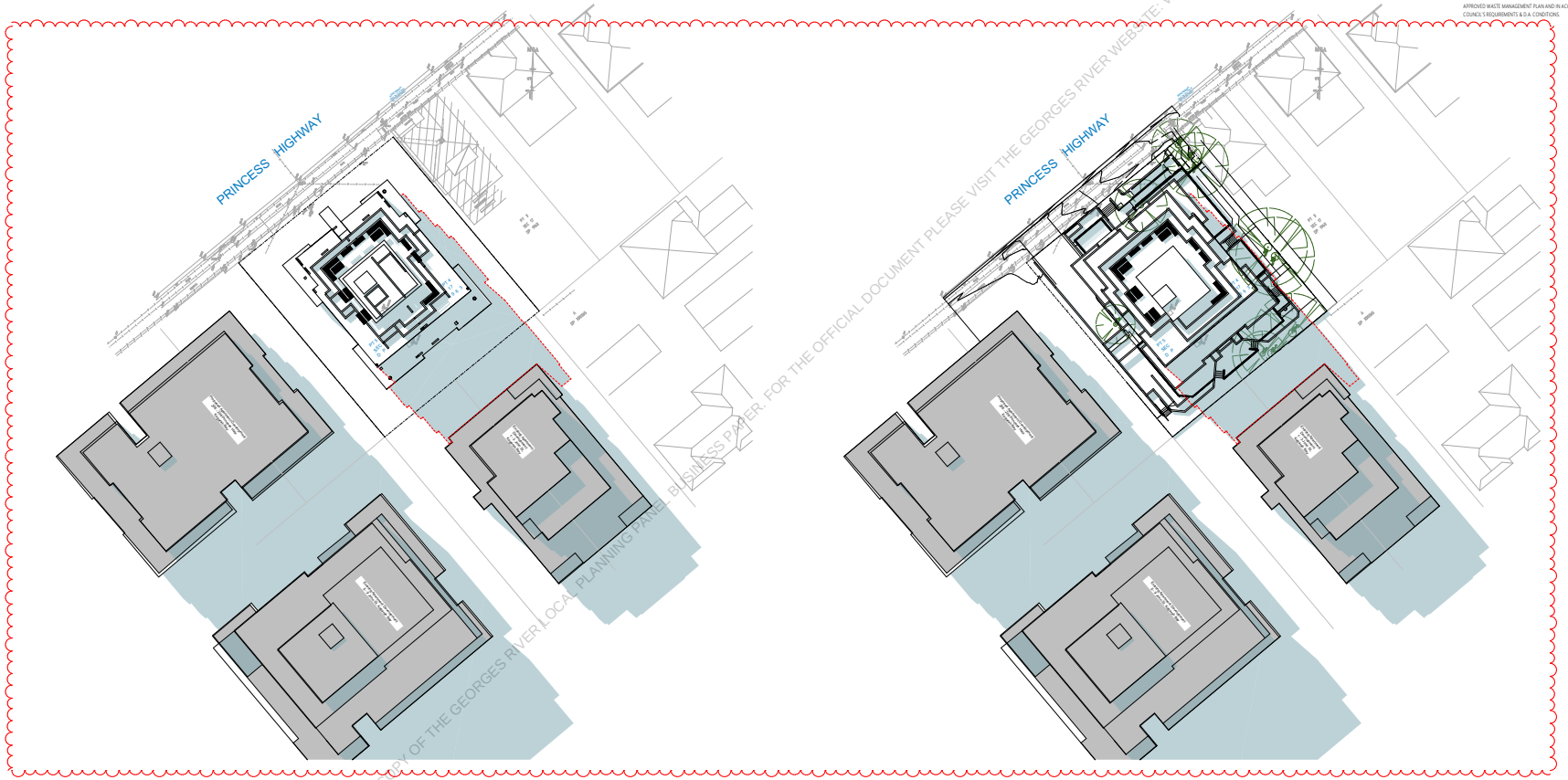

Sep - 21 - 2pm - Approved
SCALE 1:300

Sep - 21 - 2pm - Proposed
SCALE 1:300

Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
A	Amended for Submission	10/11/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
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Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
Waterproofing Consultant by:
Waste Consultant by:
Wet Fire Engineer by:

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18 Dunlop Street North Parramatta NSW 2151
ph: +61 2 9630 9811 mob: 0423 111 777 admin@designcorp.com.au
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: SHADOW DIAGRAM - SEP 21 - 2PM
client: KOGARAH BAY P PTY LTD
drawn: EH
checked: EK
scale: as shown @ A1
date: NOV25
ref: 2023-172
Council: GRC
status: DA
sheet size: A1
DA4.07.1
Rev: A

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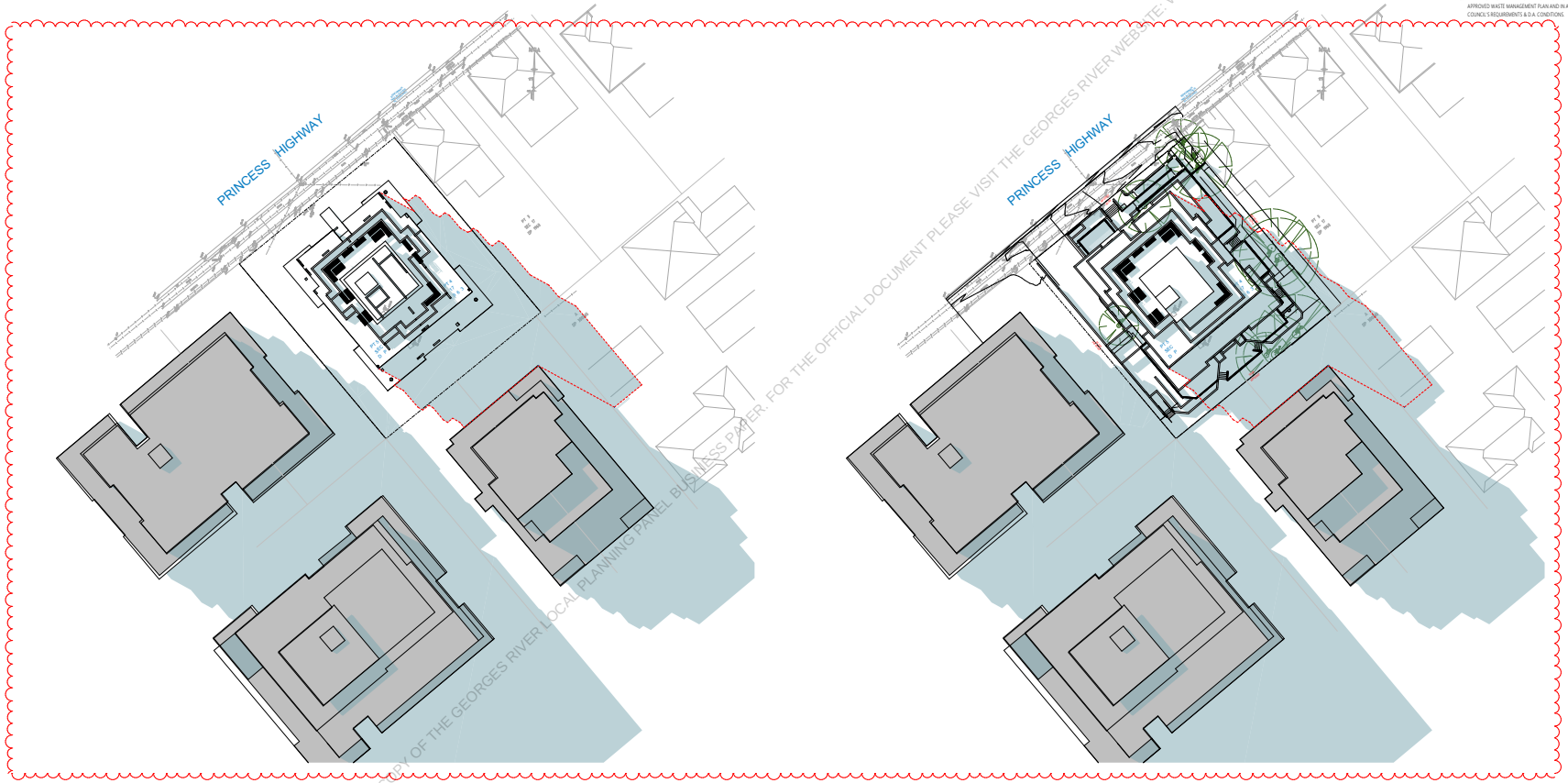

Sep - 21 - 3pm - Approved
SCALE 1:300

Sep - 21 - 3pm - Proposed
SCALE 1:300

Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
A	Amended for Information	30/09/2025
B	Amended for Submission	10/11/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
Lift by:
Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
Waterproofing Consultant by:
Waste Consultant by:
Wet Fire Engineer by:

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18 Dunlop Street North Parramatta NSW 2151
ph: +61 2 9630 9811 mob: 0423 111 777 admin@designcorp.com.au
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: SHADOW DIAGRAMS - SEP 21 - 3PM
sheet size: A1
client: KOGARAH BAY P PTY LTD
drawn: EH
checked: EK
scale: as shown @A1
date: NOV25
ref: 2023-172
Council: GRC
DA4.08
Rev: B

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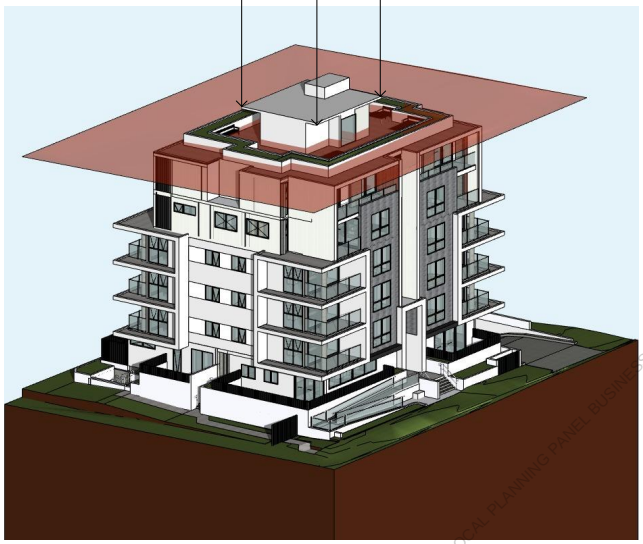
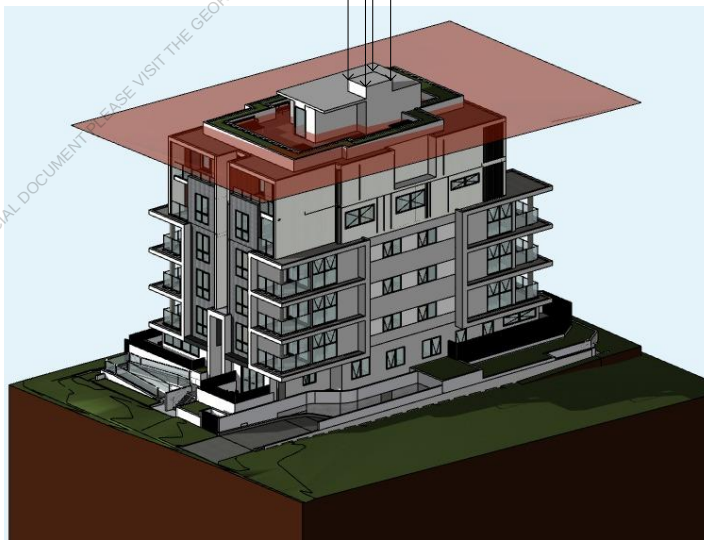


68 MAXIMUM BUILD PLANE - LIFT CORE



66 MAXIMUM BUILD PLANE - LIFT CORE

REV	DESCRIPTION	Date
B	DA RFI Issue	04/07/2025
C	DA RFI Issue	05/09/2025
D	DA RFI Issue	15/09/2025
E	Amended for resubmission	05/11/2025
F	Amended for Submission	12/11/2025

Client:
KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
Lift by:
Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
Waterproofing Consultant by:
Waste Consultant by:
Wet Fire Engineer by:

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Certificate No. #HR-7EE1QL-01

SECTION 4.55

DESIGN CORP ARCHITECTS
18 Dunlop Street North Parramatta NSW 2151
ph: +61 2 9635 9811 mob: 0423 111 777 admin@designcorp.com.au
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: MAXIMUM BUILDING HEIGHT PLANE
client: KOGARAH BAY P PTY LTD
drawn: EH
scale: as shown @A1
ref: 2023-172
checked: EK
date: NOV25
Council: GRC
sheet size: A1
DA4.09
Rev: F

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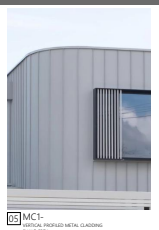
01 BAL1 -
VERTICAL FLAT BAR STEEL BALUSTRADE
CHARCOAL

02 BAL2 -
GLASS BALUSTRADE CLEAR

03 R1 -
RENDER AND PAINTED WHITE

04 BW -
EXTERNAL BRICK
DARK GREY / LIGHT GREY


05 MC1-
VERTICAL PROFILED METAL CLADDING
SHALE GREY

06 WT1-
EXTRUDED WINDOW WITH STEEL PLATE
CHARCOAL

07 PL1-
ALUMINIUM PRIVACY SCREEN
CHARCOAL ANODIZED ALUMINIUM

GENERAL NOTES

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BASIX Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
A	S4.55 Issue	16/07/2025
C	S4.55 Issue	05/09/2025
D	S4.55 Issue	13/10/2025
E	Amended for resubmission	05/11/2025
F	Amended for Submission	12/12/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
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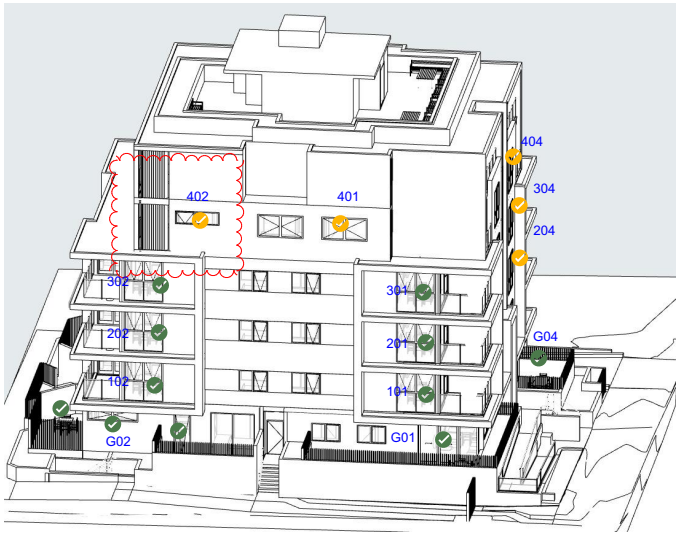
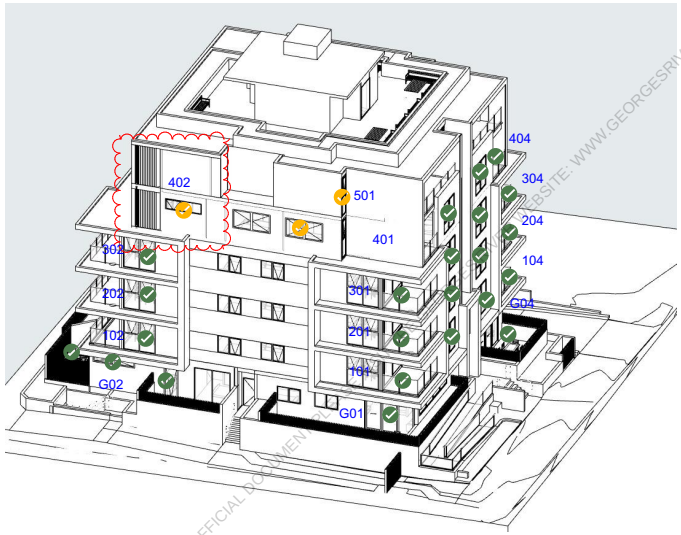
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: EXTERNAL FINISHES
client: KOGARAH BAY P PTY LTD
drawn: EH
scale: as shown @A1
ref: 2023-172
checked: EK
date: NOV25
Council: GRC
sheet size: A1
DA6.02
Rev: F



9 am



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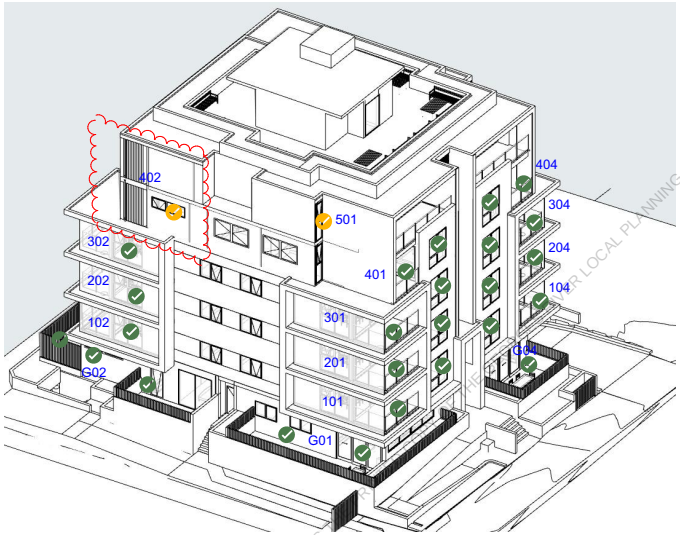

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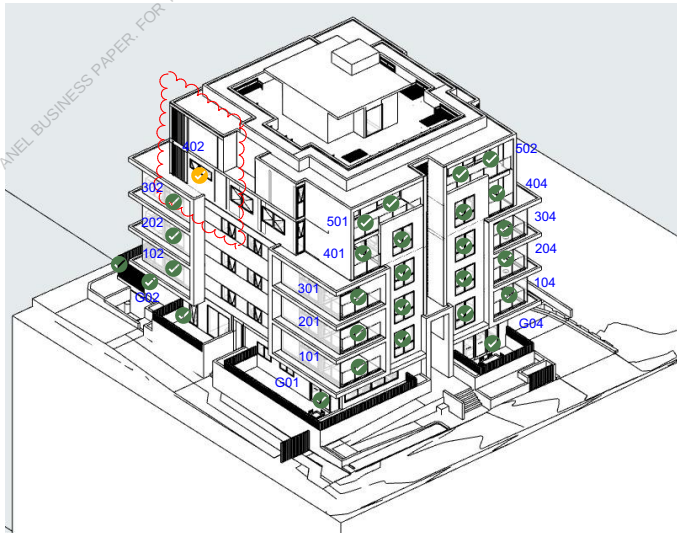

12 am

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VIEWS FROM THE SUN
21ST OF JUNE

- LIVING ROOMS AND BALCONIES RECEIVING DIRECT SOLAR ACCESS ON NOMINATED HOUR (VIEWS FROM THE SUN DIAGRAM)
- UNIT RECEIVING DIRET SOLAR ACCESS IN NOMINATED HOUR (VIEWS FROM THE SUN DIAGRAM)

ADG SOLAR ACCESS
REQUIRED min 70% (16 APARTMENTS)
PROPOSED 16/22 - 72.72%

NO SOLAR ACCESS
max 15% (3.3 APARTMENTS)
PROPOSED 3/22 - 13.6%

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VISIT: WWW.GEORGESRIVER.NSW.GOV.AU

Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
A	9A.M Issue	10/09/2025
B	9A.M Issue	15/09/2025
C	Amended for Amendment	05/08/2025
D	Amended for Submission	03/11/2025

Client: KOGARAH BAY P PTY LTD

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BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
Lift by:
Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
Waterproofing Consultant by:
Waste Consultant by:
Wet Fire Engineer by:

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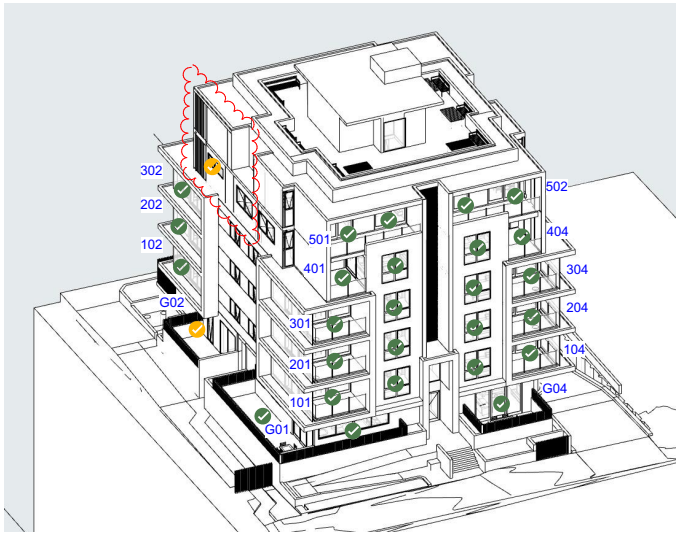
19 Dunlop Street North Parramatta NSW 2151
ph: +61 2 9635 9811 mob: 0433 111 577 admin@designcorp.com.au
www.designcorp.com.au nominated architect - joe el-sabbagh 8707

project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: VIEWS FROM THE SUN
client: KOGARAH BAY P PTY LTD
drawn: EH
checked: EK
scale: as shown @ A1
date: NOV25
ref: 2023-172
Council: GRC
status: DA
sheet size: A1
DA7.05
Rev: D



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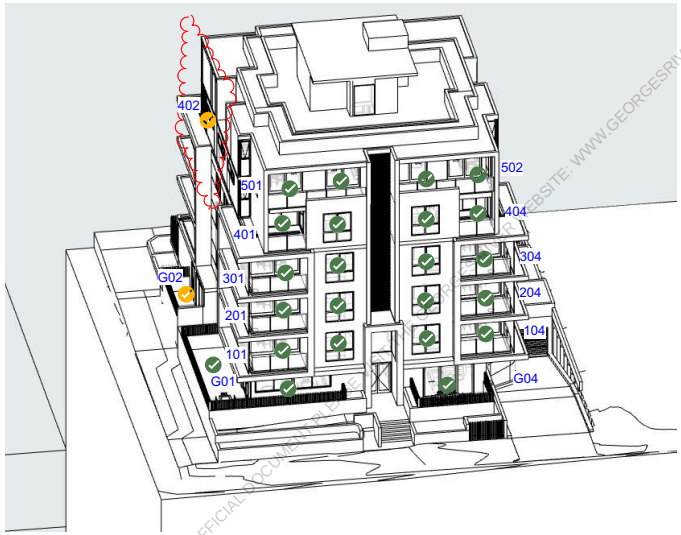

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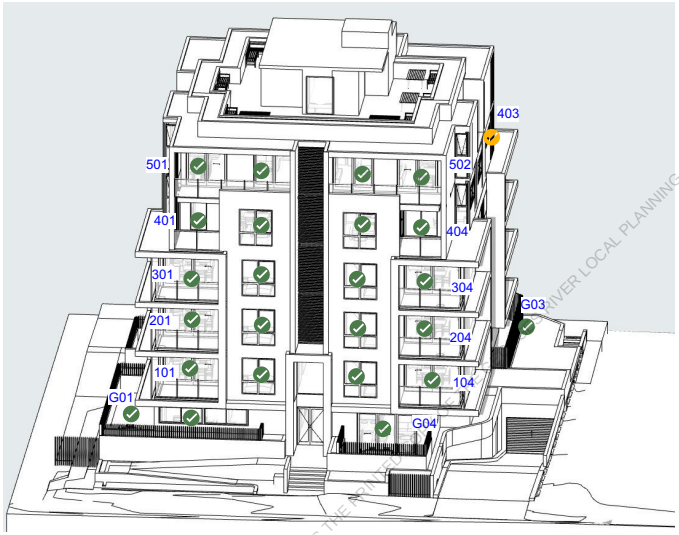

3 pm

	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM
G01							
G02							
G03							
G04							
101							
102							
103							
104							
201							
202							
203							
204							
301							
302							
303							
304							
401							
402							
403							
404							
501							
502							

VIEWS FROM THE SUN
21ST OF JUNE

- LIVING ROOMS AND BALCONIES RECEIVING DIRECT SOLAR ACCESS ON NOMINATED HOUR (VIEWS FROM THE SUN DIAGRAM)
- UNIT RECEIVING DIRET SOLAR ACCESS IN NOMINATED HOUR (VIEWS FROM THE SUN DIAGRAM)
- LIVING ROOMS AND BALCONIES RECEIVING DIRECT SOLAR ACCESS ON NOMINATED HOUR
- UNIT RECEIVING DIRECT SOLAR ACCESS ON NOMINATED HOUR

ADG SOLAR ACCESS
REQUIRED min 70% (16 APARTMENTS)
PROPOSED 16/22 - 72.72%

NO SOLAR ACCESS
max 15% (3.3 APARTMENTS)
PROPOSED 3/22 - 13.6%

GENERAL NOTES
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Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
10	Amended for resubmission	30/09/2025
9	Amended for Submission	10/7/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
Lift by:
Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
Waterproofing Consultant by:
Waste Consultant by:
Wet Fire Engineer by:

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status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: VIEWS FROM THE SUN
client: KOGARAH BAY P PTY LTD
drawn: EH
checked: EK
scale: as shown @ A1
date: NOV25
ref: 2023-172
Council: GRC
sheet size: A1
DA7.06
Rev: B

STORAGE SCHEDULE

LEVEL	UNIT NO.	TYPE	ADG REQ STORAGE	UNIT STORAGE	INTERNAL STORAGE	BASEMENT STORAGE	TOTAL STORAGE
GROUND LEVEL	G.01	2B	8m³	Y	5.06m³	5.76m³	10.82m³
GROUND LEVEL	G.02	2B	8m³	Y	4.82m³	10.82m³	15.64m³
GROUND LEVEL	G.03	2B	8m³	Y	5.55m³	5.76m³	9.78m³
GROUND LEVEL	G.04	2B	8m³	Y	5.15m³	5.76m³	10.91m³
LEVEL 1	1.01	2B	8m³	Y	5.12m³	5.76m³	10.88m³
LEVEL 1	1.02	2B	8m³	Y	4.06m³	5.76m³	9.82m³
LEVEL 1	1.03	2B	8m³	Y	5.04m³	5.74m³	10.78m³
LEVEL 1	1.04	2B	8m³	Y	5.12m³	8.63m³	13.75m³
LEVEL 2	2.01	2B	8m³	Y	5.12m³	5.76m³	10.88m³
LEVEL 2	2.02	2B	8m³	Y	4.06m³	5.76m³	9.82m³
LEVEL 2	2.03	2B	8m³	Y	5.04m³	5.74m³	10.78m³
LEVEL 2	2.04	2B	8m³	Y	5.12m³	8.63m³	13.75m³
LEVEL 3	3.01	2B	8m³	Y	5.12m³	5.76m³	10.88m³
LEVEL 3	3.02	2B	8m³	Y	4.06m³	5.76m³	9.82m³
LEVEL 3	3.03	2B	8m³	Y	5.04m³	5.74m³	10.78m³
LEVEL 3	3.04	2B	8m³	Y	5.12m³	8.63m³	13.75m³
LEVEL 4	4.01	2B	8m³	Y	5.15m³	5.74m³	14.27m³
LEVEL 4	4.02	1B	6m³	Y	5.66m³	6.78m³	12.44m²
LEVEL 4	4.03	1B	6m³	Y	7.40m³	5.74m³	13.14m²
LEVEL 4	4.03	2B	8m³	Y	6.12m³	15.55m³	17.77m³
LEVEL 5	5.03	3B	10m³	Y	7.50m³	15.87m³	23.37m²
LEVEL 5	5.03	3B	10m³	Y	7.37m³	5.76m³	21.67m²

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Certificate No. #HR-7EE1QL-01

SECTION 4.55

REV	DESCRIPTION	Date
1A	Amended for resubmission	30/09/2025
1B	Amended for Submission	15/11/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
Lift by:
Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
Waterproofing Consultant by:
Waste Consultant by:
Wet Fire Engineer by:

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www.designcorp.com.au nominated architect - joe el-sabbagh 8707

status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: STORAGE CALCULATIONS
client: KOGARAH BAY P PTY LTD
sheet size: A1
drawn: EH
scale: as shown @A1
ref: 2023-172
checked: EK
date: NOV25
Council: GRC
DA7.09
Rev: B

LPP049-25 Attachment 2

WINDOW SCHEDULE

ID	W01	W02	W03	W04	W05	W06	W07	W08	W09	W10	W11	W12	W13
Width	1,800	1,700	5,410	2,600	2,000	3,000	2,300	1,200	700	1,200	1,000	1,200	1,700
Height	2,600	1,100	1,100	2,700	2,285	2,100	2,700	2,640	2,850	2,700	2,700	1,500	1,500
Sill	0	1,200	1,600	0	415	700	0	0	0	0	0	900	900
ELEVATION													
Q	4	2	1	1	10	2	12	2	4	2	3	1	3

WINDOW SCHEDULE

ID	W14	W15	W16	W17	W18	W19	W20	W21	W22	W23	W24	W25
Width	3,000	3,000	2,700	1,800	1,700	2,600	1,680	750	1,000	1,023	1,146	1,000
Height	800	800	1,400	1,300	1,300	800	2,400	2,100	2,100	2,700	2,700	1,500
Sill	1,900	1,600	1,100	1,200	900	1,700	0	700	700	0	0	900
ELEVATION												
Q	1	1	4	4	12	8	2	4	1	1	1	2

DOOR SCHEDULE

D01	D02	D03	D04	D05	D06	D07	D08	D09	D10	D11	D12
2,040	2,040	2,040	2,040	2,040	2,040	2,040	2,040	2,040	2,040	2,040	2,040
520	600	620	720	820	920	980	1,000	1,020	1,100	1,150	1,200
4	4	8	49	81	50	5	5	3	5	1	22

DOOR SCHEDULE

D13	D14	D15	D16	D17	D18	D19	D20	D22	D22	D23	D24
2,040	2,040	2,040	2,040	2,040	2,040	2,200	2,200	2,400	2,400	2,700	2,700
1,320	1,400	1,640	1,820	1,920	2,050	1,640	1,640	1,600	1,720	1,800	1,891
1	7	1	2	1	1	4	1	1	2	6	4

DOOR SCHEDULE

D25	D26	D27	D28	D29	D30	D31	D32	D33	D34	D35	D36
2,700	2,700	2,700	2,700	2,700	2,700	2,700	2,700	2,850	2,850	2,200	2,040
2,900	3,200	3,435	3,600	3,626	4,150	4,325	3,626	2,460	2,915	3,000	1,200
1	2	5	2	3	5	4	4	8	2	1	1

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REV	DESCRIPTION	Date
A	64.55 Issue	10/09/2025
B	64.55 Issue	15/09/2025
C	Amended for Submission	15/11/2025

Client: KOGARAH BAY P PTY LTD

Consultants:
Access by:
Acoustics by:
BASIX by:
BCA Consultant by:
Certifier by:
Civil Engineer by:
Electrical Engineer by:
Dry Fire Engineer by:
Facade Engineer by:
Fire Engineer by:
Geotechnical Engineer by:
Hydraulics by:
Landscape by:
Lift by:
Section J by:
Stormwater Engineer by:
Structural Engineer by:
Traffic Engineer by:
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Waste Consultant by:
Wet Fire Engineer by:

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Certificate No. #HR-7EE1QL-01

SECTION 4.55

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status: DA
project: PROPOSED RESIDENTIAL FLAT BUILDING @ 198-200 Princes Highway Kogarah Bay
drawing: EXTERNAL WINDOW AND DOOR
client: KOGARAH BAY P PTY LTD
drawn: EH
checked: EK
scale: as shown @A1
date: NOV25
ref: 2023-172
Council: GRC
sheet size: A1
DA8.02
Rev: C

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

LPP050-25 84D ROBERTS ROAD MORTDALE

LPP Report No	**LPP050-25**	**Development Application No**	**DA2025/0390**
Site Address & Ward Locality	84D Roberts Road Mortdale Mortdale Ward		
Proposed Development	Alterations and additions to rooftop to provide an automated carwash facility		
Owners	Romanous Developments		
Applicant	Think Planners		
Planner/Architect	Think Planners		
Date Of Lodgement	25/08/2025		
Submissions	No submissions		
Cost of Works	$300,000.00		
Local Planning Panel Criteria	Greater than 10% development standard variation		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Georges River Local Environmental Plan 2021 (GRLEP 2021), Georges River Development Control Plan 2021 (GRDCP 2021)		
List all documents submitted with this report for the Panel's consideration	Architectural plans and assessment report.		
Report prepared by	Principal Planner		

RECOMMENDATION	Approval subject to conditions

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**
Legislative clauses requiring consent authority satisfaction	**Yes**

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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?	
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**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**No, standard conditions have been attached with no design changes**

SITE PLAN

EXECUTIVE SUMMARY

PROPOSAL

1. The works proposed in this application are specifically outlined below:
   - Installation of a self-serve car wash facility and ancillary structures over existing car spaces on the existing roof top car park associated with Mortdale Plaza. The development will comprise the following:
     - Conversion of six (6) car spaces to create three (3) wash bays
     - Conversion of six (6) car spaces to create three (3) vacuum bays

- Allocation of four (4) car spaces to the car wash use
- Installation of structures associated with the carwash facility including storeroom and associated roof structure, a new wall along the side of base building parapet and above box gutter pay station, air boom, mat clips, steel frame roofing and swivel ceiling room associated with the three (3) car wash bays
- Connect gutter to existing stormwater; and
- Business identification wall mounted signage.

2. The following roof plan outlines the location of the works:

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

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SITE AND LOCALITY

3. The subject site is 84D Roberts Avenue, Mortdale (Lot 21 DP542051), comprising an irregularly shaped 11,210m² parcel accessed via a handle from Roberts Avenue. The site is bisected by an open creek line, with a multi-storey mixed-use development (Mortdale Plaza) on the eastern portion featuring major retail tenancies including a supermarket, liquor outlet, and gymnasium. A formed accessway bridges the creek at the northern boundary, providing vehicular access to the western residual portion of the lot. The development, originally approved in December 2009 (DA 08/DA-411), consists of a three-storey mixed-use complex with supermarket, bulky goods retail, gymnasium, office space, and basement parking, all situated within a light industrial zone.

4. The surrounding locality features predominantly industrial uses to the north, northeast, west, and northwest of the site, whilst residential development is located to the south and southeast, and a golf course is positioned to the southwest. The immediate adjoining properties comprise non-residential industrial uses and open space areas.

ZONING AND PERMISSIBILITY

5. The subject site is zoned E4 General Industrial under the provisions of GRLEP 2021. The proposed works are defined as a 'light industrial' use which is a permissible with development consent.

6. The proposal is consistent with the zone objectives and is satisfactory.

ASSESSMENT

7. Having regard to the matters for consideration under *Section 4.15(1) of the* Environmental *Planning and Assessment Act 1979*, the subject application complies with the applicable GRLEP 2021 and GRDCP 2021 planning controls, except for the following controls:

- GRLEP 2021
  - Clause 4.3 – Height of Buildings

8. The table below presents a summary in respect to numerical compliance with the GRLEP 2021 and GRDCP 2021:

GRLEP 2021			
Standard	**Required**	**Proposed**	**Complies Yes/no**
4.3 - Height of Buildings (maximum)	12m	22.55m (88% variation) Clause 4.6 variation request lodged	No
4.4 - Floor Space Ratio (maximum)	1:1	No change	Yes
4.6 - Variation Statement submitted in regard to the proposed variation to Clause 4.4A Exceptions to floor space ratio—certain residential accommodation.	Variation to Clause 4.3 – Height of Building – 12m	Proposed Variation: 88% (10.55m)	See assessment attached
6.12 Landscaped Area (minimum)	25% = 245.55m²	No change to existing	Yes

GRDCP 2021			
Standard	**Required**	**Proposal**	**Complies yes/no**

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3.13 – Parking, Access and Transport	Required parking rate: Supermarket/Pharmacy (4,165m²) requires 1 space/20m² GLFA = 208 spaces Café (80m²) requires 1 space/30m² of GFA = 3 spaces Gymnasium (1,883m²) requires 4.5 spaces 100m² GFA = 85 spaces Bulky goods retail (1,069m²) requires 1 space per 50m² GLFA = 22 spaces Childcare centre staff (16 staff) requires 1 space per 2 staff = 8 spaces Childcare centre (94 children) requires 1 space per 6 children = 16 spaces Car wash – no applicable rate – generally multipurpose trips for uses above. **A total of 342 car spaces** are required based on the current GRDCP 2021 car parking rates.	The Mortdale Plaza currently provides 417 car parking spaces, noting that the previously approved hand car wash required five (5) car spaces, reducing the car spaces from 422 to 417 under a recent modification (MOD2022/0089). The current application will require sixteen (16) car spaces to be converted to provide for the automated car wash. The five (5) car spaces previously utilised will not be utilised for the current application and will be converted back to car spaces. On this basis, the existing car parking spaces will be reduced to 406 car spaces, with the number of car spaces still be in excess of the required car spaces (342) by 64 car spaces. A condition is recommended to require DA No. 08/DA-411 to be amended to align with this further reduction.	Yes

9. The proposed lift installation of the automated car wash will exceed the 12m maximum height of building control under Clause 4.3 of the GRLEP 2021. The supporting Clause 4.6 variation has been provided to support the 88% variation (10.55m). The height variation is supported for the following reasons:

   (a) Existing shades structures exceed the proposed height of the automated car wash on the roof and were previously approved by the LPP under DA2020/0557, which approved a height of RL31.347 (23.047m).
   (b) The installation will be on an existing rooftop and wont be easily discernible when viewed from the public domain; and
   (c) The additional height will not detrimentally impact adjoining properties in respect of overshadowing, view loss, acoustic privacy and visual privacy.

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10. The reduction in car parking will still ensure compliance with the car parking rates under the GRDCP 2021, a condition is recommended to require the modification of DA No, 08/DA-411, to ensure the original DA consent aligns with the reduced spaces, being 406. A condition is recommended.

11. The proposed business identification signage is compatible with the existing and desired future character of the area and will not detract from the amenity or visual quality of any special areas. It is considered to be consistent with the matters for consideration under the Industry & Employment SEPP.

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 adjoining property owners were notified in writing of the proposal and invited to comment.

13. No submissions were received.

REFERRAL COMMENTS

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

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

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

15. The proposal involves a 88% variation to Clause 4.3 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.

CONTRIBUTIONS

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

CONCLUSION

17. The application has been assessed having regard to the matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*, the provisions of the relevant state environmental planning policies, local environmental plans and development control plans.

18. The proposal has been assessed against the provisions of the *Georges River Local Environmental Plan 2021* and the *Georges River Development Control Plan 2021*. The proposed development generally complies with the planning controls, subject to a recommended consent condition requiring further design details for the entry point from Cambridge Street.

19. Having regard to the provisions of the *Environmental Planning and Assessment Act 1979*, the *Georges River Local Environmental Plan 2021*, the *Georges River Development Control Plan 2021*, the proposal is considered to be satisfactory. The identified non-

compliances with the height have been addressed and justified in this report, the Clause 4.6 request to vary the height of building development standard is supported. Any variations have been addressed and are worthy of support on merit.

STATEMENT OF REASONS AND DETERMINATION

Statement of Reasons

20. The reasons for this recommendation are:
    - The proposed development is permissible within the subject zone.
    - The proposed development complies with the requirements of the relevant environmental planning instruments, except:
        - Clause 4.3 Height of Building. A Clause 4.6 variation has been submitted in support of the application.

      The variation to height is considered acceptable, having regard to the justification provided in the report above.
    - The proposed automated carwash facility will be of an acceptable bulk and scale given the scale given the position on the roof and it will not result in any detrimental overshadowing, privacy, acoustic and view loss impacts.
    - The proposal will result in a suitable built form outcome and will be lower than the previously approved works under DA2020/0557.
    - The proposed development as conditioned complies with the objectives of the relevant environmental planning instruments.
    - The proposal, subject to condition, will not cause unreasonable environmental and amenity impacts.

Recommendation

21. Pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* (as amended), DA2025/0390 for the Alterations and additions to rooftop to provide an automated carwash facility at Mortdale Plaza on land known as 84D Roberts Road, Mortdale is recommended for approval subject to the following recommended conditions of consent.

SPECIFIC DEVELOPMENT CONDITIONS: DA 2025/0390 – Carwash Mortdale Plaza

GENERAL CONDITIONS

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

Description	Reference No.	Date	Rev	Prepared by
Plans				
Cover and Schedules	CO1	07/03/25	B	idelements
Location Plan	P00	07/03/25	B	Idelements
Floor plan – wash bays	P01	12/03/25	C	Idelements
Hydraulic & floor finishes layout	P02	07/03/25	B	Idelements

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Power plan	P03	07/03/25	B	idelements
Ceiling plan	P04	12/03/25	C	idelements
Floor plan - vacuum bays	P05	12/03/25	C	idelements
Sections – wash bays	E01	12/03/25	C	idelements
Sections – parking bays	E02	12/03/25	C	Idelements
Reports				
Acoustic Report	20250258.1/0804A/ R0/PF	08/04/25	0	Acoustic Logic
Plan of Management – Self service car wash 84D Roberts Road, Mortdale	TE25028	30/07/25	-	-

Reason: ***To ensure compliance with the plans as assessed by Council.***

Separate Approvals Required Under Other Legislation

2. **Height of Structures** The maximum building height approved under the application DA2025/0390 is limited to RL 30.85 or below.

3. **Modification of existing approved parking** – Prior to the issue of any Construction Certificate, a Section 4.55 application is to be lodged to modify Application No. 08/DA-411 to reflect a total of 406 car spaces.

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

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

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

(a) Placing or storing materials or equipment;

(b) Placing or storing waste containers or skip bins;

(c) Erecting a structure or carrying out work

(d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;

(e) Pumping concrete from a public road;

(f) Pumping water from the site into the public road;

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(g) Constructing a vehicular crossing or footpath;

(h) Establishing a “works zone”;

(i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);

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

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

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

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

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

Reason: To ensure necessary other approvals are obtained.

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

Any necessary approvals are to be obtained prior to the release of a Construction Certificate, with evidence provided to the Principal Certifier demonstrating the necessary approval has been obtained.

Reason: To ensure the necessary approvals are obtained.

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Prior to the Issue of a Construction Certificate

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	$3,870.00
Inspection Fee for Refund of Damage Deposit	$220.00
Georges River Local Infrastructure Contributions Plan 2021 (Section 7.12)	$3,000.00

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

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

Indexation
The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the Georges River Council Local Infrastructure Contributions Plan 2021.

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

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

Reason: To clarify fee payment and to ensure local infrastructure can be delivered.

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

(a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **$3,870.00.**

(b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **$220.00.**

(c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of works, Council will carry out an inspection of its public domain assets. If the inspection is passed, the damage deposit will be returned less the cost of any repairs to damaged Council Assets. The damage deposit will not be refunded until a full Occupation Certificate has been issued for the development.

General Fees

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

Reason: To protect public infrastructure

8. Commercial Car Wash Systems/Bays – Sydney Water approval - Plans and specifications of any approved car washing systems/car wash bays which have been approved by Sydney Water must be submitted with the application for the Construction Certificate to the satisfaction of the Certifying Authority demonstrating compliance with the:

(a) Requirement that all car washing bays are contained within a roofed and bunded area.
(b) Requirement that the used water from the car wash bay is graded to a drainage point and connected to the sewer with pre-treatment approved by Sydney Water. Where alternative water management and disposal options are proposed (i.e., where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system are to be included.
(c) Protection of the Environment Operations Act 1997 (NSW) (as amended).
(d) Protection of the Environment Operations (General) Regulation 2022 (NSW) (as amended).

Reason: To ensure appropriate wastewater control and to protect the environment.

9. Erosion & Sedimentation Control – Erosion and sediment controls must be provided to ensure:

(a) Compliance with the approved Erosion & Sediment Control Plan
(b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
(c) All clean water run-off is diverted around cleared or exposed areas
(d) Silt fences, stabilised entry/exit points or other devices are installed to prevent

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sediment from entering drainage systems or waterways

(e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works

(f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway

(g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar

(h) Compliance with Managing Urban Stormwater – Soils and Construction (Blue Book) produced by Landcom 2004.

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

Reason: To protect water quality and site stability.

10. Engineer's Certificate - A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
Reason: To ensure the structural adequacy of the development.

11. Carwash parking. The four (4) "Carwash Parking" spaces shown on Drawing C01 – Issue "B" prepared by idelements shall be provided with pavement markings that allocate them for the sole use of the car wash. Details of the pavement markings shall be submitted to the Certifier for approval prior to the issue of the Construction Certificate.
Reason: To ensure the car spaces are allocated to the approved use.

12. Stormwater System The submitted drainage is a concept plan only. The PCA shall ensure that all stormwater drainage design for developed runoff from car wash facility shall drain to the existing satisfactory drainage system without any nuisance flooding to adjoining properties and the drainage system must be in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

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

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

14. Before you Dig Australia - The applicant shall contact "Before Your Dig Australia" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Before Your Dig Australia" shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

Reason: To protect existing infrastructure during construction.

15. Utility Arrangements - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.

Reason: To ensure the applicant is responsible for the costs associated with the development.

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

During Construction

17. Site sign - Soil & Erosion Control Measures - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

Reason: To protect the environment during construction.

18. Hours of Work and Noise – Work must only take place:

a) Between the hours of 7.00a.m and 5.00p.m Monday to Friday; and
b) 7:00a.m and 5: 00p.m on Saturday
c) No work must take place on Public Holidays
d) No loading or unloading of material or equipment associated any development is permitted outside of the hours detailed above.
e) No operation or preparation of any equipment associated with the development is to occur outside of the hours detailed above.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

Reason: To preserve neighbourhood amenity.

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

Reason: To ensure the condition of public infrastructure is maintained.

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

Reason: To protect public infrastructure.

21. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

Reason: To ensure public safety.

22. **Public Utility and Telecommunication Assets** - The applicant shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines and cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

Reason: To ensure services are provided to the site at the applicant's expense.

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

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

Where required, the receipts (or copied of) must be made available to Council within 7 days of a written request being made by Council.

Reason: To ensure appropriate waste management and disposal.

Prior to the issue of the Occupation Certificate

24. **Carwash parking marking** The four (4) "Carwash Parking" spaces shown on Drawing C01 – Issue "B" prepared by idelements shall be line marked as labelled for this use prior to the issue of the Occupation Certificate.

Reason: To ensure the car spaces are allocated to the approved use

25. **Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the PC prior to the issue of the Occupation Certificate:

(a) construction works, together with the provision for all services, shall be completed in accordance with the approved Construction Certificate plans and any relevant Australian Standards prior to the issue of the Occupation Certificate.
(b) Construct any new vehicle crossings required and replace any redundant vehicle crossing laybacks with kerb and guttering.
(c) Construct the parking spaces for people with disabilities in accordance with AS 2890.6:2022.

Reason: To ensure all necessary works are completed.

26. **Certification – Car Wash Bays - Sydney Water requirements** Prior to the issue of any Occupation Certificate for works incorporating a car wash bay, certification from Sydney Water must be submitted to the satisfaction of the Certifying Authority verifying that the car

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washing system (including pre-treatment) is constructed in accordance Sydney Water approval.
The certification must be incorporated into the Occupation Certificate documentation and provided to Council.

Reason: To ensure appropriate wastewater control and to protect the environment.

Operational Conditions (On-Going)

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

Reason: To ensure the amenity of the neighbourhood is protected.

28. **Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Reason: To protect the amenity of the neighbourhood.

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

Reason: To protect the amenity of the neighbourhood.

30. **Acoustic Compliance – General Operation** The operation of the activity must comply with the NSW Environment Protection Authority's "Noise Policy for Industry (2017)" (as amended).

31. **Commercial – Car Wash Systems and Bays – Maintenance** The car washing systems and car wash bays must be maintained at all times to ensure performance is not diminished and remains compliant with the:

(a) Requirement that all car washing bays are provided within a roofed and bunded area.
(b) Requirement that the used water from the car wash bay is graded to a drainage point and connected to the sewer, with pre-treatment approved by Sydney Water.
(c) *Protection of the Environment Operations Act 1997* (NSW) (as amended), and
(d) *Protection of the Environment Operations (General) Regulation 2022* (NSW) (as amended).

Reason: To ensure appropriate wastewater control and to protect the environment.

32. **Chemical Storage Area – Bunding** The storage of chemicals must be in accordance with:

(a) The current or latest version of AS/NZS3833 – The Storage and Handling of Mixed Classes of Dangerous Goods in Packages and Intermediate Bulk Containers.
(b) The current or latest version of the "Model Code of Practice: Managing Risks of Chemicals in the workplace" – developed by Safe Work Australia

All chemicals on site must be stored within a bunded area. The bunded area must:

(a) be roofed and the bund must be constructed from a suitably impervious material. The bund must be continuous nor fitted with a drainage plug or tap, and
(b) have impervious flooring, and
(c) have sufficient capacity to contain 110% of the largest container stored within the bund, and
(d) be designed in accordance with pages 40-44 of the document entitled Storing and Handling Liquids: Environmental Protections, Participants Manual published by the Department of Environment and Climate Change NSW in May 2007."

The bund must be maintained ensuring all spillages or leaks can be retained within the bund, until removed and disposed of by means that do not pollute waters.

Reason: To ensure appropriate chemical storage and to protect the environment

33. Works as Executed and Certification of Stormwater works - Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.
This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.
The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

(a) The location of any detention basin/s with finished surface levels;
(b) Finished site contours at 0.2 metre intervals (if applicable)
(c) Volume of storage available in any detention areas;
(d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
(e) The orifice size/s (if applicable);
(f) Details of any infiltration/absorption systems; and (if applicable);
(g) Details of any pumping systems installed (including wet well volumes) (if applicable).

Operational Requirements Under the Environmental Planning & Assessment Act 1979

34. Requirement for a Construction Certificate - The erection of a building must not commence until a Construction Certificate has been issued.

Reason: To ensure the development is consistent with the legislative requirements.

35. Appointment of a PC – The erection of a building must not commence until the applicant has:

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

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

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

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

Reason: To ensure the development is consistent with the legislative requirements.

36. Notification Requirements of PC - No later than two days before the building work commences, the PC must notify:

(a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
(b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

Reason: To ensure the development is consistent with the legislative requirements.

37. Notice of Commencement - The applicant must give at least two days notice to the Council and the PC of their intention to commence the erection of a building.

A Notice of Commencement Form is attached for your convenience.

Reason: To ensure the development is consistent with the legislative requirements.

38. Critical Stage Inspections – The last critical stage inspection must be undertaken by the PC. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

Reason: To ensure the development is consistent with the legislative requirements.

39. Notice to be given prior to critical stage inspections – The principal contractor for a building site, or the owner-builder, must notify the PC at least 48 hours before each required inspection needs to be carried out.

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

Reason: To ensure the development is consistent with the legislative requirements.

40. Occupation Certificate – A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

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

Reason: To ensure the development is consistent with the legislative requirements.

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Prescribed Conditions

1. **Clause 44 - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

2. **Clause 67 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

3. **Clause 75 - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.

4. **Clause 67 - Home Building Act 1989** – If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.

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

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

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

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

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

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END CONDITIONS

NOTES / ADVICES

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

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

2. **Appeal Rights -** Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

3. **Lapsing of Consent -** This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

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

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

5. **Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

   Council must cover administration and other costs incurred in the investment of these monies. The current charge is $50.00 plus 2% of the bond amount per annum.

   The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

   All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

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

   (a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.

   (b) In the Application Form, quote the Development Consent No. (e.g. DA2025/0302) and reference this condition number (e.g. Condition 23)

   (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and

Charges for the administrative and inspection charges associated with stormwater applications.

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

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

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

7. **Ausgrid Underground Cables are in the vicinity of the development** - Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

8. **Ausgrid – New or modified connection** - To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

9. **Ausgrid – New driveways – proximity to existing poles** - Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any

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part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

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

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

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

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ATTACHMENTS

Attachment ⇩1 Assessment Report - 84D Roberts Avenue Mortdale - DA2025 0390

Attachment ⇩2 ARCHITECTURAL PLANS.pdf - DA2025/0390 - 84D Roberts Ave Mortdale

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Delegated Assessment Report

DA2025/0390

LOT 21 DP542051

84D Roberts Road, Mortdale

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.

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

Proposal

The works proposed in this application are specifically outlined below:

- Installation of a self-serve car wash facility and ancillary structures over existing car spaces on the existing roof top car park associated with Mortdale Plaza. The development will comprise the following:
  - Conversion of six (6) car spaces to create three (3) wash bays
  - Conversion of six (6) car spaces to create three (3) vacuum bays
  - Allocation of four (4) car spaces to the car wash use
  - Installation of structures associated with the carwash facility including storeroom and associated roof structure, a new wall along the side of base building parapet and above box gutter pay station, air boom, mat clips, steel frame roofing and swivel ceiling room associated with the three (3) car wash bays
  - Connect gutter to existing stormwater; and
  - Business identification wall mounted signage.

A site plan is provided below:

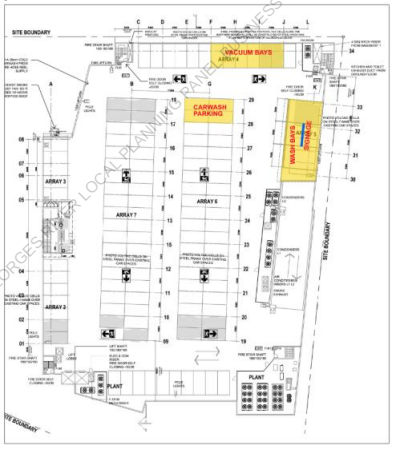

Figure 1 – Site plan *(Source: Architectural Plans)*

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Site and Locality

Site Description

The subject site is located within the Mortdale area and is known as 84D Roberts Avenue, Mortdale and legally defined as Lot 21 in DP542051

The overall site has an area of 11,210m^2 and irregular in shape with primary access via an access handle from Roberts Ave.

The site is bisected by an open creek line with a multi storey mixed use development on the larger eastern section of the site. Vehicular access to that complex and rear loading areas is along the western edge of that building with a formed accessway bridging the creek line at the northern boundary and providing vehicular access to the residual element of the lot on the western side.

The subject property has a substantive retail/commercial development on the eastern portion of the site, known as Mortdale Plaza, including major tenancies including a supermarket, liquor outlet and gymnasium.

The former Hurstville City Council approved the development of the site for a three-storey mixed use development comprising supermarket, bulky goods retail, gymnasium and office with basement parking. That development was originally approved in December 2009 under Development Application no 08/DA-411.

The site is located within a light industrial zone occupied by a variety of light industrial uses.

Locality Description

Existing development in the locality consists of: industrial uses to the north, northeast, west and northwest. Residential uses are positioned to the south and southeast whilst a golf course is positioned to the southwest.

Existing development adjoining the subject site consists of non-residential industrial uses and open space.

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Aerial Image of Land Zoning

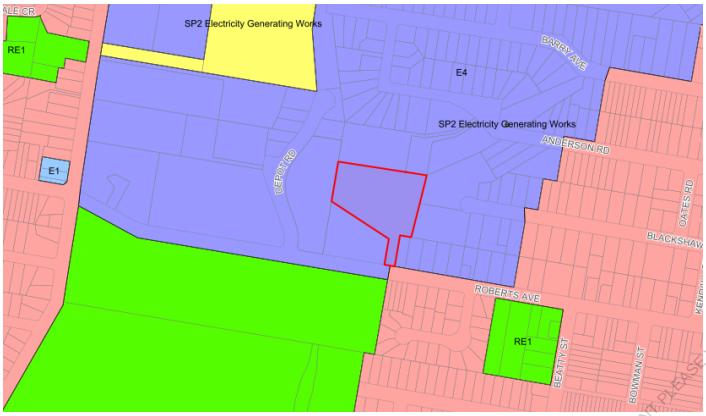

Figure 2 –Aerial view of development site outlined in red *(Source: IntraMaps)*

Aerial Image of Site

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

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Background

History

The following applications are relevant to the proposed works.

DA/CDC Number	Proposed Works	Determination	Relevance
DA 08/0403	Integrated & advertised development- demolition and remediation of site	15/01/2010	The application relates to post building works.
DA08/0411	Three (3) storey mixed use development comprising supermarket, bulky goods retail, gymnasium & office with basement parking.	16/12/2009	This DA and associated modifications relate to the approved building that the carwash facility will be positioned in. Condition 119 of the originally approved development under Application No. 08/DA-411REV04 (as amended by REV2013/0001 on 17 July 2013) requires a total of 418 car spaces to be maintained, this includes a surplus of 31 car spaces beyond the minimum parking requirements which remain unchanged since the original approval.
DA08/0411.01 (Modification)	S.96 Modification to approved mixed use development- Redistribution of floor space; relocation of some basement parking to roof; increase height of building.	21/03/2011	
DA08/0411.02 (Modification)	S.96 Modification to mixed use development - internal and external alterations.	02/02/2012	
DA08/0411.03	S.96 Modification to approved development- Internal & external modifications.	07/12/2012	
DA08/0411.04	Section 96 Modification to approved mixed use development - Modify hours of operation of Supermarket to be 6am to midnight 7 days a week	06/03/2012	
DA2020/0557	Alterations and additions for a car wash facility, shade structures and photovoltaic solar cells	06/08/2021	This is relevant as the current application seeks to install and automated car wash facility and the height approved under this application is higher than proposed under the current DA. Condition 3 was imposed requiring a separate Section 4.55 application to be

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			lodged to modify the existing parking requirements of the originally approved development to reflect a total of 417 car spaces. Condition 3 is provided below: ***Modification to existing approved parking*** *– Prior to the issue of any Construction Certificate, a Section 4.55 application is to be lodged to modify Application No. 08/DA-411 to reflect a total of 417 car spaces.* A condition is recommended to reflect the reduction in car spaces should consent be granted.
MOD2022/0089	Modification to amend Condition 120 of DA 08/DA-411, to reduce car parking from 422 to 417, as required under DA2020/0557 Condition No.	21/09/2022	A further modification will be required to reduce the car parking numbers to (insert)

Processing

Application History		
Action	**Date**	**Comment**
Submission Date	Monday, 11 August 2025	
Lodgement Date	Monday, 25 August 2025	
Request for Additional Information Sent	Thursday, 27 November 2025	Clause 4.6 variation to vary Clause 4.3 Height of Building control under the GRLEP 2021.
Revised Documentation Received	Monday, 1 December 2025	

Site Inspection

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

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Figure 4: Street view of development site (image taken facing 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 Affectations Relevant Under SEPPs

SEPPs		Applicable	
Affectation	**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	☐	☒

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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 it won't affect any trees as the proposed development is above ground.

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

The proposal complies with SEPP (Biodiversity and Conservation) 2021.

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.

The proposal will replace a previously approved handwash car wash facility with an automated car wash facility, on this basis the use remains as approved and is considered a suitable use of the 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 (Industry and Employment) 2021
State Environmental Planning Policy (Industry and Employment) 2021 is applicable to the development and the following clauses apply:

- Clause 3.6 – Granting of consent to signage

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The proposal seeks consent for the installation of a 4550mm x 390mm business identification sign as reflected below:

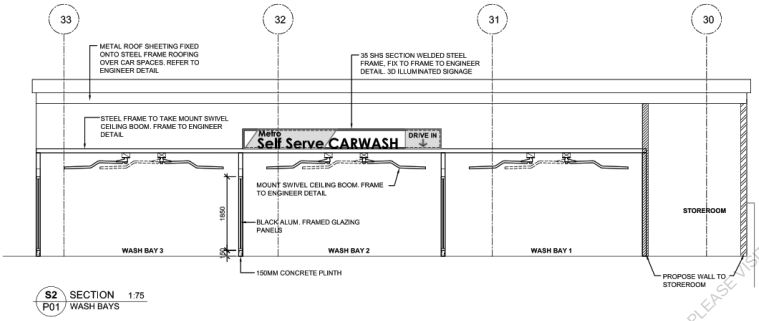

Figure 5: Signage Details *(Source: Architectural Drawings)*)

Clause 3.6(b) requires a signage to be consistent with the assessment criteria specified in Schedule 5 of the SEPP. The table below contains the assessment of the proposed development against the development criteria outlined in Schedule 5:

Chapter 3 – Advertising and Signage		
Schedule 5 – Assessment Criteria		
Standard	**Proposal**	**Compliance**
1 Character of the area • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed 4550mm x 390mm illuminated sign is compatible with the commercial character of the area. The sign is appropriately sized for rooftop placement on a car park structure and is consistent with contemporary commercial signage in urban environments. Its scale and positioning align with the existing character of the locality, which includes commercial facilities and vehicle-related infrastructure.	☒ Yes ☐ No
2 Special areas • Does the proposal detract from the amenity or visual quality of any	The sign does not detract from any special areas. Located on a car park rooftop in a commercial setting, the	

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environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	proposal is distanced from environmentally sensitive areas, heritage zones, conservation areas, and residential properties. The sign's placement ensures no adverse impact on the amenity or visual quality of protected or sensitive areas.	
3 Views and vistas • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers?	The sign does not obscure or compromise important views due to its modest dimensions (4550mm x 390mm) and horizontal orientation. The slender profile will not be visible from the street due to setback from edge of building.	
4 Streetscape, setting or landscape • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management?	The scale, proportion and form are appropriate for the car park rooftop setting. The horizontal format and modest height (390mm) ensure the sign integrates harmoniously with the existing building. The sign provides clear wayfinding for the car park facility without creating visual clutter. It will sit below the approved roof structure.	
5 Site and building • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign is compatible with the car park building's scale and function. Its dimensions are proportionate to the rooftop location and the building's commercial purpose. The sign respects the utilitarian character of the car park structure while providing appropriate identification. The rooftop placement demonstrates practical innovation in utilising available space without compromising the any architectural features.	

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6	**Associated devices and logos with advertisements and advertising structures** • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No platform is incorporated to the structure.	
7	**Illumination** • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew?	The illumination will not result in unacceptable glare and is appropriate for a commercial environment without compromising safety for pedestrians, vehicles, or aircraft. Given the car park's commercial setting and distance from residential properties, the illumination will not detract from residential amenity.	
8	**Safety** • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The sign will not reduce safety for public roads, pedestrians, or cyclists. Its rooftop location ensures it does not obstruct sightlines at ground level or create visual distractions for motorists. The sign does not compromise pedestrian safety or sightlines from public areas, including visibility for children. The design and placement prioritise public safety in all respects.	

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.

The application was referred to Ausgrid, no comments were received so it is assumed that no objection is raised.

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The Provisions of any Local Environmental Plan

Georges River Local Environmental Plan 2021

The extent to which the proposed development complies with the relevant provisions of the Georges River Local Environmental Plan 2021 (GRLEP 2021) is detailed and discussed 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	☒	☐
6.4	Foreshore Building Line	☐	☒
6.4	Coastal Hazard and Risk	☐	☒
6.5	Riparian Lands & Waterways	☐	☒
6.6	Foreshore Scenic Protection Area – also consider Design Excellence	☐	☒
6.8	Impacted by airspace operations (NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville)	☒	☐
6.10	Design Excellence – FSPA or R4 land	☒	☐
6.11	Environmental Sustainability Note: This clause applies to new building works and significant alteration and addition works only. The proposed fit out is not considered to be significant alteration and addition works.	☐	☒
Other Affectations			
Bushfire Prone Land		☐	☒
Council Owned Land		☐	☒
Crown Land		☐	☒
Easements Within Lot Boundaries		☒	☐
Narrow lot housing precinct		☐	☒
Other (if yes describe)		☐	☒

GRLEP 2021 Part 2 – Permitted or prohibited development

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Clause 2.3 – Zone objectives and Land Use Table		
Standard	**Proposal**	**Compliance**
The subject site is zoned E4 General Industrial. The objectives of the zone are: • *To provide a range of industrial, warehouse, logistics and related land uses.* • *To ensure the efficient and viable use of land for industrial uses.* • *To minimise any adverse effect of industry on other land uses.* • *To encourage employment opportunities.* • *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.* • *To encourage a range of uses that support the repair, reuse, recycling, remanufacturing and reprocessing of waste.*	As previously approved, a car wash, whether being hand wash facility or automated car wash, remains a 'light industry; defined use, which is permitted within the zone. A 'light industry' is defined as: ***light industry*** *means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—* *(a) high technology industry,* *(b) home industry,* *(c) artisan food and drink industry.* 'Light industries' are permitted with consent in the E4 General Industrial zone. The proposal is consistent with the zone objectives and is satisfactory.	☒ Yes ☒ No

GRLEP 2021 Numeric Controls			
Standard	**Required**	**Proposed**	**Compliance**
Cl. 4.3 *Height of Buildings*	Maximum 12m	22.55m (88% variation). It is noted that the addition of the automated carwash facility and signage will be positioned above the 12m height limit. On this basis a Clause 4.6 variation has been provided and this is discussed below.	☐ Yes ☒ No
Cl. 4.4 *Floor Space Ratio*	Maximum 1:1	No changes proposed to the existing FSR.	☒ Yes ☐ No

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GRLEP 2021 Part 5 – Miscellaneous Provisions		
Clause - 5.21 Flood Planning		
Standard	**Proposal**	**Compliance**
(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development,	The subject site is impacted by flood. Notwithstanding, the existing handwash car wash and shopping centre have been approved on the site previously, therefore there is no impact from the proposed use.	☒ Yes ☐ No

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(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.		

GRLEP 2021 Part 6 – Additional Local Provisions		
Clause 6.1 – Acid sulfate soils		
Standard	**Proposal**	**Compliance**
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. **Class 5** The site is identified as containing Class 5 Acid Sulfate Soils. Consent may not be granted for any Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land unless an acid sulfate soils management plan has been prepared.	The site identified as containing Class 2 and 5 acid sulfate soils, but the works will be above ground. No further action is therefore required.	☒ Yes ☐ No
Clause 6.3 – Stormwater Management		
Standard	**Proposal**	**Compliance**
(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's	The proposal is satisfactory with regards to the matters identified. Appropriate conditions are recommended should consent be granted.	☒ Yes ☐ No

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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 6.7 – Airspace Operations		
Standard	**Proposal**	**Compliance**
Development consent must not be granted to development to which this clause applies unless— (a) the consent authority has consulted the relevant Commonwealth body, and (b) the relevant Commonwealth body advises the consent authority that— (i) the development will penetrate the Limitations or Operations Surface but it does not object to the development, or (ii) the development will not penetrate the Limitations or Operations Surface. Development consent must not be granted to development to which this clause applies if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be carried out.	The proposed works will not penetrate the obstacle limitation and/or operations surface, being below RL154.9.	☒ 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	The proposal has arrangements that will make available these essential services.	☒ Yes ☐ No

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a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.		

Clause 6.10 Design Excellence		
Standard	**Proposal**	**Compliance**
(2) This clause applies to development on land within the Foreshore Scenic Protection Area involving— (a) the erection of a new building, or (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant. (3) For land identified in on the Foreshore Scenic Protection Area Map: (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,	The proposal will be installed on the rooftop of a building that is greater than 3 storeys in height and positioned within the E4 General Industrial Zone. As such, Clause 6.10 applies. The proposal has been considered with regards the matters identified in Clause (5) and is considered to suitably demonstrate compliance with the Clause for the following reasons: • the elements to be installed on the rooftop will not be highly discernible form the street. • The elements are positioned below the car park roof structures. • The development is consistent with the existing built form associated with the current approved building. • The height and scale of the existing building will remain.	☒ Yes ☐ No

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(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d)how the development addresses the following matters— i. the suitability of the land for development, ii. existing and proposed uses and use mix, iii. heritage issues and streetscape constraints, iv. the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, v. bulk, massing and modulation of buildings, vi. street frontage heights, vii. environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, viii. pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, ix. the impact on, and proposed improvements to, the public domain, x. achieving appropriate interfaces at ground level between the building and the public domain, xi. excellence and integration of landscape design, xii. the provision of communal spaces and meeting places,		

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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.		

GRLEP 2021 Clause 4.6 Variation

A Clause 4.6 Variation is required as the application will exceed the height control as outlined in the table below.

Name of Clause	Proposed Variation
4.3 - Height	10.55m (88% variation). Please note that the applicant's height has utilised the previous height control under the former Hurstville LEP 2012 which had a lower height limit of 10 metres, the maximum height increased to 12m under GRLEP 2021. On this basis, a variation from the 12m height of building maximum is proposed.

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

Clause 4.6 Assessment

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

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

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

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

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

The area that exceeds the 12m height control, proposing a height of 22.55m and this relates to the elements that need to be installed to enable the operation of the automated car wash, such as: storeroom, vacuums, wash bay infrastructure and signage. It is noted that the previous approval (LPP – DA2020/0557) endorsed a height exceedance for the roof shade structures and photovoltaic cells being RL31.347 (23.047m).

Refer to image below which highlights the approved roof shade structures and photovoltaic cell height non-compliance:

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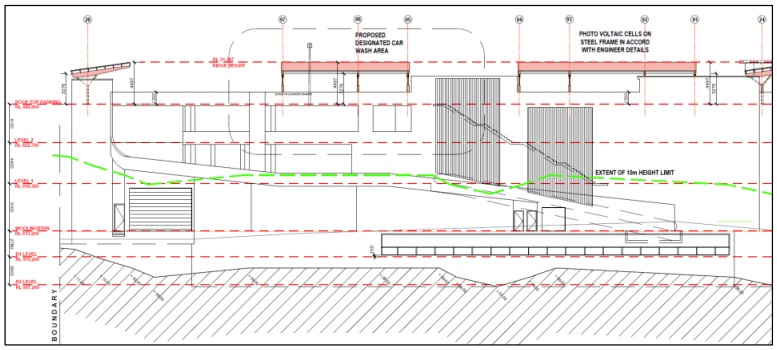

Figure 6: Approved height variation approved under DA2020/0557.

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

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

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

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

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

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

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

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

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- *The existing Mortdale Plaza building already establishes a height, bulk and scale far greater than the 12 m control. The proposal does **not** increase the height of the built form.*
- *The amended rooftop structures are **lower than those previously approved**, maintaining compatibility with the established character and reducing the apparent visual bulk.*
- *The lightweight, open-framed structures introduce **no additional massing**, and remain fully subordinate to the existing parapet and rooftop plant.*
- *The desired future character under the IN2 zone supports employment-generating uses and utilitarian rooftop structures, which this proposal aligns with.*
- *No additional overshadowing occurs because the amended structures are ~0.5 m **lower** than those previously approved, and far lower than the existing stair/elevator core.*
- *The open-sided steel structures do **not impede views** and are not visible from most public spaces due to the elevated parapet and internalised rooftop location.*
- *Privacy impacts are **non-existent**, as the rooftop car wash does not overlook any sensitive residential interfaces.*
- *Visual impact is negligible: the structures are screened by the parapet and are materially less prominent than the LPP- endorsed scheme.*
- *The proposal does not alter the existing height transition, as it does not increase the approved building height.*
- *The existing transition between the four- storey Plaza and surrounding mixed commercial / residential areas remains unchanged.*
- *There are no heritage items or conservation areas in proximity to the rooftop, and therefore no adverse heritage transition effects*
- *The minor ancillary structures are visually recessive and maintain the established built form hierarchy.*

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

Objective	Assessment
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	The proposed additions to facilitate the automated carwash facility will be positioned below the shade structures and photovoltaic cells approved under DA2020/0557, which established the bulk and scale of the existing built form, and the additional elements will not be highly discernible from the public domain and all new elements will be lower than the previously approved height of 23.047m (RL31.347). The height proposed will be 22.55m, which is lower than the previously approved height and the elements to be installed will not create detrimental bulk and scale.
(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	The proposed height variation has no impacts on overshadowing, visual impact, disruption of views and loss of privacy.
(c) to ensure an appropriate height transition between new buildings and— (i) adjoining land uses, or (ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.	The proposed height variation will result in no impacts on adjoining properties. No heritage items affected by the proposed height variation.

As outlined above, the proposal is consistent with the objectives of the standard.

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

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

- No comments provided by the applicant.

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

- The underlying objective of the maximum building height development standard is to mitigate adverse amenity impacts. This objective is relevant to all developments in the E4 General Industrial.

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

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

- No comments provided by the applicant.

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

- The underlying objective of the maximum building height development standard is to mitigate adverse amenity impacts. The development standard supports the objective of the clause as a measure to control the bulk and scale of a building such that new developments will not cause adverse amenity impacts to existing developments.

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

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

- No comments provided by the applicant.

The development standard has not been abandoned or destroyed, the height non-compliance results from previously approved built form, the standard still remains applicable to the wider site which remains undeveloped and will require consideration should the site be developed in the future.

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

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

- No comments provided by the applicant.

The E4 General Industrial. zoning of the subject site is considered to be appropriate given it is compatible with the locality which contains multiple non-residential uses.

Conclusion

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As discussed above, the applicant's justification satisfactorily demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

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

In response to this subclause, the applicant indicated the following (a summarised from the Clause 4.6 variation report):

- *The proposal results in a lower height than previously endorsed by the Local Planning Panel.*
- *The height breach arises solely from the existing building envelope — not from the proposal.*
- *The rooftop is the only feasible and environmentally appropriate location for the use. The proposal is*
- *The proposal does not result in adverse environmental impacts*
- *The proposal activates an underutilised rooftop area and supports the objectives of the IN2 Light Industrial zone.*
- *The planning history of the site demonstrates that the height standard has already been repeatedly considered and varied in this context.*
- *The proposal represents orderly and economic development of land consistent with the EP&A Act.*

It is considered that the proposal demonstrates sufficient environmental planning grounds to warrant the variation for the following reasons:

- The height is below the maximum previously approved.
- There will be no detrimental impact from overshadowing, overlooking and bulk and scale.
- The elements to be installed will not be highly discernible from the public domain.
- The scale of the bult form ill remain acceptable when viewing the scale of surrounding development and former approvals.
- The proposed height variation aligns with the objectives of the zone and Clause 4.3.

Summary of 4.6 Assessment and Conclusion

4.6 Variation Supported

The proposal seeks to vary Clause 4.3 of the Georges River Local Environmental Plan.

The 4.6 variation request has been assessed and is considered to be satisfactory with regards to the matters it is required to address under Clause 4.6(3).

Given the above, the 4.6 request is supported and a variation to the control is recommended.

Provisions of any Proposed Instrument

Draft Blakehurst and Kogarah Bay Wards Flood Study

Georges River Council has completed a draft flood study to better understand overland flooding in the Blakehurst and Kogarah Bay Wards. This flood study helps us understand how stormwater behaves during heavy rainfall events and was recently on exhibition between 15 September 2025 and 3 November 2025.

The site is identified as being affected by the both the AEP 1% and PMF, refer to map below:

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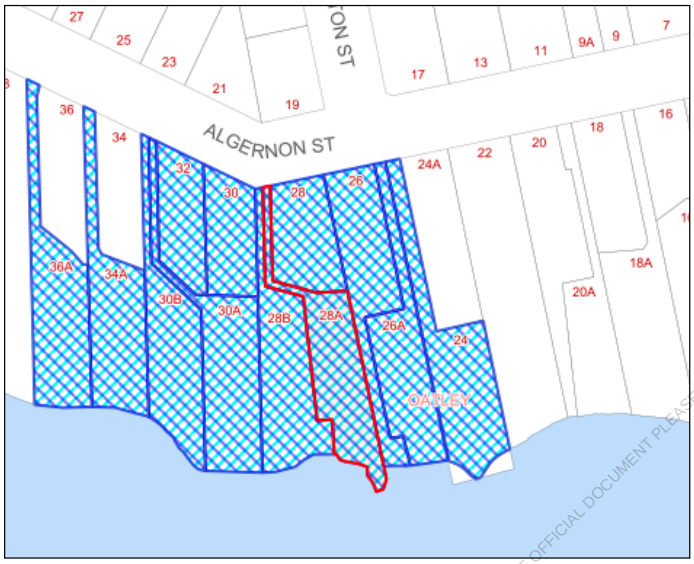

The proposed works are positioned over an existing building more than 14m above the Georges River, on this basis the development is acceptable and unlikely to be impacted by flood waters. The development is suitable and should be supported.

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:

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Environmental Sustainability		
3.11 Ecologically Sustainable Development		
Control	**Proposal**	**Compliance**
10. Water conservation principles should be incorporated into non-residential developments, including the following: i. Water efficient fittings and appliances including: 4 star dual-flush toilets and taps, 3 star showerheads and urinals, water efficient washing machines and dishwashers.	Up to 80% of water will be reused.	☒ 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).	Adequate area is provided in the storage area for waste and the SEE stated that this will be collected regularly. A condition will be imposed to ensure that a contractor is engage to collect the waste.	☒ Yes ☐ No

Vehicular Access, Parking and Circulation		
3.13 Parking Access and Transport		
Control	**Proposal**	**Compliance**
Required parking rate: Supermarket/Pharmacy (4,165m²) requires 1 space/20m² GLFA = **208 spaces** Café (80m²) requires 1 space/30m² of GFA = **3 spaces** Gymnasium (1,883m²) requires 4.5 spaces 100m² GFA = 85 spaces	The Mortdale Plaza currently provides 417 car parking spaces, noting that the previously approved hand car wash required five (5) car spaces, reducing the car spaces from 422 to 417 under a recent modification (**MOD2022/0089**). The current application will require sixteen (16) car spaces to be converted to provide for the automated car wash. The five (5) car spaces previously utilised will not be utilised for the current	☒ Yes ☐ No

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Bulky goods retail (1,069m²) requires 1 space per 50m² GLFA = 22 spaces Childcare centre staff (16 staff) requires 1 space per 2 staff = 8 spaces Childcare centre (94 children) requires 1 space per 6 children = 16 spaces Car wash – no applicable rate – generally multipurpose trips for uses above. A total of **342 car spaces are required** based on the current GRDCP 2021 car parking rates.	application and will be converted back to car spaces. On this basis, the existing car parking spaces will be reduced to 406 car spaces, with the number of car spaces still be in excess of the required car spaces (342) by 64 car spaces. A condition is recommended to require DA No. 08/DA-411 to be amended to align with this further reduction.	
8. The following bicycle parking rate is required: Commercial development: 1 space per 5 car parking spaces 2.4(2) bicycle parking spaces required	No additional bicycle spaces requires due to the reduction in car parking spaces.	☒ Yes ☐ No
9. In calculating the total number of bicycle spaces required for a development type, the total should be rounded up to the nearest whole number (i.e. 0.5 or greater).		
10. Bicycle parking facilities are to be designed in accordance with Australian Standard AS2890.3 (Parking Facilities – Part 3 Bicycle Parking Facilities).		
12. Internal car park layouts, space dimensions, ramp grades, access driveways, internal circulation aisles and service vehicle areas shall be designed in accordance with the requirements set out in AS 2890.1 (2004) and AS 2890.2 (2002) for off street parking and commercial vehicles.	No change to car parking layout, remains as approved.	☒ Yes ☐ No

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13. Design vehicular access in accordance with the current Australian Standard for 'off-street parking (Part 1) 'and 'off-street carparking for commercial vehicles (Part 2)'.		

Utilities		
3.14 Utilities		
Control	**Proposal**	**Compliance**
1. Applicants should consult service providers for energy, electricity, gas, water, telephone, national broadband network (NBN) fibre cables and fire requirements.	The proposal is acceptable, subject to relevant stormwater water conditions as recommended by Council's engineer.	☒ Yes ☐ No
3.18 Advertising and Signage		
Control	**Proposal**	**Compliance**
New Developments 9. For new buildings, the location, type and total number of advertising signs should be considered at the development application stage so that they can be integrated into the design of buildings. This information is to be included as part of any development application for a new building	Refer to Employment and Industry SEPP assessment above.	☒ Yes ☐ No

Universal / Accessible Design		
3.17 Universal / Accessible Design		
Control	**Proposal**	**Compliance**
1. All new building work should comply with the accessibility provisions of the Building Code of Australia (BCA) and the Disability (Access to Premises - Buildings) Standards 2010 where required.	The rooftop will remain accessible.	☒ Yes ☐ No
2. Continuous unobstructed paths of travel should be provided from public footpaths, accessible car parking, and set down areas to public building entrances. Paths of travel should be designed in accordance with the		

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Disability (Access to Premises - Buildings) Standards 2010.		
3. Accessways for pedestrians and vehicles to be separated.		

Noise		
3.20.3 Noise Generating Development		
Control	**Proposal**	**Compliance**
1. Development should be sited and designed so that noise is kept to a minimum and does not create offensive noise as defined by the Protection of the Environment Operations Act 1997.	Council's EHO has reviewed the acoustic report and raised no objection, subject to inclusion of recommended conditions.	☒ Yes ☐ No
2. Noise generating developments should be accompanied by an acoustic report that demonstrates the development is sited and designed to: i. Minimise the effect of noise and vibration on surrounding sensitive landuses; and ii. Comply with relevant State Government and Council guidelines.		
3. The location and design of noise generating activities, such as loading and unloading areas, garbage collection areas, driveways, parking areas, active recreation areas, air conditioning or mechanical plants, should be sited away from adjacent sensitive landuses and/or screened by walls or other acoustic treatments.		
4. In addition to physical noise mitigation measures, noise impact management measures should be used to further limit potential noise impacts on sensitive landuses such as: i. Scheduled times to undertake noise generating activities and/or use of noise generating machinery; and		

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ii. Reasonable hours of operation including delivery hours. Note: Noise generating development may include, but is not limited to the following: childcare centres, schools, places of public worship, industrial uses, commercial developments, hotels, backpackers' accommodation, and some active recreational facilities.		
9.2.7 Environmental Protection Acoustic and Visual Privacy		
1. Development is to comply with the relevant provisions specified in the Noise Policy for Industry (2017).	Council's environmental health officer has reviewed the Acoustic Report and raises no objection, subject to imposition of conditions, should consent be granted.	☒ Yes ☐ No
2. Development is to comply with the relevant provisions specified in SEPP (Transport and Infrastructure) 2021.		
3. Design developments to locate all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, loading docks, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.		
4. Where appropriate individual buildings and groups of buildings are to be located to act as barriers to the noise		
5. Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings. This is particularly important where proposed development abuts residential uses and/or residentially zoned land.		
6. Developments within 200m of a residential or sensitive land use are to be designed to minimise impacts on the amenity of residential or sensitive land uses.		

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Operational Restrictions		
2. Uses that propose to operate outside of the standard hours of operation referenced above are required to submit a Plan of Management. Further details are outlined in Council's Development Application Guide	Refer to accompanying POM, the proposed hours of use are as follows: • 7am to 10pm, 7 days a week. Council's EHO has reviewed the POM and acoustic report and raises no issues subject to imposition of conditions, should consent be granted.	☒ Yes ☐ No

Sensitive Land		
9.2.11 Industrial / Sensitive Land Use Interface		
Control	**Proposal**	**Compliance**
5. For any proposed development that adjoins a residential property, the hours of operation are to be restricted to between 7.00am and 6.00pm Mondays to Saturdays and no work on Sundays or public holidays.	As discussed above, the automated car wash essentially replaces an existing handwash car facility. Council's EHO raises no objection to the car wash subject to suitable conditions and the location of the use, significantly above ground level, will not detrimentally impact nearby residential properties and open spaces.	☒ Yes ☐ No
6. Uses that operate outside of the normal hours of operation referenced above are required to submit a Plan of Management, which will need to be supported by an acoustic report.		
7. Noise emissions are to comply with the following noise criteria: i. An industrial development is to be designed to locate sources of noise such as garbage collection, loading/unloading areas, air conditioning plant/other machinery, and parking areas away from adjoining sensitive land uses. ii. Industrial waste pick up and drop off is only to occur within the hours of 7.00am to 6.00pm Monday to Saturday.		

Any Planning Agreement Under Section 7.4

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

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

The Regulations

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

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

The Likely Impacts of the Development

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

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

Site Suitability

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

The site is zoned E4 General Industrial. The proposal is considered a suitable outcome for the subject site for the following reasons:

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

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. No submissions were received during the neighbour notification period.

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The Public Interest

Section 4.15 (e) the public interest.

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

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

Referrals

Internal Referrals

Internal Referrals		
Specialist	**Comment**	**Outcome**
Development Engineer	The officer has considered the following planning provisions: - Clause 5.21 of GRLEP 2021 - Clause 6.3 of GRLEP 2021 - Clause 6.9 of GRLEP 2021 - Part 3.10 of GRDCP 2021 - Georges River Stormwater Management Policy No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.
Environmental Health Officer	The officer has considered the following planning provisions: - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.
Traffic Engineering	The officer has considered the following planning provisions: - Clause 6.9 of GRLEP 2021 - Part 3.13 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.

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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 response was received so it is assumed that Ausgrid raise no objection.	No further action.

Contributions

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

Conclusion

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

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

Council's delegate supports the request for variation under Clause 4.6 of Georges River Local Environmental Plan 2021, in relation to the Clause 4.3 Height of Building development standard, as the variation sought satisfies the objectives of the standard and sufficient environmental planning grounds have been provided in the written request for variation justifying that compliance would be unnecessary and unreasonable in the circumstances of the case. The proposal is also in the public interest and it satisfies the objectives of the zone resulting in no adverse environmental impacts but rather a superior design outcome.

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Determination

Approval of Application

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer recommends DA2025/0390 for alterations and additions to rooftop to provide automated car wash facility on Lot 21 in DP 542051 on land known as 84D Roberts Avenue Mortdale, be approved for the reasons below subject to the conditions referenced in Appendix 1:

Signed

Assessing Officer: Louise Meilak
Title: Principal Planner
Date: 08/12/2025

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Appendix 1 – Conditions

GENERAL CONDITIONS

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

Description	Reference No.	Date	Rev	Prepared by
Plans				
Cover and Schedules	CO1	07/03/25	B	idelements
Location Plan	P00	07/03/25	B	Idelements
Floor plan – wash bays	P01	12/03/25	C	Idelements
Hydraulic & floor finishes layout	P02	07/03/25	B	Idelements
Power plan	P03	07/03/25	B	idelements
Ceiling plan	P04	12/03/25	C	idelements
Floor plan - vacuum bays	P05	12/03/25	C	idelements
Sections – wash bays	E01	12/03/25	C	idelements
Sections – parking bays	E02	12/03/25	C	Idelements
Reports				
Acoustic Report	20250258.1/0804A/R0/PF	08/04/25	0	Acoustic Logic
Plan of Management – Self service car wash 84D Roberts Road, Mortdale	TE25028	30/07/25	-	-

Reason: ***To ensure compliance with the plans as assessed by Council.***

Separate Approvals Required Under Other Legislation

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2. **Height of Structures** The maximum building height approved under the application DA2025/0390 is limited to RL 30.85 or below.

3. **Modification of existing approved parking** – Prior to the issue of any Construction Certificate, a Section 4.55 application is to be lodged to modify Application No. 08/DA-411 to reflect a total of 406 car spaces.

Commented [LM1]: Should we say OC? To allow for works to commence earlier?

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

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

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

   (a) Placing or storing materials or equipment;

   (b) Placing or storing waste containers or skip bins;

   (c) Erecting a structure or carrying out work

   (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;

   (e) Pumping concrete from a public road;

   (f) Pumping water from the site into the public road;

   (g) Constructing a vehicular crossing or footpath;

   (h) Establishing a “works zone”;

   (i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);

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

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

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

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

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

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Reason: To ensure necessary other approvals are obtained.

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

   Any necessary approvals are to be obtained prior to the release of a Construction Certificate, with evidence provided to the Principal Certifier demonstrating the necessary approval has been obtained.

   Reason: To ensure the necessary approvals are obtained.

Prior to the Issue of a Construction Certificate

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	$3,870.00
Inspection Fee for Refund of Damage Deposit	$220.00
Georges River Local Infrastructure Contributions Plan 2021 (Section 7.12)	$3,000.00

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

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

Indexation

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The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the Georges River Council Local Infrastructure Contributions Plan 2021.

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

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

Reason: To clarify fee payment and to ensure local infrastructure can be delivered.

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

(a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **$3,870.00.**

(b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **$220.00.**

(c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of works, Council will carry out an inspection of its public domain assets. If the inspection is passed, the damage deposit will be returned less the cost of any repairs to damaged Council Assets. The damage deposit will not be refunded until a full Occupation Certificate has been issued for the development.

General Fees

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

Reason: To protect public infrastructure

8. **Commercial Car Wash Systems/Bays – Sydney Water approval -** Plans and specifications of any approved car washing systems/car wash bays which have been approved by Sydney Water must be submitted with the application for the Construction Certificate to the satisfaction of the Certifying Authority demonstrating compliance with the:

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(a) Requirement that all car washing bays are contained within a roofed and bunded area.

(b) Requirement that the used water from the car wash bay is graded to a drainage point and connected to the sewer with pre-treatment approved by Sydney Water. Where alternative water management and disposal options are proposed (i.e., where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system are to be included.

(c) Protection of the Environment Operations Act 1997 (NSW) (as amended).

(d) Protection of the Environment Operations (General) Regulation 2022 (NSW) (as amended).

Reason: To ensure appropriate wastewater control and to protect the environment.

9. **Erosion & Sedimentation Control** – Erosion and sediment controls must be provided to ensure:

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

(b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)

(c) All clean water run-off is diverted around cleared or exposed areas

(d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways

(e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works

(f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway

(g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar

(h) Compliance with Managing Urban Stormwater – Soils and Construction (Blue Book) produced by Landcom 2004.

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

Reason: To protect water quality and site stability.

10. **Engineer's Certificate** - A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the structural adequacy of the development.

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11. **Carwash parking.** The four (4) "Carwash Parking" spaces shown on Drawing C01 – Issue "B" prepared by idelements shall be provided with pavement markings that allocate them for the sole use of the car wash. Details of the pavement markings shall be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure the car spaces are allocated to the approved use.

12. **Stormwater System** The submitted drainage is a concept plan only. The PCA shall ensure that all stormwater drainage design for developed runoff from car wash facility shall drain to the existing satisfactory drainage system without any nuisance flooding to adjoining properties and the drainage system must be in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

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

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

14. **Before you Dig Australia** - The applicant shall contact "Before Your Dig Australia" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Before Your Dig Australia" shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

Reason: To protect existing infrastructure during construction.

15. **Utility Arrangements -** Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.

Reason: To ensure the applicant is responsible for the costs associated with the development.

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

During Construction

17. **Site sign -** Soil & Erosion Control Measures - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

Reason: To protect the environment during construction.

18. **Hours of Work and Noise** – Work must only take place:

a) Between the hours of 7.00a.m and 5.00p.m Monday to Friday; and
b) 7:00a.m and 5: 00p.m on Saturday
c) No work must take place on Public Holidays
d) No loading or unloading of material or equipment associated any development is permitted outside of the hours detailed above.
e) No operation or preparation of any equipment associated with the development is to occur outside of the hours detailed above.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

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Reason: To preserve neighbourhood amenity.

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

Reason: To ensure the condition of public infrastructure is maintained.

20. **Damage within Road Reserve and Council Assets** - The applicant shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.

Reason: To protect public infrastructure.

21. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

Reason: To ensure public safety.

22. **Public Utility and Telecommunication Assets** - The applicant shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines and cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

Reason: To ensure services are provided to the site at the applicant's expense.

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

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

Where required, the receipts (or copied of) must be made available to Council within 7 days of a written request being made by Council.

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Reason: To ensure appropriate waste management and disposal.

Prior to the issue of the Occupation Certificate

24. **Carwash parking marking** The four (4) "Carwash Parking" spaces shown on Drawing C01 – Issue "B" prepared by idelements shall be line marked as labelled for this use prior to the issue of the Occupation Certificate.

Reason: To ensure the car spaces are allocated to the approved use

25. **Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the PC prior to the issue of the Occupation Certificate:

(a) construction works, together with the provision for all services, shall be completed in accordance with the approved Construction Certificate plans and any relevant Australian Standards prior to the issue of the Occupation Certificate.

(b) Construct any new vehicle crossings required and replace any redundant vehicle crossing laybacks with kerb and guttering.

(c) Construct the parking spaces for people with disabilities in accordance with AS 2890.6:2022.

Reason: To ensure all necessary works are completed.

26. **Certification – Car Wash Bays - Sydney Water requirements** Prior to the issue of any Occupation Certificate for works incorporating a car wash bay, certification from Sydney Water must be submitted to the satisfaction of the Certifying Authority verifying that the car washing system (including pre-treatment) is constructed in accordance Sydney Water approval.

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

Reason: To ensure appropriate wastewater control and to protect the environment.

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Operational Conditions (On-Going)

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

Reason: To ensure the amenity of the neighbourhood is protected.

28. **Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Reason: To protect the amenity of the neighbourhood.

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

Reason: To protect the amenity of the neighbourhood.

30. **Acoustic Compliance – General Operation** The operation of the activity must comply with the NSW Environment Protection Authority's "Noise Policy for Industry (2017)" (as amended).

31. **Commercial – Car Wash Systems and Bays – Maintenance** The car washing systems and car wash bays must be maintained at all times to ensure performance is not diminished and remains compliant with the:

(a) Requirement that all car washing bays are provided within a roofed and bunded area.

(b) Requirement that the used water from the car wash bay is graded to a drainage point and connected to the sewer, with pre-treatment approved by Sydney Water.

(c) *Protection of the Environment Operations Act 1997* (NSW) (as amended), and

(d) *Protection of the Environment Operations (General) Regulation 2022* (NSW) (as amended).

Reason: To ensure appropriate wastewater control and to protect the environment.

32. **Chemical Storage Area – Bunding** The storage of chemicals must be in accordance with:

(a) The current or latest version of AS/NZS3833 – The Storage and Handling of Mixed Classes of Dangerous Goods in Packages and Intermediate Bulk Containers.

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(b) The current or latest version of the "Model Code of Practice: Managing Risks of Chemicals in the workplace" – developed by Safe Work Australia

All chemicals on site must be stored within a bunded area. The bunded area must:

(a) be roofed and the bund must be constructed from a suitably impervious material. The bund must be continuous nor fitted with a drainage plug or tap, and

(b) have impervious flooring, and

(c) have sufficient capacity to contain 110% of the largest container stored within the bund, and

(d) be designed in accordance with pages 40-44 of the document entitled Storing and Handling Liquids: Environmental Protections, Participants Manual published by the Department of Environment and Climate Change NSW in May 2007."

The bund must be maintained ensuring all spillages or leaks can be retained within the bund, until removed and disposed of by means that do not pollute waters.

Reason: To ensure appropriate chemical storage and to protect the environment

33. Works as Executed and Certification of Stormwater works - Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

(a) The location of any detention basin/s with finished surface levels;

(b) Finished site contours at 0.2 metre intervals (if applicable)

(c) Volume of storage available in any detention areas;

(d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;

(e) The orifice size/s (if applicable);

(f) Details of any infiltration/absorption systems; and (if applicable);

(g) Details of any pumping systems installed (including wet well volumes) (if applicable).

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Operational Requirements Under the Environmental Planning & Assessment Act 1979

1. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.

   Reason: To ensure the development is consistent with the legislative requirements.

2. **Appointment of a PC** – The erection of a building must not commence until the applicant has:

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

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

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

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

   Reason: To ensure the development is consistent with the legislative requirements.

3. **Notification Requirements of PC** - No later than two days before the building work commences, the PC must notify:

   (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
   (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

   Reason: To ensure the development is consistent with the legislative requirements.

4. **Notice of Commencement** - The applicant must give at least two days notice to the Council and the PC of their intention to commence the erection of a building.

   A Notice of Commencement Form is attached for your convenience.

   Reason: To ensure the development is consistent with the legislative requirements.

5. **Critical Stage Inspections** – The last critical stage inspection must be undertaken by the PC. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the

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Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

Reason: To ensure the development is consistent with the legislative requirements.

6. **Notice to be given prior to critical stage inspections** – The principal contractor for a building site, or the owner-builder, must notify the PC at least 48 hours before each required inspection needs to be carried out.

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

   Reason: To ensure the development is consistent with the legislative requirements.

7. **Occupation Certificate** – A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

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

   Reason: To ensure the development is consistent with the legislative requirements.

Prescribed Conditions

8. **Clause 44 - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

9. **Clause 67 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

10. **Clause 75 - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.

11. **Clause 67 - Home Building Act 1989** – If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.

12. **Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the

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development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

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

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

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

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

END CONDITIONS

NOTES / ADVICES

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

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

2. **Appeal Rights -** Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

3. **Lapsing of Consent -** This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

4. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and

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

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

5. **Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is $50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

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

(a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.

(b) In the Application Form, quote the Development Consent No. (e.g. DA2025/0302) and reference this condition number (e.g. Condition 23)

(c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

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

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

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

7. **Ausgrid Underground Cables are in the vicinity of the development** - Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

   It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

   In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

   SafeWork Australia – Excavation Code of Practice.

   Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

   The following points should also be taken into consideration.

   Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

   Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

8. **Ausgrid – New or modified connection** - To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected

   Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

9. **Ausgrid – New driveways – proximity to existing poles** - Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

10. **Council as PC - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PC in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an

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alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

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

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

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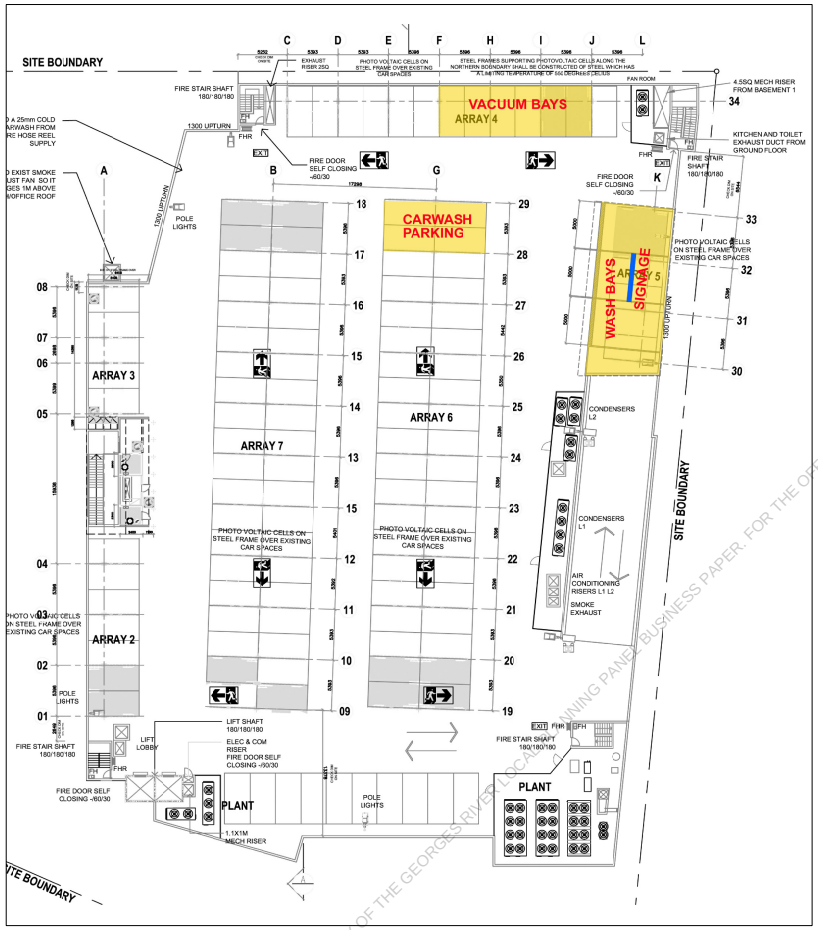

ROOF PLAN N/A

Metro Self Serve CARWASH

ROOF TOP CARPARKING
MORTDALE PLAZA

GENERAL NOTES

THIS COVER SHEET MUST BE CIRCULATED WITH ALL ISSUED DOCUMENTATION.

THESE NOTES AND SCHEDULES ARE APPLICABLE TO ALL DOCUMENTS IN THIS CONTRACT.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH AUTHORITY CONDITIONS OF CONSENT.

DRAWINGS ARE INDICATIVE OF DESIGN INTENT ONLY. CARCASS CONSTRUCTION & NON-VISIBLE CONSTRUCTION IS TO BE RESOLVED BY CONTRACTOR.

ALL GLASS THICKNESS ARE TO BE SIZED, DESIGNED AND INSTALLED IN ACCORDANCE WITH THE RELEVANT AUSTRALIAN STANDARDS.

ALL DRAWERS & CUPBOARD TO BE LOCKABLE AND KEYED ALIKE.

CONFIRM ALL SERVICES REQUIREMENTS WITH CLIENT PRIOR TO COMMENCEMENT OF ANY WORKS.

COMPOSITE WOOD SPECIFIED AND WILL BE USED ARE E1

PAINTS, VINYLS & LAMINATE MATERIAL SELECTED ARE LOW VOC.

DRAWING LIST

C01	COVER + SCHEDULES
C02	SPECIFICATION
P00	LOCATION PLAN
P01	FLOOR PLAN - WASH BAYS
P02	HYDRAULIC + FLOOR FINISHES LAYOUT
P03	POWER PLAN
P04	CEILING PLAN
P05	FLOOR PLAN - VACUUM BAYS
E01	SECTIONS - WASH BAYS
E02	SECTIONS - PARKING BAYS

NOTE

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27.06.24	FOR COMMENT	A
07.03.25	FOR COMMENT	B

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project	METRO SELF CARWASH ROOF TOP PARKING - MORTDALE PLAZA			project no. ID24022
drawing title	COVER + SCHEDULES			dwg no. **C01**
start date	drawn	checked by	scale	issue no.
MAR 24	II		N/A @A3	**B**

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GENERALLY

THESE NOTES AND ALL DETAIL DRAWINGS APPLY TO THE NOMINATED BUILDER AND ANY SUB-CONTRACTORS EMPLOYED BY THE SAME, AND THE CONTRACTORS SPECIFICALLY NOMINATED BY THE CLIENT.

FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALE. ALL DIMENSIONS ARE TO VERIFIED BY BUILDER OR SHOP FITTER AND ANY ERRORS OR DISCREPANCIES ARE TO BE CLARIFIED BY THE BUILDER TOGETHER WITH THE CLIENT AND/OR DESIGNER BEFORE WORK COMMENCES, MANUFACTURE OR INSTALLATION

APPROVED DRAWINGS
ALL WORKS MUST BE CARRIED OUT IN STRICT ACCORDANCE WITH THE LESSOR'S APPROVED DESIGNS, ID ELEMENTS PLANS AND ANY RELEVANT CONSULTING ENGINEER'S PLANS, DETAILS AND SPECIFICATIONS, WITH THE LESSOR'S AND COUNCIL'S REQUIREMENTS.

A COMPLETE SET OF LESSOR'S APPROVED DRAWINGS SHALL BE KEPT ON SITE AT ALL TIMES.

REGULATORY REQUIREMENTS
THE BUILDER SHALL CONFORM WITH ALL THE BUILDING CODES OF AUSTRALIA, THE RELEVANT AUSTRALIAN STANDARDS AND THE LOCAL COUNCIL'S REGULATIONS. THESE STANDARDS SUPERCEDED ALL DETAILS AND NOTES ON THE DRAWINGS WHERE APPLICABLE.

THE BUILDER SHALL COMPLY WITH REQUIREMENTS OF AUSTRALIAN STANDARD FOR FIT-OUT OF FOOD PREMISES OR THE SKIN PENETRATION GUIDELINES WHERE APPLICABLE.

INSTALL GLAZING IN ACCORDANCE WITH BCA AND THE AUSTRALIAN STANDARDS AS1288 & AS2047

TENDERING
THE TENDERERS SHALL VISIT THE SITE TO DETERMINE THE EXTENT OF DEMOLITION REQUIRED FOR THE NEW WORKS, REQUIRED TEMPORARY STRUCTURES, NEW SUPPORTING ELEMENTS ETC. AS REQUIRED BY SPECIFIED WORKS.

ALL TENDERERS MUST VISIT THE SITE AND ASCERTAIN FOR THEMSELVES THE NATURE AND EXTENT OF WORKS AND FACILITIES FOR THE CARRYING OUT THE PROJECT. THEY SHALL SATISFY THEMSELVES AS TO THE CONDITIONS, ALLOWED WORKING HOURS, DIMENSIONS, POSITION OF SERVICES AND THE LIKE. THEY SHALL FAMILIARISE THEMSELVES WITH THE SPECIFIC REQUIREMENTS OF THE LESSOR, INCLUDING BUT NOT LIMITED TO INSURANCES, ACCESS, MATERIAL DELIVERY AND STORAGE, RUBBISH REMOVAL AND THE LIKE. TENDERER WILL NOT BE ABLE TO CLAIM EXTRAS UNFORESEEN THROUGH LACK OF HAVING TAKEN THESE PRECAUTIONS.

HOARDING AND PROTECTION ON SITE
THE BUILDER SHALL PROVIDE A HOARDING TO THE SITE WHEN DIRECTED BY THE CLIENT AND/ OR LESSOR. THE HOARDING SHALL BE TO THE SPECIFICATION OF THE LESSOR.

THE BUILDER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL AREAS NOT INVOLVED IN THE CONSTRUCTION WORK AND ALL CARE SHALL TAKEN TO MINIMISE DUST AND DIRT TO THE SITE AND ADJOINING SITE, MALL AREAS AND THE LIKE. THE BUILDER/ SHOP FITTER IS RESPONSIBLE TO RECTIFY IMMEDIATELY ANY DAMAGES THAT OCCUR TO THE PROPERTY AND SURROUNDING AREA.

WORKMANSHIP GENERALLY
THE BUILDER SHALL LIAISE WITH THE LESSOR AT TO WHEN AND WHERE BUILDING DELIVERIES CAN TAKE PLACE AND WHERE THEY CAN BE POSITION IN RELATION TO THE SITE

ALL WORKS IS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH THE PLANS. ANY CHANGES TO THE APPROVED PLANS AREA TO BE VERIFIED BY THE DESIGNER IN WRITING PRIOR TO MANUFACTURE, CONSTRUCTION AND/OR INSTALLATION.

IF THERE IS ANY DISCREPANCY BETWEEN THE PLANS AND SITE CONDITIONS THE BUILDER/ SHOPFITTER SHALL CONFIRM ANY REQUIRED CHANGES TO THE DESIGN WITH DESIGNER IN WRITING PRIOR TO MANUFACTURE, CONSTRUCTION AND/OR INSTALLATION.

ALL WORKS IS TO BE CARRIED OUT BY LICENSED TRADES PEOPLE.

ANY PORTION OF THE WORK NOT SHOWN ON DRAWINGS BUT WHICH IS NECESSARY FOR THE COMPLETION OF THE ENTIRE CONTRACTUALLY AGREED WORK, SHALL BE UNDERSTOOD AS INCLUDED.

ALL MATERIALS ARE TO BE OF NEW AND BEST QUALITY AND TO THE SPECIFICATION SHOWN ON THE PLANS UNLESS AGREED UPON BY THE CLIENT/ DESIGNER IN WRITING.

ALL WORKS SHALL BE UNDERTAKEN AND CARRIED OUT IN A WORKMANSHIP LIKE MANNER IN ACCORDANCE WITH GOOD BUILDING PRACTICES.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR/S TO ENSURE THAT ALL SPECIFIED EQUIPMENT, FITTING ETC. (WHETHER SUPPLIED BY CLIENT OR THE CONTRACTOR) WILL FIT THE REQUIRED SPACE AND TO REFER ANY DISCREPANCIES TO THE DESIGNER/ CLIENT PRIOR TO MANUFACTURE, CONSTRUCTION AND / OR INSTALLATION.

STRUCTURAL DESIGN AND CERTIFICATION
THE BUILDER SHALL ENSURE THAT ALL ITEMS DETAILED, SPECIFIED AND INSTALLED ARE SUITABLE FOR THE PURPOSED THEY ARE INTENDED FOR AND STRUCTURALLY ADEQUATE TO SUPPORT THE USAGE & LOADS

ALL STRUCTURAL ELEMENTS, BULKHEADS, GLAZING SUPPORTS AND THE LIKE SHALL BE DESIGNED TO SUPPORT THEIR OWN WEIGHT AND THE LOADS IMPOSED. ON COMPLETION THE BUILDER/ SHOPFITTER PROVIDE A STRUCTURAL ENGINEERING CERTIFICATE FOR THESE ELEMENTS.

RUBBISH REMOVAL
THE BUILDER SHALL PERIODICALLY CLEAN UP THE PROPERTY AND REMOVE DEBRIS FROM THE SITE. ALL RUBBISH SKIPS AND THE LIKE ARE TO POSITIONED IN ACCORDANCE WITH THE LESSOR AND/OR COUNCIL'S REQUIREMENTS. RUBBISH SHALL NOT INTERFERE WITH THE AMENITY OF THE ADJOINING PROPERTIES.

JOINERY GENERALLY
JOINERY SHALL BE OF THE HIGHEST QUALITY AND FINISH. CORNERS SHALL BE MITERED TO VISIBLE BULKHEADS, SHOPFRONT AND PORTALS ETC

THE FITTINGS AND FIXTURES SHALL BE INSTALLED AS SPECIFIED ON THE DRAWINGS.

BUILD ALL COMPONENTS SQUARE AND INSTALL PLUMB. USE MATERIALS IN SINGLE LENGTHS WHERE POSSIBLE. IF JOINTS ARE NECESSARY, MAKE THEM OVER SUPPORTS.

WHERE 2PAC FINISHES ARE SPECIFIED TO LARGE PANEL SIZES THE JOINTS ARE TO BE EXPRESSED IN THE FORM OF A 'V' GROOVE JOINT OR OTHER SPECIFIED ON THE DRAWINGS. ALL JOINTS ARE TO BE EQUALLY SPACED UNLESS NOTED OTHERWISE

USE FASTENERS TO TRANSMIT THE LOADS IMPOSED AND TO ENSURE THE RIGIDITY OF THE ASSEMBLY WITHOUT SPLITTING OR OTHERWISE DAMAGING THE SHEETS.

DO NOT USE VISIBLE FIXINGS, EXCEPT INSIDE CUPBOARDS AND DRAWER UNITS (IN WHICH CASE USE PROPRIETARY CAPS TO CONCEAL FIXINGS) UNLESS NOTED OTHERWISE

USE ADHESIVES TO TRANSMIT LOADS IMPOSED AND TO ENSURE THE RIGIDITY OF THE ASSEMBLY, WITHOUT CAUSING DISCOLOURATION OF THE FINISHED SURFACES.

SCRIBE BENCH TOPS, SPLASHBACK, ENDS OF CUPBOARD, KICKBOARDS AND RETURNS TO FOLLOW THE LINE OF THE STRUCTURE.

FINISH ALL EXPOSED EDGES EDGES OF THE SHEETS WITH EDGE STRIPS TO MATCH SHEET FACES.

CUPBOARD SHELF AND DRAWER UNITS ARE TO CONSTRUCTED OUT OF THE SPECIFIED MELAMINE COLOUR BOARDS. SCRIBE TO FLOOR AND SECURE TO WALL TO PROVIDE A LEVEL FINISH.

SUPPORT ADJUSTABLE SHELVES ON PROPRIETARY PINS IN HOLES BORED AT 32MM CENTRE VERTICALLY

PROVIDE ADJUSTABLE CONCEALED METAL HINGES AND METAL RUNNERS AS SPECIFIED.

COMPLETION
ON COMPLETION OF THE WORK, THE BUILDER SHALL CARRY OUT A FINAL CLEAN UP TO THE SATISFACTION OF THE CLIENT, ALL DEBRIS SHALL BE STORED ON THE SITE AND DISPOSED OF AS SOON AS POSSIBLE. THE BUILDER IS TO CHECK ALL NEWLY INSTALLED DOORS FOR THE SAFE AND EASY HANDLING. THE GLASS IS TO BE CLEANED AND THE SEALS CHECKED. AT COMPLETION OF THE WORK THE WHOLE SITE INCLUDING AREAS NOT INVOLVED IN THE WORK ARE TO BE COMPLETELY CLEANED, DAMAGED PAINT WORK TO BE RE-DONE OR TOUCHED UP USING PAINT FROM THE SAME BATCH AS THE ORIGINAL WORK.

ALL RELEVANT CERTIFICATES FOR STRUCTURAL ELEMENTS, BULKHEADS, WATERPROOFING, PLUMBING, ESSENTIAL AND EMERGENCY SERVICES ETC. SHALL BE SUPPLIED TO THE CLIENT AT HANDOVER OF THE COMPLETED SHOP.

THE BUILDER SHALL ENSURE THAT THE RELEVANT CERTIFYING AUTHORITY IS NOTIFIED OF THE COMPLETION AND ARRANGE FOR THE FINAL INSPECTION AT LEAST TWO DAYS PRIOR TO PRACTICAL COMPLETION. THE BUILDER SHALL RECTIFY IMMEDIATELY AND DEFECTS NOTED BY THE INSPECTOR WHICH PREVENT THE ISSUE OF AN OCCUPATIONAL CERTIFICATE.

THE BUILDER SHALL INFORM THE DESIGNER OF THE PRACTICAL COMPLETION OF THE PROJECT AS LEAST TWO DAYS PRIOR ON COMPLETION. A DEFECT INSPECTION WILL BE UNDERTAKEN BY THE CLIENT AND/ OR THE CLIENT'S REPRESENTATIVE AND ALL DEFECTS SHALL BE RECTIFIED PRIOR TO THE FINAL PAYMENT BEING RELEASED.

THE BUILDER SHALL PROVIDE COPIES OF CERTIFICATE, WARRANTIES, GUARANTEES, MANUALS ETC. FOR ITEMS INSTALLED ON SITE.

THE BUILDER SHALL PROVIDE TO THE CLIENT KEYS OF ALL LOCKABLE DOORS, CUPBOARDS AND THE LIKE.

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date	description	revision
27.06.24	FOR COMMENT	A

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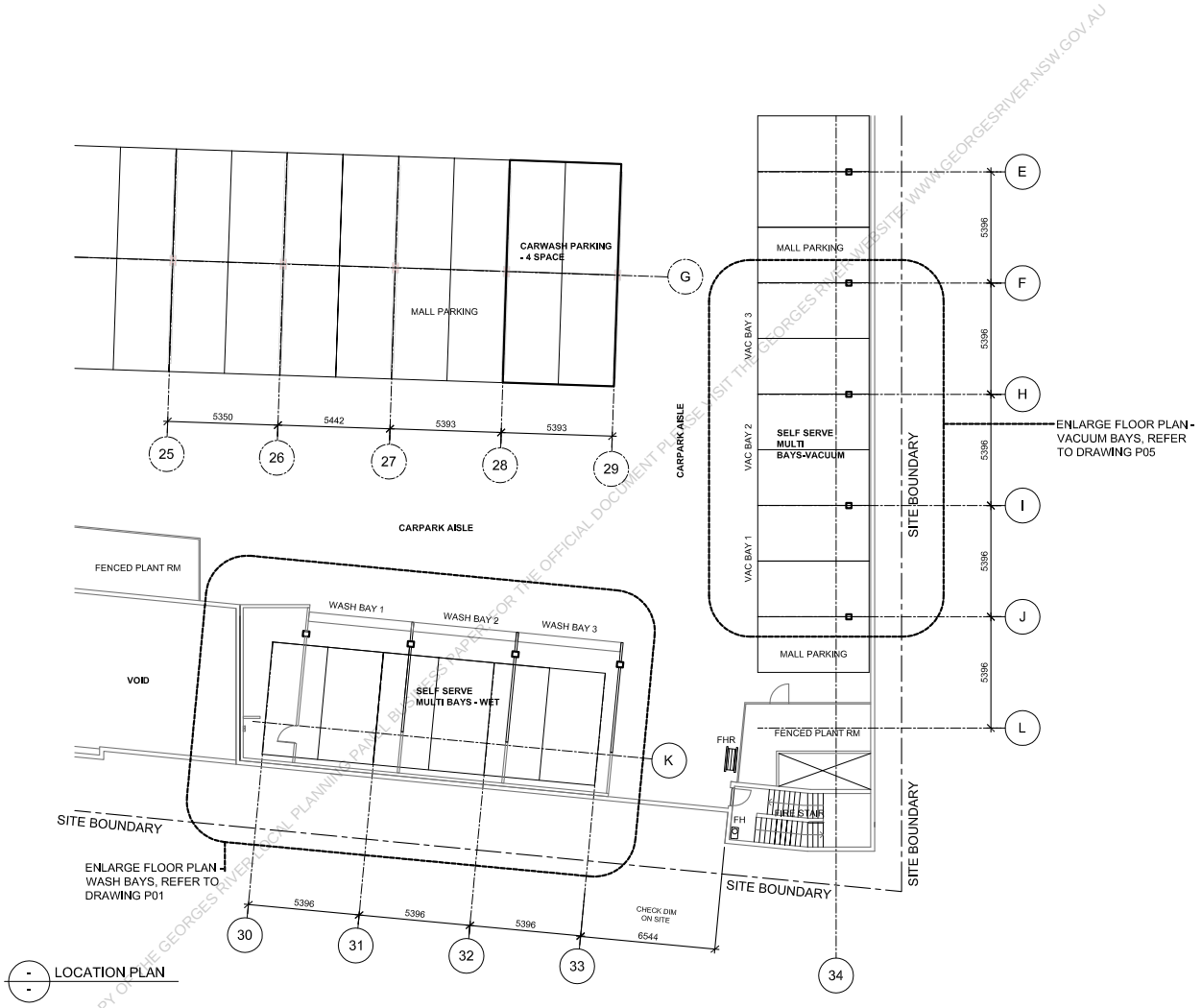
project: METRO SELF CARWASH ROOF TOP PARKING - MORTDALE PLAZA				project no.: ID24022
drawing title: SPECIFICATION				dwg no.: **C02**
start date: MAR 24	drawn: II	checked by:	scale: N/A @A3	issue no.: **A**



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07.03.25	FOR COMMENT	B

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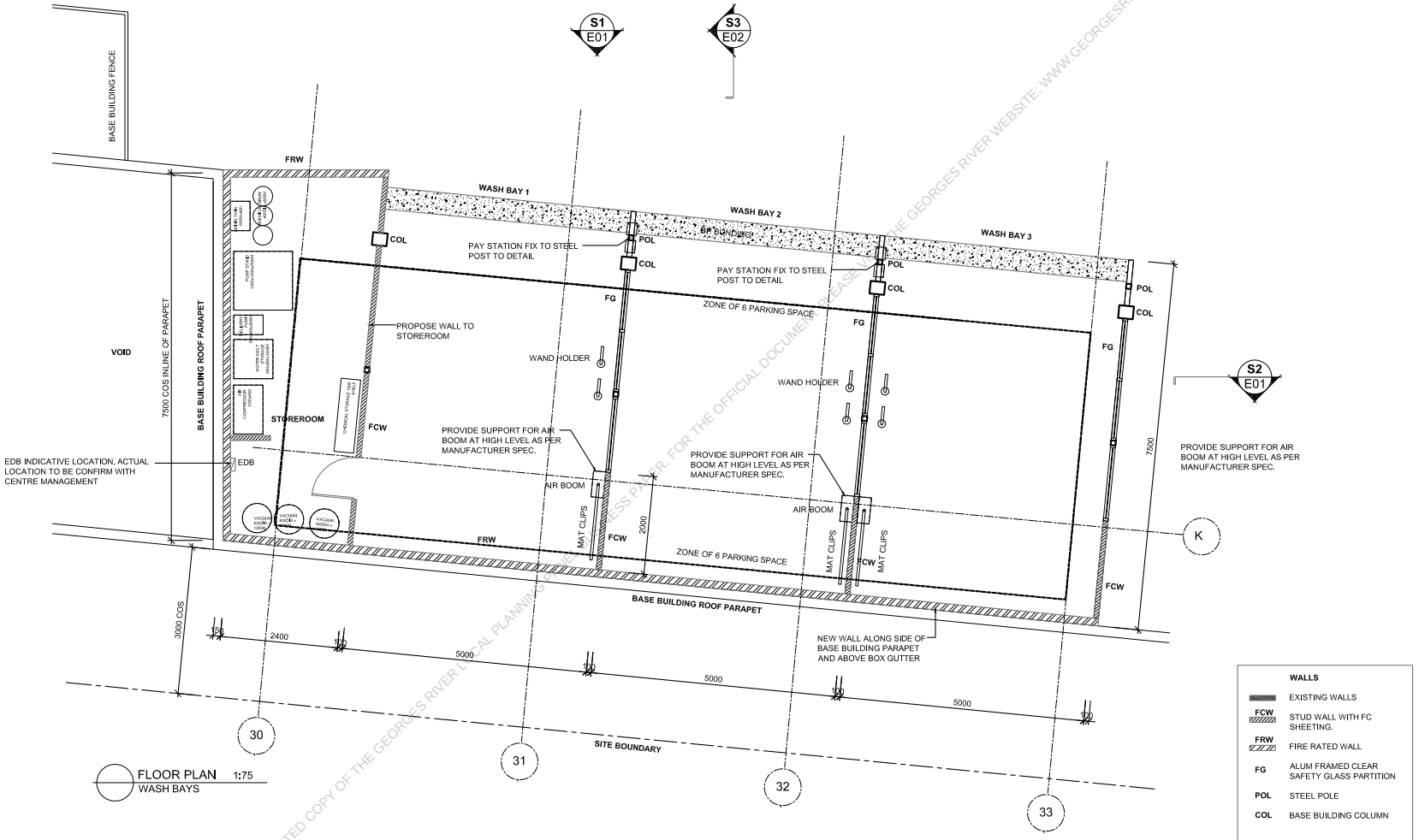
project				project no.
METRO SELF CARWASH	ROOF TOP PARKING - MORTDALE PLAZA			ID24022
drawing title				dwg no.
LOCATION PLAN				**P00**
start date	drawn	checked by	scale	issue no.
MAR 24	II		1:200 @A3	**B**



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07.03.25	FOR COMMENT	B
12.03.25	NOTES TO WALL	C

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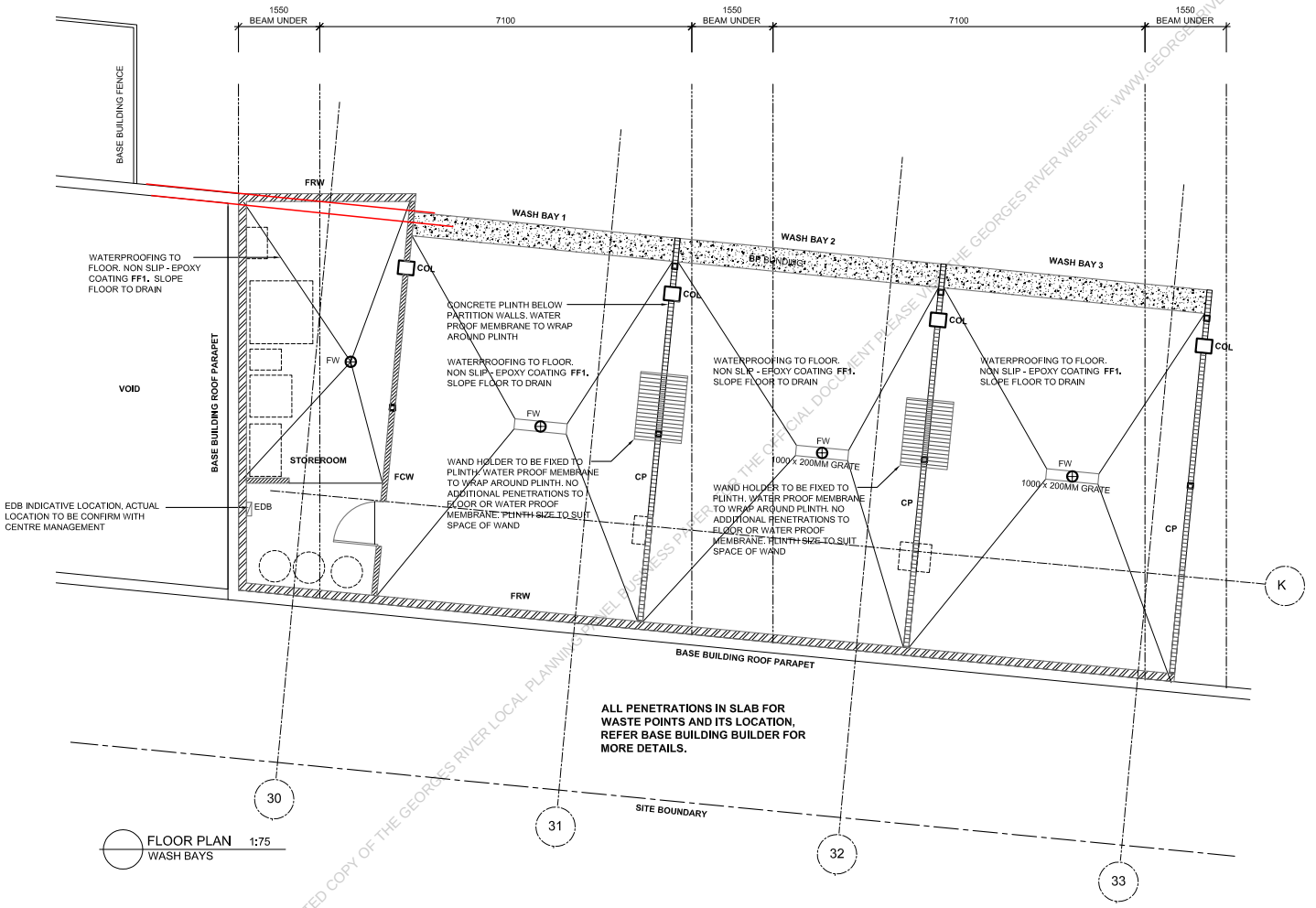
project: METRO SELF CARWASH ROOF TOP PARKING - MORTDALE PLAZA				project no.: ID24022
drawing title: FLOOR PLAN - WASH BAYS				dwg no.: **P01**
start date: MAR 24	drawn: II	checked by:	scale: 1:75 @A3	issue no.: **C**



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date	description	revision
27.06.24	FOR COMMENT	A
07.03.25	FOR COMMENT	B

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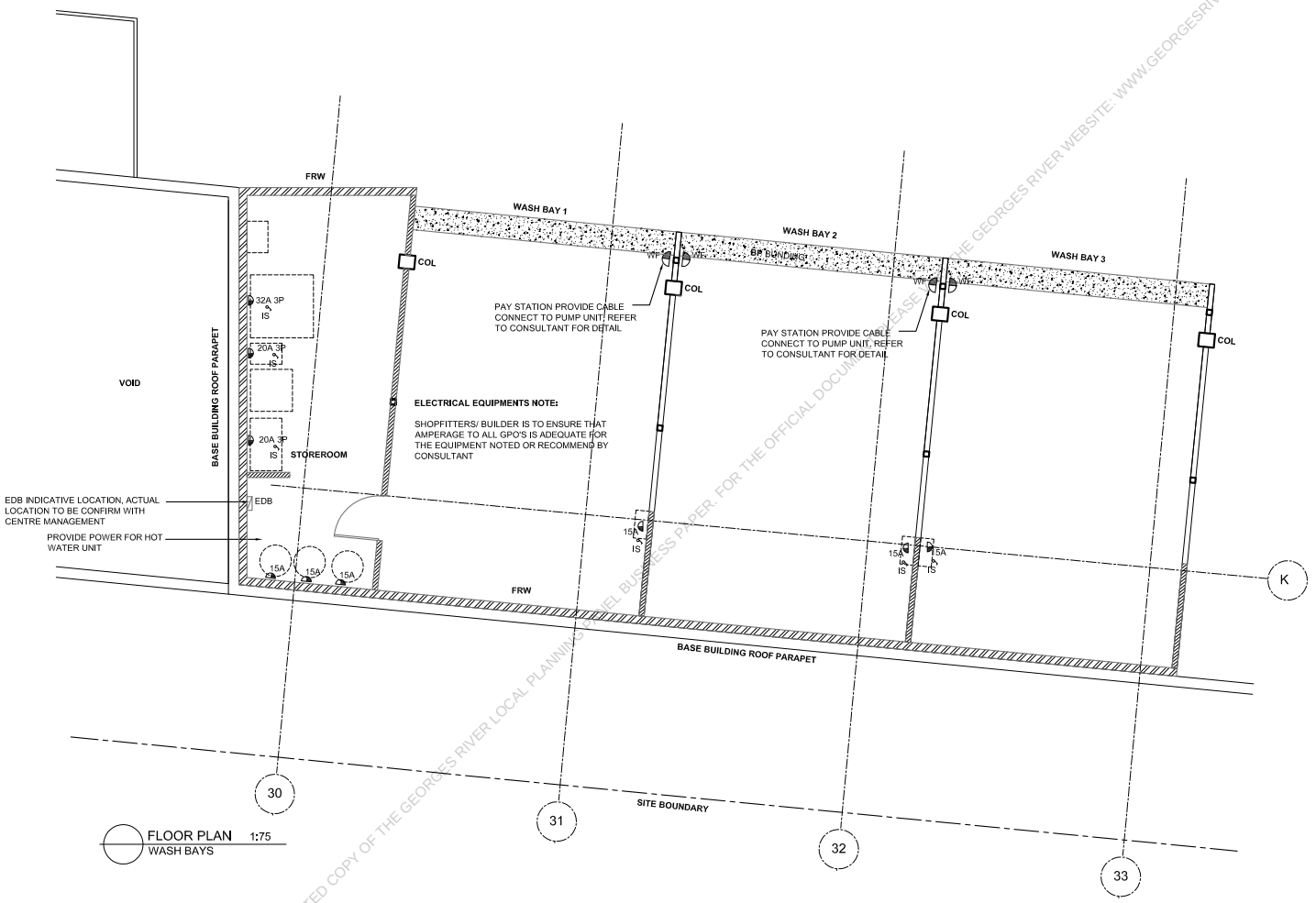
project: METRO SELF CARWASH ROOF TOP PARKING - MORTDALE PLAZA				project no.: ID24022
drawing title: HYDRAULIC + FLOOR FINISHES LAYOUT				dwg no.: **P02**
start date: MAR 24	drawn: II	checked by	scale: 1:75 @A3	issue no.: **B**



AF DOUBLE GPO 150MM AFFL
UB DOUBLE GPO UNDERBENCH
AB DOUBLE GPO ABOVE BENCH
WF DOUBLE GPO 1200 FFL IP65
#-3P POWER FOR EQUIPMENT 3PHASE - #AMP IP65
#A POWER FOR EQUIPMENT SINGLE PHASE - #AMP IP65
IS ISOLATING SWITCH
T TELEPHONE
E EFTPOS LINE
D DATA
EDB INDICATIVE LOCATION OF ELECTRICAL DISTRIBUTATION BOARD

ALL POWER POINTS TO WASHING BAYS TO BE WATERPROOF

ELECTRICAL EQUIPMENTS NOTE:

SHOPFITTER/ BUILDER TO FOLLOW MANUFACTURES INSTRUCTIONS WHEN INSTALLING EQUIPMENTS
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SHOPFITTERS/ BUILDER IS TO ENSURE THAT AMPERAGE TO ALL GPO'S IS ADEQUATE FOR THE EQUIPMENT NOTED.

ENSURE DEDICATED POWER IS PROVIDED TO ALL SIGNAGE AND COMPUTER EQUIPMENTS.

WALLS

EXISTING WALLS
FCW STUD WALL WITH FC SHEETING.
FRW FIRE RATED WALL
FG ALUM FRAMED CLEAR SAFETY GLASS PARTITION
POL STEEL POLE
COL BASE BUILDING COLUMN

NOTE

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07.03.25	FOR COMMENT	B

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project: METRO SELF CARWASH ROOF TOP PARKING - MORTDALE PLAZA				project no.: ID24022
drawing title: POWER PLAN				dwg no.: **P03**
start date: MAR 24	drawn: II	checked by:	scale: 1:75 @A3	issue no.: **B**

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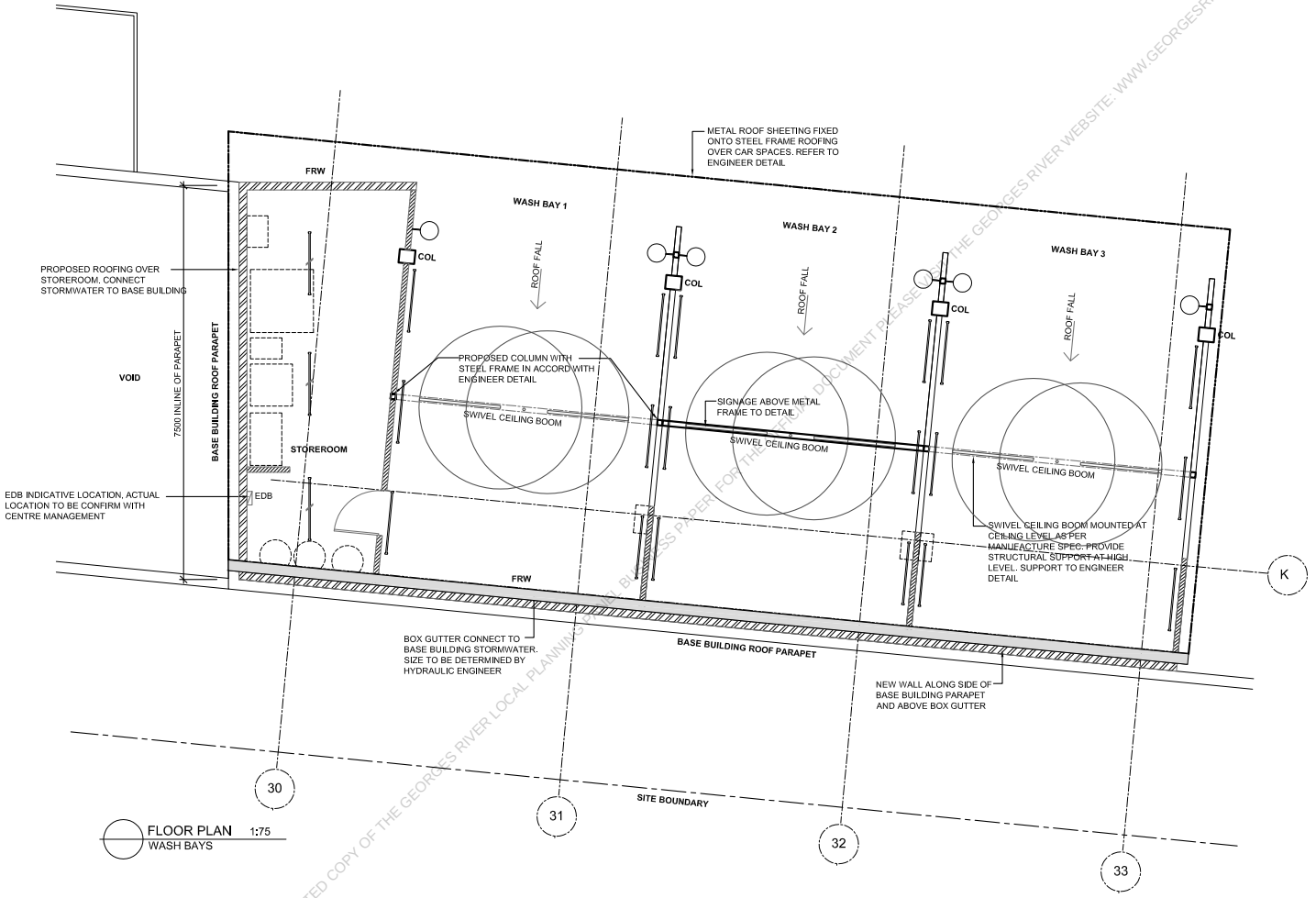

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INDICATIVE CEILING PLAN ONLY, ALL FIRE PROTECTION AND MECHANICAL LAYOUT TO BE VERIFIED BY CERTIFIED ENGINEERS ACCORDINGLY. ALL WIRING & CONDUIT TO BE TIED OR IN CABLE TRAY. NOT LOOSE CABLES. BUILDER/SHOPFITTER IS TO CONFIRM CENTRE FOR ANY FLOOR CHASING OR CORE HOLE. ALL SPRINKLERS & EMERGENCY LIGHT AND EXIT SIGN NUMBER & LOCATION TO BE DETERMINED BY INDEPENDENT CERTIFIER AND MUST COMPLY WITH BCA & AS. SUB CONTRACTOR TO SUBMIT WIRING DIAGRAM FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK, ALL LIGHTS TO BE ZONES.

PROVIDE FIRE EXTINGUISHER TO COMPLY WITH BCA & AS

ELECTRICAL EQUIPMENTS NOTE:

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ENSURE DEDICATED POWER IS PROVIDED TO ALL SIGNAGE AND COMPUTER EQUIPMENTS.

LIGHTS

LF1 - WALL LIGHT
TRIM COLOUR: WHITE
LAMP: 12W 5000K
QTY:

LF2 - SURFACE MOUNTED LED FLUORSECENT
TRIM COLOUR: WHITE
LAMP: 48W 5000K IP65
QTY:

LF3 - SURFACE MOUNTED LED FLUORSECENT
TRIM COLOUR: WHITE
LAMP: 12W 5000K
QTY:

WALLS

EXISTING WALLS

FCW STUD WALL WITH FC SHEETING.

FRW FIRE RATED WALL

FG ALUM FRAMED CLEAR SAFETY GLASS PARTITION

POL STEEL POLE

COL BASE BUILDING COLUMN

NOTE

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07.03.25	FOR COMMENT	B
12.03.25	NOTES TO ROOF	C

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project: METRO SELF CARWASH — ROOF TOP PARKING - MORTDALE PLAZA				project no.: ID24022
drawing title: CEILING PLAN				dwg no.: **P04**
start date: MAR 24	drawn: II	checked by:	scale: 1:75 @A3	issue no.: **C**

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UB DOUBLE GPO UNDERBENCH
AB DOUBLE GPO ABOVE BENCH
WF DOUBLE GPO 1200 FFL IP65
#-3P POWER FOR EQUIPMENT 3PHASE - #AMP IP65
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IS ISOLATING SWITCH
TELEPHONE
EFTPOS LINE
DATA
EDB INDICATIVE LOCATION OF ELECTRICAL DISTRIBUTATION BOARD

WALLS

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FCW STUD WALL WITH FC SHEETING.
FRW FIRE RATED WALL
FG ALUM FRAMED CLEAR SAFETY GLASS PARTITION
POL STEEL POLE
COL BASE BUILDING COLUMN

LIGHTS

LF1 - WALL LIGHT
TRIM COLOUR: WHITE
LAMP: 12W 5000K
QTY:

LF2 - SURFACE MOUNTED LED FLUORSECENT
TRIM COLOUR: WHITE
LAMP: 48W 5000K IP65
QTY:

LF3 - SURFACE MOUNTED LED FLUORSECENT
TRIM COLOUR: WHITE
LAMP: 12W 5000K
QTY:

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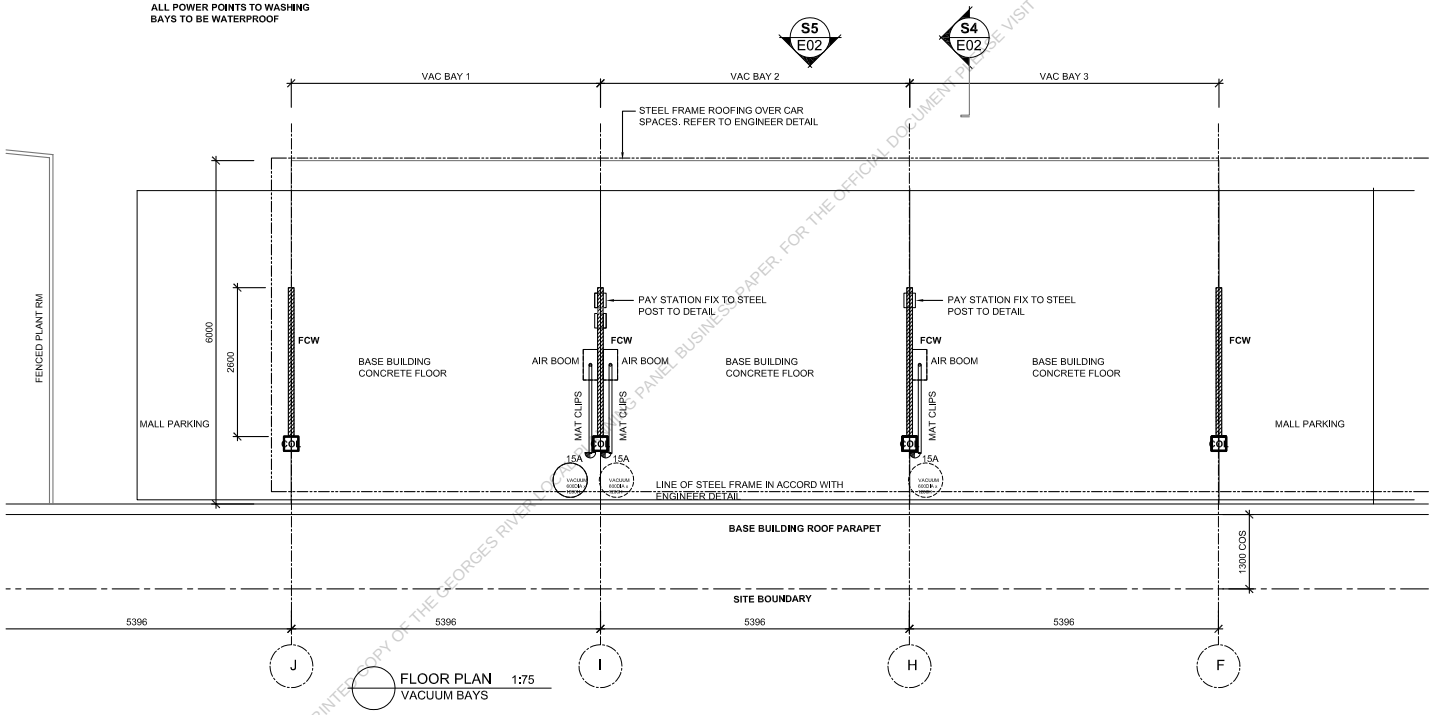

FLOOR PLAN 1:75
VACUUM BAYS

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project				project no.
METRO SELF CARWASH ROOF TOP PARKING - MORTDALE PLAZA				ID24022
drawing title				dwg no.
FLOOR PLAN - VACUUM BAYS				**P05**
start date	drawn	checked by	scale	issue no.
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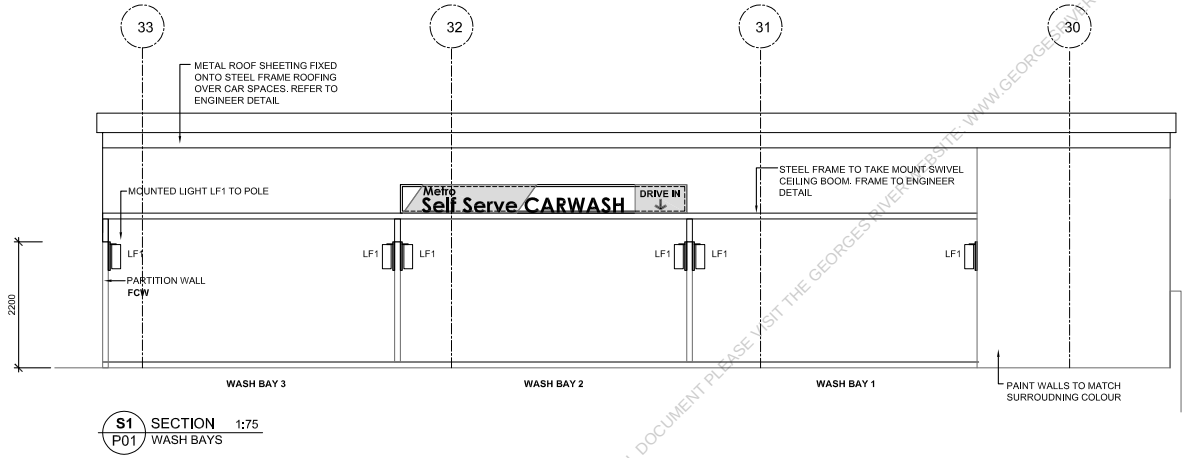
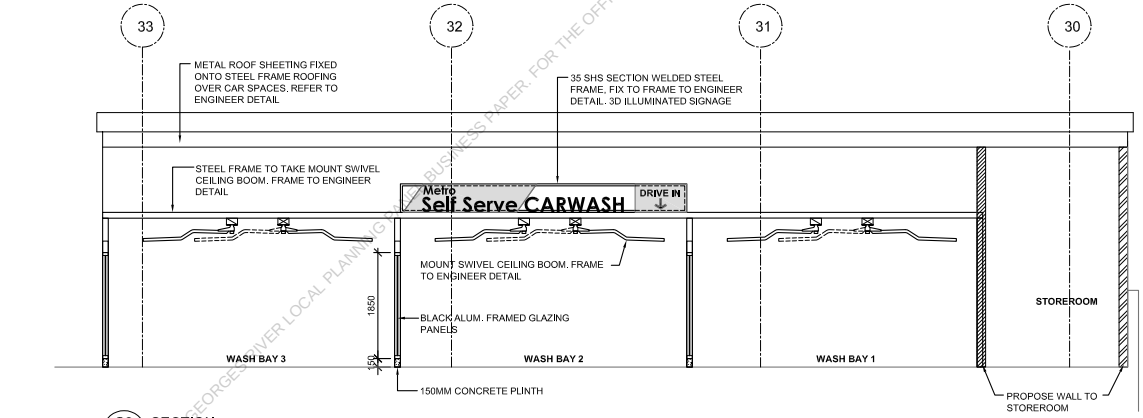


S1 P01 SECTION WASH BAYS 1:75



S2 P01 SECTION WASH BAYS 1:75

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project				project no.
METRO SELF CARWASH ROOF TOP PARKING - MORTDALE PLAZA				ID24022
drawing title				dwg no.
SECTIONS - WASH BAYS				**E01**
start date	drawn	checked by	scale	issue no.
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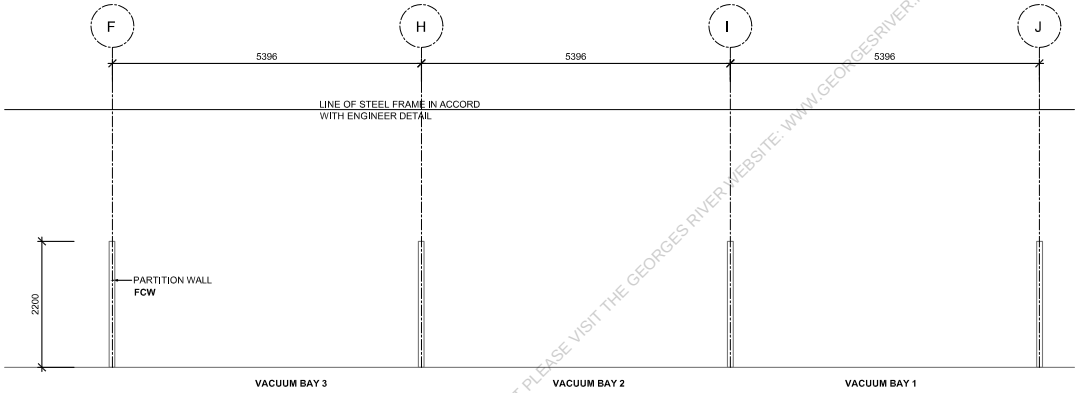
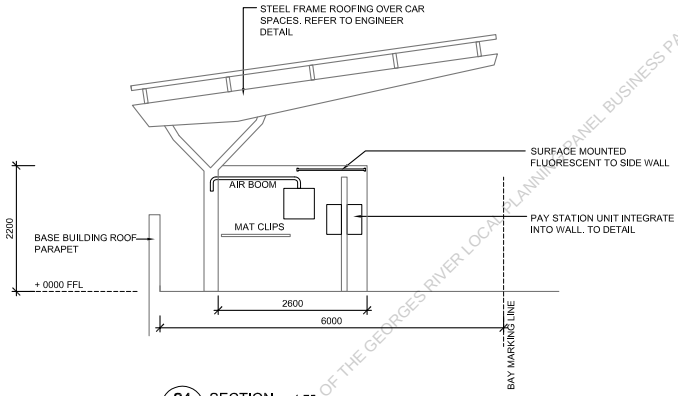
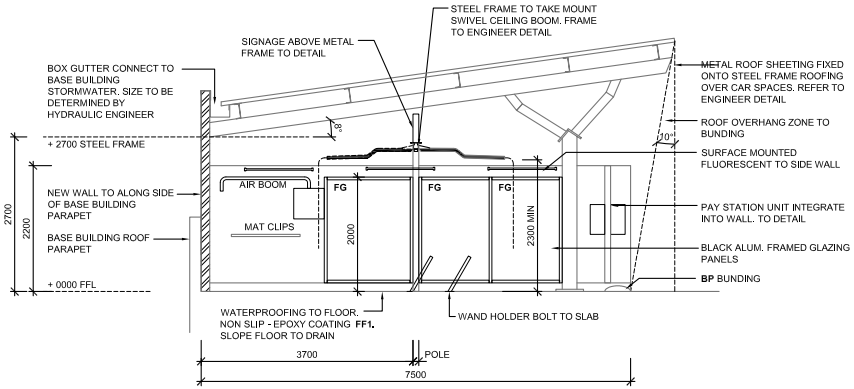


S5 / P05 SECTION 1:75 VACUUM BAYS



S4 / P05 SECTION 1:75 VACUUM BAY



S3 / P01 SECTION 1:75 WASH BAY

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project	METRO SELF CARWASH ROOF TOP PARKING - MORTDALE PLAZA			project no. ID24022
drawing title	SECTIONS - PARKING BAYS			dwg no. **E02**
start date	drawn	checked by	scale	issue no.
MAR 24	II		1:75 @A3	**C**