

# AGENDA

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## Georges River Local Planning Panel

Thursday, 07 May 2026

4:00 PM

Blended Meeting

Online and Council Chambers, Civic Centre,  
Hurstville

### Participants:

**Anthony Hudson (Chairperson)**

**David Epstein (Expert Panel Member)**

**Greg Britton (Expert Panel Member)**

**Rita Vella (Community Representative)**

# GEORGES RIVER LOCAL PLANNING PANEL MEETING

## ORDER OF BUSINESS

### 1. ON SITE INSPECTIONS

### 2. OPENING

### 3. ACKNOWLEDGEMENT OF COUNTRY

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

### 4. APOLOGIES / LEAVE OF ABSENCE

### 5. NOTICE OF WEBCASTING

### 6. DISCLOSURES OF INTEREST

### 7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

### 8. CLOSED SESSION – DELIBERATION OF REPORTS

<b>LPP018-26</b>	<b>3-5 Hampton Court Road, Carlton NSW 2218 – DA2025/0575</b> (Report by Senior Development Assessment Planner) .....	3
<b>LPP019-26</b>	<b>5 Mona Street ALLAWAH NSW 2218 – DA2025/0567</b> (Report by Senior Development Assessment Planner) .....	47
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### 9. CONFIRMATION OF MINUTES

**Georges River Local Planning Panel Meeting - 07 May 2026**

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**REPORTS AND LPP DELIBERATIONS****REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 07 MAY 2026****LPP018-26 3-5 HAMPTON COURT ROAD, CARLTON NSW 2218**

<b>LPP Report No</b>	<b>LPP018-26</b>	<b>Development Application No</b>	<b>DA2025/0575</b>
<b>Site Address &amp; Ward Locality</b>	3-5 Hampton Court Road, Carlton NSW 2218 Kogarah Bay Ward		
<b>Proposed Development</b>	Demolition works and construction of seven storey co-living housing		
<b>Owners</b>	Dominique Melissa Elich & Angelina Bozinovski		
<b>Applicant</b>	Ju Ann Lim		
<b>Planner/Architect</b>	Texco Design		
<b>Date Of Lodgement</b>	23/12/2025		
<b>Submissions</b>	Forty-Four (44)		
<b>Cost of Works</b>	\$9,011,106.00		
<b>Local Planning Panel Criteria</b>	A development application must be referred to (and determined by) the Local Planning Panel if it is considered contentious, which includes where: 10 or more unique submissions by way of objection have been received during the public exhibition period.		
<b>Report prepared by</b>	Development and Building		

<b>RECOMMENDATION</b>	Refusal
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**EXECUTIVE SUMMARY**

This matter is reported to Georges River Council's Local Planning Panel (the Panel) in accordance with Schedule 1, Part 2 of the Local Planning Panel Direction – Development Applications and Applications to Modify Development Consents, issued by the Minister for Planning and Public Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979.

The development application is required to be referred to the Panel for determination as it received 10 or more unique submissions by way of objection during the exhibition process.

**BACKGROUND**

On 2 February 2026, the Applicant commenced proceedings in Class 1 of the Land and Environment Court's jurisdiction appealing against the deemed refusal of the development application. This matter remains before the Land and Environment Court.

**PROPOSAL**

The application seeks consent for the demolition of existing structures and construction of a seven storey co-living housing development with basement level parking and associated works.

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Specifically, the application seeks consent for the following:

- Basement level: Sixteen (16) car parking spaces, eight (8) motorcycle spaces, eleven (11) bicycle spaces, services, bin storage areas, pump room and two (2) lifts;
- Ground Floor: Twelve (12) co-living rooms, services, managers desk, communal open space, communal living area and two (2) lift cores;
- Level 1: Fourteen (14) co-living rooms, services and two (2) lift cores;
- Level 2: Fourteen (14) co-living rooms, services and two (2) lift cores;
- Level 3: Fourteen (14) co-living rooms, services and two (2) lift cores;
- Level 4: Ten (10) co-living rooms, services and two (2) lift cores;
- Level 5: Ten (10) co-living rooms, services and two (2) lift cores;
- Level 6: four (4) co-living rooms, services, communal living area, communal open space and two (2) lift cores.

## ASSESSMENT

Development Application No. DA2025/0575 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 an assessment against the provisions contained within:

- State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021;
- State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (SEPP) (Housing) 2021; and
- Georges River Local Environmental Plan 2021 (GRLEP 2021); and
- Georges River Development Control Plan 2021 (GRDCP 2021).

The assessment has identified that the proposal does not comply with a range of statutory controls and development standards resulting in an unsatisfactory planning outcome. The development fails to satisfy the non-discretionary standards for co-living housing under the SEPP (Housing) 2021, including inadequate communal living space, insufficient communal open space, and non-compliant building separation distances.

The proposal exceeds the maximum building height prescribed under Clause 4.3 of the GRLEP 2021 and relies on a Clause 4.6 variation request that is unsatisfactory. The submitted request does not accurately quantify the extent of the non-compliance, fails to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances, and does not establish sufficient environmental planning grounds to justify the proposed departure.

There are further non-compliances with Clause 6.10 of the GRLEP 2021 relating to design excellence and Clause 6.12 relating to landscaping, with the proposal failing to provide a resilient landscape structure capable of softening the scale and bulk of the built form. The development also does not satisfy Sections 6.3.2 and 6.3.3 and Appendix 4 of the GRDCP 2021 in relation to site isolation, building setbacks and the street interface and waste management resulting in unacceptable impacts on the orderly and economic development of surrounding land and streetscape character.

A detailed consideration of these matters is provided in the attached assessment report. Collectively, the unresolved issues confirm that the proposal does not represent a suitable form of development for the site, cannot be supported on planning merits, and form the basis of Council's contentions in the appeal.

## NOTIFICATION

The application was notified in accordance with Council's Community Engagement Policy between 5 February 2026 to 19 February 2026. Forty-four (44) submissions were received during the neighbour notification period. Details of the submissions are outlined in Council's assessment report.

## RECOMMENDATION

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determined DA2025/0575 for demolition works and construction of seven storey co-living housing on 3-5 Hampton Court Road, Carlton should not be approved subject to the following reasons referenced below:

1. The application fails to satisfy Section 68(2)(c) of the State Environmental Planning Policy (Housing) 2021 with regard to communal living [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
2. The application fails to satisfy Section 68(2)(d) of the State Environmental Planning Policy (Housing) 2021 with regard to communal open space [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
3. The application fails to satisfy Section 69(2)(b) of the State Environmental Planning Policy (Housing) 2021 with regard to building separation [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
4. The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 with regard to building height [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
5. The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to demonstrating compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to support the departure [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
6. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
7. The application fails to satisfy Clause 6.12 of the Georges River Local Environmental Plan 2021 with regard to landscaping [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
8. The application fails to satisfy Section 6.3.2 of the Georges River Development Control Plan 2021 with regard to site isolation [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
9. The application fails to satisfy Section 6.3.3 of the Georges River Development Control Plan 2021 with regard to building setbacks and street interface [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
10. The application is unsatisfactory given the inadequate means for access within the basement level of the site [Pursuant to S4.15(1)(b) of the *Environmental Planning & Assessment Act 1979*].

11. The application fails to satisfy Appendix 4 of the Georges River Development Control Plan 2021 with regard to waste management [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
12. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*] including:
  - a. No assessment has been undertaken to quantify the additional impacts resulting from non-compliant setbacks, opposed to that of a compliant development.
  - b. Inconsistencies between the acoustic report and plan of management regarding occupancy numbers.
  - c. Details relating to Sydney Water Infrastructure have not been indicated on the plans.
13. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the *Environmental Planning & Assessment Act 1979*].

**ATTACHMENTS**

- Attachment [↓1](#) Assessment Report
- Attachment [↓2](#) Architectural Plans

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LPP018-26



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	
<b>Application Number</b>	DA2025/0575
<b>PAN</b>	PAN-600121
<b>Description</b>	Demolition works and construction of seven storey co-living housing
<b>Address</b>	3-5 Hampton Court Road CARLTON NSW 2218
<b>Lot / DP</b>	Lot 15 DP 1304812
<b>Applicant</b>	Ju Ann Lim
<b>Owner(s)</b>	Dominique Elich & Angelina Bozinkovski
<b>Responsible Officer</b>	Sophie Griffiths

Recommendation	
<b>Summary</b>	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.
<b>Refusal</b>	The assessment recommends that Council as the Consent Authority in accordance with Section 4.16 (1)(b) <i>Environmental Planning &amp; Assessment Act 1979</i> , refuse to the Development Application due to the reasons discussed within this report.

Proposal	
<b>Description</b>	Demolition works and construction of seven storey co-living housing
<b>Estimated Development Cost</b>	\$9,011,106.00
<b>Floor Space Ratio</b>	2.42:1
<b>Maximum Height of Building</b>	23.3m

A site plan is provided below:

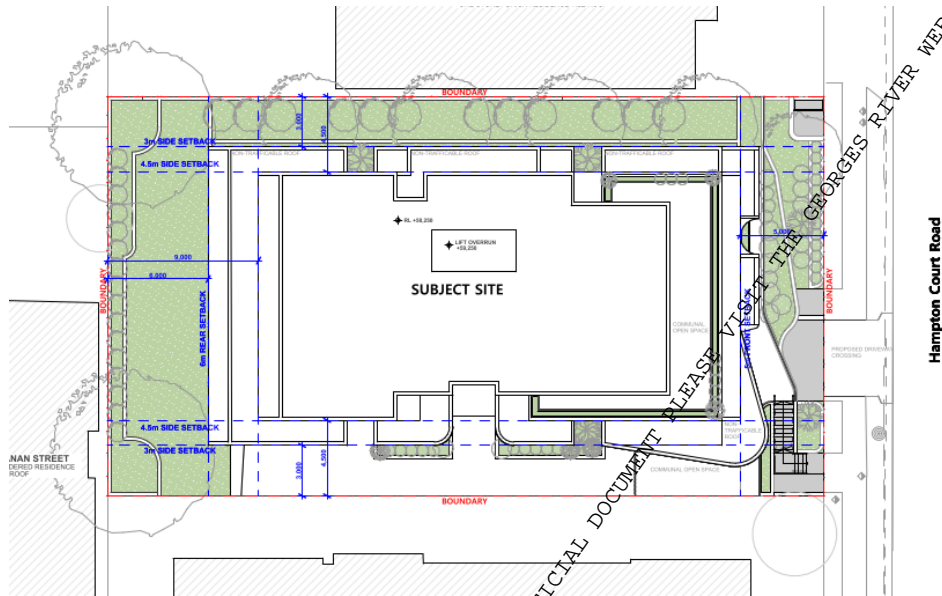


Figure 1 – Site plan (Source: Architectural Plans)

Aerial Image of Site

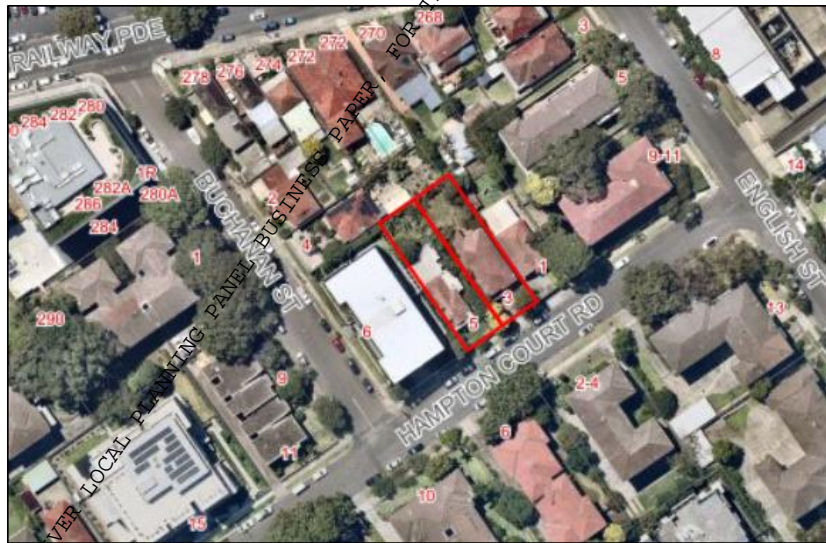


Figure 2–Aerial view of development site outlined in red (Source: Nearmap)

**Assessment - Section 4.15 Evaluation**

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

Environmental Planning Policies	Applicable	
	Y	N
SEPP (Biodiversity Conservation) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Housing) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Sustainable Buildings) 2022	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georges River Local Environmental Plan 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### SEPP (Biodiversity and Conservation) 2021 Chapter 2

#### Assessment

**Complies**

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

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

#### Assessment

**Complies**

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

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

Public access provisions are not applicable.

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

### SEPP (Resilience and Hazards) 2021

#### Chapter 4 Remediation of land

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

- The subject site is zoned R4 High Density Residential.
- A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination.
- Historic aerial photographs do not indicate an obvious history of a previous land use that may have caused contamination.
- A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.
- The Statement of Environmental Effects states that the property is not contaminated.

The subject site is not contaminated.

The subject site is suitable for the proposed land use.





**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance	
		N	N/A
<p>Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument.</p>			
<p><b>68 Non-discretionary development standards—the Act, s 4.15</b></p>	<p>The following are non-discretionary development standards in relation to development for the purposes of co-living housing—</p>		
	<p>(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—</p> <p>(i) the maximum permissible floor space ratio for residential accommodation on the land, and</p> <p>(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,</p>	<p>The maximum permitted floor space ratio under the GRLEP 2021 is 2:1. The site is located within 400m of the Kogarah Town Centre which warrants a maximum floor space ratio of 2.2:1.</p> <p>In addition, an additional 10% for the purpose of co-living housing is allowable, resulting in a maximum permissible FSR of <b>2.42:1</b></p> <p>GFA = 2448m<sup>2</sup> Site Area = 1011.72m<sup>2</sup> FSR = 2.42:1</p>	
	<p>(b) for co-living housing containing more than 6 private rooms—</p> <p>(i) a total of at least 30m<sup>2</sup> of communal living area plus at least a further 2m<sup>2</sup> for each private room in excess of 6 private rooms, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p>	<p>121m<sup>2</sup> of communal living area proposed.</p> <p>174m<sup>2</sup> of communal living area required based, noting that proposal seeks consent for 78 rooms.</p> <p>The communal living area does not function effectively as a dedicated space. The proposed layout accommodates multiple competing uses within the same area.</p>	N
	<p>(c) communal open spaces—</p> <p>(i) with a total area of at least 20% of the site area, and</p> <p>(ii) each with minimum dimensions of 3m,</p>	<p>20% of the site area = 202.344m<sup>2</sup></p> <p>The area labelled as 'COS 01' on the ground floor of the proposal, functions as pedestrian access, rather than a dedicated recreational space.</p> <p>The communal open space does not function effectively as a dedicated space. The proposed layout accommodates multiple competing uses within the same area.</p>	
<p>(d) unless a relevant planning instrument specifies a lower number—</p>	<p>78 x 0.2 = 15.6 spaces.</p>		

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance		
		Y	N	N/A
	(i) for development on land in an accessible area—0.2 parking spaces for each private room, or (ii) otherwise—0.5 parking spaces for each private room,	16 Parking spaces provided. Along with 7 motorbike parking spaces.		
	(e) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.	The proposal fails to meet the objectives of Clause 6.12 of the GRLEP 2021. The proposed landscaping provides for soil depths that are unsustainable for trees capable of softening the built form.		
<b>69(1) Standards for co-living housing</b>	Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—			
	(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m <sup>2</sup> and not less than—	Achieved. Each room is provided with a maximum area of 25m <sup>2</sup> of floor space, excluding the areas used for the purpose of private kitchen or bathroom facilities.		
	(i) for a private room intended to be used by a single occupant—12m <sup>2</sup> , or (ii) otherwise—16m <sup>2</sup> and			
	(b) the minimum lot size for the co-living housing is not less than—	1011.72m <sup>2</sup> of site area.	Y	
	(i) for development on land in Zone R2 Low Density Residential—600m <sup>2</sup> , or (ii) for development on other land—800m <sup>2</sup> , and			
	(c) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and	A workspace has been provided for the manager in the entry foyer on the ground floor of the development.		
	(d) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and	Each room is provided with a private bathroom, kitchen and laundry.		
(e) each private room will be used by no more than 2 occupants, and	The proposed rooms are to be limited to a maximum of 2 occupants. Conditions of consent to apply, subject to any approval.			
(f) the co-living housing will include adequate bicycle	8 Motorbike parking spaces and 11 bicycle parking spaces.			

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance	
		Y	N/A
	and motorcycle parking spaces.		
<b>69(2) Standards for co-living housing</b>	Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—		
	(a) the front, side and rear setbacks for the co-living housing are not less than— (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or (ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument and	The proposal fails to meet the setback requirements of Part 6.3.3 of GRDCP 2021 and the below.	
	(b) if the co-living housing has at least 4 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and	Design Criteria in 3F-1 Visual Privacy of the Apartment Design Guide prescribes minimum separation distances to the side and rear 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.  <ul style="list-style-type: none"> <li>• Ground to third floor: 3 m side separation and 6 m rear separation.</li> <li>• Fourth to sixth floor: 4.5 m side separation and 9 m rear separation.</li> </ul>	N
	(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and	The communal living area achieves a minimum of 3 hours solar access.	
	(f) the design of the building will be compatible with—	The proposal does not demonstrate design excellence and fails to achieve compatibility with the desirable	

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance		
		Y	N	N/A
(i)	the desirable elements of the character of the local area, or			
(ii)	for precincts undergoing transition—the desired future character of the precinct.			
Development consent must not be granted for the subdivision of co-living housing into separate lots.				

**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:		Y	N	N/A
<ul style="list-style-type: none"> <li>Penetration of ground within 2 metres of an underground power line</li> <li>Works within 10 metres of any part of an electricity tower</li> <li>Works immediately adjacent to a substation</li> <li>Works immediately adjacent to an electricity easement</li> <li>Works within 5m of an overhead power line</li> <li>Installation of a pool within 30 metres of supporting overhead electricity transmission lines or within 5 metres of overhead power lines</li> </ul>				

2.48(2)(a)	Written notice to the electrical supply authority has been carried out.	Achieved	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.48(2)(b)	Any response to the above has been considered.	No objections raised by Ausgrid	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The application has been assessed against the relevant provisions of SEPP (Transport and Infrastructure) 2021. The proposal complies with the objectives and controls of the EPI.

**Georges River Local Environmental Plan 2021**

Section	Text	Comment	Y	N	N/A
2.2 Zoning	Refer to LEP map.	R4 High Density	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.7 Demolition	The demolition of a building requires development consent.	Noted. Demolition plan provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.3 Height of Buildings	(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	Standard: 21m	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	Proposed: 23.3m			
4.4		Standard: 2:1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>





**Georges River Local Environmental Plan 2021**

Section	Text	Comment	Y	N	N/A
Floor space ratio	To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,	Proposed:  The maximum permitted Floor space ratio under the GRLEP 2021 is 2.2:1. The site is located within 400m of the Kogarah Town Centre which warrants a maximum floor space ratio of 2.2:1.  In addition, an additional 10% for the purpose of co-living housing is allowable under the Housing SEPP, resulting in a maximum permissible FSR of 2.42:1.  GFA = 2448m2 Site Area = 1011.72m2 FSR = 2.42:1			
4.6 Exceptions to development standards	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	A Clause 4.6 variation request has been provided and is assessed in this report.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.10 Heritage conservation	To conserve the environmental and cultural heritage of the Georges River local government area, including heritage items, conservation areas, archaeological sites, and Aboriginal places of significance.	The existing development is not a heritage item, nor located within a heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.3 Stormwater management	To minimise the impacts of urban stormwater on land to which this Plan applies and on adjoining properties, native bushland and receiving waters	Comments were received from Council's Development Engineer who raised no concerns with the proposal subject to the imposition of conditions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.9 Essential services	The property must have in place by determination the following services: (a) water, (b) electricity, (c) telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	Comments were received from Council's Development Engineer who raised no concerns with the proposal subject to the imposition of conditions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.10 Design excellence	Applies to residential accommodation within the Foreshore Scenic Protection Map Area as well as buildings 3 or more storeys in height in R4 zone.	Comments were received from Council's Urban Design Team who was unable to support the proposal as it does not demonstrate design excellence.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 provisions of the EPI.					

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**GRLEP 2021 Clause 4.6 Variation**

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

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

**Variation of a Development Standard**

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

**Written Request**

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

**Proposed Variation**

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

Name of Clause	Proposed Variation
4.3 – Height of Building	A variation of 9% or 2.3m above the requirement.

**Summary of 4.6 Assessment**

The proposal seeks to vary Clause 4.3 of the Georges River Local Environmental Plan 2021. The proposed development has an approximate height of 23.3m to the top of the eastern roof structure, which exceeds the maximum building height. A section was not provided through the lift overrun, to determine if the overrun would result in a further breach of the above.

The building height non-compliance is not confined to the lift overrun alone. Approximately 2.3m of the built form exceeds the permitted height, demonstrating that the extent of the breach is more substantial than indicated. The bonus height provisions found in Chapter 6 Low and Mid Rise Housing of the Housing SEPP (2021) does not apply to the proposal. The accompanying Clause 4.6 Variation which seeks to vary the development standard in Clause 4.3 of GRLEP 2021 under Clause 4.6 of GRLEP 2021.

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

- a) A correct identification of the extent of variation to the development standard for which consent is sought,
- b) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- c) That there are sufficient environmental planning grounds to justify contravening the development standard.

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



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### Provisions of any Proposed Instrument

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

### Provisions of any Development Control Plan

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

#### Site Isolation

The proposal fails to demonstrate compliance with Section 6.3.2 of the DCP. It does not adequately address the planning principles established in *Karavellas v Sutherland Shire Council*, which require consideration of whether site amalgamation is feasible and, if amalgamation is not feasible, whether the orderly and economic use and development of the sites can be achieved separately.

The proposed development would result in the isolation of 1 Hampton Court Road, Carlton, and no evidence has been provided in relation to the valuation of that property or any negotiations undertaken with the adjoining landowner. As a result, it has not been demonstrated that reasonable attempts have been made to acquire the adjoining site.

In addition, draft architectural plans have not been submitted to demonstrate that a compliant form of development could be carried out on 1 Hampton Court Road, Carlton if developed independently, and accordingly it has not been shown that the orderly and economic use and development of the sites can be achieved in the absence of site amalgamation.

#### Crime Prevention Through Environmental Design (CPTED)

The proposal does not adequately address Crime Prevention Through Environmental Design (CPTED) principles, resulting in a layout that raises concerns regarding safety and surveillance. The building's primary street frontage presents largely as a blank wall, offering minimal activation and failing to provide a clearly identifiable pedestrian entry. Pedestrian access arrangements require residents to move through the basement parking area to reach the lifts, creating potential conflicts between vehicles and pedestrians and undermining personal safety.

The design also relies on a large staircase to access the lobby, which is not clearly legible from the public domain and lacks opportunities for passive surveillance. In addition, the foyer is located approximately 3.6m above street level, causing it to be both visually and physically disconnected from the street and difficult to identify as the main entry point. This separation of the lobby and communal areas from the public domain further reduces natural surveillance and limits the development's engagement with the surrounding streetscape.

### Appendices

#### Appendix 4 – Waste Management

The proposal does not satisfy the objectives of Section 3.12 of the GRDCP 2021, as the waste management arrangements are inadequate for the scale and height of the development. For buildings exceeding six occupied levels, the GRDCP 2021 requires a waste disposal system incorporating a dual chute system for general waste and recycling, together with a third chute or bin cupboard on each occupied floor for food organics, however, these requirements have not been demonstrated.

The proposed waste disposal system is not supported for the intensity of development and does not adequately provide for dual chutes, a dedicated system for food organics and garden organics, or sufficient on-floor storage to accommodate at least two days' worth of organics calculated at the prescribed rate per unit.

In addition, details regarding the daily rotation and management of mobile garbage bins by the managing body have not been suitably addressed. It is also unclear how waste generated from common areas will be managed on the site, further indicating that the proposal does not meet the objectives of 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 is considered to result in unreasonable impact on the natural environment.
Built Environment	The built form and supporting infrastructure are inappropriate for the setting and are inconsistent with the desired future character of the site.
Social Impact	The proposal will have a significant social impact on the locality.
Economic Impact	The proposal is not considered to result in unreasonable economic impact

**Site Suitability**

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

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

**Submissions**

The application was notified in accordance with Council policy by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. **Forty-four (44)** submissions were received during the neighbour notification period.

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

Issue	Comment
<b>Building Height and scale</b>	Concern was raised regarding the height of building of the development. The proposed development has been assessed in accordance with the definition of height of building. The proposal in its current form exceeds the maximum allowable height of building and is not supported.
<b>Overshadowing and Loss of Amenity</b>	Issues of solar access and overshadowing were raised. An assessment of the application has revealed that insufficient information has been provided to determine the impacts of the proposal and is not supported.



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<b>Parking and Traffic</b>	Concern is raised with respect to on street parking. The proposal in its current form complies with the required vehicle parking on site in accordance with the Housing SEPP car parking controls.
<b>Privacy</b>	It is considered that the development has not been sensitively designed to be respectful of impacts onto the adjoining allotments with respect to maintaining privacy and minimising overlooking.
<b>Acoustic</b>	Insufficient information was provided to determine the acoustic impacts imposed as a result of the proposed development.
<b>Waste Management</b>	Concern has been raised regarding the waste management for the subject development. The submitted waste management plan fails to satisfy all criteria outlined within the Georges River Development Control Plan 2021 and is not supported in its current form.
<b>Safety</b>	The proposal fails to take into consideration community safety through the principals of Crime Prevention Through Environmental Design (CPTED) and is not supported in its current form.
<b>Plan of Management</b>	Conditions of consent are able to be imposed to ensure that the operation of the development is carried out and maintained in accordance with the approved Plan of Management, subject to the granting of development consent.
<b>Geotechnical Report</b>	Concern has been raised regarding the proposals impact on adjoining neighbouring properties. Subject to approval, conditions of consent would be imposed with respect to a dilapidation report to be prepared pre and post construction to manage potential adverse impacts.
<b>Construction Management</b>	A submission received raised concerns regarding the construction management during the construction of the proposed works. A construction management plan has been submitted as part of the documents supplied to Council for assessment of the proposed development. If the application were of a supportive nature, then a condition of consent would be applied to ensure the approved development is constructed in accordance with the approved construction management plan.
<b>Landscaping</b>	The landscape design was reviewed by Councils Landscape Officer who is unable to support the proposal in its current form.
<b>Site Isolation</b>	Insufficient information has been provided in relation to site isolation. On this basis, Council is unable to support the proposal in its current form without the consideration of the amalgamation of the adjoining site.
<b>Floor Space Ratio</b>	The proposal reflects a compliant floor space ratio allowable for the site in accordance with the State Environmental Planning Policy (Housing) 2021.

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<b>Communal living space requirements</b>	The proposal provides for deficient communal living space in accordance with the requirements found in the State Environmental Planning Policy (Housing) 2021 and is not supported in its current form.
<b>Character and amenity</b>	An assessment of the application has revealed that insufficient information has been provided to determine the impacts of the proposal and is not supported in its current form.

**The Public Interest**

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

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

**Referrals**

Internal Referrals		
Specialist	Comment	Outcome
<b>Development Engineer</b>	No objections raised with regard to the proposal.	Conditions of consent imposed subject to the approval of the application.
<b>Urban Design</b>	Additional information required.	Unable to be supported.
<b>Traffic</b>	Additional information required.	Unable to be supported.
<b>Waste</b>	Additional information required.	Unable to be supported.
<b>Environmental Health</b>	Additional information required.	Unable to be supported.

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

**Contributions**

No Section 7.11 or 7.12 development contributions have been calculated as the proposal is recommended for refusal.



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## 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.

For the reasons outlined within this report, it is considered that the proposal is not satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for refusal.

## Determination

### Refusal of Application

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determined DA2025/0575 for demolition works and construction of seven storey co-living housing on 3-5 Hampton Court Road, Carlton should not be approved subject to the following reasons referenced below:

1. The application fails to satisfy Section 68(2)(c) of the State Environmental Planning Policy (Housing) 2021 with regard to communal living [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
2. The application fails to satisfy Section 68(2)(d) of the State Environmental Planning Policy (Housing) 2021 with regard to communal open space [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
3. The application fails to satisfy Section 69(2)(b) of the State Environmental Planning Policy (Housing) 2021 with regard to building separation [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
4. The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 with regard to building height [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
5. The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to demonstrating compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to support the departure [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
6. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
7. The application fails to satisfy Clause 6.12 of the Georges River Local Environmental Plan 2021 with regard to landscaping [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
8. The application fails to satisfy Section 6.3.2 of the Georges River Development Control Plan 2021 with regard to site isolation [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
9. The application fails to satisfy Section 6.3.3 of the Georges River Development Control Plan 2021 with regard to building setbacks and street interface [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].



- 10. The application is unsatisfactory given the inadequate means for access within the basement level of the site [Pursuant to S4.15(1)(b) of the *Environmental Planning & Assessment Act 1979*].
- 11. The application fails to satisfy Appendix 4 of the Georges River Development Control Plan 2021 with regard to waste management [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
- 12. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*] including:
  - a. No assessment has been undertaken to quantify the additional impacts resulting from non-compliant setbacks, opposed to that of a compliant development.
  - b. Inconsistencies between the acoustic report and plan of management regarding occupancy numbers.
  - c. Details relating to Sydney Water Infrastructure have not been indicated on the plans.
- 13. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the *Environmental Planning & Assessment Act 1979*].

# 3-5 HAMPTON COURT RD

CARLTON NSW 2218  
CO-LIVING HOUSING (LMR)

SUBSET ID & NAME	DRAWING NO.	DRAWING NAME
A0 GENERAL	A000	COVER PAGE
A0 GENERAL	A001	SECTION J COMMITMENTS
A0 GENERAL	A002	SURVEY
A0 GENERAL	A003	DEMOLITION PLAN
A0 GENERAL	A004	TREE REMOVAL PLAN
A0 GENERAL	A005	TREE PROTECTION PLAN
A0 GENERAL	A006	SEWER DIAGRAM
A0 GENERAL	A007	SITE ANALYSIS
A0 GENERAL	A008	STREETSCAPE ANALYSIS
A0 GENERAL	A009	SITE PLAN
A0 GENERAL	A010	GFA CALCULATION
A0 GENERAL	A011	UNIT SCHEDULE
A0 GENERAL	A012	CLA & COS CALCULATION
A0 GENERAL	A013	LANDSCAPE & DEEP SOIL CALCULATION
A0 GENERAL	A014	CLA SUN EYE DIAGRAM - 21ST JUNE - CLA
A0 GENERAL	A015	SUN EYE DIAGRAM - 21ST JUNE - EXISTING
A0 GENERAL	A016	SUN EYE DIAGRAM - 21ST JUNE - PROPOSED
A0 GENERAL	A017	SHADOW DIAGRAM - 21ST JUNE
A0 GENERAL	A018	EVACUATION DIAGRAM
A0 GENERAL	A019	HEIGHT PLANE DIAGRAM
A0 GENERAL	A020	CUT & FILL PLAN
A1 PLANS	A101	BASEMENT 1 PLAN
A1 PLANS	A102	GROUND FLOOR PLAN
A1 PLANS	A103	LEVEL 1 PLAN
A1 PLANS	A104	LEVEL 2 PLAN
A1 PLANS	A105	LEVEL 3 PLAN
A1 PLANS	A106	LEVEL 4 PLAN
A1 PLANS	A107	LEVEL 5 PLAN
A1 PLANS	A108	LEVEL 6 PLAN
A1 PLANS	A109	ROOF PLAN
A2 ELEVATION	A201	NORTH ELEVATION
A2 ELEVATION	A202	SOUTH ELEVATION
A2 ELEVATION	A203	EAST ELEVATION
A2 ELEVATION	A204	WEST ELEVATION
A3 SECTION	A301	SECTION A
A3 SECTION	A302	SECTION B
A3 SECTION	A303	SECTION C
A4 SCHEDULE	A401	MATERIAL SCHEDULE
A4 SCHEDULE	A402	DOOR SCHEDULE
A4 SCHEDULE	A403	WINDOW SCHEDULE
A4 SCHEDULE	A404	TYPICAL KITCHEN DETAILS

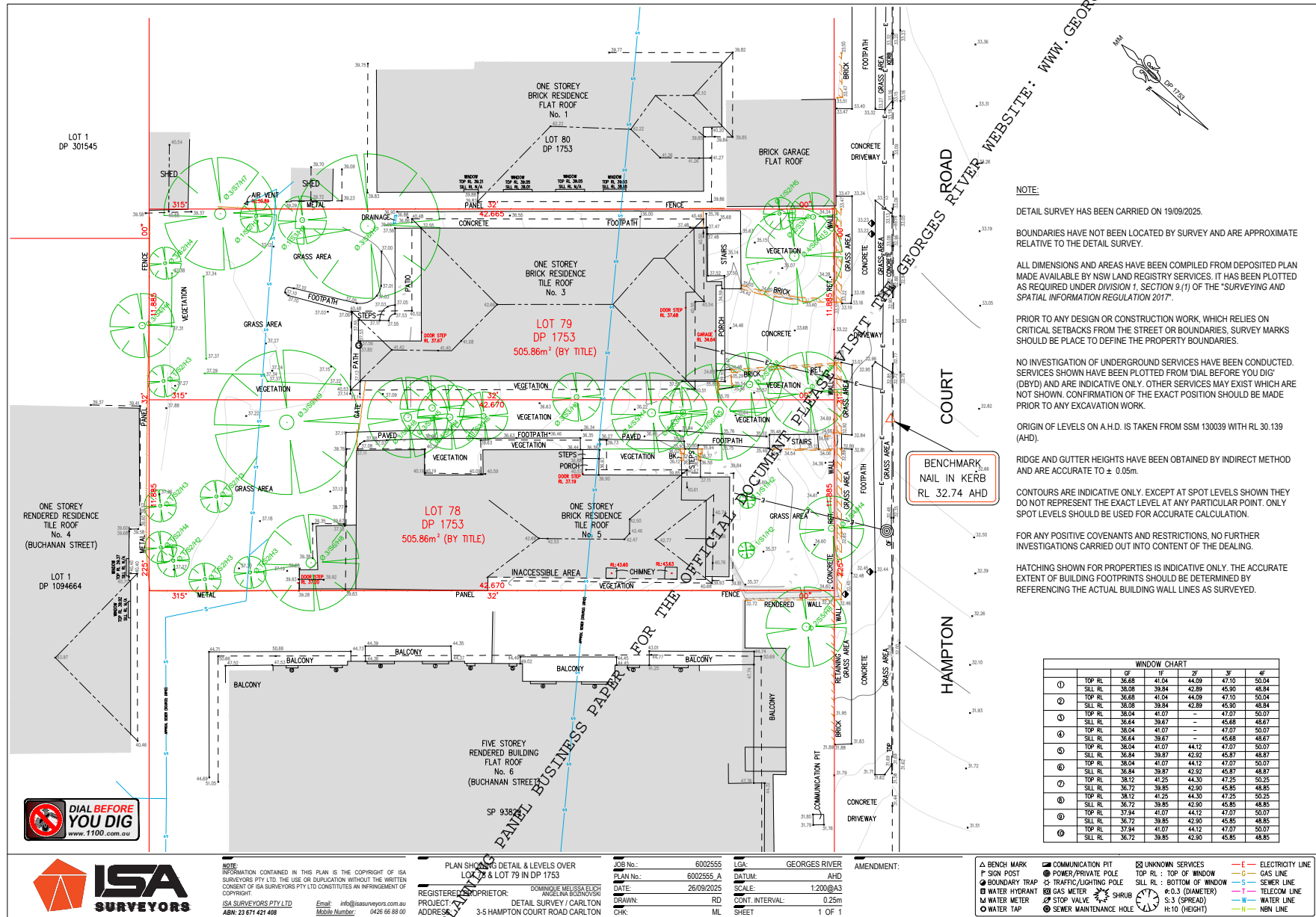
**ROOM MIX:**

DOUBLE ROOMS: 78  
COMMUNAL LIVING AREA: 2

**SITE AREA:** 1011.72 m<sup>2</sup>  
**PROPOSED FSR:** 2.42: 1  
**PROPOSED GFA:** 2,448.18 m<sup>2</sup>





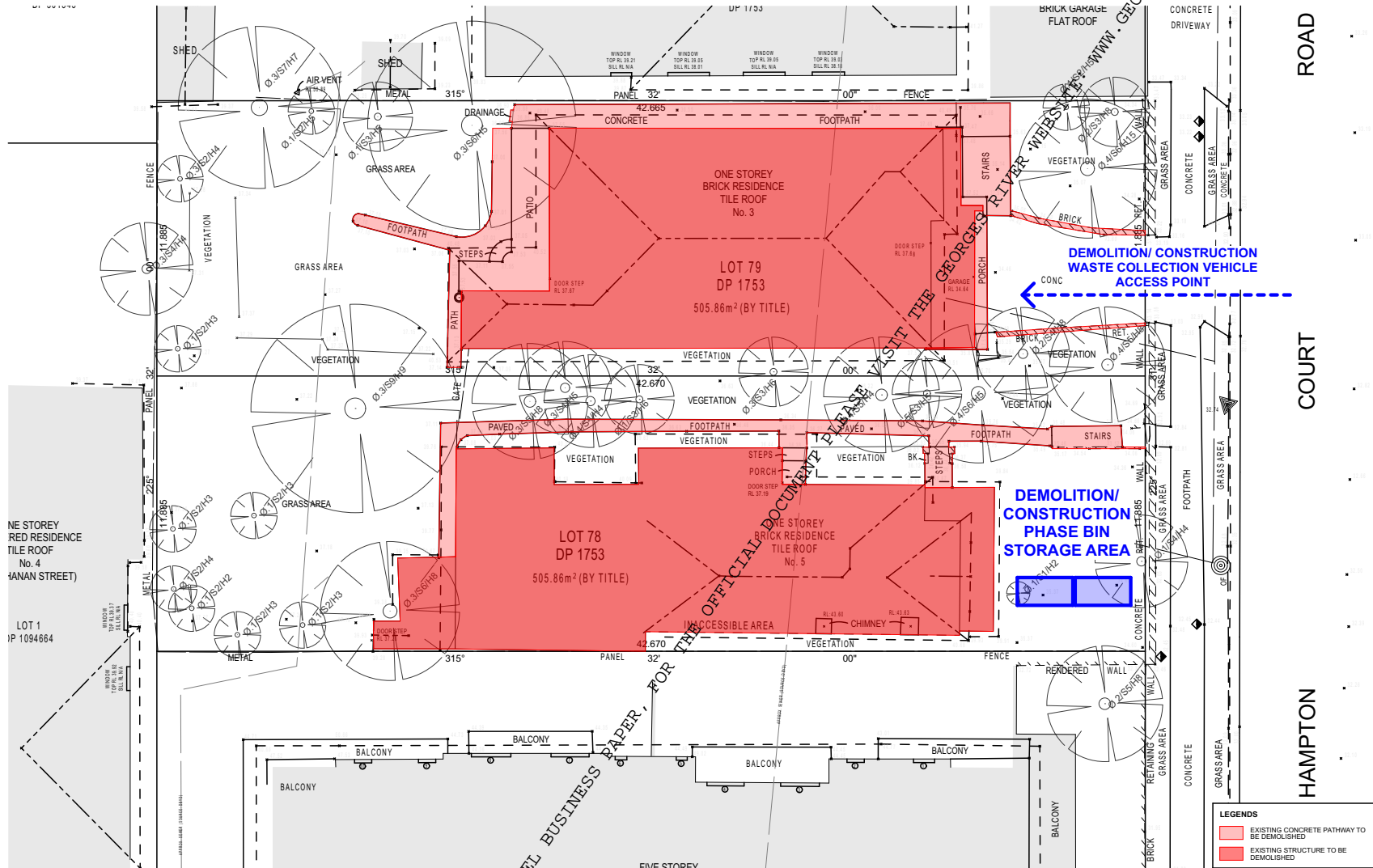


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 ABN: 23 671 421 408  
 Mobile Number: 0426 66 88 00

PLAN SHOWING DETAIL & LEVELS OVER LOT 78 & LOT 79 IN DP 1753  
 REGISTERED PROPRIETOR: DOMINIQUE MELISSA ELICH (ANGELINA REGISTRATION)  
 PROJECT: DETAIL SURVEY / CARLTON  
 ADDRESS: 3-5 HAMPTON COURT ROAD CARLTON  
 CHK: ML

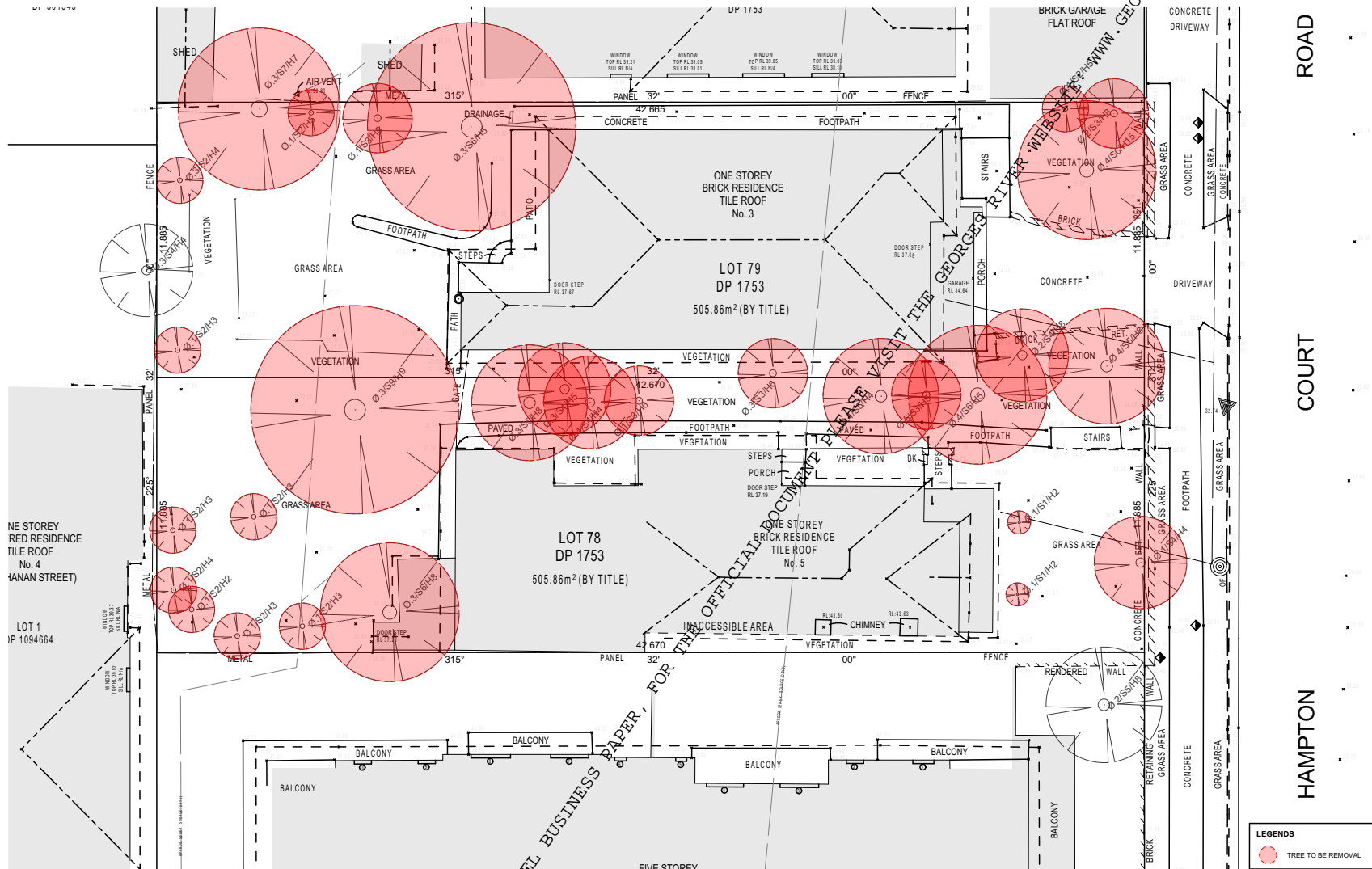
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 PLAN No.: 6002555 A  
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 DRAWN: RD  
 LGA: GEORGES RIVER  
 DATUM: TOP OF MOUND AHD  
 SCALE: 1:200@A3  
 CONT. INTERVAL: 0.25m  
 SHEET: 1 OF 1

- △ BENCH MARK
- SIGN POST
- ⊕ BOUNDARY TRAP
- ⊗ WATER HYDRANT
- ⊗ WATER METER
- ⊗ WATER TAP
- ⊗ COMMUNICATION PIT
- ⊗ POWER/Private POLE
- ⊗ TRAFFIC/LIGHTING POLE
- ⊗ GAS METER
- ⊗ STOP VALVE
- ⊗ SEWER MAINTENANCE HOLE
- ⊗ UNKNOWN SERVICES
- TOP RL : TOP OF WINDOW
- SILL RL : BOTTOM OF WINDOW
- ⊗ S: 3 (DIAMETER)
- ⊗ S: 3 (SPREAD)
- H: 10 (HEIGHT)
- E — ELECTRICITY LINE
- G — GAS LINE
- S — SEWER LINE
- T — TELECOM LINE
- W — WATER LINE
- NBN LINE



LEGENDS	
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<span style="display:inline-block; width:15px; height:10px; background-color: #FF6347; border: 1px solid black;"></span>	EXISTING STRUCTURE TO BE DEMOLISHED

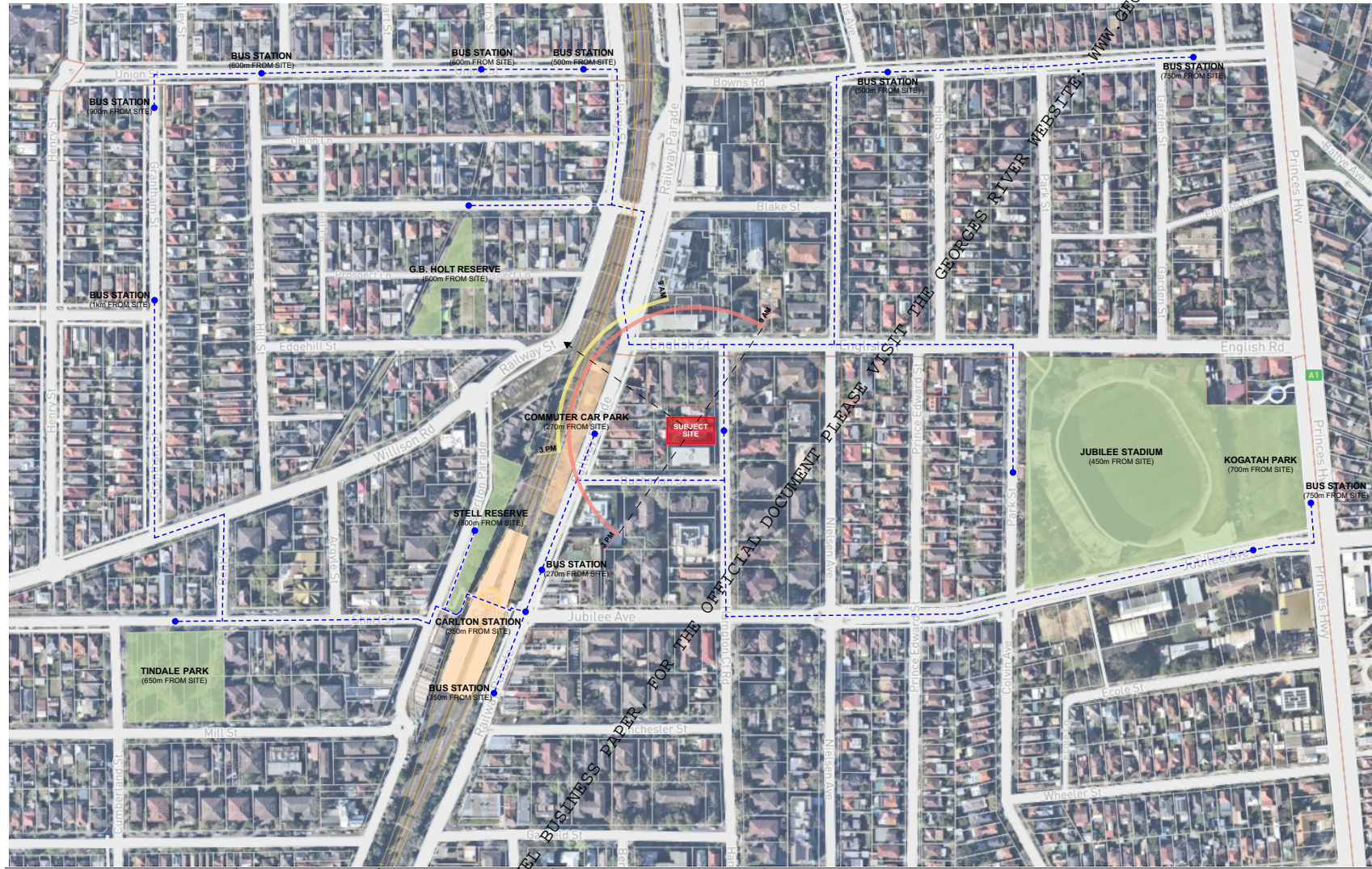
<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2.07 5 Rider Boulevard Rhodes NSW 2108 Australia  T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	<b>CONSULTANTS</b> Refer to consultant documentation when directed  - Land Surveyor: JGA Surveyors - Town Planner: Matrix Developments - Structural Engineer: JCD Consulting - Landscape Architect: Concept - Traffic Engineer: GEMMA - Arborist: F2I Green - Acoustic Engineer: PKA - Geotechnical Engineer: Blue Geotechnics - Access Consultant: Egen Consulting - SCA Consultant: SCA	Revit: A Issued For Date: 01/10/2025 Approved By: [Signature] Issue No: [Blank] [Table with 2 columns: Rev, Date, Description]  <b>NOTE</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.  All boundaries and contours are subject to survey drawing. All levels to Australian Height Date. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.  All documents have within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON  Drawn   Checked: BH   JC Revision Date: 3/10/2025 Project No: 2551 Project Status: DA	TRUE NORTH  PAPER A3 1:150	DRAWING TITLE: <b>GENERAL DEMOLITION PLAN</b>  PROJECT NAME: <b>3-5 HAMPTON COURT RD CARLTON</b>	REVISION NO.  <b>A</b>  DRAWING NO. <b>A003</b>
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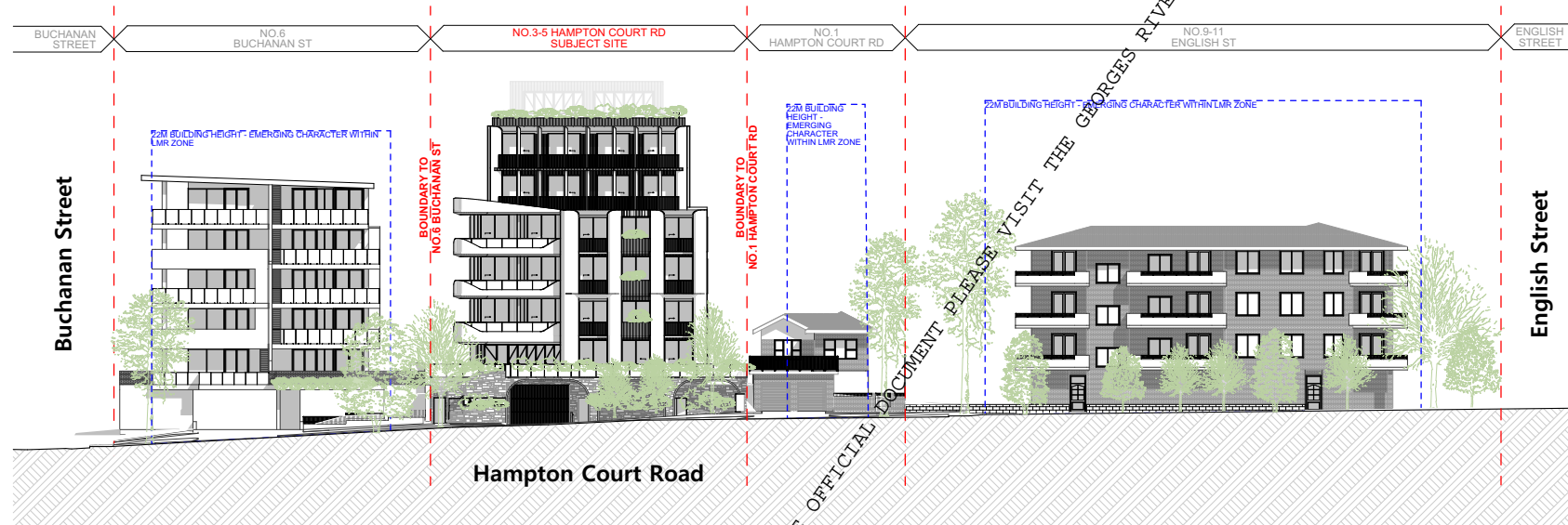
**LEGENDS**

● TREE TO BE REMOVAL

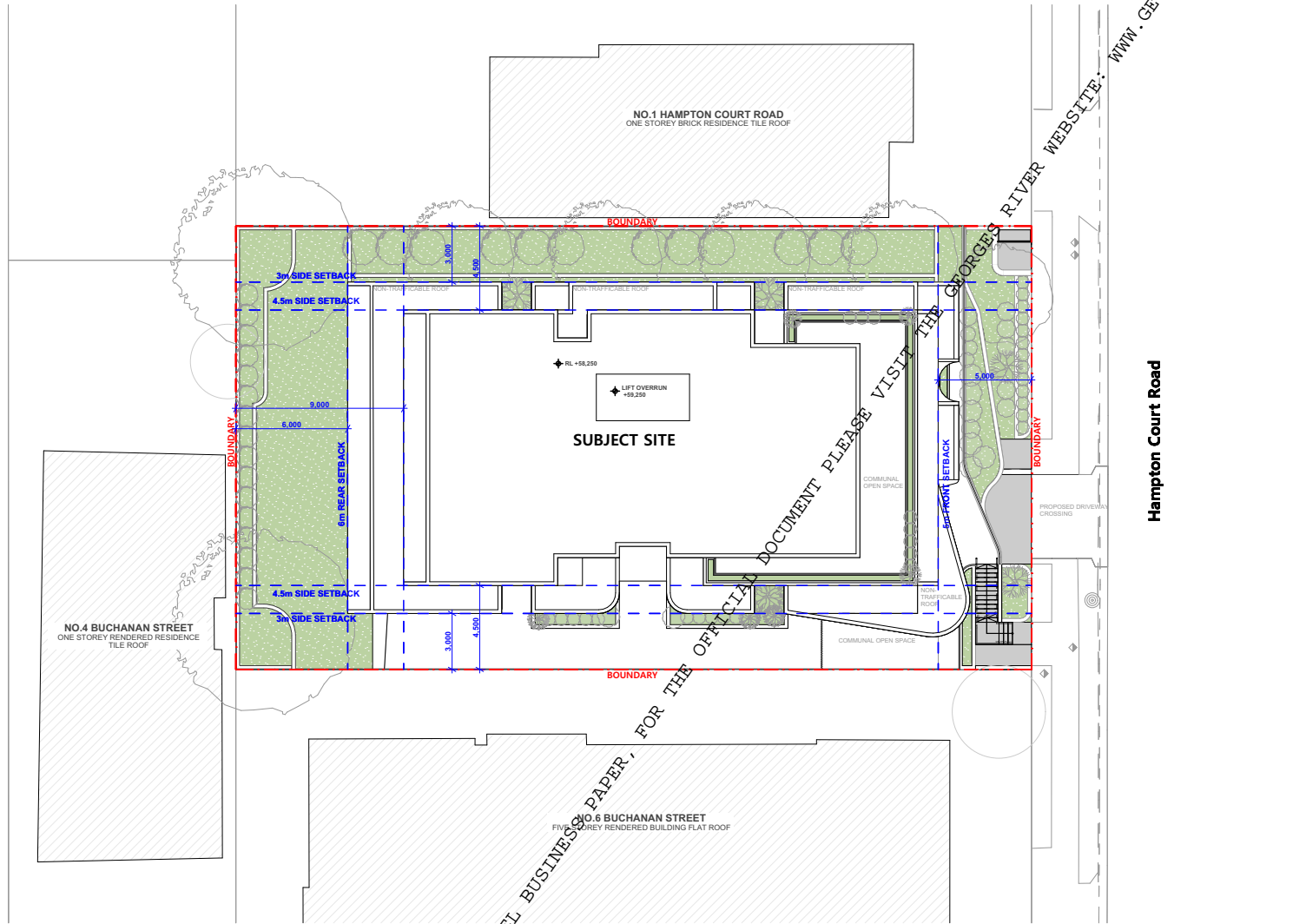
<p><b>ARCHITECTS</b></p> <p>Nominated Architect Jane Chan NSW 13041</p> <p><b>TEXCO DESIGN</b></p> <p>Suite 2.07 5 Rider Boulevard Rusden VIC 3108 Australia</p> <p>T: +61 448 984 889 E: admin@texcodesign.com.au www.texcodesign.com.au</p>	<p><b>CONSULTANTS</b></p> <p>Refer to consultant documentation when directed</p> <ul style="list-style-type: none"> <li>Land Surveyor: JGA Surveyors</li> <li>Tree Planner: Matrix Developments</li> <li>Landmarks Engineer: JCD Consulting</li> <li>Land Use Architect: Concept</li> <li>Traffic Engineer: Concept</li> <li>Acoustic: F2J Group</li> <li>Acoustic Engineer: FKA</li> <li>Geotechnical Engineer: Blue Geotechnics</li> <li>Access Consultant: Ergon Consulting</li> <li>SEA Consultant: RL</li> </ul>	<table border="1"> <thead> <tr> <th>Rev#</th> <th>Description/Issued Date</th> <th>Approved By</th> <th>Rev. Note</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>15/10/2025</td> <td></td> <td>ISSUE</td> </tr> </tbody> </table>	Rev#	Description/Issued Date	Approved By	Rev. Note	A	15/10/2025		ISSUE	<p><b>NOTE</b></p> <p>The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Strategic shall not be used for construction purposes and must be confirmed. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.</p> <p>All boundaries and contours are subject to survey drawing. All levels to Australian Height Date. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.</p> <p>All documents have within are subject to Australian Copyright Laws.</p>	<p><b>PROJECT</b></p> <p>Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON</p> <p>Drawn   Checked: BH   JC Revision Date: 3/12/2025 Project No: 2551 Project Status: DA</p>	<p>TRUE NORTH</p> <p>PAPER A3 1:150</p>	<p><b>DRAWING TITLE :</b></p> <p>GENERAL TREE REMOVAL PLAN</p> <p><b>PROJECT NAME :</b></p> <p>3-5 HAMPTON COURT RD CARLTON</p>	<p>REVISION NO.</p> <p><b>A</b></p> <p>DRAWING NO.</p> <p><b>A004</b></p>
Rev#	Description/Issued Date	Approved By	Rev. Note												
A	15/10/2025		ISSUE												



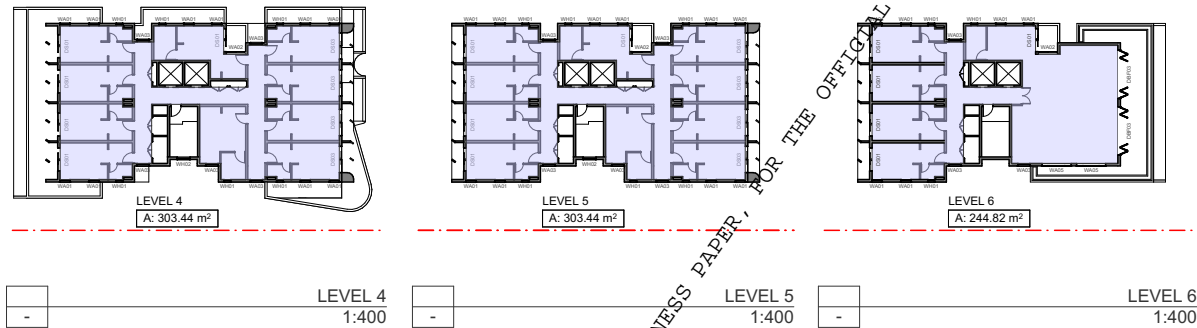
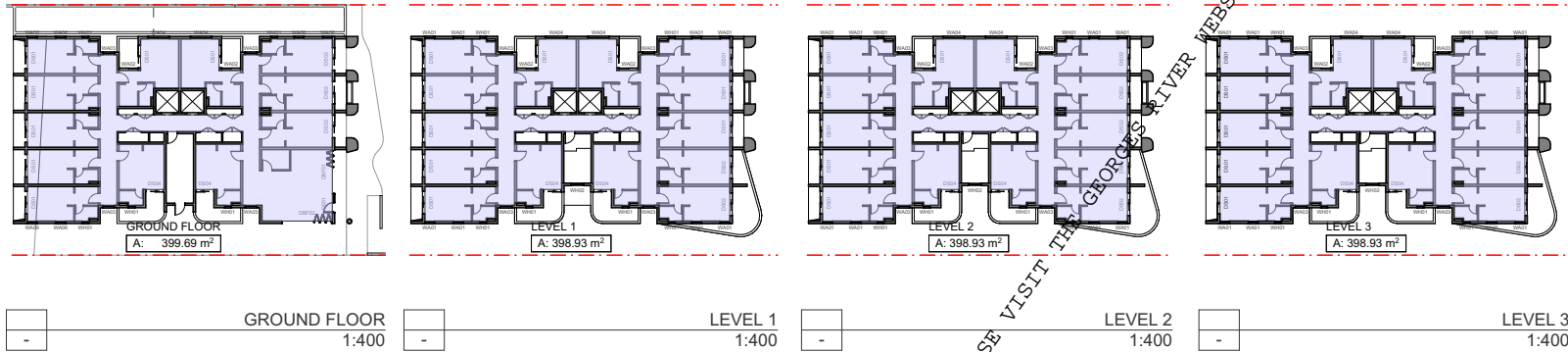
<p><b>ARCHITECTS</b></p> <p><b>TEXCO DESIGN</b></p> <p>Suite 2.07 5 Rider Boulevard Brookvale NSW 2108 Australia</p>	<p>Nominated Architect Jane Chan NSW 13041</p> <p>T: +61 481 984 889 E: admin@texcodesign.com.au www.texcodesign.com.au</p>	<p><b>CONSULTANTS</b></p> <p>Refer to consultant documentation when directed</p> <ul style="list-style-type: none"> <li>Land Surveyor: JGA Surveyors</li> <li>Team Planner: Matrix Developments</li> <li>Structural Engineer: JCD Consulting</li> <li>Land Use Architect: Concept</li> <li>Traffic Engineer: GML</li> <li>Acoustic: F2I Group</li> <li>Acoustic Engineer: PKA</li> <li>Geotechnical Engineer: Blue Geotechnics</li> <li>Access Consultant: Ergon Consulting</li> <li>JCA Consulting</li> </ul>	<table border="1"> <tr> <th>Rev#</th> <th>Transmittal Date</th> <th>Approved By</th> <th>Rev. Note</th> </tr> <tr> <td>A</td> <td>01/10/2025</td> <td></td> <td>0006</td> </tr> </table>	Rev#	Transmittal Date	Approved By	Rev. Note	A	01/10/2025		0006	<p><b>NOTE</b></p> <p>The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Strategic shall not be used for construction purposes until issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.</p> <p>All boundaries and contours are subject to survey drawings. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.</p> <p>All documents here within are subject to Australian Copyright Laws.</p>	<p><b>PROJECT</b></p> <p>Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON</p> <p>Drawn   Checked: EH   JC Revision Date: 30/03/25 Project NO.: 2551 Project Status: DA</p>	<p>TRUE NORTH</p> <p>PAPER A3</p>	<p><b>DRAWING TITLE :</b></p> <p><b>GENERAL SITE ANALYSIS</b></p> <p><b>PROJECT NAME :</b></p> <p><b>3-5 HAMPTON COURT RD CARLTON</b></p>	<p>REVISION NO.</p> <p><b>A</b></p> <p>DRAWING NO.</p> <p><b>A007</b></p>
Rev#	Transmittal Date	Approved By	Rev. Note													
A	01/10/2025		0006													



<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2.07 5 Rider Boulevard Rhodes NSW 2108 Australia T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	Nominated Architect Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed	Rtd/Issued A 01/10/2025 Approved By: [Signature] Issue No: [Blank]	<b>NOTE</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Changes shall not be used for construction purposes until issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd. All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site. All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project No: 2551 Project Status: DA	TRUE NORTH  PAPER <b>A3</b> 1300	DRAWING TITLE : GENERAL STREETScape ANALYSIS PROJECT NAME : <b>3-5 HAMPTON COURT RD                  CARLTON</b>	REVISION NO. <b>A</b> DRAWING NO. <b>A008</b>
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<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2/07 5 Rider Boulevard Rhodes NSW 2108 Australia T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	Nominated Architect Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed - Land Surveyor - Town Planner - Drainage Engineer - Landscape Architect - Traffic Engineer - Arborist - Acoustic Engineer - Geotechnical Engineer - Access Consultant - QS & Costing	- IGA Surveyors - Matrix Developments - JCD Consulting - Concept - Gensel - I2I Group - PKA - Blue Geotechnics - Ergon Consulting - QS & Costing	Rev# A Issued Date 01/10/2025 Approved by [Signature] Issue No. 0001	<b>NOTE</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for contracting purposes and must be confirmed. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd. All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site. All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON Drawn   Checked: EH   JC Revision Date: 30/03/25 Project No.: 2551 Project Status: DA	TRUE NORTH  PAPER <b>A3</b> 1200	DRAWING TITLE : <b>GENERAL SITE PLAN</b> PROJECT NAME : <b>3-5 HAMPTON COURT RD CARLTON</b>	REVISION NO. <b>A</b> DRAWING NO. <b>A009</b>
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GFA CALCULATION	
FLOOR	AREA
GROUND FLOOR	399.69
LEVEL 1	398.93
LEVEL 2	398.93
LEVEL 3	398.93
LEVEL 4	303.44
LEVEL 5	303.44
LEVEL 6	244.82
	<b>2,448.18 m<sup>2</sup></b>

SITE AREA: 1011.72 m<sup>2</sup>

BASE FSR: 2.2:1 + 10% CO-LIVING BONUS

PERMISSIBLE FSR: 2.42:1  
BONUS PERMISSIBLE GFA: 2448.36 m<sup>2</sup>

PROPOSED GFA: 2,448.18 m<sup>2</sup>  
PROPOSED FSR: 2.42:1

DOUBLE ROOM: 78  
COMMUNAL LIVING ROOM (CLA): 2

GFA CALCULATION

<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2/07 5 Rider Boulevard Rhodes NSW 2108 Australia  T: +61 481 984 880 E: admin@texcodesign.com.au texcodesign.com.au	<b>Nominated Architect</b> Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed <ul style="list-style-type: none"> <li>- Land Surveyor</li> <li>- Town Planner</li> <li>- Stormwater Engineer</li> <li>- Landscape Architect</li> <li>- Traffic Engineer</li> <li>- Arborist</li> <li>- Acoustic Engineer</li> <li>- Geotechnical Engineer</li> <li>- Access Consultant</li> <li>- QS&amp;C Consultant</li> </ul>	<ul style="list-style-type: none"> <li>- IGA Surveyors</li> <li>- Matrix Developments</li> <li>- JCD Consulting</li> <li>- Concept</li> <li>- Gensiv</li> <li>- F2I Group</li> <li>- PKA</li> <li>- Blue Geotechnics</li> <li>- Ergon Consulting</li> <li>- QS&amp;C Consultant</li> </ul>	<table border="1"> <thead> <tr> <th>Rev#</th> <th>Transmittal Date</th> <th>Approved By</th> <th>Rev. Note</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>01/10/2025</td> <td></td> <td>ISSUE</td> </tr> </tbody> </table>	Rev#	Transmittal Date	Approved By	Rev. Note	A	01/10/2025		ISSUE	<b>NOTE</b>  The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Changes shall not be used for construction purposes and must be coordinated. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.  All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.  All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON  Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project No.: 2551 Project Status: DA	TRUE NORTH  PAPER <b>A3</b> 1:400	DRAWING TITLE : GENERAL <b>GFA CALCULATION</b>  PROJECT NAME : <b>3-5 HAMPTON COURT RD                  CARLTON</b>	REVISION NO. <b>A</b>  DRAWING NO. <b>A010</b>
	Rev#	Transmittal Date	Approved By	Rev. Note													
A	01/10/2025		ISSUE														

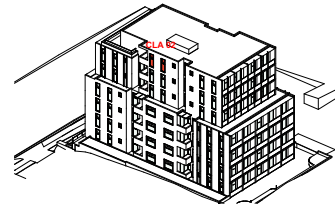
FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU



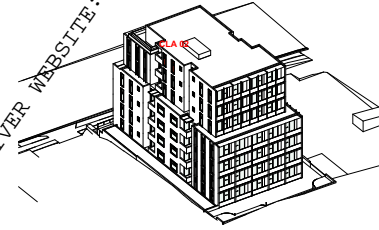
21 JUNE - 9 AM  
1:750



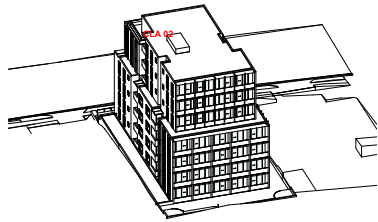
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1:750



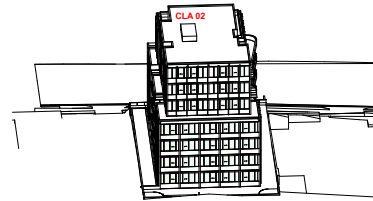
21 JUNE - 11 AM  
1:750



21 JUNE - 12 PM  
1:750



21 JUNE - 1 PM  
1:750



21 JUNE - 2 PM  
1:750



21 JUNE - 1 PM  
1:750

SEPP HOUSING 2021 - PART 3 - 69 (2)

(C) AT LEAST 3 HOURS OF DIRECT SOLA ACCESS WILL BE PROVIDED BETWEEN 9AM AND 3PM AT MID-WINTER IN AT LEAST 1 COMMUNAL LIVING AREA.

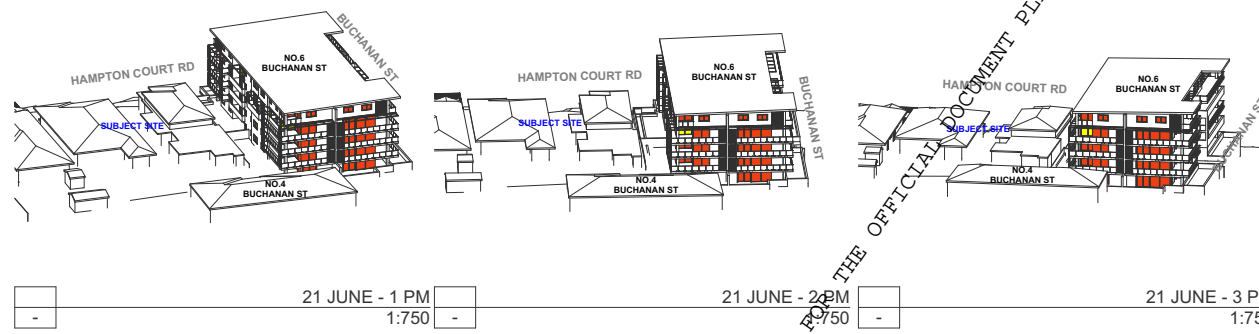
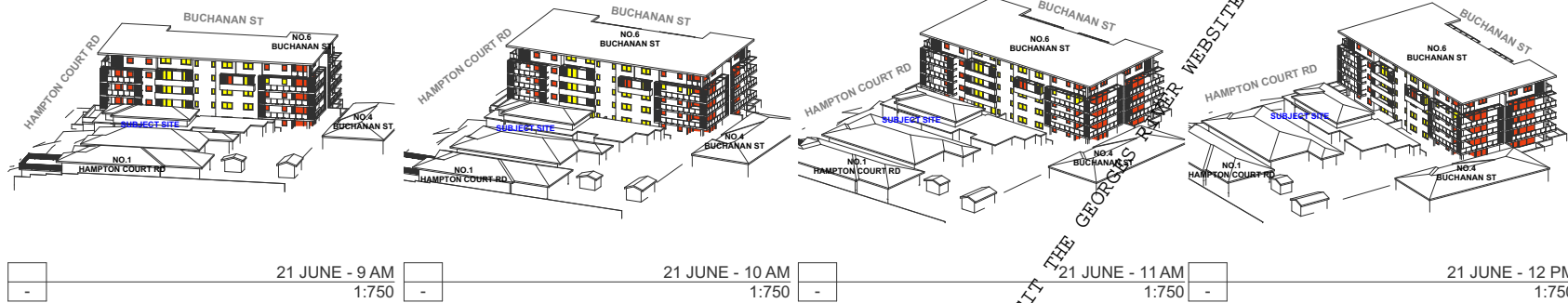
CLA 02 RECEIVES 6 HOURS SUN COMPLIANT

LEGEND

■ SOLAR ACCESS TO COMMUNAL LIVING AREA

<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2.07 5 Rider Boulevard Rhodes NSW 2138 Australia T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	Nominated Architect Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed	IGA Surveyors Matrix Developments JCD Consulting Concept Giffels F2J Group Adborn Acoustic Engineer Geotechnical Engineer Access Consultant IGA Consulting	Rev'd A 15/10/2025 Approved By Issue No 0001	<b>NOTE</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Changes shall not be used for contracting purposes and must be confirmed. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd. All boundaries and contours are subject to survey drawing. All levels to Australian Height Date. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site. All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client HAMPTON RESIDENCES Site 3-5 HAMPTON COURT RD, CARLTON Drawn   Checked Revision Date Project NO. Project Status EH   JC 3/12/2025 2551 DA	TRUE NORTH  PAPER <b>A3</b> 1:750	DRAWING TITLE : GENERAL CLA SUN EYE DIAGRAM - 21ST JUNE - CLA PROJECT NAME : <b>3-5 HAMPTON COURT RD                  CARLTON</b>	REVISION NO. <b>A</b> DRAWING NO. <b>A014</b>
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 GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER, FOR THE OFFICIAL



**ADG - SOLAR ACCESS:**  
 LIVING ROOM & POS, AT LEAST 70% OF UNITS RECEIVE A MINIMUM OF 2 HOURS DIRECT SUNLIGHT BETWEEN 9AM-3PM AT MID WINTER 21 JUNE.  
 MAXIMUM 15% OF APARTMENTS IN A BUILDING RECEIVE NO DIRECT SUNLIGHT BETWEEN 9AM-3PM MID WINTER 21 JUNE

**6 BUCHANAN STREET APARTMENT SOLAR ACCESS (EXISTING DEVELOPMENT):**

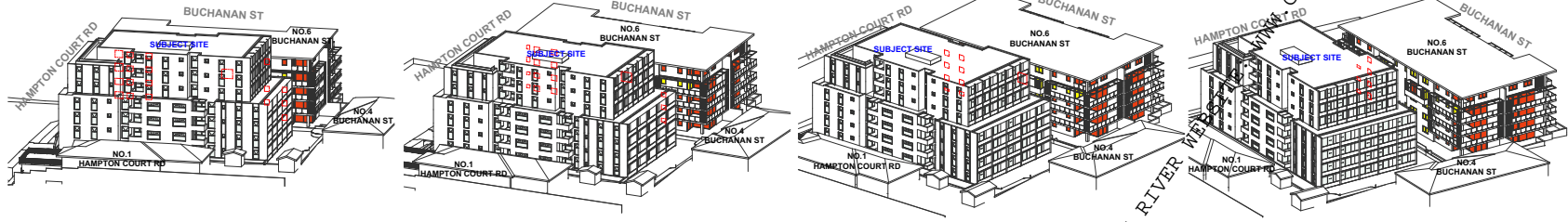
TOTAL UNITS: 22	
UNIT RECEIVES 2 HOURS SUN:	16 @ 72.7%
UNIT RECEIVES 0 HOURS SUN:	5 @ 22.7%

**LEGEND**

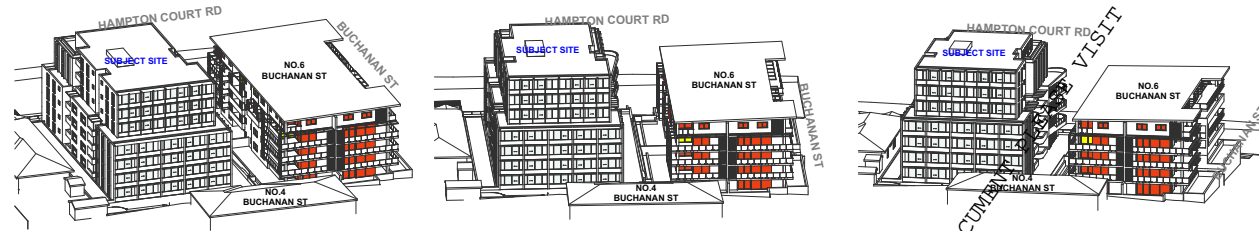
- WINDOWS & DOORS OF THE LIVING AREA (6 BUCHANAN ST)
- WINDOWS & DOORS OF THE NON-LIVING AREA (6 BUCHANAN ST)

<b>ARCHITECTS</b>	Nominated Architect Jane Chan NSW 13041	<b>CONSULTANTS</b>	Refer to consultant documentation when directed	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Rev#</th> <th>Transmittal Date</th> <th>Approved By</th> <th>Rev. Note</th> </tr> <tr> <td>A</td> <td>01/10/2025</td> <td></td> <td>ISSUE</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>	Rev#	Transmittal Date	Approved By	Rev. Note	A	01/10/2025		ISSUE																																					<b>NOTE</b>	<b>PROJECT</b>	TRUE NORTH	<b>DRAWING TITLE :</b>	REVISION NO.
Rev#	Transmittal Date	Approved By	Rev. Note																																																		
A	01/10/2025		ISSUE																																																		
<b>TEXCO DESIGN</b>	Suite 2.07 5 Rider Boulevard Rhodes NSW 2108 Australia T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	JGA Surveyors Matrix Developments JCD Consulting Concept Traffic Engineer Architect Acoustic Engineer Geotechnical Engineer Access Consultant QS&Consulting BA	The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Storage shall not be used for construction purposes and must be removed. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.  All boundaries and contours are subject to survey drawing. All levels to Australian Height Date. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.  All documents here within are subject to Australian Copyright Laws.	Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON  Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project NO.: 2551 Project Status: DA		<b>SUN EYE DIAGRAM - 21ST JUNE - EXISTING</b>  <b>PROJECT NAME :</b> <b>3-5 HAMPTON COURT RD CARLTON</b>	A DRAWING NO. <b>A015</b>																																														

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21 JUNE - 9 AM 1:750 21 JUNE - 10 AM 1:750 21 JUNE - 11 AM 1:750 21 JUNE - 12 PM 1:750



21 JUNE - 1 PM 1:750 21 JUNE - 2 PM 1:750 21 JUNE - 3 PM 1:750

**CO-LIVING SOLAR REQUIREMENT: UNDER SEPP HOUSING 2021**

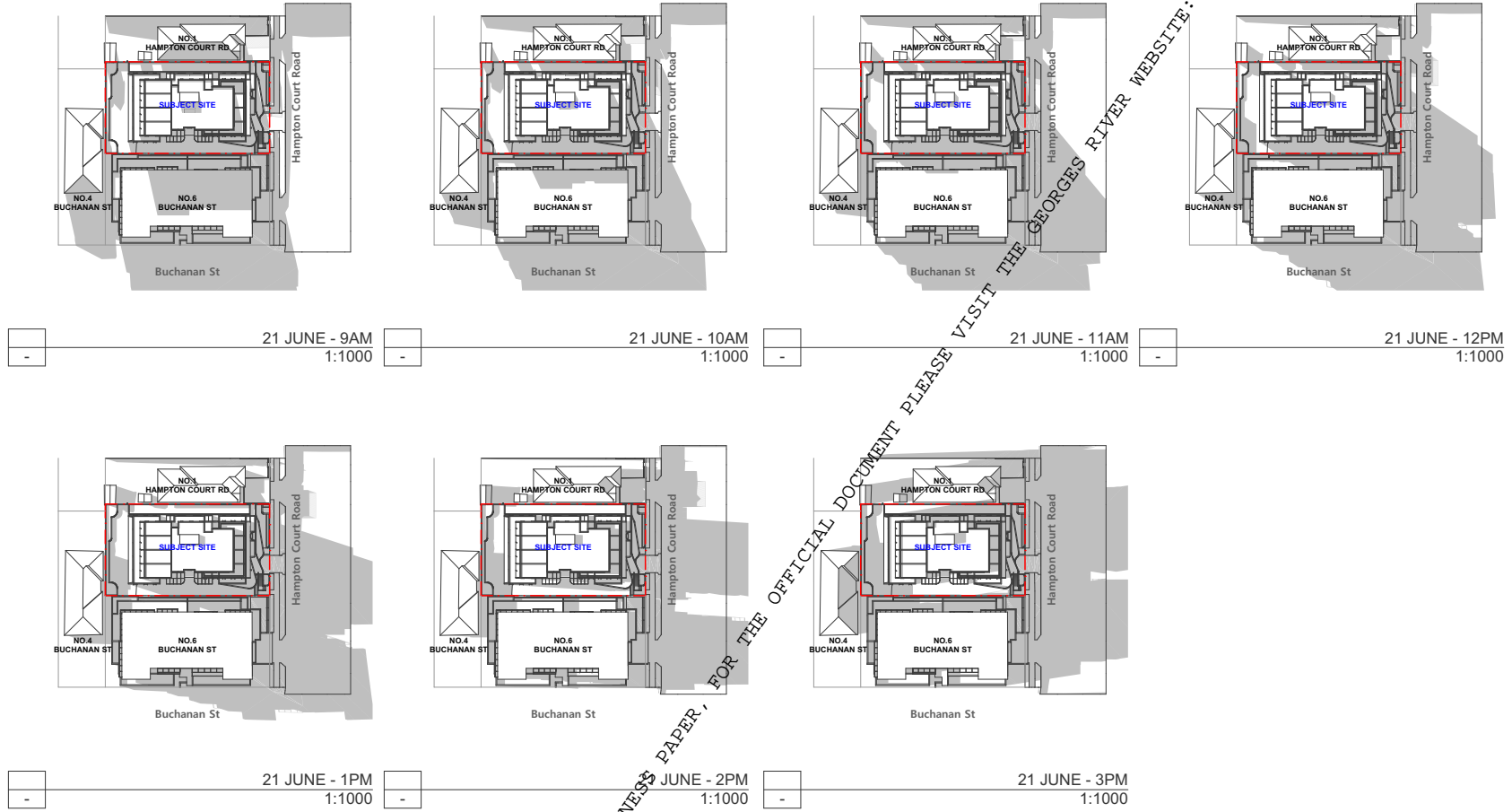
At least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area.

COMMUNAL LIVING AREA	9am - 10am	10am - 11am	11am - 12pm	12pm - 1pm	1pm - 2pm	2pm - 3pm	TOTAL	
C01(CO-LIVING)	0hr	0hr	0hr	0hr	0hr	0hr	0hr	<b>COMPLIES</b>
C02 (CO-LIVING)	1hr	1hr	1hr	1hr	1hr	1hr	6hrs	<b>COMPLIES</b>

**LEGEND**

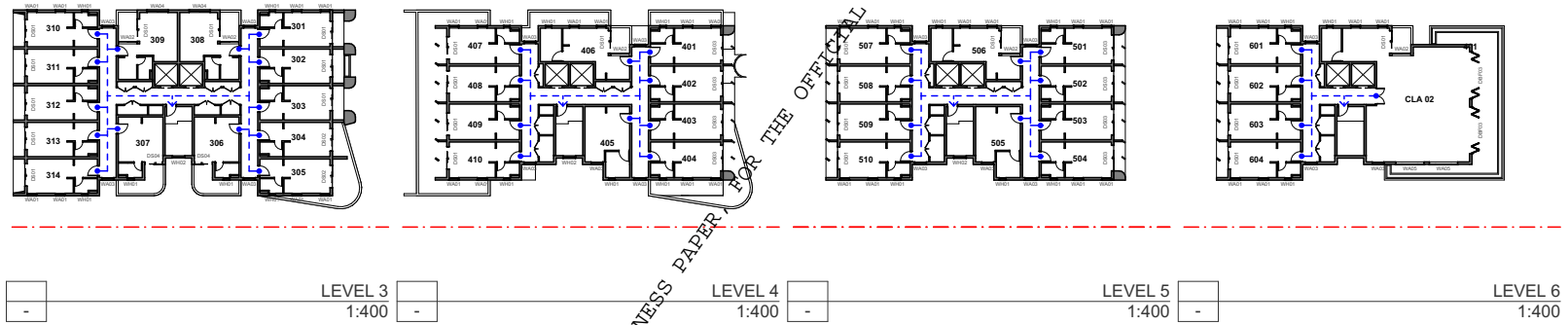
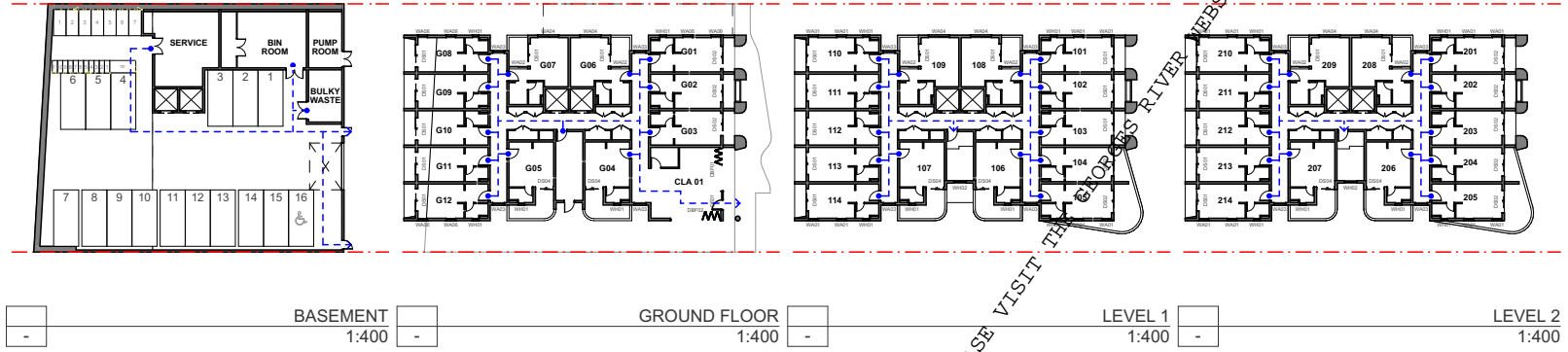
- UNIT SOLAR ACCESS: 3HRS DIRECT SUN LIGHT ON 21<sup>ST</sup> JUNE
- COMMUNAL LIVING AREA: 3HRS DIRECT SUNLIGHT ON 21<sup>ST</sup> JUNE
- OPENINGS OF NEIGHBOUR BUILDINGS

<b>ARCHITECTS</b>  Nominated Architect Jane Chan NSW 13041  <b>TEXCO DESIGN</b> Suite 2/07 5 Rider Boulevard Rhodes NSW 2108 Australia  T: +61 481 984 885 E: admin@texcodesign.com.au texcodesign.com.au	<b>CONSULTANTS</b> Refer to consultant documentation when directed  - Land Surveyor: JGA Surveyors - Town Planner: Mantra Developments - Stormwater Engineer: JCD Consulting - Landscape Architect: Greenis - Traffic Engineer: F2J Drive - Acoustic Engineer: PKA - Geotechnical Engineer: Blue Geotechnics - Access Consultant: Ergon Consulting - JGA Consulting	Revit: A Issued Date: 01/05/2025 Approved By: JCHAN Issue No: 0001  The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written documents only. Do not make drawings. Changes shall not be used for construction purposes and must be distributed. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.  All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.  All documents have within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON  Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project No: 2551 Project Status: DA	TRUE NORTH  PAPER <b>A3</b> 1:750	DRAWING TITLE : GENERAL <b>SUN EYE DIAGRAM - 21ST JUNE - PROPOSED</b>  PROJECT NAME : <b>3-5 HAMPTON COURT RD CARLTON</b>	REVISION NO. <b>A</b>  DRAWING NO. <b>A016</b>
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<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b>	Nominated Architect Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed <ul style="list-style-type: none"> <li>- Land Surveyor: JGA Surveyors</li> <li>- Town Planner: Matrix Developments</li> <li>- Stormwater Engineer: JCD Consulting</li> <li>- Landscape Architect: Concept</li> <li>- Geologist: GEMCO</li> <li>- Traffic Engineer: F2J Group</li> <li>- Arborist: FKA</li> <li>- Acoustic Engineer: Blue Geosciences</li> <li>- Geotechnical Engineer: Ergon Consulting</li> <li>- Access Consultant: JGA Consulting</li> <li>- RL</li> </ul>	Rev#1 A 15/10/2025	Approved By: ISSUE	<b>NOTE</b>  The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written documents only. Do not make drawings. Changes shall not be used for construction purposes and must be confirmed. This drawing reflects a design by Texco Design Pty Ltd and it is to be used only for work when authorized in writing by Texco Design Pty Ltd.  All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.  All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON  Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project NO.: 2551 Project Status: DA	TRUE NORTH  PAPER <b>A3</b> 1:1000	DRAWING TITLE : GENERAL <b>SHADOW DIAGRAM - 21ST JUNE</b>  PROJECT NAME : <b>3-5 HAMPTON COURT RD CARLTON</b>	REVISION NO. <b>A</b>  DRAWING NO. <b>A017</b>
	Suite 2.07 5 Rider Boulevard Rhodes NSW 2138 Australia  T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au		-	-		-		-	-

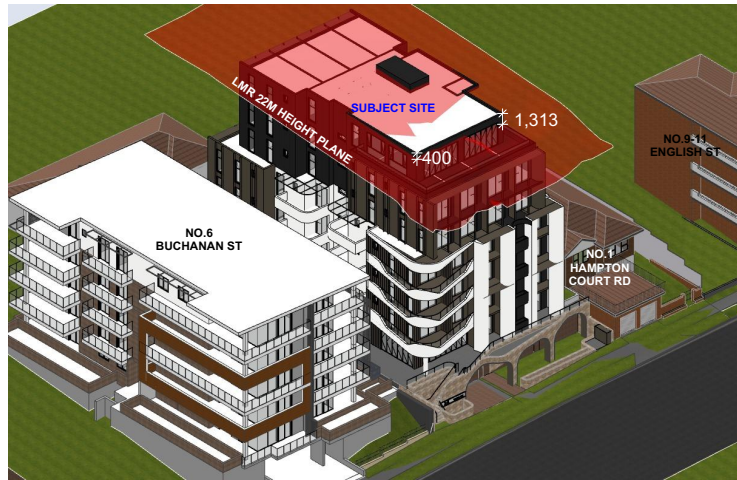
VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU  
  
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● - - - STARTING POINT OF EGRESS PATH  
 - - -> DIRECTION OF EGRESS PATH

<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2.07 5 Rider Boulevard Rhodes NSW 2108 Australia  T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	<b>Nominated Architect</b> Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed  - Land Surveyor: JGA Surveyors - Town Planner: Matrix Developments - Stormwater Engineer: JCD Consulting - Landscape Architect: Concept - Traffic Engineer: J2J Drive - Acoustic Engineer: FKA - Geotechnical Engineer: Blue Geotechnics - Access Consultant: Ergon Consulting - JGA Consulting	Revit/A Transmittal Date: 01/10/2025 Approved By: ISSUE Date: 01/10/2025	<b>NOTE</b>  The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.  All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.  All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON  Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project NO.: 2551 Project Status: DA	TRUE NORTH  PAPER <b>A3</b> 1:400	DRAWING TITLE: GENERAL <b>EVACUATION DIAGRAM</b>	REVISION NO. <b>A</b>
							PROJECT NAME: <b>3-5 HAMPTON COURT RD                  CARLTON</b>	DRAWING NO. <b>A018</b>

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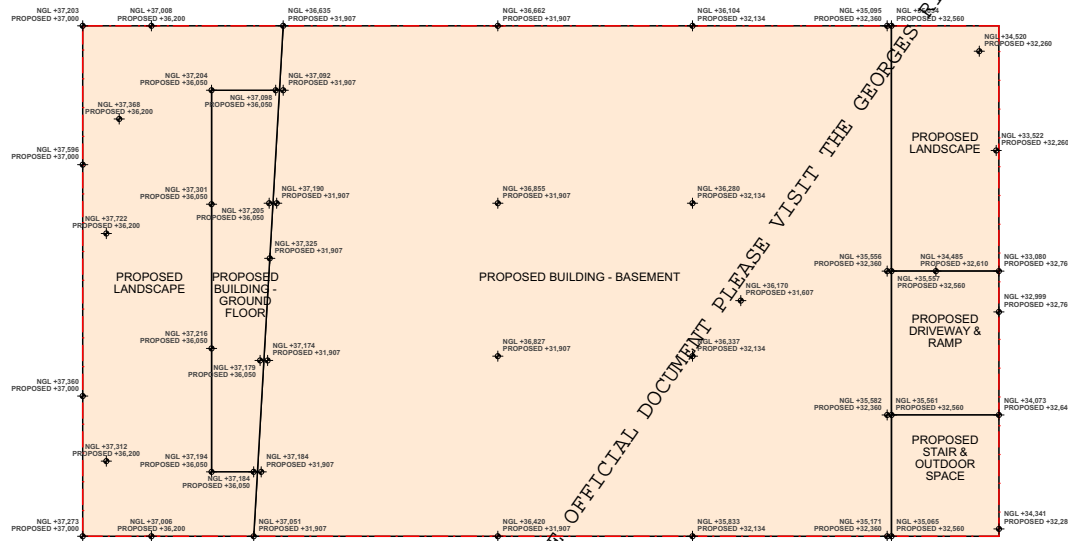


LEP 21M BUILDING HEIGHT PLANE  
1:250



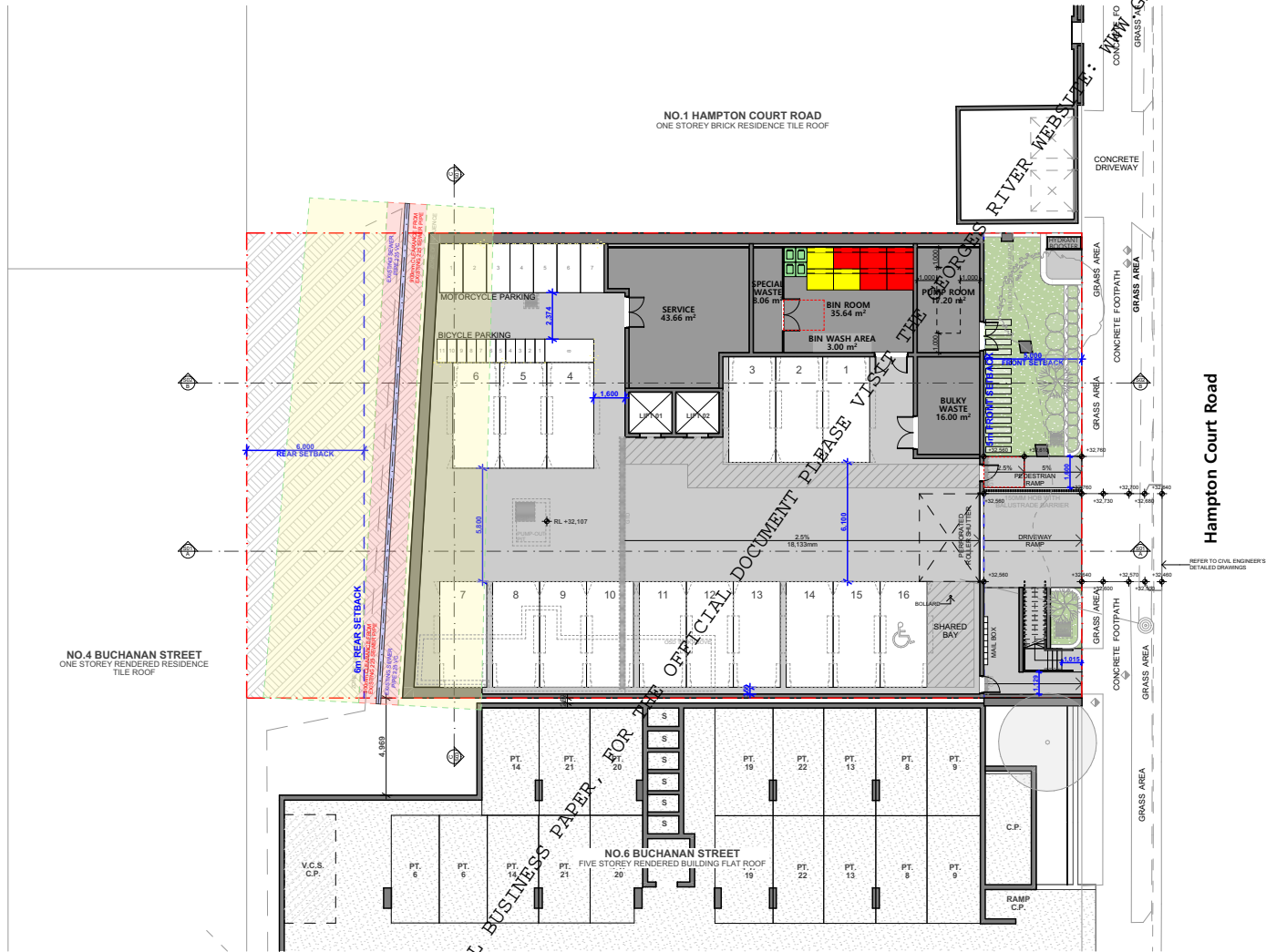
LEP 21M BUILDING HEIGHT PLANE  
1:250

<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2.07 5 Rider Boulevard Rhodes NSW 2138 Australia T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	Nominated Architect Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed	(GA) Surveyors Matrix Developments JCD Consulting Concept Gainers (E) Grow PA Blue Geosciences Ergon Consulting JGA Consulting RL	<table border="1"> <thead> <tr> <th>Rev#</th> <th>Transmittal Date</th> <th>Approved By</th> <th>Rev. Note</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>07/10/2025</td> <td></td> <td>ISSUE</td> </tr> </tbody> </table>	Rev#	Transmittal Date	Approved By	Rev. Note	A	07/10/2025		ISSUE	<b>NOTE</b>  The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Changes that will not be used for contracting purposes will be marked. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.  All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.  All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON  Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project NO.: 2551 Project Status: DA	TRUE NORTH  PAPER <b>A3</b>	DRAWING TITLE : GENERAL HEIGHT PLANE DIAGRAM  PROJECT NAME : <b>3-5 HAMPTON COURT RD                  CARLTON</b>	REVISION NO. <b>A</b>  DRAWING NO. <b>A019</b>
	Rev#	Transmittal Date	Approved By	Rev. Note													
A	07/10/2025		ISSUE														



PROPOSED EXCAVATION AREA

<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2.07 5 Rider Boulevard Rhodes NSW 2108 Australia T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	Nominated Architect Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed <ul style="list-style-type: none"> <li>-Land Surveyor: GJA Surveyors</li> <li>-Town Planner: Matrix Developments</li> <li>-Structural Engineer: JCD Consulting</li> <li>-Landscape Architect: Concept</li> <li>-Traffic Engineer: GJG Group</li> <li>-Arboret: FKA</li> <li>-Acoustic Engineer: Elise Gieseler</li> <li>-Geotechnical Engineer: Ergon Consulting</li> <li>-Access Consultant: GJA Consulting</li> </ul>	<table border="1"> <thead> <tr> <th>Rev#</th> <th>Transmittal List Date</th> <th>Approved By</th> <th>Issue</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>01/02/2025</td> <td></td> <td>ISSUE</td> </tr> </tbody> </table>	Rev#	Transmittal List Date	Approved By	Issue	A	01/02/2025		ISSUE	<b>NOTE</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Changes that are not for construction purposes will result in a variation. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd. All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site. All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON  Drawn   Checked: EH   JC Revision Date: 30/05/25 Project No: 2551 Project Status: DA	TRUE NORTH  PAPER <b>A3</b> 1200	DRAWING TITLE : GENERAL CUT & FILL PLAN  PROJECT NAME : <b>3-5 HAMPTON COURT RD CARLTON</b>	REVISION NO. <b>A</b>  DRAWING NO. <b>A020</b>
	Rev#	Transmittal List Date	Approved By	Issue												
A	01/02/2025		ISSUE													



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<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2/07 5 Rider Boulevard Rhodes NSW 2108 Australia T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	<b>Nominated Architect</b> Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed <ul style="list-style-type: none"> <li>- Land Surveyor: IGA Surveyors</li> <li>- Town Planner: Matrix Developments</li> <li>- Stormwater Engineer: JCD Consulting</li> <li>- Landscape Architect: Concept</li> <li>- Traffic Engineer: GHD</li> <li>- Arborist: F2J Grow</li> <li>- Acoustic Engineer: FKA</li> <li>- Geotechnical Engineer: Blue Geotechnics</li> <li>- Access Consultant: Ergon Consulting</li> <li>- IGA Consultant: IGA</li> </ul>	<table border="1"> <thead> <tr> <th>Rev#</th> <th>Transmittal Date</th> <th>Approved By</th> <th>Rev. Note</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>07/10/2025</td> <td></td> <td>ISSUE</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Rev#	Transmittal Date	Approved By	Rev. Note	A	07/10/2025		ISSUE																																	<b>NOTE</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Changes shall not be used for construction purposes until issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd. All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site. All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON Drawn   Checked: EH   JC Revision Date: 3/10/2025 Project NO.: 2551 Project Status: DA	TRUE NORTH  PAPER <b>A3</b> 1200	<b>DRAWING TITLE :</b> ELEVATION <b>NORTH ELEVATION</b>	REVISION NO. <b>A</b> DRAWING NO. <b>A201</b>
				Rev#	Transmittal Date	Approved By	Rev. Note																																									
A	07/10/2025		ISSUE																																													
<b>PROJECT NAME :</b> <b>3-5 HAMPTON COURT RD                  CARLTON</b>																																																

LPP018-26 Attachment 2



E-01  
-

SOUTH ELEVATION  
1:200

<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2.07 5 Rider Boulevard Rhodes NSW 2108 Australia T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	<b>Nominated Architect</b> Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed - Land Surveyor: GJA Surveys - Town Planner: Matrix Developments - Stormwater Engineer: JCD Consulting - Landscape Architect: Concept - Geotechnical Engineer: F2J Group - Acoustic Engineer: PKA - Geotechnical Engineer: Blue Geotechnics - Access Consultant: Ergon Consulting - GJA Consulting	Rev'd: A Issued: 01/10/2025 Approved By: [Signature] Date: 05/05/25	<b>NOTE</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Strategic shall not be used for construction purposes until issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd. All boundaries and contours are subject to survey drawing. All levels to Australian Height Date. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site. All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON	TRUE NORTH  PAPER <b>A3</b> 1200	<b>DRAWING TITLE :</b> ELEVATION <b>SOUTH ELEVATION</b>	REVISION NO. <b>A</b> DRAWING NO. <b>A202</b>
					<b>PROJECT NAME :</b> <b>3-5 HAMPTON COURT RD                  CARLTON</b>			

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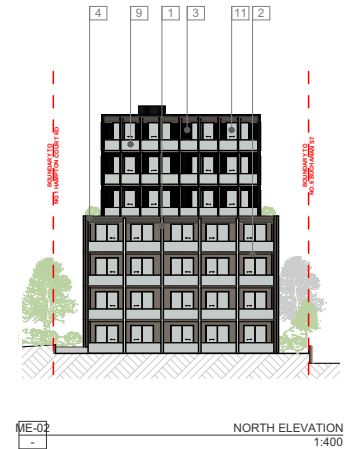
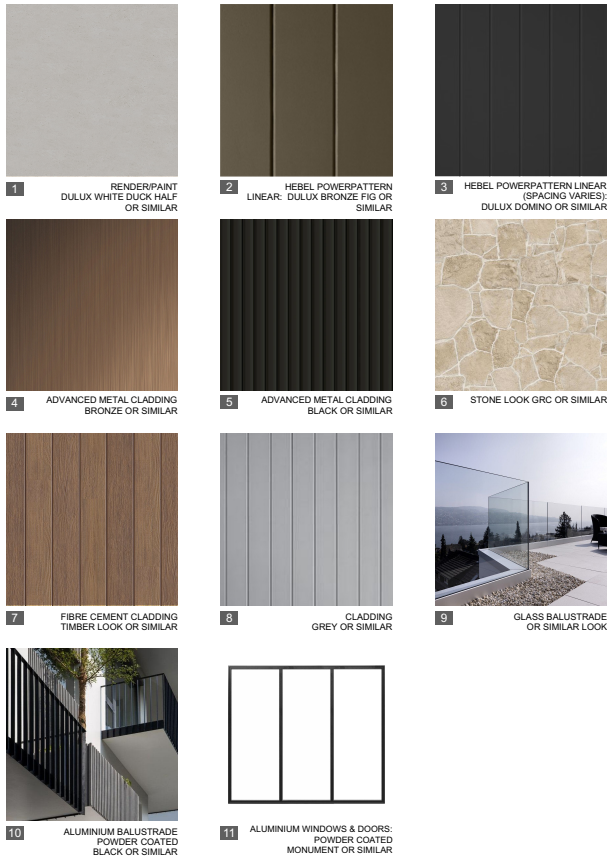




E-04  
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WEST ELEVATION  
1:200

<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2.07 5 Rider Boulevard Rhodes NSW 2108 Australia T: +61 481 988 889 E: admin@texcodesign.com.au texcodesign.com.au	<b>Nominated Architect</b> Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed -Land Surveyor: JGA Surveyors -Town Planner: Matrix Developments -Structural Engineer: JCD Consulting -Landscape Architect: Green -Traffic Engineer: T2 Group -Acoustic Engineer: FKA -Geotechnical Engineer: Blue Geotechnics -Access Consultant: Ergon Consulting -SEA Consultant: BA	Rev#   Submission/Iss Date   Approved By   Issue No. A   01/10/2025     ISSUE	<b>NOTE</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Changes shall not be used for contracting purposes until issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd. All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site. All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON	TRUE NORTH  PAPER <b>A3</b> 1200	<b>DRAWING TITLE :</b> ELEVATION <b>WEST ELEVATION</b>	REVISION NO. <b>A</b> DRAWING NO. <b>A204</b>
					Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project NO: 2551 Project Status: DA		<b>PROJECT NAME :</b> <b>3-5 HAMPTON COURT RD                  CARLTON</b>	



<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2/07 5 Rider Boulevard Rhodes NSW 2138 Australia  T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	<b>Nominated Architect</b> Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed  -Lead Designer: JGA Karyon -Team Partner: Matrix Developments -Structural Engineer: JCD Consulting -Landscape Architect: Concept -Generalist: Gensert -Traffic Engineer: F2J Group -Acoustic Engineer: PKA -Geotechnical Engineer: Blue Geotechnics -Access Consultant: Ergon Consulting -JCA Consultant: JCA	Revit/A Issued Date: 01/10/2025 Approved By: [Signature] Issue: [Text]	<b>NOTE</b>  The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written documents only. Do not make drawings. Changes shall not be used for construction purposes until issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.  All boundaries and contours are subject to survey drawing. All levels to Australian Height Date. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.  All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON  Drawn   Checked: EH   JC Revision Date: 30/10/25 Project NO.: 2551 Project Status: DA	TRUE NORTH  PAPER A3 1:400	<b>DRAWING TITLE :</b> SCHEDULE <b>MATERIAL SCHEDULE</b>  <b>PROJECT NAME :</b> <b>3-5 HAMPTON COURT RD                  CARLTON</b>	REVISION NO. <b>A</b>  DRAWING NO. <b>A401</b>
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DOOR LIST										
ID	DBF01	DBF02	DBF03	DE01	DE02	DE03	DS01	DS02	DS03	DS04
TYPE	BI-FOLD	BI-FOLD	BI-FOLD	ENTRY DOOR	ENTRY DOOR	ENTRY DOOR	SLIDING DOOR	SLIDING DOOR	SLIDING DOOR	SLIDING DOOR
NOMINAL W x H	4,200x2,500	4,800x2,500	4,500x2,600	1,800x2,500	820x2,100	1,500x2,100	2,100x2,600	2,100x2,600	2,400x2,600	1,650x2,600
PLAN										
ELEVATION										
QUANTITY	1	1	2	1	2	1	49	12	8	8
FRAME COLOR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MEDIUM BRONZE OR SIMILAR	MEDIUM BRONZE OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR

DOOR LIST	
ID	GR01
TYPE	PERFORATED ROLLER SHUTTER DOOR
NOMINAL W x H	4,500x3,090
PLAN	
ELEVATION	
QUANTITY	1
FRAME COLOR	MEDIUM BRONZE OR SIMILAR

REFER TO CORRESPONDING SECTION J REPORT FOR CORRECT WINDOW SPECIFICATIONS / ALLOCATIONS (SEE AE.05 FORM FOR DETAIL)

**BCA REQUIREMENT:**  
 NOTE: ALL OPERABLE WINDOWS TO HAVE WINDOW RESTRICTORS THAT NOT PERMIT A 125MM SPHERE TO PASS THROUGH THE WINDOW OPENING IN ACCORDANCE TO PART 11.3.7 OF ABCA 2022 VOLUME 2

NOTE: ANY WINDOWS SERVING POOL AREA TO BE RESTRICTED TO AN OPENING OF 100MM FOR THAT PORTION BELOW 1800MM FFL

ALL THE DOOR AND WINDOW OPENING DIRECTION REFER TO FLOOR PLAN FOR REFERENCE

<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2.07 5 Rider Boulevard Rhodes NSW 2108 Australia  T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	<b>CONSULTANTS</b> Refer to consultant documentation when directed  <ul style="list-style-type: none"> <li>-Land Surveyor: JGA Surveys</li> <li>-Town Planner: Matrix Developments</li> <li>-Structural Engineer: JCD Consulting</li> <li>-Landscape Architect: Gensel</li> <li>-Traffic Engineer: F2J Drive</li> <li>-Acoustic Engineer: PKA</li> <li>-Geotechnical Engineer: Blue Geotechnics</li> <li>-Access Consultant: Ergon Consulting</li> <li>-SEA Consultant: BLS</li> </ul>	Revit: A Transmittal Date: 07/10/2025 Approved By: ISSUE 1	<b>NOTE</b>  The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Drawings shall not be used for construction purposes and must be confirmed. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.  All boundaries and contours are subject to survey drawing. All levels to Australian Height Date. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.  All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON  Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project NO: 2551 Project Status: DA	TRUE NORTH  PAPER A3	DRAWING TITLE : <b>SCHEDULE DOOR SCHEDULE</b>  PROJECT NAME : <b>3-5 HAMPTON COURT RD CARLTON</b>	REVISION NO.  <b>A</b>  DRAWING NO. <b>A402</b>
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WINDOW LIST								
ID	WA01	WA02	WA03	WA04	WA05	WA06	WH01	WH02
TYPE	AWNING WINDOW	AWNING WINDOW	AWNING WINDOW	AWNING WINDOW	AWNING WINDOW	AWNING WINDOW	HIGH LEVEL WINDOW	TOP HUNG WINDOW
NOMINAL W x H	900x2,600	1,800x2,600	1,100x2,600	2,000x1,800	2,700x2,600	900x2,000	900x800	1,200x600
PLAN								
ELEVATION								
QUANTITY	50	11	29	8	2	6	38	5
FRAME COLOUR / MATERI...	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SIMILAR	MONUMENT OR SI...	MONUMENT OR SI...
W/D NOMINAL SILL HEIGHT	0	0	0	600	0	600	1,800	2,500

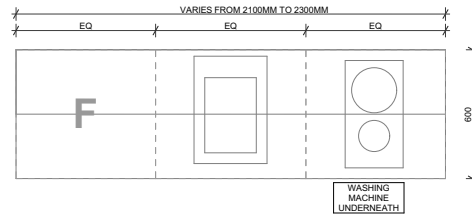
REFER TO CORRESPONDING SECTION J REPORT FOR CORRECT WINDOW SPECIFICATIONS / ALLOCATIONS (SEE AE.05 FORM FOR DETAIL)

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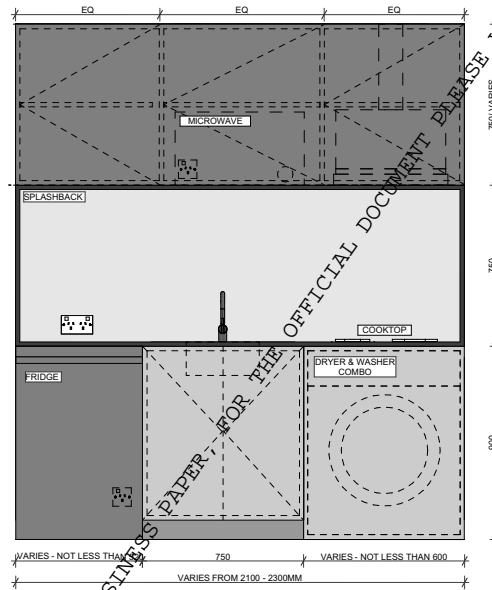
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ALL THE DOOR AND WINDOW OPENING DIRECTION REFER TO FLOOR PLAN FOR REFERENCE

<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2.07 5 Rider Boulevard Rhodes NSW 2138 Australia T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	<b>CONSULTANTS</b> Refer to consultant documentation when directed - Land Surveyor: GKA Surveys - Town Planner: Matrix Developments - Stormwater Engineer: JCD Consulting - Landscape Architect: Greenleaf - Traffic Engineer: G2 Group - Arborist: FKA - Acoustic Engineer: Blue Geosciences - Geotechnical Engineer: Ergon Consulting - Access Consultant: GKA Consulting - QS:	Revit: A Issued: 01/10/2025 Approved By: [Signature] Issue No: [Number]	<b>NOTE</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Changes shall not be used for construction purposes and must be confirmed. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd. All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site. All documents herein are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project NO: 2551 Project Status: DA	TRUE NORTH  PAPER A3	DRAWING TITLE : SCHEDULE WINDOW SCHEDULE PROJECT NAME : 3-5 HAMPTON COURT RD CARLTON	REVISION NO. A DRAWING NO. A403
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TYPICAL KITCHEN PLAN 1:20



TYPICAL KITCHEN ELEVATION 1:20

<b>ARCHITECTS</b>  <b>TEXCO DESIGN</b> Suite 2/07 5 Rider Boulevard Rhodes NSW 2138 Australia T: +61 481 984 889 E: admin@texcodesign.com.au texcodesign.com.au	<b>Nominated Architect</b> Jane Chan NSW 13041	<b>CONSULTANTS</b> Refer to consultant documentation when directed - Land Surveyor: IGA Surveys - Town Planner: Matrix Developments - Stormwater Engineer: JCD Consulting - Landscape Architect: Concept - Geotechnical Engineer: G2 Grow - Acoustic Engineer: PKA - Geotechnical Engineer: Elite Geotechnics - Access Consultant: Ergon Consulting - IGA Consultant	Rev/Iss A 01/10/2025 Approved By: [Signature] Issue No: [Blank]	<b>NOTE</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Changes that not be used for contracting purposes will result for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd. All boundaries and contours are subject to survey drawing. All levels to Australian Height Date. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site. All documents here within are subject to Australian Copyright Laws.	<b>PROJECT</b> Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project No: 2551 Project Status: DA	TRUE NORTH PAPER A3 1:20	DRAWING TITLE : SCHEDULE <b>TYPICAL KITCHEN DETAILS</b> PROJECT NAME : <b>3-5 HAMPTON COURT RD CARLTON</b>	REVISION NO. <b>A</b> DRAWING NO. <b>A404</b>
	ARCHITECTS Nominated Architect Jane Chan NSW 13041		CONSULTANTS Refer to consultant documentation when directed		Rev/Iss A 01/10/2025 Approved By: [Signature] Issue No: [Blank]	NOTE The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not make drawings. Changes that not be used for contracting purposes will result for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd. All boundaries and contours are subject to survey drawing. All levels to Australian Height Date. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site. All documents here within are subject to Australian Copyright Laws.	PROJECT Client: HAMPTON RESIDENCES Site: 3-5 HAMPTON COURT RD, CARLTON Drawn   Checked: EH   JC Revision Date: 3/12/2025 Project No: 2551 Project Status: DA	TRUE NORTH PAPER A3 1:20

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## REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 07 MAY 2026

### LPP019-26 5 MONA STREET ALLAWAH NSW 2218

<b>LPP Report No</b>	<b>LPP019-26</b>	<b>Development Application No</b>	<b>DA2025/0567</b>
<b>Site Address &amp; Ward Locality</b>	5 Mona Street ALLAWAH NSW 2218 Kogarah Bay Ward		
<b>Proposed Development</b>	Demolition works and construction of co-living and boarding house		
<b>Owners</b>	Shilei Yang		
<b>Applicant</b>	Shilei Yang		
<b>Planner/Architect</b>	Texco Design		
<b>Date Of Lodgement</b>	23/12/2025		
<b>Submissions</b>	Twenty-one (21)		
<b>Cost of Works</b>	\$8,486,258.00		
<b>Local Planning Panel Criteria</b>	A development application must be referred to (and determined by) the Local Planning Panel if it is considered contentious, which includes where: 10 or more unique submissions by way of objection have been received during the public exhibition period.		
<b>Report prepared by</b>	Principal Planner		
<b>RECOMMENDATION</b>	Refusal		

### EXECUTIVE SUMMARY

This matter is reported to Georges River Council's Local Planning Panel (the Panel) in accordance with Schedule 1, Part 2 of the Local Planning Panel Direction – Development Applications and Applications to Modify Development Consents, issued by the Minister for Planning and Public Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979.

The development application is required to be referred to the Panel for determination as it received 10 or more unique submissions by way of objection during the exhibition process.

### BACKGROUND

On 29 January 2026, the Applicant commenced proceedings in Class 1 of the Land and Environment Court's jurisdiction appealing against the deemed refusal of the development application.

### PROPOSAL

The application seeks consent for the demolition of existing structures and construction of a seven storey co-living housing development with basement level parking and associated works.

Specifically, the application seeks consent for the following:

- Basement level 2: Four (4) car parking spaces inclusive of one (1) accessible parking space, twelve (12) bicycle spaces, three (3) motorcycle spaces, pump room, services, fire stairs and two (2) lifts.
- Basement Level 1: Seven (7) car parking spaces inclusive of two (2) accessible parking spaces, services, storage, fire stairs and two (2) lifts.
- Lower Ground: Waste room, bulky waste, special waste, fire stairs, one (1) co-living room, communal living area, accessible toilet, communal open space, hydrant booster and two (2) lifts.
- Ground Level: Eight (8) boarding rooms, bin room, communal living area, services, fire stairs and two (2) lifts.
- Level 1: Nine (9) co-living rooms, bin room, fire stairs, services and two (2) lifts.
- Level 2: Nine (9) co-living rooms, bin room, fire stairs, services and two (2) lifts.
- Level 3: Nine (9) co-living rooms, bin room, fire stairs, services and two (2) lifts.
- Level 4: Nine (9) co-living rooms, bin rooms, fire stairs, services and two (2) lifts.
- Level 5: None (9) co-living rooms, bin rooms, fire stairs, services and two (2) lifts.

## ASSESSMENT

Development Application No. DA2025/0567 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 an assessment against the provisions contained within:

- State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021;
- State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (SEPP) (Housing) 2021; and
- Georges River Local Environmental Plan 2021 (GRLEP 2021); and
- Georges River Development Control Plan 2021 (GRDCP 2021).

The assessment has identified that the proposal does not comply with a range of statutory controls and development standards resulting in an unsatisfactory planning outcome. The development fails to satisfy the non-discretionary standards for boarding and co-living housing under the SEPP (Housing) 2021, including inadequate communal living space, insufficient communal open space, and non-compliant building separation distances.

The proposal exceeds the maximum building height prescribed under Clause 4.3 of the Georges River Local Environmental Plan 2021 and relies on a Clause 4.6 variation request that is unsatisfactory. The submitted request does not accurately quantify the extent of the non-compliance, noting that orientations are incorrectly labelled, and the degree of additional overshadowing has not been quantified. Further, the request fails to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances and improperly relies on assertions of high-quality design that are dependent on a non-compliant building height. Accordingly, the variation does not establish sufficient environmental planning grounds to justify the proposed departure.

There are further non-compliances with Clause 6.10 of the Georges River Local Environmental Plan 2021 relating to design excellence, and Clause 6.12 relating to landscaping. In this regard, the proposal fails to provide sufficient deep soil zones and adequate setbacks to support trees of a mature size and canopy spread, thereby limiting the opportunity to soften the built form and achieve an appropriate landscape outcome. The development also does not satisfy Section 6.3.3 and Appendix 4 of the GRDCP 2021 in relation to building setbacks and the street interface and waste management resulting in unacceptable impacts on the orderly and economic development of surrounding land and streetscape character.

A detailed consideration of these matters is provided in the attached assessment report. Collectively, the unresolved issues confirm that the proposal does not represent a suitable form of development for the site, cannot be supported on planning merits, and form the basis of Council's contentions in the appeal.

## NOTIFICATION

The application was notified in accordance with Council's Community Engagement Policy between 29 January 2026 to 26 February 2026. Twenty-one (21) submissions were received during the neighbour notification period. Details of the submissions are outlined in Council's assessment report.

## RECOMMENDATION

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determined DA2025/0567 for demolition works and construction of a seven storey co-living and boarding house at 5 Mona Street, Allawah should not be approved subject to the following reasons referenced below:

1. The application fails to satisfy Section 25(1)(g)(ii) and Section 69(b)(1)(ii) of the State Environmental Planning Policy (Housing) 2021 with regard to minimum lot size [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
2. The application fails to satisfy Section 25(2)(e) and Section 69(2)(c) of the State Environmental Planning Policy (Housing) 2021 with regard to solar access [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
3. The application fails to satisfy Section 24(2)(g) and Section 68(2)(c) of the State Environmental Planning Policy (Housing) 2021 with regard to communal living [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
4. The application fails to satisfy Section 24(2)(h) and Section 68(2)(d) of the State Environmental Planning Policy (Housing) 2021 with regard to communal open space [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
5. The application fails to satisfy Section 25(2)(c) and Section 69(2)(b) of the State Environmental Planning Policy (Housing) 2021 with regard to building separation [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].

6. The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 with regard to building height [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
7. The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to demonstrating compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to support the departure [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
8. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
9. The application fails to satisfy Clause 6.12 of the Georges River Local Environmental Plan 2021 with regard to landscaping [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
10. The application fails to satisfy Section 6.3.3 of the Georges River Development Control Plan 2021 with regard to building setbacks and street interface [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
11. The application fails to satisfy Appendix 4 of the Georges River Development Control Plan 2021 with regard to waste management [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
12. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*] including:
  - a. Deficient architectural plans have been provided with regard to the allocation of boarding and co-living rooms.
  - b. A deficient waste management plan has been provided.
  - c. Insufficient information has been provided to address the Water NSW response.
  - d. Insufficient information has been provided to address the NSW Police response.
13. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the *Environmental Planning & Assessment Act 1979*].

## ATTACHMENTS

- Attachment 1 Architectural Plans
- Attachment 2 Assessment Report
- Attachment 3 Clause 4.6 - Height of Building
- Attachment 4 Clause 4.6 - Minimum Lot Size

# 5 MONA ST ALLAWAH

CO-LIVING HOUSING + BOARDING HOUSE  
DEVELOPMENT APPLICATION  
DP 7182

SUBSET ID & NAME	DRAWING NO.	DRAWING NAME
A0 GENERAL	A001	COVER PAGE
A0 GENERAL	A002	SECTION J - COMMENTS
A0 GENERAL	A003	SURVEY
A0 GENERAL	A004	DEMOLITION PLAN
A0 GENERAL	A005	TREE REMOVAL PLAN
A0 GENERAL	A006	SITE PLAN
A0 GENERAL	A007	SITE ANALYSIS
A0 GENERAL	A008	STREETSCAPE ANALYSIS
A0 GENERAL	A009	GFA CALCULATION
A0 GENERAL	A010	GIA CALCULATION
A0 GENERAL	A011	OSI CALCULATION
A0 GENERAL	A012	DEEP SOIL CALCULATION
A0 GENERAL	A013	UNIT SCHEDULE
A0 GENERAL	A014	EVACUATION DIAGRAM
A0 GENERAL	A015	SUNEYE DIAGRAM - 21ST JUNE
A0 GENERAL	A016	SHADOW PLAN DIAGRAM - 21ST JUNE
A0 GENERAL	A017	BUILDING HEIGHT LIMIT DIAGRAM
A1 PLANS	A101	BASEMENT 2 PLAN
A1 PLANS	A102	BASEMENT 1 PLAN
A1 PLANS	A103	LOWER GROUND FLOOR PLAN
A1 PLANS	A104	GROUND FLOOR PLAN
A1 PLANS	A105	LEVEL 1 PLAN
A1 PLANS	A106	LEVEL 2 PLAN
A1 PLANS	A107	LEVEL 3 PLAN
A1 PLANS	A108	LEVEL 4 PLAN
A1 PLANS	A109	LEVEL 5 PLAN
A1 PLANS	A110	ROOF PLAN
A2 ELEVATION	A201	NORTH ELEVATION
A2 ELEVATION	A202	SOUTH ELEVATION
A2 ELEVATION	A203	EAST ELEVATION
A2 ELEVATION	A204	WEST ELEVATION
A3 SECTION	A301	SECTION A
A3 SECTION	A302	SECTION B
A3 SECTION	A303	SECTION C - DRIVEWAY RAMP
A4 SCHEDULE	A401	MATERIAL SCHEDULE
A4 SCHEDULE	A402	DOORS SCHEDULE
A4 SCHEDULE	A403	WINDOWS SCHEDULE
A4 SCHEDULE	A404	TYPICAL KITCHEN DETAILS

**SITE AREA:** 677.1m<sup>2</sup>  
**PROPOSED FSR:** 2.6 : 1  
**PROPOSED GFA:** 1,760.38 m<sup>2</sup>  
**UNIT MIX:**  
 DOUBLE ROOMS 54  
 COMMUNAL LIVING AREA 2



PERSPECTIVE IMAGE: VIEW FROM JUNCTION OF ILLAWARRA ST & MONA ST

T

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 GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER

3.0 SUMMARY AND CONCLUSIONS

Considering the design elements nominated on the Proposed Development provided by "Texco Design" the following can be concluded for the Proposed Development to meet the Deemed to Satisfy requirements of Section J of the Building Code of Australia 2022 Amendment 1, Energy Efficiency:

- 1 For roof and ceiling construction of the Proposed Development as per insulation markings of this report, install minimum R 3.30 m².k/w insulation to provide a combined roof and ceiling system with total thermal resistance of R 3.70 m².k/w. The absorptance of the upper surface of a roof should not exceed 0.45.
2 For the external envelope walls of the Proposed Development as per insulation markings of this report, install additional insulation to provide a wall system with total thermal resistance of R 1.40 m².k/w.
3 Provide a thermal break consisting of an insulating material with a minimum R0.2 m².k/w installed between the external cladding and its supporting metal frame elements for light weight cladding envelope walls if the cladding sheet and internal wall lining are attached to supporting metal framing elements.
4 For all windows and glazed door envelope elements install windows with Total System U-value no more than 5.80 W/m².k and SHGC no more than 0.41.
5 For floor of the Proposed Development as per insulation markings of this report, install minimum R 1.10 m².k/w insulation to provide a floor system with total thermal resistance of R 2.0 m².k/w.
6 Installed insulation must comply with AS/NZS 4859.1:2018 and be installed in such a way to meet the following requirements:
a. The insulation must abut or overlap adjoining insulation other than at supporting members such as studs, noggin, joists, furring channels and the like where the insulation must be against the member.
b. The installed insulation must form a continuous barrier with ceiling, walls, bulkheads, floors or the like that inherently contribute to the thermal barrier while does not affect the safe and effective operation of a service or fitting.
c. The bulk insulation must maintain its position and thickness other than when it is compressed between cladding and supporting members, water pipes, electrical cabling or the like, in a ceiling, where there is no bulk insulation or reflective insulation in the wall beneath, it overlaps the wall by not less than 20 mm.
d. Reflective insulation must be installed with the necessary airspace to achieve the required R Value and be adequately supported by framing members. Each adjoining sheet of rolf membrane must be overlapped by not less than 50 mm or taped together. It must be closely fitted against any penetration, door or window opening.
7 For all openable windows and external doors of the conditioned areas of the Proposed Development except for fire doors, smoke doors and roller shutter doors, roller shutter grille or other security door or device installed only for out-of-hours security if any, provide air seals on all edges or provide windows complying with AS 2047. The air seals can be a foam or rubber compression strip, fibrous seal or the like.
8 For the external doors leading to internal conditioned areas, provide a draft protection device for the bottom edge and for other edges provide air seals like a foam or rubber compression strip or fibrous seal.
9 For the main entry door to the building and for each individual unit, provide self-closing mechanism.
10 Exhaust fans of the conditioned areas of the Proposed Development if any, must be equipped with a self-closing damper or similar.
11 Roofs, ceilings, walls, floors, windows frames and doors frames of the conditioned areas of the Proposed Development must be enclosed by internal lining systems that are close fitting at ceiling, wall and floor junctions OR be sealed at junctions and penetrations by close fitting architrave, skirting, cornice, expanding foam, rubber compressible strip, caulking or the like. These requirements do not apply to openings, grilles or the like required for smoke hazard management.
12 For the lighting electrical power of internal areas of the Proposed Development maximum design power allowed is 1.6687 watts.
13 For all the lighting of all internal areas of the Proposed Development every room must be individually operated by a switch or other control devices or both.
14 For each individual occupancy unit of the Proposed Development, provide an occupant activated device such as a room security device, a motion detector or the like to cut power to the artificial lighting, air conditioner, local exhaust fans and bathroom heater when the sole occupancy is unoccupied.
15 All light switches or other control devices of the Proposed Development must be in the same room being switched or in an adjacent room or space from where 90% of the lighting being switched is visible.
16 All light switches or other control devices of the Proposed Development must not lighting of no more than 1000 m² of area.
17 All lighting and power control devices of the Proposed Development including timers, time switches, motion detectors and daylight control devices must meet the guidelines

and specifications outlined in lighting and power control devices requirements section of this report immediately after this conclusion.

- 18 For the fire isolated staircases, artificial lighting must be controlled by a motion detector.
19 Artificial lighting of a foyer, corridor and other circulation spaces of the Proposed Development if it is more than 250 W within a single zone and if it is adjacent to windows must be controlled by a daylight sensor and dynamic lighting control device.
20 For the first 19 meter of travel in the car park entry zone install a daylight sensor to control the operation of the lights.
21 Interior decorative and display lighting if installed for the Proposed Development, must be separately controlled from other artificial lighting and by a manual switch for each area (other than when the operating times of the display are the same in a number of areas such as in a museum, art gallery or the like) and a time switch if the display lighting exceeds 1kW.
22 Windows display lighting if installed must be controlled separately from other display lighting.
23 Exterior artificial lighting attached to or directed at the facade of a building must be controlled by either a daylight sensor or a time switch which is capable of being programmed for different times of the day on variable days.
24 If the exterior artificial lighting above exceeds 100 W of power unless for emergency lighting use LED luminaires for 90% of the total lighting load or use motion sensors for the light control. Install a separate time switch if it is used for decorative purposes such as facade or signage lighting.
25 If installing boiling water or chilled water storage unit, install a time switch for the power supply.
26 The lifts must be configured to ensure artificial lighting and ventilation in the car are turned off when it is unused for 15 minutes.
27 The lifts' idle and standby energy performance must follow the ISO 25745-2 standards based on the following criteria:
a. For rated load of up to 800 Kg, level 2
b. For rated load of 801 to 2000 Kg, level 3
c. For rated load of 2001 to 4000 Kg, level 4
d. For rated load of more than 4000 Kg, level 5
28 By following the ISO 25745-2, the lifts for category 1 to 4 has a class C energy efficiency and for usage category of 5 to 6 more have a class D energy efficiency.
29 For the Proposed Development provide an energy meter which are configured to record the time-of-use consumption of gas and electricity.
30 For the Proposed Development provide facilities to record the energy consumption of the following items individually:
a. air-conditioning plant, where appropriate, heating plant, cooling plant and air handling fans
b. artificial lighting
c. appliance power supply
d. central hot water supply
e. internal transport devices including lifts, escalators and travelators where there is more than one serving the building
f. other renewable energy equipment
g. electric vehicle charging equipment
h. on-site battery systems
i. other ancillary plant
These energy meters must be interfaced by a communication system that collates the time-of-use energy consumption data to a single interface monitoring system where it can be stored, analysed and reviewed.
32 For the main electrical switchboard of a building provide at least two empty 3-phase circuit breaker slots and four DIN rail spaces labeled to indicate the use of each space for a solar photovoltaic system and a battery system. The board must have adequate size to accommodate the installation of solar photovoltaic panels producing their maximum electrical output on at least 20% of the building roof area.
33 For the Proposed Development at least 20% of the roof area of a building must be left clear for the installation of solar photovoltaic panels.

REFER TO SECTION J REPORT FOR DETAIL

NOTE

The Builder shall check all dimensions and levels on site prior to construction, before any earth, foundations or structures to the architect. Refer to working dimensions only. Do not scale drawings. Contractors shall not be held for construction programs used based for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for the work when authorized in writing by Texco Design Pty Ltd.

All dimensions and contours are subject to survey checking. All works to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and establish if any variance prior to work on site. All documents here within are subject to Australian Copyright Laws.

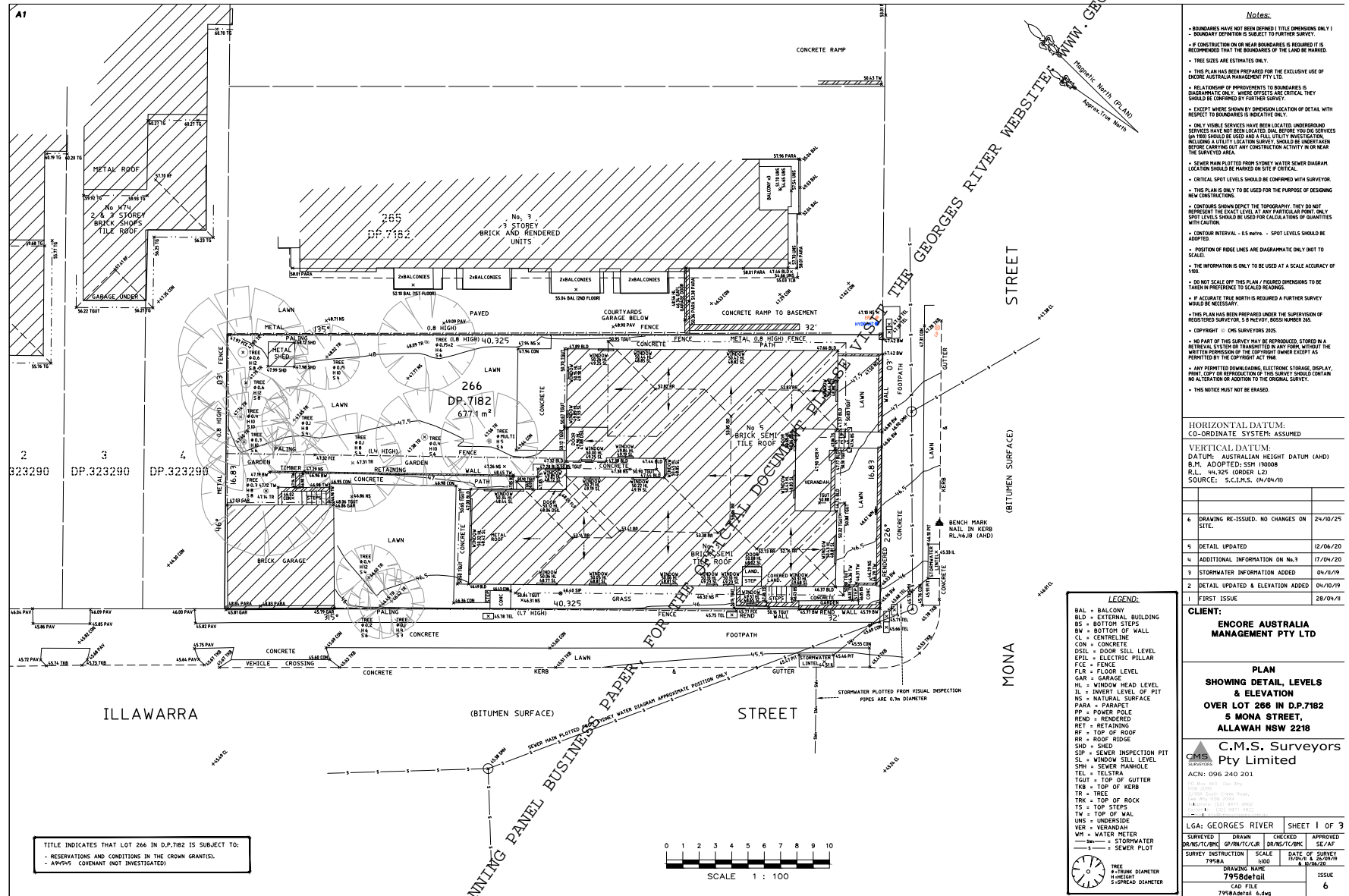
Table with 4 columns: Rev#, Description, Approved by, Rev. Date. Row 1: A, 5/12/2025, T2, ISSUE FOR REVIEW.

Project Designer TEXCO DESIGN logo and contact information: Non-Arch: NSW ABN 11348 P: +61 449 984 889

Drawn (Checked) A W I T Z | Revision Date: 5/12/2025 | Project No: 2528 | Project Status: DEVELOPMENT APPLICATION | Client: MRS. ZHANG | Site: 5 MONA ST ALLAWAH

PAPER A3 | DRAWING TITLE: GENERAL SECTION J COMMITMENTS | PROJECT NAME: 5 MONA ST ALLAWAH | REVISION NO: A | DRAWING NO: A002

Vertical watermark text: LPP019-26 Attachment 1, GEORGES RIVER BUSINESS PAPER, FOR THE OFFICIAL DOCUMENT, PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU



TITLE INDICATES THAT LOT 266 IN D.P. 7182 IS SUBJECT TO:  
 - RESERVATIONS AND CONDITIONS IN THE CROWN GRANTS.  
 - ANY/CV COVENANT NOT INVESTIGATED.



**LEGEND:**

- BAL = BALCONY
- BLD = EXTERNAL BUILDING
- BS = BOTTOM STEPS
- BW = BOTTOM OF WALL
- CL = CENTRALLINE
- CON = CONCRETE
- DSIL = DOOR SILL LEVEL
- EDIL = ELECTRIC PILLAR
- FCE = FENCE
- FL = FLOOR LEVEL
- GAR = GARAGE
- HL = WINDOW HEAD LEVEL
- IL = INVERT LEVEL OF PIT
- N = NATURAL SURFACE
- PARA = PARAPET
- PP = POWER POLE
- REND = REVERSED
- RET = RETAINING
- RF = TOP OF ROOF
- RR = ROOF RIDGE
- SHD = SHED
- SIP = SEWER INSPECTION PIT
- SL = WINDOW SILL LEVEL
- SMH = SEWER MANHOLE
- TEL = TELSTRA
- TGUT = TOP OF GUTTER
- TKB = TOP OF KERB
- TR = TREE
- TRK = TOP OF ROCK
- TS = TOP STEPS
- TM = TOP OF WALL
- UMS = UNDERSIDE
- VER = VERANDAH
- WM = WATER METER
- SW = STORMWATER
- SP = SEWER PLOT

- Notes:**
- BOUNDARIES HAVE NOT BEEN DEFINED (TITLE DIMENSIONS ONLY) - BOUNDARY DEFINITION IS SUBJECT TO FURTHER SURVEY.
  - IF CONSTRUCTION ON OR NEAR BOUNDARIES IS REQUIRED IT IS RECOMMENDED THAT THE BOUNDARIES OF THE LAND BE MARKED.
  - TREE SIZES ARE ESTIMATES ONLY.
  - THIS PLAN HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF INCORE AUSTRALIA MANAGEMENT PTY LTD.
  - RELATIONSHIP OF IMPROVEMENTS TO BOUNDARIES IS DIAGRAMMATIC ONLY. WHERE EFFECTS ARE CRITICAL THEY SHOULD BE CONFIRMED BY FURTHER SURVEY.
  - EXCEPT WHERE SHOWN BY DIMENSION LOCATION OF DETAIL WITH RESPECT TO BOUNDARIES IS INDICATIVE ONLY.
  - ONLY VISIBLE SERVICES HAVE BEEN LOCATED. UNDERGROUND SERVICES HAVE NOT BEEN LOCATED. HOWEVER, IF SUCH SERVICES ARE TO BE USED AND A FULL UTILITY INVESTIGATION INCLUDING A UTILITY LOCATOR SERVICE SHOULD BE UNDERTAKEN BEFORE CARRYING OUT ANY CONSTRUCTION ACTIVITY IN OR NEAR THE SERVED AREA.
  - SEWER MAIN PLOTTED FROM SYDNEY WATER SEWER DIAGRAM LOCATION SHOULD BE MARKED ON SITE IF CRITICAL.
  - CRITICAL SPOT LEVELS SHOULD BE CONFIRMED WITH SURVEYOR.
  - THIS PLAN IS ONLY TO BE USED FOR THE PURPOSE OF DESIGNING NEW CONSTRUCTIONS.
  - CONTOURS SHOWN EXCEPT THE TOPOGRAPHY THEY DO NOT REPRESENT THE EXACT LEVEL AT ANY PARTICULAR POINT. ONLY SPOT LEVELS SHOULD BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION.
  - CONTOUR INTERVAL - 0.5 METRE - SPOT LEVELS SHOULD BE ADOPTED.
  - POSITION OF RIDGE LINES ARE DIAGRAMMATIC ONLY (NOT TO SCALE).
  - THE INFORMATION IS ONLY TO BE USED AT A SCALE ACCURACY OF 1:100.
  - DO NOT SCALE OFF THIS PLAN / FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE DIMENSIONS.
  - IF ACCURATE TRUE NORTH IS REQUIRED A FURTHER SURVEY WOULD BE NECESSARY.
  - THIS PLAN HAS BEEN PREPARED UNDER THE SUPERVISION OF REGISTERED SURVEYOR S. E. MCINTYRE, LICENSE NUMBER 210.
  - COPYRIGHT © CHS SURVEYORS 2025.
  - NO PART OF THIS SURVEY MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER EXCEPT AS PERMITTED BY THE COPYRIGHT ACT 1969.
  - ANY PERMITTED DOWNLOADING, ELECTRONIC STORAGE, DISPLAY, PRINT OR REPRODUCTION OF THIS SURVEY SHOULD CONTAIN NO ALTERATION OR ADDITION TO THE ORIGINAL SURVEY.
  - THIS NOTICE MUST NOT BE ERASED.

**HORIZONTAL DATUM:**  
 CO-ORDINATE SYSTEM: ASSUMED

**VERTICAL DATUM:**  
 DATUM: AUSTRALIAN HEIGHT DATUM (AHD)  
 B.M. ADOPTED: SSM 18008  
 R.L. 44.325 (ORDER L2)  
 SOURCE: S.C.I.M.S. (M/04/10)

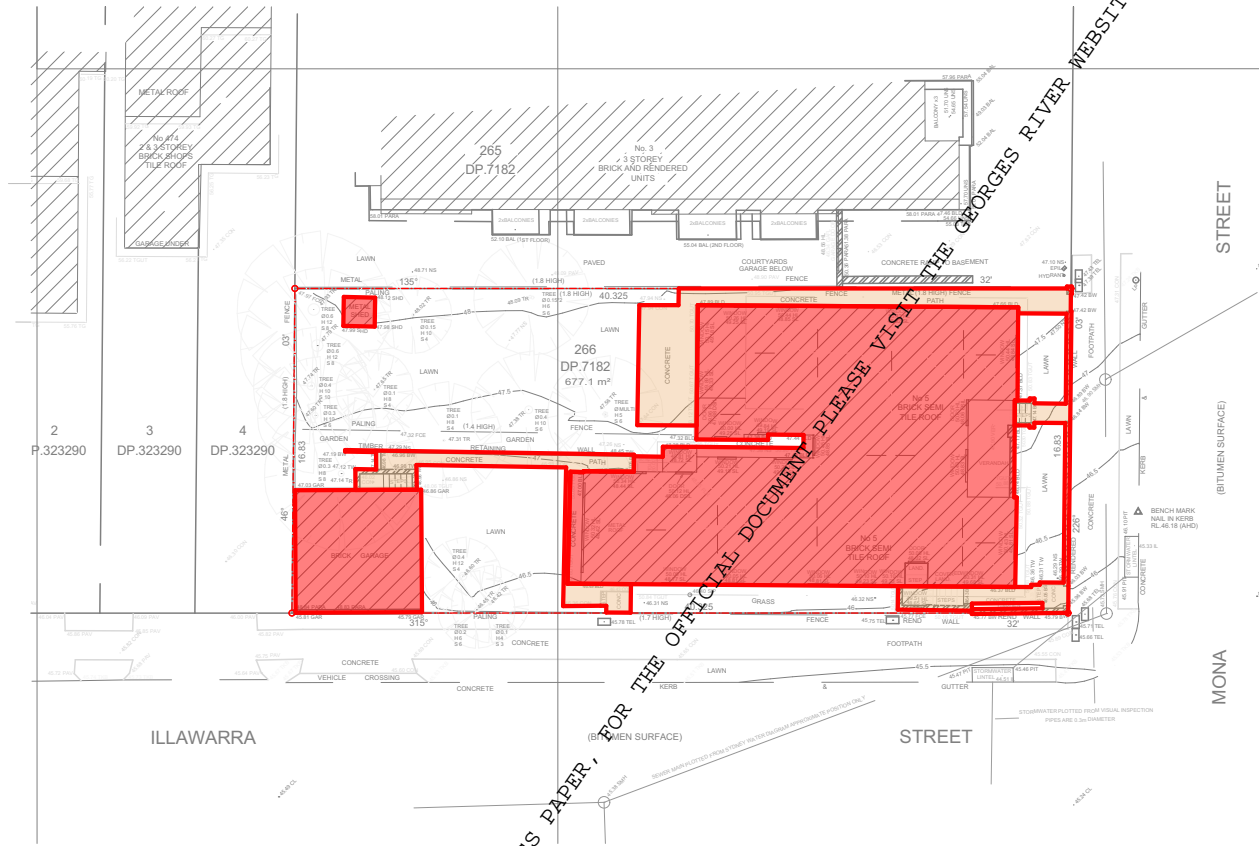
4	DRAWING RE-ISSUED, NO CHANGES ON SITE	24/10/25
5	DETAIL UPDATED	12/06/20
4	ADDITIONAL INFORMATION ON No.3	17/04/20
3	STORMWATER INFORMATION ADDED	04/10/19
2	DETAIL UPDATED & ELEVATION ADDED	04/10/19
1	FIRST ISSUE	28/04/17

**CLIENT:**  
**INCORE AUSTRALIA MANAGEMENT PTY LTD**

**PLAN SHOWING DETAIL, LEVELS & ELEVATION OVER LOT 266 IN D.P. 7182 5 MONA STREET, ALLAWAH NSW 2218**

**C.M.S. Surveyors Pty Limited**  
 ACN: 096 240 201  
 100/100 Green Street  
 Sydney NSW 2000  
 Phone: 02 9551 4333  
 Email: info@cmsurveyors.com.au

LGA: GEORGES RIVER	SHEET 1 OF 3		
SURVEYED BY: M/T/AM	DRAWN BY: M/T/AM	CHECKED BY: M/T/AM	APPROVED BY: M/T/AM
SURVEY INSTRUCTION: 7958A	SCALE: 1:100	DATE OF SURVEY: 10/04/20	DATE OF DRAWING: 04/10/19
DRAWING NAME: 7958detail	ISSUE: 6	CAD FILE: 7958detail.dwg	



**LEGEND**

- EXISTING STRUCTURE TO BE DEMOLISHED
- EXISTING BUILDING TO BE DEMOLISHED

**NOTE**  
 The Builder shall check all dimensions and levels on site prior to construction, before any works, commencing or otherwise, by the architect. Make in writing dimensions only. Do not make drawings. Contractors shall not be used for construction purposes used issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.  
 All measurements and contours are subject to survey checking. All works to Australian Height Datum. It is the contractor's responsibility to confirm all measurements on site and finalise all any services prior to work on site.  
 All documents here within are subject to Australian Copyright Laws.

Rev#	Transmittal List Date	Approved by	Rev. Note
A	5/12/2025	TZ	ISSUE FOR REVIEW

Project Designer  
  
**TEXCO DESIGN**  
 120m MONA NSW A85 11348 P: +61 449 984 889  
 E: office@texcodesign.com.au



Drawn / Checked: A W I T Z  
 Revision Date: 5/12/2025  
 Project No: 2638  
 Project Status: DEVELOPMENT APPLICATION  
 Client: MRS. ZHANG  
 Site: 5 MONA ST ALLAWAH

PAPER: A3  
 1:222.64

DRAWING TITLE: GENERAL DEMOLITION PLAN  
 PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO.: A  
 DRAWING NO.: A004

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**LEGEND**

 TREES TO BE REMOVED  
REFER TO ARBORIST REPORT FOR DETAIL

**NOTE**

The Builder shall check all dimensions and levels on site prior to construction, before any works commencing or otherwise by the architect. Make a written declaration (D) on all work done. Certificate shall not be used for construction purposes used issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.

All measurements and contours are subject to survey checking. All needs to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and establish all any services prior to work on site.

All documents here within are subject to Australian Copyright Laws.

Rev#	Transmittal Set Date	Approved by	Rev. Note
A	5/12/2025	TZ	ISSUE FOR REVIEW

Project Designer  
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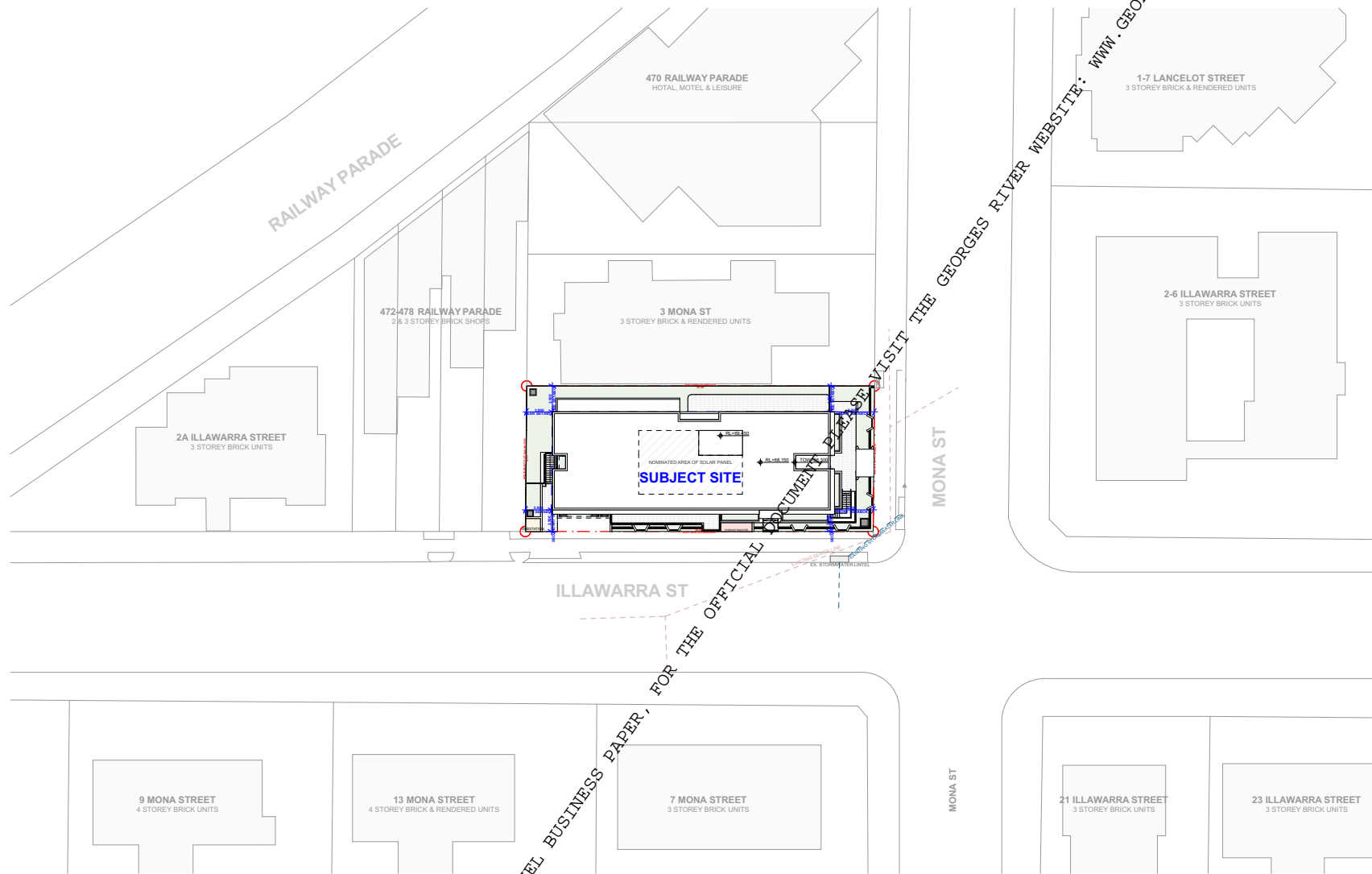


Drawn / Checked: A W I T Z  
Revision Date: 5/12/2025  
Project No: 2638  
Project Status: DEVELOPMENT APPLICATION  
Client: MRS. ZHANG  
Site: 5 MONA ST ALLAWAH

PAPER: A3  
1:222.64

DRAWING TITLE: GENERAL TREE REMOVAL PLAN  
PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO: A  
DRAWING NO: A005



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 All measurements and contours are subject to survey checking. All levels to Australian Height Datum. It is the contractors responsibility to confirm all measurements on site and boundaries of any services prior to work on site.  
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Rev#	Prepared/Issued Date	Approved by	Rev. Note
A	5/12/2025	TJZ	ISSUE FOR REVIEW

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Drawn / Checked: A W I T Z I  
 Revision Date: 5/12/2025  
 Project No: 2539  
 Project Status: DEVELOPMENT APPLICATION  
 Client: MRS. ZHANG  
 Site: 5 MONA ST ALLAWAH

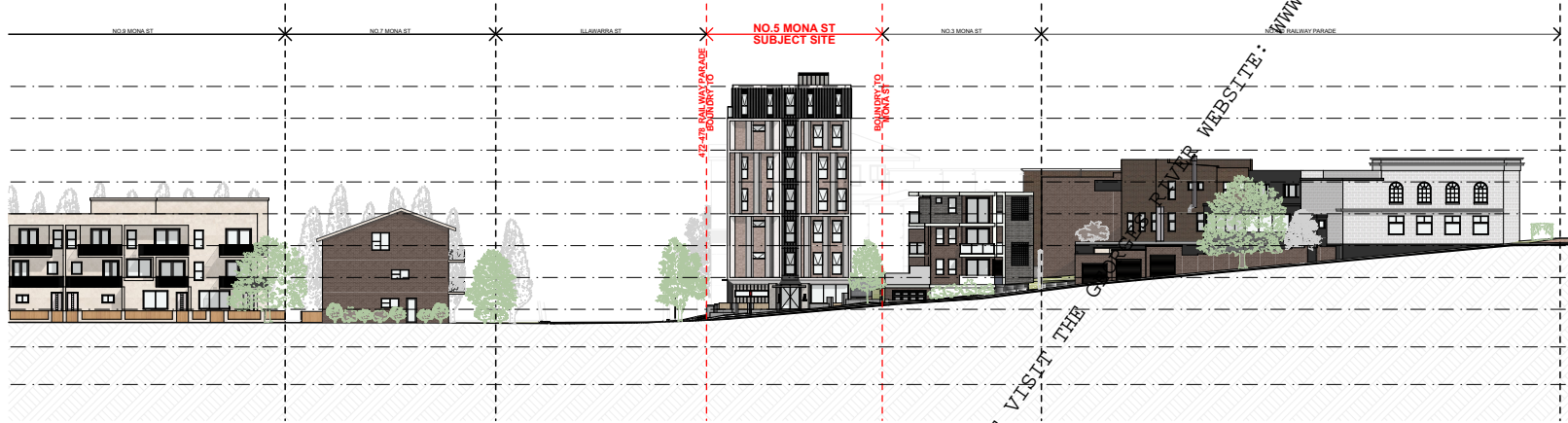
PAPER: A3  
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DRAWING TITLE: GENERAL SITE PLAN  
 PROJECT NAME: 5 MONA ST ALLAWAH

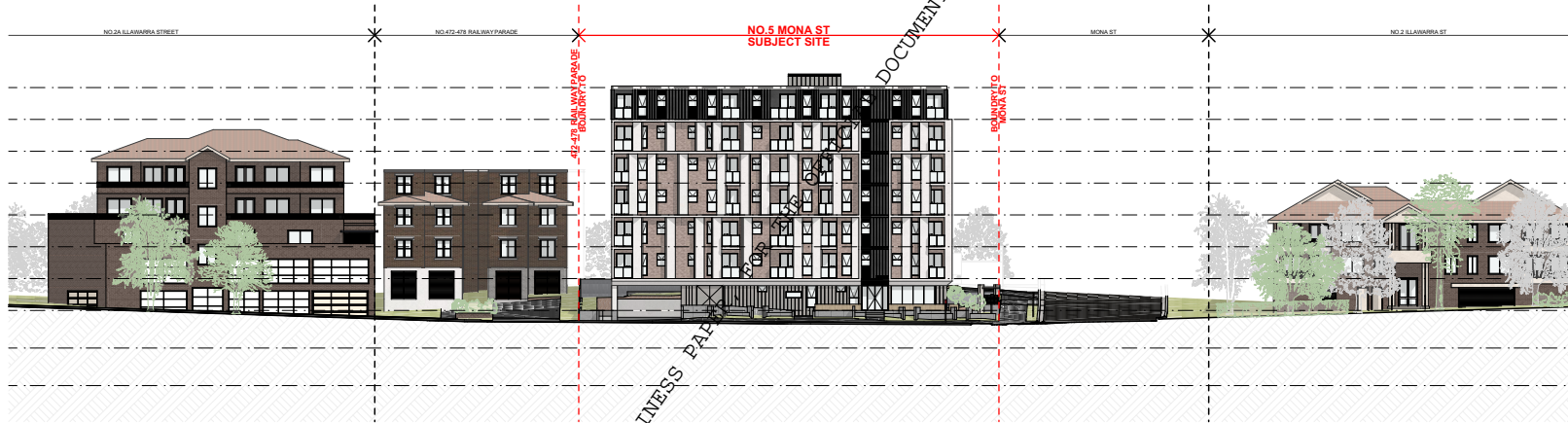
REVISION NO: A  
 DRAWING NO: A006

LPP019-26 Attachment 1





STREET ELEVATION (MONA STREET)  
1:400



STREET ELEVATION (ILLAWARRA STREET)  
1:400

**NOTE**  
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Project Designer



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Drawn | Checked | A W I T Z |  
 Revision Date: 5/12/2025  
 Project No: 2539  
 Project Status: DEVELOPMENT APPLICATION

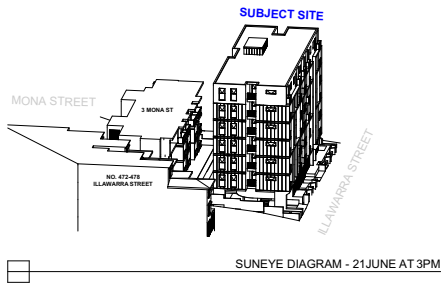
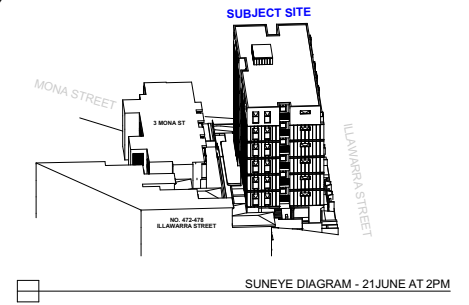
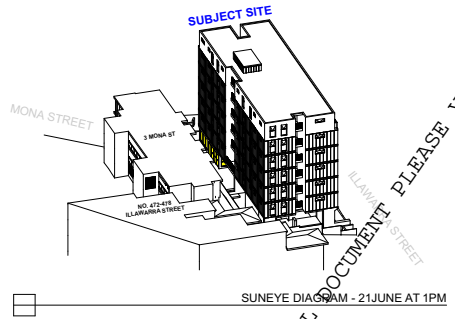
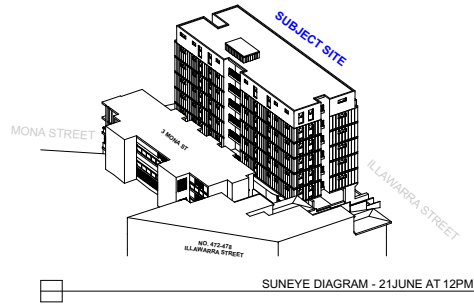
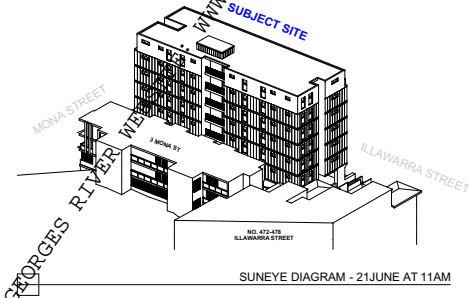
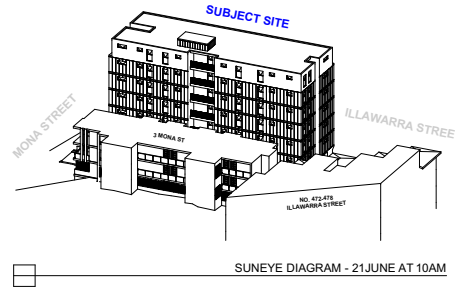
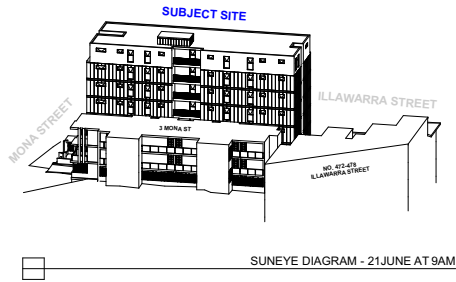
Client: MRS. ZHANG  
 Site: 5 MONA ST ALLAWAH

PAPER: A3  
 1:400

DRAWING TITLE: GENERAL STREETScape ANALYSIS

PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO. A  
 DRAWING NO. A008



OPENINGS OF THE PROPOSED COMMUNAL LIVING AREA

**SEPP REQUIREMENT**

AT LEAST 3 HOURS OF DIRECT SOLAR ACCESS WILL BE PROVIDED BETWEEN 9AM AND 3PM AT MID-WINTER IN AT LEAST 1 COMMUNAL LIVING AREA.

AREA / HOURS	9AM - 10AM	10AM - 11AM	11AM - 12APM	12PM - 1PM	1PM - 2PM	2PM - 3PM	TOTAL
COMMUNAL LIVING AREA	0HR	0HR	0HR	1HR	1HR	1HR	3HRS
							COMPLIANT

**NOTE**  
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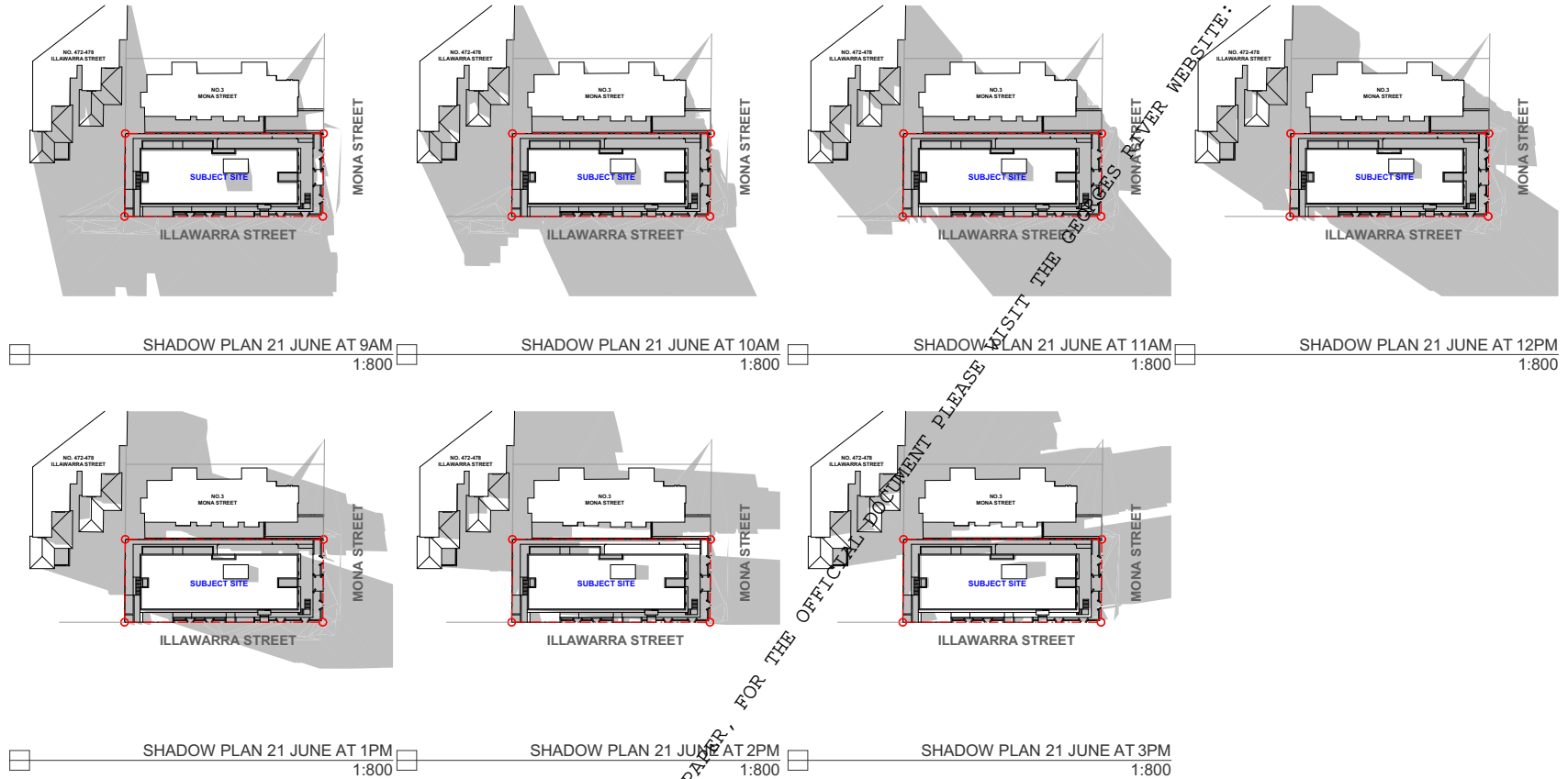


Drawn / Checked: A W I T Z  
Revision Date: 5/12/2025  
Project No: 2539  
Project Status: DEVELOPMENT APPLICATION  
Client: MRS. ZHANG  
Site: 5 MONA ST ALLAWAH

PAPER: A3

DRAWING TITLE: GENERAL  
SUNEYE DIAGRAM - 21ST JUNE  
PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO: A  
DRAWING NO: A015



**NOTE**  
 The Builder shall check all dimensions and levels on site prior to construction, before any works, foundations or structures are installed. Make to verify dimensions only. Do not make drawings. Contractors shall not be used for construction programs used issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.  
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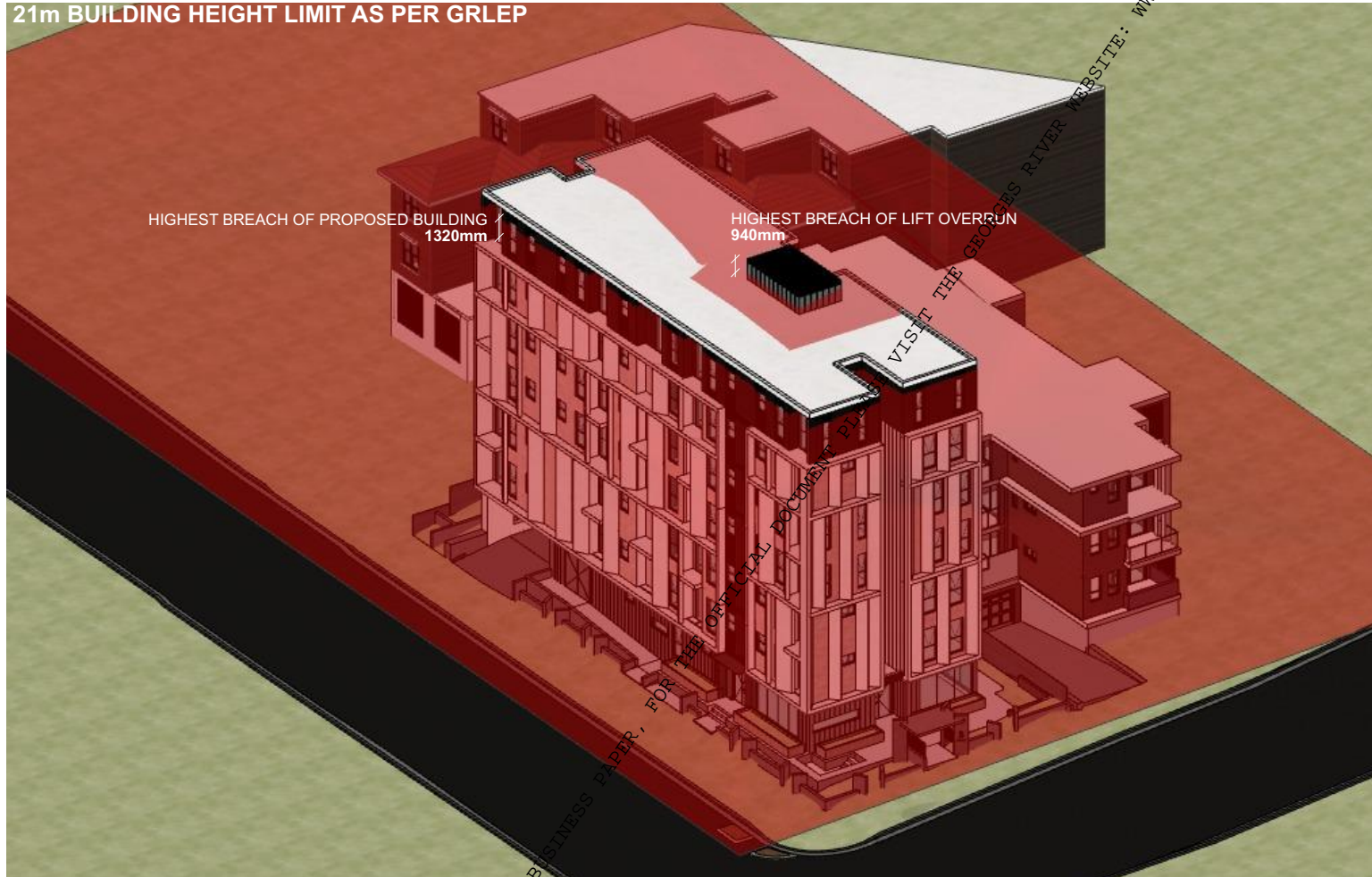
Drawn / Checked: A W I T Z  
 Revision Date: 5/12/2025  
 Project No: 2539  
 Project Status: DEVELOPMENT APPLICATION  
 Client: MRS. ZHANG  
 Site: 5 MONA ST ALLAWAH

PAPER: A3  
 1:800

DRAWING TITLE: GENERAL  
 SHADOW PLAN DIAGRAM - 21ST  
 JUNE  
 PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO: A  
 DRAWING NO: A016

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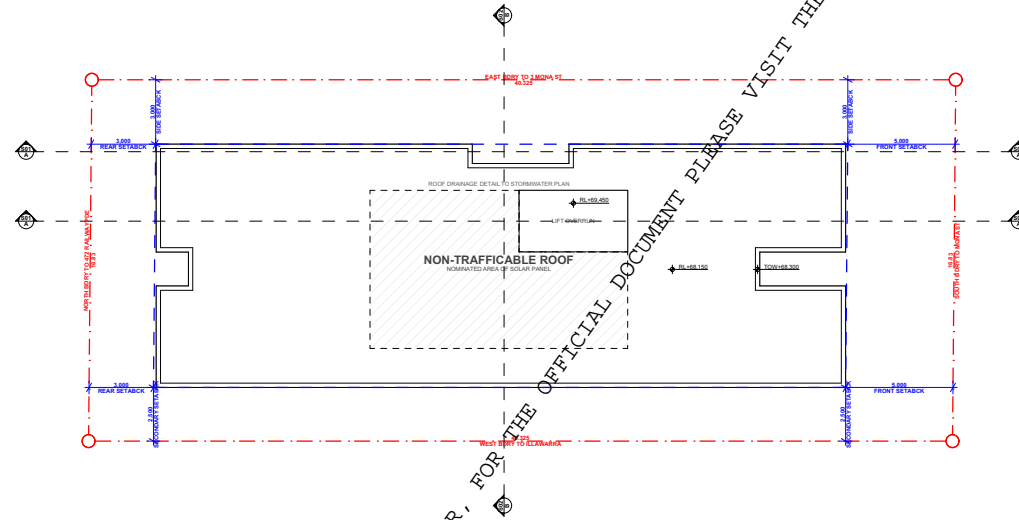
  
 TRUE NORTH

Drawn / Checked: A W I T Z |  
 Revision Date: 5/12/2025  
 Project No: 2539  
 Project Status: DEVELOPMENT APPLICATION  
 Client: MRS. ZHANG  
 Site: 5 MONA ST ALLAWAH

PAPER  
**A3**

DRAWING TITLE :  
 GENERAL  
**BUILDING HEIGHT LIMIT DIAGRAM**  
 PROJECT NAME :  
**5 MONA ST ALLAWAH**

REVISION NO.  
**A**  
 DRAWING NO.  
**A017**



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 Revision Date: 5/12/2025  
 Project No: 2539  
 Project Status: DEVELOPMENT APPLICATION

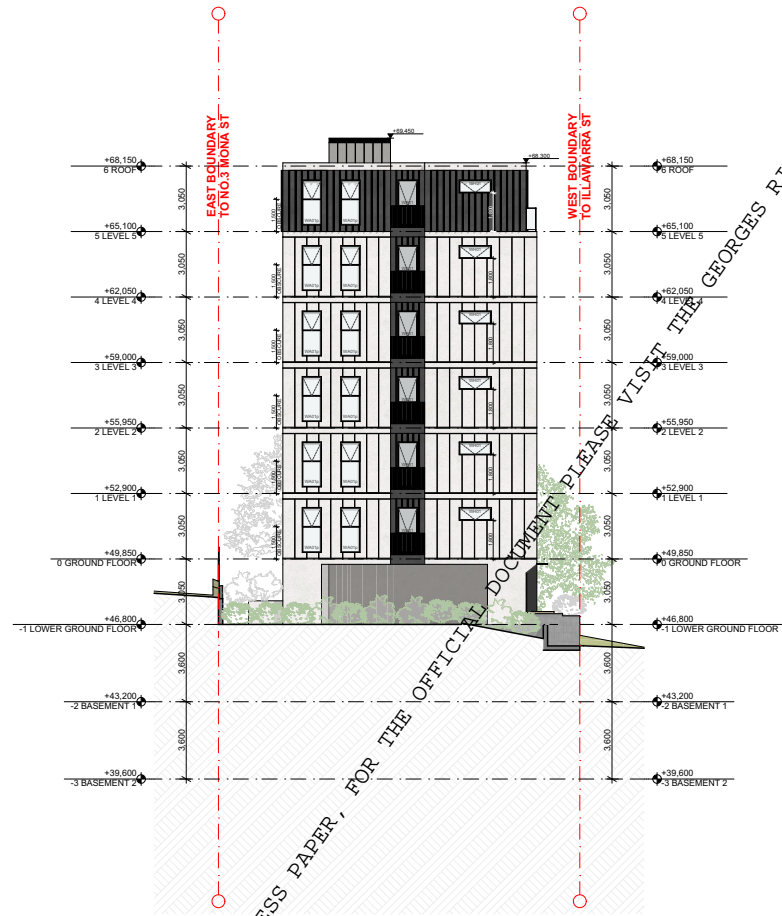
Client: MRS. ZHANG  
 Site: 5 MONA ST ALLAWAH

PAPER: A3  
 1:200

DRAWING TITLE: PLANS  
**ROOF PLAN**

PROJECT NAME: **5 MONA ST ALLAWAH**

REVISION NO: **A**  
 DRAWING NO: **A110**



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**Project Designer**  
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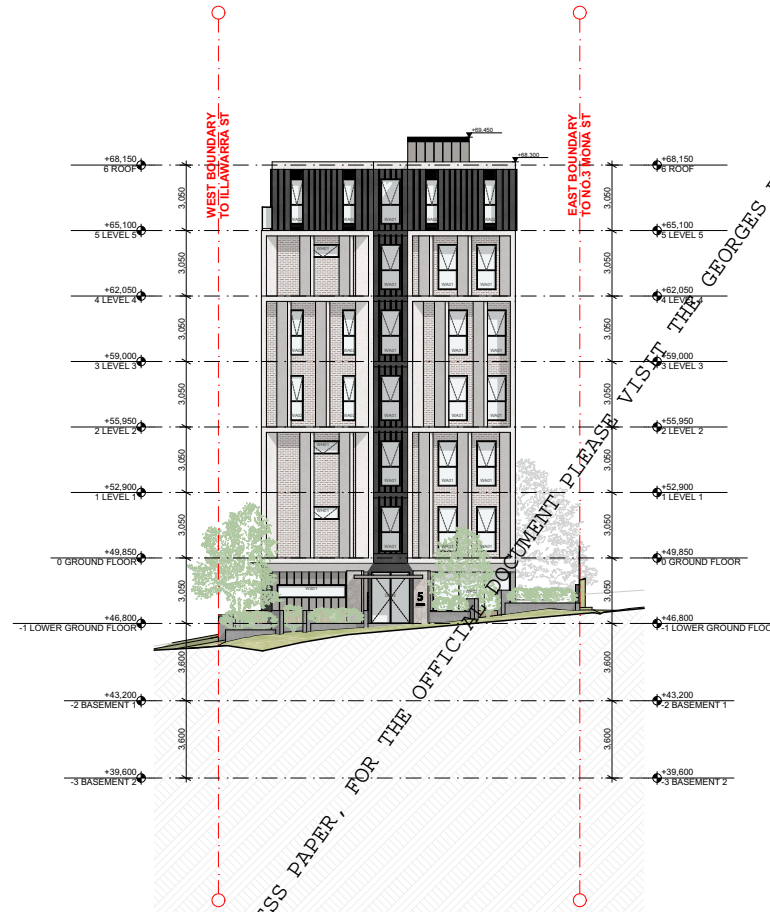
Drawn | Checked: A W I T Z  
 Revision Date: 5/12/2025  
 Project No: 2638  
 Project Status: DEVELOPMENT APPLICATION  
 Client: MRS. ZHANG  
 Site: 5 MONA ST ALLAWAH

PAPER: A3  
 1:200

DRAWING TITLE: ELEVATION NORTH ELEVATION  
 PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO.: A  
 DRAWING NO.: A201

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 Revision Date: 5/12/2025  
 Project No: 2638  
 Project Status: DEVELOPMENT APPLICATION  
 Client: MRS. ZHANG  
 Site: 5 MONA ST ALLAWAH

PAPER: A3  
 1:200

DRAWING TITLE: ELEVATION SOUTH ELEVATION  
 PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO.: A  
 DRAWING NO.: A202



**NOTE**

The Builder shall check all dimensions and levels on site prior to construction. Builders are to verify, check and confirm to the architect. Make in writing dimensions only. Do not make drawings. Contractors shall not be used for construction purposes until issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.

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 Revision Date: 5/12/2025  
 Project No.: 2539  
 Project Status: DEVELOPMENT APPLICATION  
 Client: MRS. ZHANG  
 Site: 5 MONA ST ALLAWAH

PAPER: A3  
 1:200

DRAWING TITLE: EAST ELEVATION  
 PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO.: A  
 DRAWING NO.: A203



**NOTE**  
 The Builder shall check all dimensions and levels on site prior to construction. Any errors, omissions or discrepancies to the architect shall be written dimensions only. Do not scale drawings. Contractors shall not be used for construction purposes used issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for work when authorized in writing by Texco Design Pty Ltd.  
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 Revision Date: 5/12/2025  
 Project No: 2539  
 Project Status: DEVELOPMENT APPLICATION  
 Client: MRS. ZHANG  
 Site: 5 MONA ST ALLAWAH

PAPER: A3  
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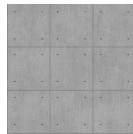
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 PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO.: A  
 DRAWING NO.: A204

# MATERIAL SCHEDULE



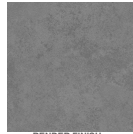
1 STONE  
PALE GREY OR SIMILAR



2 CONCRETE  
WITH FORM-TIE HOLES  
EXPOSED IF REQUIRED



3 BRICK  
PGH - TRUFFLE OR  
SIMILAR



4 RENDER FINISH  
GREY OR SIMILAR



5 CONCRETE PANEL  
RAW OR WITH IVORY  
RENDER FINISH IF  
REQUIRED



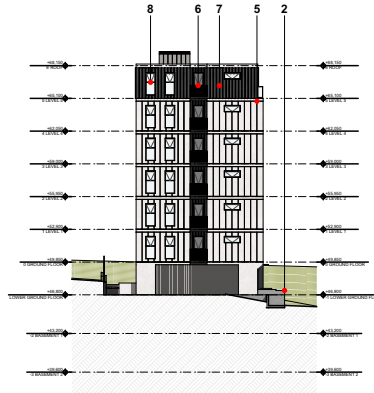
6 METAL BALUSTRADE  
MONUMENT POWDER-  
COATED OR SIMILAR



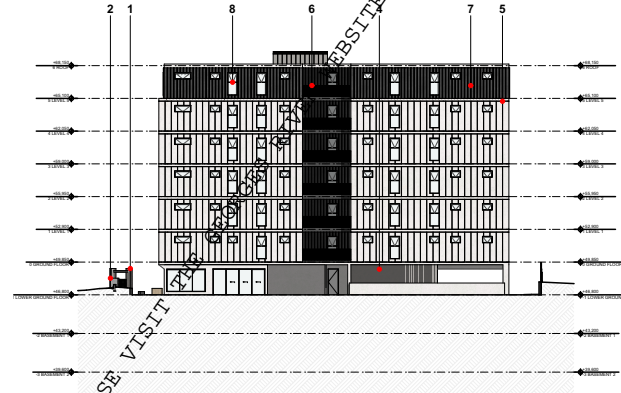
8 METAL CLADDING  
MONUMENT COLOUR  
OR SIMILAR



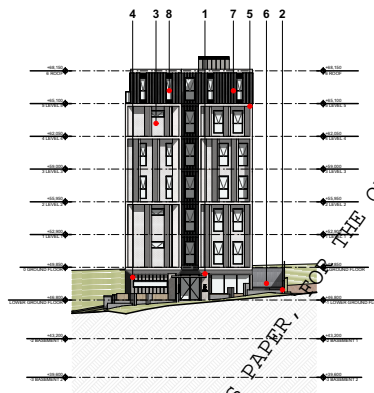
8 WINDOWS & DOOR  
ALUMINIUM FRAME  
WITH MONUMENT  
COLOUR OR SIMILAR



NORTH ELEVATION  
1:400



EAST ELEVATION  
1:400



SOUTH ELEVATION  
1:400



WEST ELEVATION  
1:400

**NOTE**  
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Drawn / Checked: A W I T Z  
Revision Date: 5/12/2025  
Project No: 2539  
Project Status: DEVELOPMENT APPLICATION  
Client: MRS. ZHANG  
Site: 5 MONA ST ALLAWAH

PAPER: A3  
1:400

DRAWING TITLE: SCHEDULE MATERIAL SCHEDULE  
PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO.: A  
DRAWING NO.: A401

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DOOR SCHEDULE							
ID	DES1	DES2	DFG1	DDG1	DSG1	DSG2	DW01
DOOR TYPE	DOUBLE-LEAF HINGED DOOR	DOUBLE-LEAF HINGED DOOR	FIRE-RATED HINGED DOOR	ROLLER SHUTTER DOOR	SLIDING DOOR	SLIDING DOOR	DOUBLE-LEAF HINGED DOOR
NOMINAL W x H	1.500x2.400	1.800x2.400	900x2.400	3.000x2.400	4.800x2.400	1.500x2.400	2.500x2.410
PLAN VIEW							
ELEVATION VIEW							
QUANTITY	1	1	1	1	1	30	1
FRAME COLOUR	MONUMENT LINO	MONUMENT LINO	MONUMENT LINO	MONUMENT LINO	MONUMENT LINO	MONUMENT LINO	MONUMENT LINO

NOTE:  
THE OPENING DIRECTION OF ALL WINDOWS AND DOORS MAY BE ADJUSTED TO ALIGN WITH THE MANUFACTURER'S SPECIFICATIONS.

**NOTE**  
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Project Designer  
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Drawn | Checked: A W I T Z |  
Revision Date: 5/12/2025  
Project No: 2539  
Project Status: DEVELOPMENT APPLICATION  
Client: MRS. ZHANG  
Site: 5 MONA ST ALLAWAH

PAPER: A3  
1:2

DRAWING TITLE: SCHEDULE DOORS SCHEDULE  
PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO: A  
DRAWING NO: A402

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WINDOW SCHEDULE										
ID	WA01	WA1p	WA02	WA03	WA2p	WF01	WF02	WH01	WH02	WS01
WINDOW TYPE	AWNING WINDOW	AWNING WINDOW WITH PRIVACY TREATMENT	AWNING WINDOW	AWNING WINDOW	AWNING WINDOW WITH PRIVACY TREATMENT	FIXED WINDOW	FIXED WINDOW	HIGH-LEVEL AWNING WINDOW	HIGH-LEVEL AWNING WINDOW	BENCHTOP-LEVEL FIXED WINDOW
NOMINAL W x H	900x2100	900x2100	900x2100	900x2100	900x2100	4,200x2,100	3,600x2,100	1,500x600	900x600	3,200x600
NOMINAL SILL HEIGHT	300	300	300	1,200	1,200	300	300	1,800	1,800	1,200
PLAN VIEW										
ELEVATION VIEW										
QUANTITY	62	34	8	5	35	1	2	15	34	1
FRAME COLOUR	MONUMENT LIND	MONUMENT LIND	MONUMENT LIND	MONUMENT LIND	MONUMENT LIND	MONUMENT LIND	MONUMENT LIND	MONUMENT LIND	MONUMENT LIND	MONUMENT LIND

**NOTE:**  
 THE OPENING DIRECTION OF ALL WINDOWS AND DOORS MAY BE ADJUSTED TO ALIGN WITH THE MANUFACTURER'S SPECIFICATIONS.  
 THE LOCATION OF PRIVACY-TREATED WINDOWS AND HIGH-LEVEL WINDOWS IS TO BE READ IN CONJUNCTION WITH THE PLANS AND ELEVATIONS.  
 HIGH-LEVEL WINDOWS INSTALLED IN BATHROOMS SHALL BE PROVIDED WITH OBSCURE GLASS IF REQUIRED.

WINDOWS WITH PRIVACY TREATMENT

HIGH-LEVEL WINDOWS WITH 1800mm SILL HEIGHT U.N.O

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A	5/12/2025	T.Z	ISSUE FOR REVIEW

Project Designer  
  
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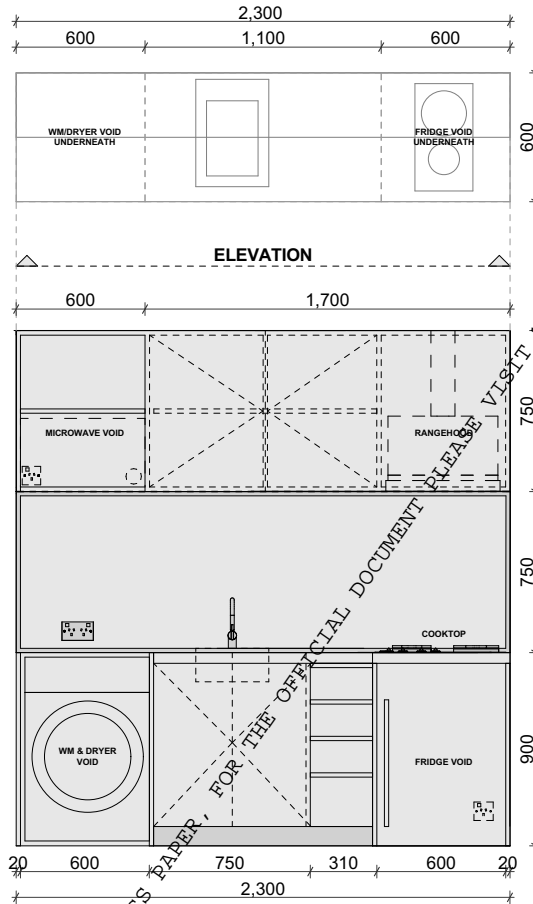
Drawn / Checked: A W I T Z  
 Revision Date: 5/12/2025  
 Project No: 2539  
 Project Status: DEVELOPMENT APPLICATION

Client: MRS. ZHANG  
 Site: 5 MONA ST ALLAWAH

PAPER: A3  
 DRAWING TITLE: SCHEDULE WINDOWS SCHEDULE  
 PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO: A  
 DRAWING NO: A403

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



TYPICAL KITCHEN & LAUNDRY FACILITIES APPLIED TO ALL UNITS  
DIMENSIONS TO MANUFACTURER'S SPECIFICATIONS

**NOTE**  
The Builder shall check all dimensions and levels on site prior to construction. Builders are advised that dimensions are given to the finished state in writing dimensions only. Do not make alterations. Contractors shall refer to the units for construction programs used issued for construction. This drawing reflects a design by Texco Design Pty Ltd and is to be used only for units when authorized in writing by Texco Design Pty Ltd.  
All measurements and contours are subject to survey clearing. All levels to Australian Height Data. It is the contractor's responsibility to confirm all measurements on site and finalise all dimensions prior to work on site.  
All documents here within are subject to Australian Copyright Laws.

Rev#	Transmittal Set Date	Approved by	Rev. Note
A	5/12/2025	T.Z	ISSUE FOR REVIEW

Project Designer  
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Drawn / Checked: A W I T Z  
Revision Date: 5/12/2025  
Project No: 2539  
Project Status: DEVELOPMENT APPLICATION  
Client: MRS. ZHANG  
Site: 5 MONA ST ALLAWAH

PAPER: A3  
1:20

DRAWING TITLE: SCHEDULE  
TYPICAL KITCHEN DETAILS  
PROJECT NAME: 5 MONA ST ALLAWAH

REVISION NO: A  
DRAWING NO: A404



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	
<b>Application Number</b>	DA2025/0567
<b>PAN</b>	PAN-599961
<b>Description</b>	Demolition works and construction of co-living and boarding house
<b>Address</b>	5 Mona Street ALLAWAH NSW 2218
<b>Lot / DP</b>	Lot 266 DP 7182
<b>Applicant</b>	Shilei Yang
<b>Owner(s)</b>	Shilei Yang
<b>Responsible Officer</b>	Sophie Griffiths

Recommendation	
<b>Summary</b>	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.
<b>Refusal</b>	The assessment recommends that Council as the Consent Authority in accordance with Section 4.16 (1)(b) <i>Environmental Planning &amp; Assessment Act 1979</i> , refuse to the Development Application due to the reasons discussed within this report.

Proposal	
<b>Description</b>	Demolition works and construction of co-living and boarding house
<b>Estimated Development Cost</b>	\$8,486,258.00
<b>Floor Space Ratio</b>	2.6:1
<b>Maximum Height of Building</b>	22.32m



A site plan is provided below:

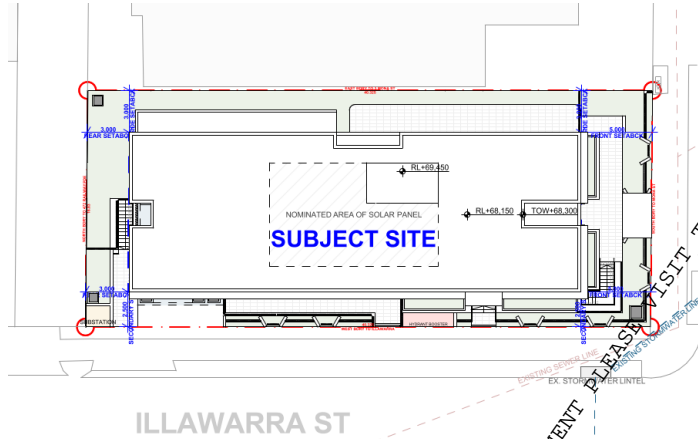


Figure 1 – Site plan (Source: Architectural Plans)

Aerial Image of Land Zoning:

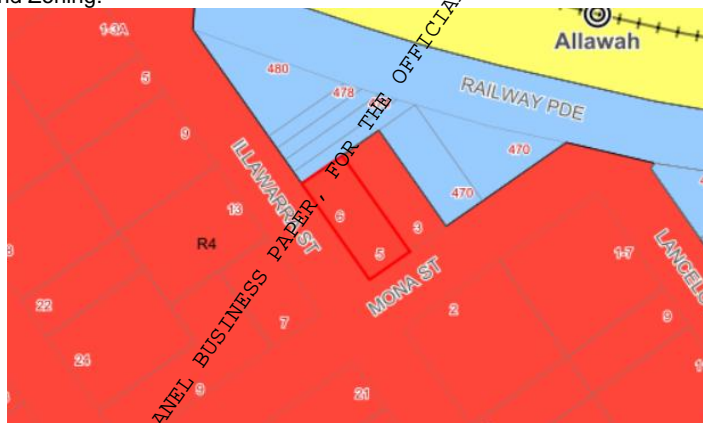


Figure 2 –Aerial view of development site outlined in red (Source: IntraMaps)

Aerial Image of Site:



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

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Processing		
Action	Date	Comments
Submission	15 December 2025	-
Lodgement	23 December 2025	-

**Assessment - Section 4.15 Evaluation**

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

Environmental Planning Policies	Applicable	
	Y	N
SEPP (Biodiversity Conservation) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Housing) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Sustainable Buildings) 2022	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georges River Local Environmental Plan 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**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 of land with threatened ecological communities or native fauna habitat.
  - Any tree works associated with development activity.
  - Works within 5m of a tree trunk or Tree Protection Zone (TPZ), requiring an Arboriculture Impact Assessment.
  - Any works to trees on public land, unless exempt under Appendix 8 or carried out by authorised persons.

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

**SEPP (Biodiversity and Conservation) 2021 Chapter 2**

**Assessment**

**Complies**

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



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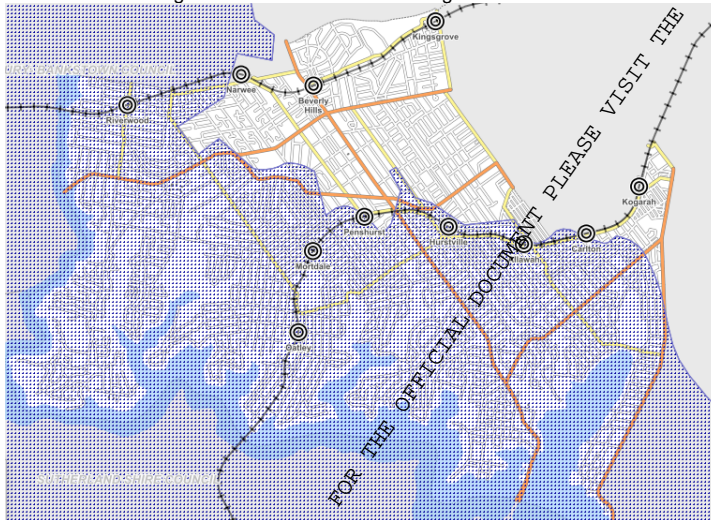


are not located on biodiversity certified land. Accordingly, the development complies with the relevant provisions of Chapter 2 of the SEPP.

### SEPP (Biodiversity and Conservation) 2021 Chapter 6

#### Intro

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



(Source: IntraMaps)

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

#### Assessment

##### Complies

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

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

Public access provisions are not applicable.

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

### SEPP (Resilience and Hazards) 2021

#### Chapter 4 Remediation of land

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

- The subject site is zoned R4 High Density Residential.
- A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination.



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**SEPP (Resilience and Hazards) 2021**

**Chapter 4 Remediation of land**

- 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.

**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
PART 2 DEVELOPMENT FOR AFFORDABLE HOUSING  
DIVISION 2 – BOARDING HOUSES**

		Compliance		
		Y	N	N/A
Development for the purposes of boarding houses may be carried out with consent on land on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument				
24 Non-discretionary development standards—the Act, s 4.15	The following are non-discretionary development standards in relation to development for the purposes of co-living housing—			
	(a) for development in a zone in which residential flat buildings or shop top housing are permitted—a floor space ratio that is not more than—	The maximum permitted floor space ratio under the GRLEP 2021 is 2:1.		
	(i) the maximum permissible floor space ratio for residential accommodation of the land, and	An addition of 30% is permitted for the purpose of boarding houses only. An addition of 20% for the use of boarding rooms only is proposed, along with the addition allowable under Part 3 of the Housing SEPP.		
	(ii) an additional 30% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house,	Allowable FSR = 2.6:1 Compliant FSR proposed.		N
	(d) or development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument,	The proposal fails to meet the objectives of Clause 6.12 of the GRLEP 2021 and GRDCP 2021.		
(e) at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,	The proposal fails to provide sufficient solar access to the communal open space.			
(g) for a boarding house containing more than 6 boarding rooms—	In accordance with Section 24(2)(g) and Section 68(2)(c) of the Housing SEPP, a cumulative approach was adopted in determining the extent of communal open space required for the site.			
(i) a total of at least 30m <sup>2</sup> of communal living area plus at least a further 2m <sup>2</sup> for each boarding room in				

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
PART 2 DEVELOPMENT FOR AFFORDABLE HOUSING  
DIVISION 2 – BOARDING HOUSES**

		Compliance		
		Y	N	
		N/A	N/A	
	<p>excess of 6 boarding rooms, and</p> <p>(ii) (minimum dimensions of 3m for each communal living area,</p>	<p>The proposed communal living area functions as pedestrian access, rather than a dedicated recreational space.</p> <p>The area labelled as communal living on the ground floor of the development does not appear to function as a genuine communal living space but rather reflects a boarding or co-living housing room.</p> <p>The placement of a kitchen at the primary entry to the development is not an appropriate location. Odour impacts would likely arise as a result of the kitchen being located within the foyer.</p>		
	<p>(h) communal open spaces—</p> <p>(i) with a total area of at least 20% of the site area, and</p> <p>(ii) each with minimum dimensions of 3m,</p> <p>a.</p>	<p>In accordance with Section 24(2)(h) and Section 68(2)(d) of the Housing SEPP, a cumulative approach was adopted in determining the extent of communal open space required for the site.</p> <p>The development required 135.42m<sup>2</sup> of communal open space.</p> <p>The development proposed 64.6m<sup>2</sup> of communal open space.</p> <p>The area labelled as communal open space, forward of the front building line, facing Mona Street is defined as a front setback and is not considered to be a functional area for communal open space.</p>		
	<p>(i) a relevant planning instrument does not specify a requirement for a lower number of parking spaces— at least the following number of parking spaces—</p> <p>(i) for development on land within an accessible area—0.2 parking spaces for each boarding room,</p> <p>(ii) otherwise—0.5 parking spaces for each boarding room,</p>	<p>54 x 0.2 = 10.8 spaces.</p> <p>11 Parking spaces provided, along with 3 motorbike and 12 bicycle parking spaces.</p>		
	<p>(j) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—</p>	<p>Refer to the above required rate.</p>		

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
PART 2 DEVELOPMENT FOR AFFORDABLE HOUSING  
DIVISION 2 – BOARDING HOUSES**

		Compliance	
		Y	N
		N/A	
	the lower number specified in the relevant planning instrument		
<b>25(1) Standards for boarding houses</b>	Development consent must not be granted under this Division unless the consent authority is satisfied that—		
	(a) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m <sup>2</sup> , and	Boarding rooms are not to exceed 25m <sup>2</sup> .	
	(b) no boarding room will be occupied by more than 2 adult residents, and	Conditions of consent to apply, subject to approval.	
	(c) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and	Achieved. Sufficient facilities provided within the boarding rooms.	
	(f) for a boarding house containing at least 6 boarding rooms—the boarding house will have at least 1 communal living area, and	Communal living area provided on site.	
	(g) the minimum lot size for the boarding house is not less than—	The site is located in R4 High Density Residential and therefore requires 800m <sup>2</sup> of site area.	N
	(i) for development on land in Zone R2 Low Density Residential—600m <sup>2</sup> , and	The proposed development site has a lot size of 677.1m <sup>2</sup> .	
	(ii) for development on other land—800m <sup>2</sup> .	See variation discussion below.	
	(h) each boarding room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least the following—	A minimum of 16m <sup>2</sup> provided within each boarding room.	
(i) for a boarding room intended to be used by a single resident—12m <sup>2</sup> , and			
(ii) otherwise—16m <sup>2</sup> , and			
(i) the boarding house will include adequate bicycle and motorcycle parking spaces.	Sufficient bicycle and motorcycle parking provided.		
<b>25(2) Standards for boarding houses</b>	<b>Development consent must not be granted under this Division unless the consent authority considers whether—</b>		
(a) the design of the boarding house will be compatible with—	The proposal does not demonstrate design excellence and fails to achieve compatibility with the desirable		N

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
PART 2 DEVELOPMENT FOR AFFORDABLE HOUSING  
DIVISION 2 – BOARDING HOUSES**

		Compliance		
		Y	N	N/A
	(i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition—the desired future character of the precinct, and	elements of the existing character of the local area.		
	(b) the front, side and rear setbacks for the boarding house are not less than— (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, (ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument.	The proposal fails to meet the setback requirements of Part 6.3.3 of GRDCP 2021.		
	(c) if the boarding house has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide.	Design Criteria in 3F-1 Visual Privacy of the Apartment Design Guide prescribes minimum separation distances to the side and rear 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.		
		<ul style="list-style-type: none"> <li>Ground to fifth floor: 3 m side separation and 3 m rear separation.</li> </ul>		

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance		
		Y	N/A	
<p>Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument.</p>		N	N/A	
<p><b>68 Non-discretionary development standards—the Act, s 4.15</b></p>	<p>The following are non-discretionary development standards in relation to development for the purposes of co-living housing—</p>			
	<p>(b) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—</p> <p>(i) the maximum permissible floor space ratio for residential accommodation on the land, and</p> <p>(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,</p>	<p>The maximum permitted Floor Space Ratio under the GRLEP 2021 is 2:1.</p> <p>An addition of 30% is permitted under Division 2 of the Housing SEPP for the purpose of boarding houses only. An addition of 20% for the use of boarding rooms only is proposed, along with the addition allowable under Part 3 of the Housing SEPP.</p> <p>Allowable FSR = 2.6:1</p> <p>Compliant FSR proposed.</p>		
	<p>(c) for co-living housing containing 6 private rooms—</p> <p>(i) a total of at least 30m<sup>2</sup> of communal living area, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p>	<p>Not applicable.</p>	N	
	<p>(d) for co-living housing containing more than 6 private rooms—</p> <p>(i) a total of at least 30m<sup>2</sup> of communal living area plus at least a further 2m<sup>2</sup> for each private room in excess of 6 private rooms, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p>	<p>In accordance with Section 24(2)(g) and Section 68(2)(c) of the Housing SEPP, a cumulative approach was adopted in determining the extent of communal open space required for the site.</p> <p>The proposed communal living area functions as pedestrian access, rather than a dedicated recreational space.</p> <p>The area labelled as communal living on the ground floor of the development does not appear to function as a genuine communal living space but rather reflects a boarding or co-living housing room.</p> <p>The placement of a kitchen at the primary entry to the development is not an appropriate location. Odour impacts would likely arise as a result of the kitchen being located within the foyer.</p>		

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance		
		Y	N	N/A
	<p>In accordance with Section 24(2)(h) and Section 68(2)(d) of the Housing SEPP, a cumulative approach was adopted in determining the extent of communal open space required for the site.</p> <p>The development required 135.42m<sup>2</sup> of communal open space.</p> <p>The development proposed 64.6m<sup>2</sup> of communal open space.</p> <p>The area labelled as communal open space, forward of the front building line, facing Mona Street is defined as a front setback and is not considered to be a functional area for communal open spaces.</p>			
	<p>(e) communal open spaces—</p> <p>(i) with a total area of at least 20% of the site area, and</p> <p>(ii) each with minimum dimensions of 3m,</p>			
	<p>(f) unless a relevant planning instrument specifies a lower number—</p> <p>(i) for development on land in an accessible area—0.2 parking spaces for each private room, or</p> <p>(ii) otherwise—0.5 parking spaces for each private room,</p>	<p>50 x 0.2 = 10.8 spaces.</p> <p>11 Parking spaces provided, along with 3 motorbike and 12 bicycle parking spaces.</p>		
	<p>(g) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,</p>	Not Applicable		
	<p>(h) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.</p>	The proposal fails to meet the objectives of Clause 6.12 of the GRLEP 2021 and GRDCP 2021.		
	<p>Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—</p> <p>(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m<sup>2</sup> and not less than—</p>	Achieved. Each room is provided with a minimum area of 16m <sup>2</sup> of floor space, excluding the areas used for the purpose of private kitchen or bathroom facilities.	N	

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance	
		Y	N N/A
	(i) for a private room intended to be used by a single occupant—12m <sup>2</sup> , or (ii) otherwise—16m <sup>2</sup> , and		
	(b) the minimum lot size for the co-living housing is not less than— (i) for development on land in Zone R2 Low Density Residential—600m <sup>2</sup> , or (ii) for development on other land—800m <sup>2</sup> , and	The site is located in R4 High Density Residential and therefore requires 800m <sup>2</sup> of site area.  The proposed development site has a lot size of 677.1m <sup>2</sup> .  See variation discussion below.	
	(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— (i) will not contain more than 12 private rooms, and (ii) will be in an accessible area, and	Not applicable	
	(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and	A workspace has been provided for the manager in the entry foyer on the lower ground floor of the development.	
	(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and	Not applicable.	
	(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and	Each room is provided with a private bathroom, kitchen and laundry.	
	(g) each private room will be used by no more than 2 occupants, and	The proposed rooms are to be limited to a maximum of 2 occupants. Conditions of consent to apply, subject to approval.	
	(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.	Twelve (12) bicycle spaces and three (3) motorcycle spaces.	
<b>69(2) Standards for</b>	Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—		

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance	
		Y	N/A
<b>co-living housing</b>	<p>(a) the front, side and rear setbacks for the co-living housing are not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or</p> <p>(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and</p>	<p>The proposal fails to meet the setback requirements of Part 6.3.3 of GRDCP 2021.</p>	<p style="text-align: center;">N</p>
	<p>(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and</p>	<p>Design Criteria in 3F-1 Visual Privacy of the Apartment Design Guide prescribes minimum separation distances to the side and rear 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.</p> <ul style="list-style-type: none"> <li>• Ground to fifth floor: 3 m side separation and 3 m rear separation.</li> </ul>	<p style="text-align: center;">N/A</p>
	<p>(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and</p>	<p>The proposal fails to provide sufficient solar access to the communal open space.</p>	<p style="text-align: center;">N/A</p>
	<p>(f) the design of the building will be compatible with—</p> <p>(i) the desirable elements of the character of the local area, or</p> <p>(ii) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>The proposal does not demonstrate design excellence and fails to achieve compatibility with the desirable elements of the existing character of the local area.</p>	<p style="text-align: center;">N/A</p>
<p>Development consent must not be granted for the subdivision of co-living housing into separate lots.</p>			

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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.	Achieved	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.48(2)(b)	Any response to the above has been considered.	No objections raised by Ausgrid	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The application has been assessed against the relevant provisions of SEPP (Transport and Infrastructure) 2021. The proposal complies with the objectives and controls of the EPI.

**Georges River Local Environmental Plan 2021**

Section	Text	Comment	Y	N	N/A
2.2 Zoning	Refer to LEP map.	R4 High Density	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.7 Demolition	The demolition of a building requires development consent.	Noted. Demolition plan provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Proposed: 22.32			
4.4 Floor space ratio	To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,	Standard: 2:1 Proposed: The maximum permitted Floor space ratio under the GRLEP 2021 is 2:1.  An addition of 30% is permitted under Division 2 of the Housing SEPP for the purpose of boarding houses only. An addition of 20% for the use of boarding rooms only is proposed, along with the addition allowable under Part 3 of the Housing SEPP.  Allowable FSR = 2.6:1  Compliant FSR proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**Georges River Local Environmental Plan 2021**

Section	Text	Comment	Y	N	N/A
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6 Exceptions to development standards	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	A Clause 4.6 variation request has been provided and is assessed in this report.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.10 Heritage conservation	To conserve the environmental and cultural heritage of the Georges River local government area, including heritage items, conservation areas, archaeological sites, and Aboriginal places of significance.	The existing development is not a heritage item, nor located within a heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.21 Flood planning	To minimise flood risk to life and property, ensure development is compatible with flood behaviour (including climate change impacts), avoid adverse environmental impacts, and enable safe occupation and evacuation during flood events.	The site is not subject to flooding.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.1 Acid sulfate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	Not applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.3 Stormwater management	To minimise the impacts of urban stormwater on land to which this Plan applies and on adjoining properties, native bushland and receiving waters	Comments were received from Council's Development Engineer who raised no concerns with the proposal subject to the imposition of conditions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.9 Essential services	The property must have in place by determination the following services: (a) water, (b) electricity, (c) telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	Comments were received from Council's Development Engineer who raised no concerns with the proposal subject to the imposition of conditions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.7 Design excellence	Applies to residential accommodation within the Foreshore Scenic Protection Map Area as well as buildings 3 or more storeys in height in R4 zone.	Comments were received from Council's Urban Design Team who was unable to support the proposal as it does not demonstrate design excellence.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021. The proposal does not comply with one or more of the aims or controls of the EPI.

**GRLEP 2021 Clause 4.6 Variation**



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LPP019-26 Attachment 2



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

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

**Variation of a Development Standard**

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

**Written Request**

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

**Proposed Variation**

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

Name of Clause	Proposed Variation
Clause 4.3 of GRLEP 2021 – Height of Building	A variation of 6.29% or 1.3m above the requirement.
Section 25(1)(g)(ii) and Section 69(1)(b)(ii) of the State Environmental Planning Policy (Housing) 2021	A variation of 15.36% or 122.9m2 below the required.

**Clause 4.3 of GRLEP 2021 – Height of Building**

The proposal seeks to vary Clause 4.3 of the Georges River Local Environmental Plan 2021. The proposed development has an approximate height of 22.32m to the top of the southern corner of the structure, which exceeds the maximum building height. These are discussed below:

**Variation to Clause 4.3 – Height of Buildings:**

Clause 4.3(2) of the GRLEP 2021, stipulates that:

*The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The maximum building height applicable to the site is 21m. The development proposes an overall height of 22.32m to the lift overrun. This represents a numerical variation of 1.3m or 6.29% including the lift overrun. Building height as defined by the GRLEP 2021 is as follows:

**building height (or height of building) means—**

- (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

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



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In accordance with the above definition the full extent of the variation is 1.3m or 6.29%.



Figure 4. Building elevation showing building elements which exceed to 21m height control limit.

As shown in the figure above, the proposal does not comply with the maximum height of 21 metres required as per clause 4.3 of the GRLEP 2021 and is seeking a variation of 6.29% from the development standard. Consequently, the applicant has provided a written request to vary the height of buildings development standard. The clause 4.6 variation request is attached to this report.

A written request pursuant to Clause 4.6 of the LEP was submitted with the application; however, it is not considered to be well founded and does not satisfactorily demonstrate the matters required under Clause 4.6(3). In this regard, the written request contains incorrectly labelled orientations, and the extent of additional overshadowing arising from the proposed height exceedance has not been clearly identified or quantified. Further, the justification relating to high-quality architectural design is not reliant upon, nor demonstrably enabled by, the non-compliant building height.

Additionally, the Clause 4.6 variation request places emphasis on the merits of the development as a whole rather than focusing on the specific element of non-compliance, contrary to the requirements of Clause 4.6 of the LEP and established case law. As a result, the consent authority cannot be satisfied that compliance with the height standard is unreasonable or unnecessary, nor that sufficient environmental planning grounds have been demonstrated to justify the proposed contravention.

The objectives of Clause 4.3(1) and assessment are as follows:

**4.3 Height of buildings**

(1) The objectives of this clause are as follows—

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,



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- (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 development is not considered to be consistent with 4.3(1)(a) of the GRLEP 2021 in that:

- The objectives of building height is to establish the maximum height limit in which buildings can be designed and minimum lot size achieved, however the proposed development does not comply with controls relating to minimum lot size and thus provides for an inappropriate built form due to overdevelopment, poor urban design outcomes and excessive height.
- Building height controls ensure development responds to the desired future scale and character of the street and local area. A high level of amenity could also be achieved through a compliant development, therefore, compliance has not been demonstrated to be unnecessary.

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

#### **Section 25(1)(g)(ii) and Section 69(1)(b)(ii) of the State Environmental Planning Policy (Housing) 2021**

The proposal demonstrates numerous non-compliances with the relevant legislative framework, including building separation, solar access, communal living areas, and open space controls as prescribed under the State Environmental Planning Policy (Housing) 2021. These non-compliances, as detailed within this assessment report, are not isolated issues but are fundamentally a consequence of the subject site being inadequate in terms of lot size.

While a written request pursuant to Clause 4.6 was submitted with the application to justify the proposed variation to the minimum lot size requirements, the request is not considered to be well founded. The justification relies heavily on the overall merits of the development rather than addressing the specific non-compliance and its direct implications, contrary to the requirements of Clause 4.6 and established planning principles.

The consent authority would not be satisfied that the Applicant's written request has adequately demonstrated the matters required under Clause 4.6(3) of the LEP. In particular, the request fails to demonstrate that compliance with the minimum lot size development standard is unreasonable or unnecessary in the circumstances of the case. Further, it does not establish that there are sufficient, specific environmental planning grounds to justify the contravention of the development standards contained in section 25(1)(g)(ii) and section 69(1)(b)(ii) of the State Environmental Planning Policy (Housing) 2021.

The cumulative impacts arising from the undersized site, including the resultant breaches of key built-form and amenity controls, underscore the ongoing relevance and necessity of the minimum lot size standards in this instance. Accordingly, the proposed variation to the minimum lot size requirements under the Housing SEPP is not supported.

#### **Consistency with Clause 4.6 Objectives**

- (1) The objectives of this clause are as follows—
- (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.





It is not appropriate in this instance to apply a degree of flexibility when applying variation to the applicable minimum lot size standard given the above discussion. Based on the discussion, it is not considered that a better outcome would be achieved where the development varies the minimum lot size standard.

With considerations to the discussions above, the proposed variation to minimum lot size does not adequately address Clause 4.6 and is not in the public interest in this instance.

### Conclusion

Given the above assessments, in that the proposed development fails to comply with both the height control of the LEP and in addition minimum lot size control in the SEPP (Housing) 2021. It is considered that these non-compliances demonstrate the proposal results in the over development of the site and would set an undesirable precedent for similar developments.

It is considered the proposed development has not appropriately responded to the surrounding environment particularly when having regard to the non-compliant building separation, solar access, communal living areas, and open space controls as prescribed under the State Environmental Planning Policy (Housing) 2021.

### Provisions of any Proposed Instrument

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

### Provisions of any Development Control Plan

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

#### Setbacks

The GRDCP 2021 requires minimum setbacks of 6 m to side and rear boundaries up to four storeys, increasing to 9 m above four storeys, and for corner sites, minimum front setbacks of 5 m up to four storeys and 8 m for upper levels (including balconies). The proposed development does not comply with these controls, providing only 3 m side and rear separations. The proposal has not adequately responded to site constraints or adjoining development, resulting in privacy impacts from direct sightlines, reduced opportunities for cross-ventilation and solar access, and diminished potential for communal open space.

#### Landscaping

The proposal removes all existing trees, resulting in the loss of approximately 34% canopy cover, without providing adequate replacement planting to meet Council's urban canopy targets. While tree removal may be supported in principle, the development fails to provide sufficient deep soil areas and uncompromised soil volumes to support medium to large canopy trees capable of softening the scale of the development.

The basement extends beyond the building footprint, significantly constraining deep soil zones along all boundaries. These areas are further compromised by excavation, underground services, retaining walls, pathways, and site infrastructure. As a result, soil depths and widths are substantially below Apartment Design Guide requirements for shrub, small tree, or medium tree planting.

Overall, the proposed landscape design does not provide adequate soil depth, area, or consistency to support healthy tree growth, achieve meaningful canopy coverage, or meet the GRDCP2021 and Tree Management Policy objectives.

### Appendix 4 – Waste Management

The proposal does not satisfy the waste management requirements of Section 3.12 and Appendix 4 of the GRDCP 2021. It fails to demonstrate suitable arrangements for Council's Wheel Out Wheel Back service, including compliant site conditions, a continuous impervious bin travel path, acceptable gradients (not exceeding 1:24), and provision of a rolling kerb for collection. In addition, the application does not provide an adequate





waste disposal system for the scale of development, as it lacks the required dual chute system for general waste and commingled recycling, and does not adequately address organics disposal through a third chute or bin cupboard on each occupied floor.

**Any Planning Agreement Under Section 7.4**

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

**The Regulations**

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

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

**The Likely Impacts of the Development**

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

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

**Site Suitability**

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

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

**Submissions**

The application was notified in accordance with Council policy by letter and given twenty-eight (28) days in which to view the plans and submit any comments on the proposal. **Twenty-one (21)** submissions were received during the neighbour notification period.

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

Issue	Comment
<b>Building Height and scale</b>	Concern was raised regarding the height of building of the development. The proposed development has been assessed in accordance with the definition of height of building. The proposal in its current form exceeds the maximum allowable height of building and is not supported.
<b>Overshadowing and Loss of Amenity</b>	Issues of solar access and overshadowing were raised. An assessment of the application has revealed that



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	insufficient information has been provided to determine the impacts of the proposal and is not supported.
<b>Parking and Traffic</b>	Concern is raised with respect to on street parking. The proposal in its current form complies with the required vehicle parking on site in accordance with the Housing SEPP car parking controls.  Conditions of consent regarding traffic and parking would apply, subject to the approval of the application.
<b>Privacy</b>	It is considered that the development has not been sensitively designed to be respectful of impacts onto the adjoining allotments with respect to maintaining privacy and minimising overlooking.
<b>Excavation/structural integrity</b>	Concern has been raised regarding the proposals impact on adjoining neighbouring properties. Subject to approval, conditions of consent would be imposed with respect to a dilapidation report to be prepared pre and post construction to manage potential adverse impacts. It is not assumed the proposal will have an adverse effect on neighbouring properties.
<b>Overdevelopment</b>	Issues of 'overdevelopment' are raised. The proposed development is a permissible form of development on the site. However, detailed assessment has revealed the proposal fails to achieve compliance with objectives, standards, and controls of relevant legislation. The proposal is not being supported in this regard.
<b>Safety</b>	The proposal fails to take into consideration community safety through the principals of Crime Prevention Through Environmental Design (CPTED) and is not supported in its current form.  The application was referred to NSW Police for comment. Insufficient information was provided to address the matters raised by NSW Police.
<b>Lot Size</b>	Concern is raised in relation to the minimum lot size non-compliance. The proposal fails to comply with the minimum lot size requirements found within the Housing SEPP. The proposal in its current form is not supported.

**The Public Interest**

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

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

**Referrals**

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Internal Referrals		
Specialist	Comment	Outcome
Development Engineer	No objections raised with regard to the proposal.	Conditions of consent imposed subject to the approval of the application.
Urban Design	Additional information required.	Unable to be supported.
Waste	Additional information required.	Unable to be supported.
Environmental Health	Additional information required.	Unable to be supported.
Building Surveyor	No objection raised, although noted likely changes required at CC stage with the basement level.	Conditions of consent imposed.

External Referrals		
Referral Body	Comment	Outcome
Ausgrid	The referral body has considered the following planning provisions: - Clause 2.48 of SEPP (Transport and Infrastructure) 2021  No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed.
WaterNSW	Additional information required.	Information not provided to date.
NSW Police	Additional information required.	No response provided.

**Contributions**

No Section 7.11 or 7.12 development contributions apply as the proposal is recommended for refusal and will not proceed to approval.

**Conclusion**

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

For the reasons outlined within this report, it is considered that the proposal is not satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for refusal.

**Determination**

**Refusal of Application**

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determined DA2025/0567 for demolition works and construction of a seven storey co-living and boarding house at 5 Mona Street, Allawah should not be approved subject to the following reasons referenced below:



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1. The application fails to satisfy Section 25(1)(g)(ii) and Section 69(b)(1)(ii) of the State Environmental Planning Policy (Housing) 2021 with regard to minimum lot size [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
2. The application fails to satisfy Section 25(2)(e) and Section 69(2)(c) of the State Environmental Planning Policy (Housing) 2021 with regard to solar access [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
3. The application fails to satisfy Section 24(2)(g) and Section 68(2)(c) of the State Environmental Planning Policy (Housing) 2021 with regard to communal living [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
4. The application fails to satisfy Section 24(2)(h) and Section 68(2)(d) of the State Environmental Planning Policy (Housing) 2021 with regard to communal open space [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
5. The application fails to satisfy Section 25(2)(c) and Section 69(2)(b) of the State Environmental Planning Policy (Housing) 2021 with regard to building separation [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
6. The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 with regard to building height [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
7. The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to demonstrating compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to support the departure [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
8. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
9. The application fails to satisfy Clause 6.12 of the Georges River Local Environmental Plan 2021 with regard to landscaping [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
10. The application fails to satisfy Section 6.3.3 of the Georges River Development Control Plan 2021 with regard to building setbacks and street interface [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
11. The application fails to satisfy Appendix 4 of the Georges River Development Control Plan 2021 with regard to waste management [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
12. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*] including:
  - a. Deficient architectural plans have been provided with regard to the allocation of boarding and co-living rooms.
  - b. A deficient waste management plan has been provided.
  - c. Insufficient information has been provided to address the Water NSW response.
  - d. Insufficient information has been provided to address the NSW Police response.





- 13. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the *Environmental Planning & Assessment Act 1979*].

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**Proposed Demolition of Existing Structures and Construction of a New Co-Living Housing and Boarding House Development Pursuant to SEPP (Housing) 2021  
5 Mona Street, Allawah**

**Clause 4.6 - Exceptions to development standards (Height of Building)**

This Clause 4.6 Submission is prepared in support of a Development Application which seeks approval for the demolition of the site's existing structures followed by the construction of a new co-living housing and boarding house development containing forty-six (46) co-living rooms and eight (8) boarding rooms and two (2) levels of basement carpark upon the subject land.

This variation is to be read in conjunction with the following documentation:

- Survey Plan prepared by C.M.S. Surveyors P/L, Dwg. Name 7958detail, Sheets 1 to 3, Issued 6 and dated 24/10/2025.
- Architectural Plans including Shadow Diagrams, Sun Eye Diagram, Tree Removal Plan, Height Limit Diagram, Streetscape Analysis & Material Schedule prepared by Texco Design P/L, Project No. 2538, Drawing No's A001 to A404, Revision A and dated 05/12/2025.

A variation is sought in respect of compliance with Clause 4.3 - Height of Buildings of Georges River Local Environmental Plan 2021.

The subject site is located within Building Height Zone "R" and which is subject to a maximum building height control of 21m.

Building height is defined under the LEP as meaning:

***building height (or height of building)*** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

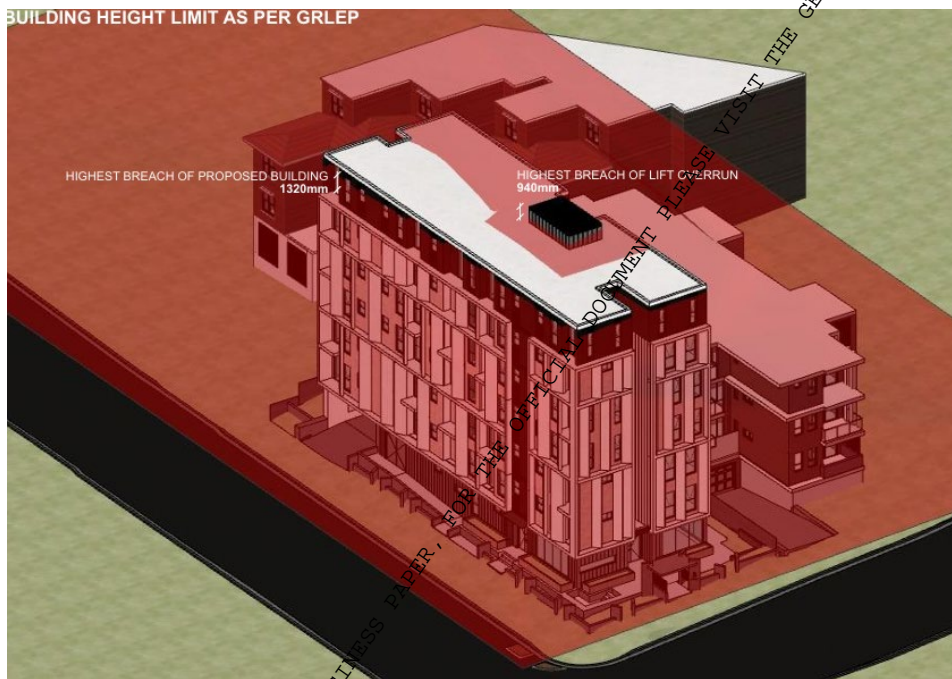
The proposal as detailed on the accompanying plans will result in a maximum building height of 22.32m and which exceeds the maximum 21m requirement.

The maximum non-compliance is 1,320mm or 6.29%.

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Minto Planning Services P/L

The proposed non-compliance relates to the lift overrun and a portion of the level 5 walls and roof. The extent of non-compliance is illustrated on the accompanying height limit diagram (Dwg No. A017) contained within the architectural plans. (extract below).



The following Clause 4.6 variation is provided in support of the proposed height of building non-compliance.

This Clause 4.6 variation has been prepared in accordance with the approach adopted by the Land & Environment Court of NSW in its recent Court decisions.

It is submitted that the variation is well founded and is worthy of the support of the Council.

The following is an assessment of the proposed variation against the requirements of Clause 4.6.

**1. What are the objectives of Clause 4.6 and is the proposal consistent with them.**

The objectives of Clause 4.6(1) of the LEP are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*

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- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

It is my opinion, as is demonstrated by the responses to the questions below, that the proposed variation is consistent with the objectives of this clause.

It is also considered in the circumstances, a flexible approach to the application is warranted.

**2. Is the standard to be varied a Development Standard to which Clause 4.6 applies.**

A “development standard” is defined in Section 4 of the Environmental Planning & Assessment Act as:

**development standards** means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- (b) the proportion or percentage of the area of a site which a building or work may occupy,
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- (d) the cubic content or floor space of a building,
- (e) the intensity or density of the use of any land, building or work,
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- (h) the volume, nature and type of traffic generated by the development,
- (i) road patterns,
- (j) drainage,
- (k) the carrying out of earthworks,
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- (m) the provision of services, facilities and amenities demanded by development,
- (n) the emission of pollution and means for its prevention or control or mitigation, and
- (o) such other matters as may be prescribed.

Clause 4.3 is contained within Part 4 of Georges River Local Environmental Plan 2021 and which is titled Principal Development Standards. It is also considered that the wording of the Clause is consistent with previous decisions of the Land & Environment Court of NSW in relation to what matters constitute development standards.

It is also noted that Clause 4.3 does not contain a provision which specifically excludes the application of Clause 4.6 and vice versa.

On this basis it is considered that Clause 4.3 is a development standard for which Clause 4.6 applies.

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**3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case.**

Sub-clause 4.6(3) sets out the matters that must be demonstrated by a written request seeking to justify a contravention of the relevant development standard (that is not expressly excluded from the operation of clause 4.6 under Georges River Local Environmental Plan 2021):

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

In *Wehbe v Pittwater Council* [2007] NSWLEC 827, Preston CJ set out five justifications that may be used to demonstrate that compliance with a development standard is unreasonable or unnecessary:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The underlying objective or purpose of the standard is not relevant to the development.
- The underlying objective or purpose would be defeated or thwarted if compliance was required.
- The standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and/or
- The zoning of the land was unreasonable or inappropriate such that the standards for that zoning are also unreasonable or unnecessary.

The first justification is applicable in this instance.

The following assessment of the proposal is provided against the objectives of Clause 4.3 of Georges River LEP 2021.

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

It is my opinion that the proposal does provide for a built form that is compatible with that of adjoining development and the desired future character of the locality.

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The proposed co-living housing and boarding house development is considered to result in a built form which is compatible with the height and scale of the surrounding and nearby development noting that only a minor non-compliance of 1320mm is proposed.

The proposal is consistent with the desired future character of the locality and will continue to result in a built form which is compatible with the desired future streetscape, particularly in relation to height of building.

The proposal is therefore considered to be compliant with this objective.

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

Reference is made to the Shadow Diagrams (Dwg No. A016) contained within the Architectural Plans. The proposal will result in some overshadowing of the adjoining property to the west and south. Notwithstanding, it is considered that the adjoining properties will continue to receive satisfactory exposure to the sky and sunlight. In addition, it is my opinion that the extent of height non-compliance will result in a negligible amount of additional overshadowing.

The proposed development provides for a modern high-quality design comprising of significant articulation and modulation and includes a combination of building finishes including painted render, face brick, concrete panel, stone & metal clad elements and vertical metal balustrades. It is considered that these elements in combination will provide for a high-quality visual outcome for the site.

In terms of loss of privacy, it is considered that the provision of adequate setbacks in combination with the building layout and design and provision of window privacy treatments together with landscape screening along the side and rear boundaries will ensure that the visual privacy between the proposal and the adjoining developments is acceptable. Furthermore, the majority rooms have been orientated towards the orientated towards the western and southern frontages of the site so as to ensure that there will be appropriate amenity provided to future residents of the development and the residents of neighbouring properties.

The proposal is therefore considered to be compliant with this objective.

*(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.*

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The proposal is provided with adequate separation from adjoining land uses and heritage items to ensure that the proposed height of building is appropriate. The majority of the building complies with the height of building requirement with the non-compliance being 1,320mm or 6.29% which is considered minor.

The proposal is therefore considered to be compliant with this objective.

**4. Are there sufficient environmental planning grounds to justify contravening the development standard.**

Consistent with the findings of the Court in *Initial Action P/L v Woollahra Municipal Council (2018) 236 LGERA 256; [2018] NSWLEC* an applicant is required to demonstrate in writing that there are sufficient environmental planning grounds to justify the variation.

In Initial Action at [24], Preston CJ stated, that the

*“... focus of cl. 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds”.*

Further he stated,

*“... the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl. 4.6(4)(i) that the written request has adequately addressed this matter”.*

In order to determine environmental planning grounds relevant to the non-compliance it is often accepted to relate the departure to the objects of the Act as set out at Section 1.3 - Objects of the Act.

The following objects of the Act are considered to be relevant to the proposal.

- (a) .....
- (b) .....
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) .....
- (f) .....
- (g) *to promote good design and amenity of the built environment,*
- (h) .....
- (i) .....
- (j) .....

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Relevant to the proposal the following submission is provided in relation to the question as to whether there are sufficient environmental planning grounds to justify the non-compliance.

What is the aspect or element of the development that contravenes the development standard

The subject site is located within Building Height Zone "B" and which is subject to a maximum building height control of 21m.

Building height is defined under the LEP as meaning

**building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The proposal as detailed on the accompanying plans will result in a maximum building height of 22.32m and which exceeds the maximum 21m requirement.

The maximum non-compliance is 1,320mm or 6.29%

The proposed non-compliance relates to the lift overrun and a portion of the level 5 walls and roof. The extent of non-compliance is illustrated on the accompanying height limit diagram (Dwg No. A017) contained within the architectural plans.

What are the environmental grounds associated with the departure

It is my opinion the environmental planning grounds associated with the proposed departure primarily relate to:

1. The subject site is located upon land zoned R4 - High Density Residential and where the maximum permissible height is 21m.
2. The proposal is provided with an overall height of building of 22.32m and which results in a minor non-compliance with this control.
3. The proposal will therefore result in a built form which is generally consistent with the existing and desired future height of development located within the surrounding locality.

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A photomontage of the proposal

4. The proposed design is such the majority of the proposal is contained within the 21m height control.
5. The non-compliant height is associated with the proposed lift overrun and a portion of the level 5 walls and roof.
6. The subject site comprises of gently sloping land having a cross fall over the site in a southerly direction which contributes to the non-compliance.
7. The proposed non-compliant height will allow for the provision of additional affordable housing in the form of eight (8) boarding rooms and forty-six (46) co-living rooms in a manner which does not result in any unreasonable impacts.

Are the environmental planning grounds sufficient to justify contravening the development standard

It is my opinion for the reasons as set out within this submission that there are sufficient environmental planning grounds to justify contravening the development standard.

It is my opinion based upon the above that the proposed non-compliance will:

1. *promote the orderly and economic use and development of land,*
2. *promote the delivery and maintenance of affordable housing, and*
3. *promote good design and amenity of the built environment.*

It is therefore my opinion based upon the above that this submission has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by Clause 4.6(3)(b) of the LEP.

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**Conclusion**

It is therefore my opinion based upon the content of this submission that a variation of the maximum height of building control as required by Clause 4.3 of Georges River Local Environmental Plan 2021 is appropriate in this instance.



Andrew Minto  
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MINTO PLANNING SERVICES PTY LTD  
12<sup>th</sup> December 2025

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Minto Planning Services  
Town Planning Consultants

**Proposed Demolition of Existing Structures and Construction of a New Co-Living Housing and Boarding House Development Pursuant to SEPP (Housing) 2021  
5 Mona Street, Allawah**

**Clause 4.6 - Exceptions to Development Standards (Minimum Lot Size)**

This Clause 4.6 Submission is prepared in support of a Development Application which seeks approval for the demolition of the site's existing structures followed by the construction of a new co-living housing and boarding house development containing forty-six (46) co-living rooms and eight (8) boarding rooms and two (2) levels of basement carpark upon the subject land.

A variation is sought in respect of compliance with Chapter 2 - Part 2 - Division 2 - Section 25 (1)(g) and Chapter 3 - Part 3 - Section 69 (1)(b) of the State Environmental Planning Policy (Housing) 2021 and which relates to minimum lot size for both boarding houses and co-living housing.

Section 25(1)(g) of the SEPP states:

- (g) the minimum lot size for the boarding house is not less than—
  - (i) for development on land in Zone R2 Low Density Residential—600m<sup>2</sup>, or
  - (ii) for development on other land—800m<sup>2</sup>.

Section 69(1)(b) of the SEPP states:

- (b) the minimum lot size for the co-living housing is not less than—
  - (i) for development on land in Zone R2 Low Density Residential—600m<sup>2</sup>, or
  - (ii) for development on other land—800m<sup>2</sup>, and
  - (iii) (Repealed)

The subject site is located within the R4 High Density Residential zone and has an area of 677.1m<sup>2</sup> and therefore does not comply with the numerical requirements of these sections.

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This submission is to be read in conjunction with Architectural Plans including Shadow Diagrams, Sun Eye Diagram, Tree Removal Plan, Height Limit Diagram, Streetscape Analysis & Material Schedule prepared by Texco Design P/L, Project No. 2538, Drawing No's A001 to A404, Revision A and dated 05/12/2025.

This Clause 4.6 variation has been prepared in accordance with the approach adopted by the Land & Environment Court of NSW in its recent Court decisions.

It is submitted that the variation is well founded and is worthy of the support of the Council.

The following is an assessment of the proposed variation against the requirements of Clause 4.6.

**1. What are the objectives of Clause 4.6 and is the proposal consistent with them.**

The objectives of Clause 4.6(1) of the LEP are:

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

It is my opinion, as is demonstrated by the responses to the questions below, that the proposed variation is consistent with the objectives of this clause.

It is also considered in the circumstances, a flexible approach to the application is warranted.

**2. Is the standard to be varied a Development Standard to which Clause 4.6 applies.**

A “development standard” is defined in Section 4 of the Environmental Planning & Assessment Act as:

**development standards** means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) *the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) *the proportion or percentage of the area of a site which a building or work may occupy,*
- (c) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- (d) *the cubic content or floor space of a building,*
- (e) *the intensity or density of the use of any land, building or work,*

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- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- (h) the volume, nature and type of traffic generated by the development,
- (i) road patterns,
- (j) drainage,
- (k) the carrying out of earthworks,
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- (m) the provision of services, facilities and amenities demanded by development,
- (n) the emission of pollution and means for its prevention or control or mitigation, and
- (o) such other matters as may be prescribed.

Section 25 of SEPP (Housing) 2021 is titled Standards for boarding houses and Section 69 of the SEPP (Housing) 2021 is titled Standards for co-living housing. It is also considered that the wording of both Sections is consistent with previous decisions of the Land & Environment Court of NSW in relation to what matters constitute development standards.

It is also noted that Sections 25 & 69 do not contain a provision which specifically excludes the application of Clause 4.6 and vice a versa.

On this basis it is considered that Section 16 are development standards for which Clause 4.6 applies.

### **3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case.**

Sub-clause 4.6(3) sets out the matters that must be demonstrated by a written request seeking to justify a contravention of the relevant development standard (that is not expressly excluded from the operation of clause 4.6 under Georges River Local Environmental Plan 2021):

- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
  - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827, Preston CJ set out five justifications that may be used to demonstrate that compliance with a development standard is unreasonable or unnecessary:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

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- The underlying objective or purpose of the standard is not relevant to the development.
- The underlying objective or purpose would be defeated or thwarted if compliance was required.
- The standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and/or
- The zoning of the land was unreasonable or inappropriate such that the standards for that zoning are also unreasonable or unnecessary.

It is submitted that the first justification is applicable in this instance.

Whilst there are no stated objectives contained within Sections 25 & 69 of SEPP (Housing) 2021 in relation to minimum lot size, it is my opinion that the underlying objective is to ensure that a lot is of an appropriate size to allow orderly and economic development of the land for the purpose of a boarding house and/or co-living housing development.

The subject site is located within the R4 High Density Residential zone and has an area of 677.1m<sup>2</sup> and therefore does not comply with the numerical requirements of these sections.

It is my opinion that the proposal provides for a new co-living housing and boarding house whilst maintaining the existing character and future desired character and is considered to be compatible with the surrounding development.

The subject site is immediately adjoined by an existing residential flat building to the east and part two and three storey buildings comprising of shops to the north.

It is therefore not possible to consolidate the subject site and surrounding properties into a single development site. As a result, the subject site is undersized in relation to its site area being less than 800m<sup>2</sup>.

Strict compliance with the minimum allotment size of the SEPP would prohibit the development of the site as proposed and in the circumstances of this case would not provide for the orderly and economic development of land.

In support the proposal it is my opinion that the proposal despite its area will provide for development which will be consistent with the existing and future desired character for the area.

Notwithstanding the non-compliance in relation to lot size, the proposal does comply with Council's FSR controls and is provided with a deep soil area well in excess of the minimum required.

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It is also submitted that the proposal does provide for a landscape outcome which is in keeping with the objectives of Council and which will make a positive contribution to the character of the locality.

Furthermore, a variation is considered appropriate in this instance given that a boarding house development has previously been approved on the subject site under DA2021/0465.

On this basis it is my opinion that strict compliance with the standard is unreasonable and unnecessary in the circumstances of this case.

**4. Are there sufficient environmental planning grounds to justify contravening the development standard.**

Consistent with the findings of the Court in *Initial Action P/L v Woollahra Municipal Council (2018) 236 LGERA 256; [2018] NSWLEC* an applicant is required to demonstrate in writing that there are sufficient environmental planning grounds to justify the variation.

In Initial Action at [24], Preston CJ stated, that the

*“... focus of cl. 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds”.*

Further he stated,

*“... the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl. 4.6(4)(i) that the written request has adequately addressed this matter”.*

In order to determine environmental planning grounds relevant to the non-compliance it is often accepted to relate the departure to the objects of the Act as set out at Section 1.3 - Objects of the Act.

The following objects of the Act are considered to be relevant to the proposal.

- (a) .....
- (b) .....
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) .....
- (f) .....
- (g) to promote good design and amenity of the built environment,
- (h) .....

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- (i) .....,  
(j) .....

Relevant to the proposal the following submission is provided in relation to the question as to whether there are sufficient environmental planning grounds to justify the non-compliance.

What is the aspect or element of the development that contravenes the development standard

The subject site has an area of 677.1m<sup>2</sup> and therefore does not comply with the numerical requirements of this clause.

Therefore, the subject site is undersized in relation to its site area being less than 800m<sup>2</sup>.

What are the environmental grounds associated with the departure

It is my opinion the environmental planning grounds associated with the proposed departure primarily relate to:

- The subject site is immediately adjoined by an existing residential flat building to the east and part two and three storey buildings comprising of shops to the north.
- It is therefore not possible to consolidate the subject site and surrounding properties into a single development site. As a result, the subject site is undersized in relation to its site area being less than 800m<sup>2</sup>.
- There is no other property which the subject property can amalgamate with in order to achieve an allotment which complies with the minimum allotment size requirements of Sections 25 & 69 of the SEPP.
- Enforcing strict compliance with this clause would prohibit the use of the site for a co-living housing and boarding house which is a suitable built form anticipated by the SEPP for this locality.
- The proposal provides for the orderly and economic development of land.
- A variation is considered appropriate in this instance given that a boarding house development has previously been approved on the subject site under DA2021/0465.
- This submission together with the documentation provided in support of the proposal demonstrates that the site is capable of otherwise supporting development which satisfies the objectives of the zone and provides for development which will make a positive contribution to the character of the area.
- The proposal complies with council's controls in relation to floor space ratio and deep soil landscaping.

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Are the environmental planning grounds sufficient to justify contravening the development standard

It is my opinion for the reasons as set out within this submission that there are sufficient environmental planning grounds to justify contravening the development standard.

It is my opinion based upon the above that the proposed non-compliance will:

1. promote the orderly and economic use and development of land,
2. promote the delivery and maintenance of affordable housing and
3. promote good design and amenity of the built environment.

It is therefore my opinion based upon the above that this submission has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by Section 25(1)(g) and Section 69(1)(b) of the SEPP (Housing) 2021.

**Conclusion**

It is therefore my opinion based upon the content of this submission that a variation of the minimum lot size as required Section 25(1)(g) and Section 69(1)(b) of the SEPP (Housing) 2021 is appropriate in this instance.



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12<sup>th</sup> December 2025

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## REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 07 MAY 2026

LPP020-26 2-4 GLADSTONE STREET KOGARAH NSW 2217

<b>LPP Report No</b>	<b>LPP020-26</b>	<b>Development Application No</b>	<b>DA2025/0443</b>
<b>Site Address &amp; Ward Locality</b>	2-4 Gladstone & 10 Victor Street KOGARAH NSW 2217 Kogarah Bay Ward		
<b>Proposed Development</b>	Demolition works and construction of 14-storey mixed use development comprising in-fill affordable shop-top housing (5 units), a shop and co-living housing (101 rooms)		
<b>Owners</b>	Victor Street Pty Ltd		
<b>Applicant</b>	Cindy Park		
<b>Planner/Architect</b>	JSA Studio		
<b>Date Of Lodgement</b>	9/10/2025		
<b>Submissions</b>	Four (4)		
<b>Cost of Works</b>	\$14,353,578.00		
<b>Local Planning Panel Criteria</b>	Chapter 4 (Design of residential apartment development) of State Environmental Planning Policy (Housing) 2021 applies to this proposal.		
<b>Report prepared by</b>	Principal Planner		
<b>RECOMMENDATION</b>	Refusal		

### EXECUTIVE SUMMARY

This application is referred to Council's Local Planning Panel (the Panel) in accordance with Schedule 1 of the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents, issued by the Minister for Planning and Public Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979. The application seeks consent for a 'sensitive development', for which State Environmental Planning Policy (Housing) 2021 applies and is four or more storeys in height.

### BACKGROUND

On 8 December 2025, the Applicant commenced proceedings in Class 1 of the Land and Environment Court's jurisdiction appealing against the deemed refusal of the development application.

### PROPOSAL

The application seeks consent for the demolition of all structures on the subject site and construction of a 14-storey mixed-use development over basement car parking, comprising in-fill affordable shop top housing (5 units), a 58.5sqm shop and co-living housing (101 rooms).

LPP020-26

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Specifically, the application seeks consent for the following:

- One shop as shown on Ground Floor drawing DA3.05 Rev 1 dated 25/08/2025 on the corner of Gladstone Street and Railway Parade. The Statement of Environmental Effect, prepared by Design Collaborative dated September 2025 (SEE) refers to this as a 'restaurant and café'. One accessible car space is allocated to the shop. Part 10 GRDCP, section 12, Control 3 requires one car space per 40m<sup>2</sup> of commercial/retail space at ground level, being a requirement for 1.46 (car spaces).
- Five residential apartments (three x 2 bedroom and two x 3 bedroom) described in the application as being for 'affordable housing' under s16 of State Environmental Planning (Housing) 2021 (SEPP Housing). There is no communal open space allocated specifically to the residential apartments. Four car spaces in the basement are allocated to the five apartments.
- The co-living housing component has:
  - 101 double occupancy rooms
  - two communal rooms, on the Ground Floor and on Level 12
  - a communal kitchen with accessible WC on Level 13
  - three communal terraces/open spaces, on the Ground Floor, Level 12 and Level 13
  - 15 car spaces for the co-living rooms including one car share EV space.

## ASSESSMENT

Development Application No. DA2025/0451 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 an assessment against the provisions contained within:

- State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021;
- State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (SEPP) (Housing) 2021; and
- Georges River Local Environmental Plan 2021 (GRLEP 2021); and
- Georges River Development Control Plan 2021 (GRDCP 2021).

The assessment has identified non-compliances with statutory controls and non-discretionary development standards, resulting in an unacceptable planning outcome. As detailed in the assessment report, the proposal fails to satisfy key non-discretionary standards for co-living housing under the SEPP (Housing) 2021, including minimum requirements for communal living area, communal open space, landscaping and compliant building setbacks and separation distances. These failures give rise to unacceptable amenity, urban design and heritage impacts.

The proposal exceeds the maximum building height and floor space ratio prescribed under clause 4.3 and 4.4 of the GRLEP 2021. Reliance on the affordable housing incentives under Chapter 2 of SEPP Housing 2021 is misconceived. The additional height allowance under section 16(3) applies only to buildings used for residential flat buildings or shop top housing, whereas the development is properly characterised as a mixed-use development incorporating co-living housing. The resulting height exceedance is not supported by a Clause 4.6 variation request, which fails to accurately quantify the non-compliance, demonstrate that the development standard is unreasonable or unnecessary, or establish sufficient environmental planning grounds.

The proposal further fails to exhibit design excellence as required under Clause 6.10 of the GRLEP 2021 and does not comply with the landscaped area requirements under Clause 6.12 of GRLEP 2021. Additional non-compliances with the GRDCP 2021 including basement and building setbacks, streetscape interface and waste management, result in adverse impacts on adjoining land, the public domain and the orderly and economic development of the area.

A detailed consideration of these matters is provided in the attached assessment report. Collectively, the unresolved issues confirm that the proposal does not represent a suitable form of development for the site, cannot be supported on planning merits, and form the basis of Council's contentions in the appeal.

## NOTIFICATION

The application was notified in accordance with Council's Community Engagement Policy between 22 October 2025 to 19 November 2025. Four (4) submissions were received during the neighbour notification period. Details of the submissions are outlined in Council's assessment report.

## RECOMMENDATION

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, Development Application DA2025/0443 for the demolition works and construction of 14 storey mixed use development comprising in-fill affordable shop-top housing (5 units), a shop and co-living housing (101 rooms) on Lot 80 Sec A DP 1397 & Lot 81 Sec A DP 1397 & Lot 78 Sec A DP 1397 & Lot 79 Sec A DP 1397 on land known as 2-4 Gladstone & 10 Victor Street KOGARAH NSW 2217, be refused for the following reasons:

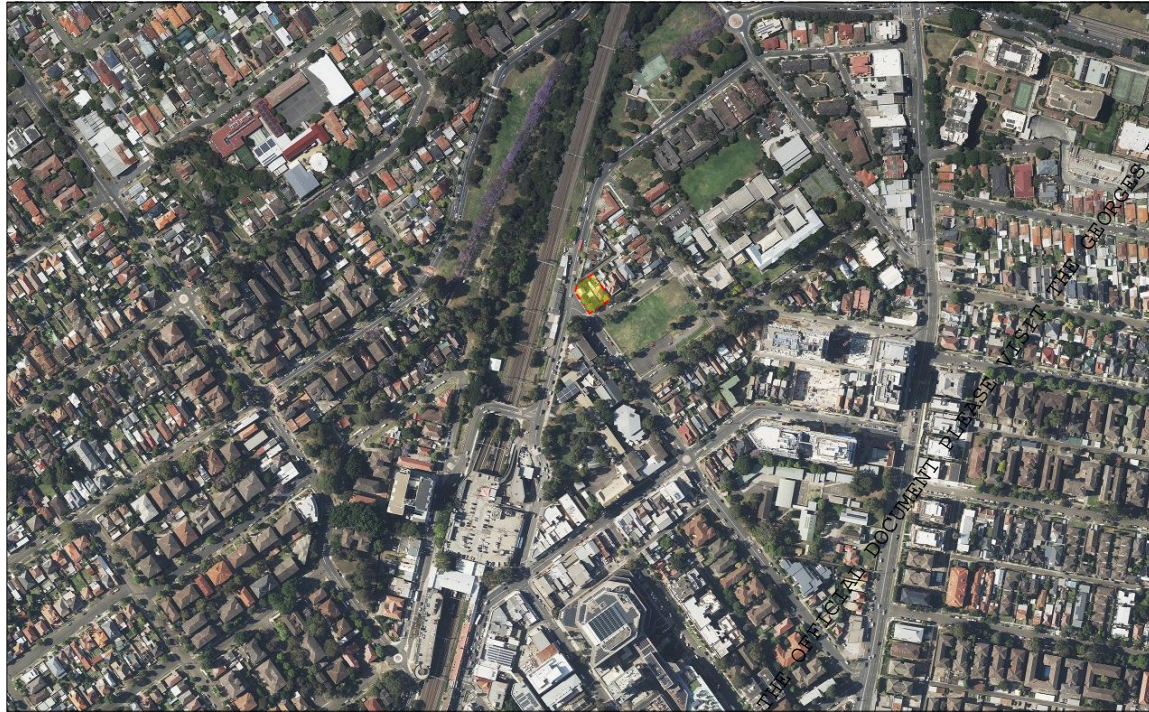
1. The application fails to satisfy Section 26 of the Environmental Planning and Assessment Regulations 2021 with regard to a community housing provider [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
2. The application fails to satisfy Section 19(2)(b) of the State Environmental Planning Policy (Housing) 2021 with regard to solar access [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
3. The application fails to satisfy Section 68(2)(d) of the State Environmental Planning Policy (Housing) 2021 with regard to communal open space [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
4. The application fails to satisfy Section 68(2)(g) of the State Environmental Planning Policy (Housing) 2021 with regard to landscaping [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
5. The application fails to satisfy Section 20(3) and Section 69(2)(f) of the State Environmental Planning Policy (Housing) 2021 with regard to design requirements [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
6. The application fails to satisfy Section 69(2)(a)(ii) and Section 69(2)(b) of the State Environmental Planning Policy (Housing) 2021 with regard to building setbacks and separation [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].

7. The proposed development fails to satisfy the relevant requirements of Clause 147(1)(b) of the State Environmental Planning Policy (Housing) 2021 with respect to the following parts of the Apartment Design Guide [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*]:
  - a. Design criteria of objective 3F-1: Visual privacy; and
  - b. Objectives of 3C-1 and 3C-2: Public domain interface; and
  - c. Design criteria of objective 3E-1: Deep soil zones; and
  - d. Objectives of 3G-1 and 3G-2: Pedestrian access and entries; and
  - e. Objectives of 3H-1: Vehicular Access; and
  - f. Objectives of 4B: Cross ventilation; and
  - g. Design criteria of objective 4C-1 and objective 4C-2 and 4C-3: Ceiling heights; and
  - h. Design criteria of objective 4F-1 and objective 4F-2: Common circulation and spaces
8. The application fails to satisfy Schedule 9 design principals for residential apartment development of the State Environmental Planning Policy (Housing) 2021 with regard public and private interface [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
9. The application fails to satisfy Clause 2.3 of the Georges River Local Environmental Plan 2021 relating to the 'Zone Objectives and Land Use Table' as the proposed development type is not permitted within the R4 High Density Residential zone.
10. The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 with regard to building height [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
11. The application fails to satisfy Clause 4.4 of Georges River Local Environmental Plan 2021 with regard to floor space ratio [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
12. The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to departures from development standards [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
13. The application fails to satisfy Clause 5.10 of Georges River Local Environmental Plan 2021 with regard to heritage conservation [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
14. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
15. The application fails to satisfy Clause 6.11 of the Georges River Local Environmental Plan 2021 with regard to Environmental sustainability [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
16. The application fails to satisfy Clause 6.12 of the Georges River Local Environmental Plan 2021 with regard to landscaping [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].

17. The application fails to satisfy the provisions Part 3 of the Georges River Development Control Plan 2021 with regard to general planning considerations [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
18. The application fails to satisfy the provisions Part 6.3 of the Georges River Development Control Plan 2021 with regard to the high density residential controls [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
19. The application fails to satisfy the provisions Part 10.1 of the Georges River Development Control Plan 2021 with regard to the Kogarah North Precinct controls [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
20. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*]
21. The development is considered to result in the unorderly development of land [Pursuant to Section 1.3(c) of the *Environmental Planning & Assessment Act 1979*]; and
22. The site is considered unsuitable for the proposed development [Pursuant to S4.15(1)(c) of the *Environmental Planning & Assessment Act 1979*]; and
23. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the *Environmental Planning & Assessment Act 1979*].

## ATTACHMENTS

- Attachment [↓1](#) Architectural Plans
- Attachment [↓2](#) Assessment Report
- Attachment [↓3](#) Clause 4.6 Variation Request



LOCATION PLAN  
1:5000

Source: Google maps

Client:	VORTEX Property Group
Architect:	JSA Studio
Cost Planning Consultant:	Newton Fisher
Town Planning Consultant:	Design Collaborative
Structural Engineer:	HHC Engineers
Civil Engineer:	Engineering Studio
Hydraulic Engineer:	Scott Collis
Mechanical Engineer:	Broad Air
Electrical Engineer:	AA Power Engineering
Landscape Architect:	Zenith Landscapes
BCA Consultant:	Absolute BCA
Fire Engineer:	AE & D Fire
Acoustic Consultant:	Kaikias
Geotechnical Engineer:	Morrow
ESD Consultant:	Gradwell Consulting
Heritage Consultant:	Weir Phillips
Access Consultant:	ABS
Traffic Consultant:	TPA
Arboret:	TLC Tree Solutions
Land Surveyor:	Map & Survey
Social Planner:	Sarah George Consulting

**Vortex Property Group**  
 2-4 Gladstone St & 10 Victor St, Kogarah  
**OMNIA (Mixed-use development)**

For Development Application 25/08/2025

ARCHITECTURAL DRAWINGS	Rev.	
DA0.01	Cover Sheet	1
DA1.01	Setbacks and Approved envelope	1
DA1.03	Site Analysis - Environmental	1
DA1.04	Demolition Plan	1
DA1.05	Excavation Plan	1
DA1.06	Site Environmental Management Plan	1
DA1.10	Site/Roof Plan	1
DA2.01	Schedule of accommodation	1
DA2.02	GFA Calculations	1
DA3.01	Floor Plans - Basement 3	1
DA3.02	Floor Plans - Basements 2-2A	1
DA3.03	Floor Plans - Basements 1-1A	1
DA3.05	Floor Plans - Ground Floor	1
DA3.06	Floor Plans - Level 1	1
DA3.07	Floor Plans - Level 2	1
DA3.08	Floor Plans - Level 3	1
DA3.09	Floor Plans - Level 4	1
DA3.10	Floor Plans - Levels 5-9	1
DA3.11	Floor Plans - Levels 10-11	1
DA3.12	Floor Plans - Level 12	1
DA3.13	Floor Plans - Level 13	1
DA4.01	Detailed Layout Plans	1
DA4.02	Detailed Layout Plans	1
DA4.04	Adaptable apartment	1
DA5.01	Section 1	1
DA5.02	Section 2	1
DA5.03	Section 3, 4	1
DA5.04	Section 5, 6	1
DA6.01	Elevations NE, NW	1
DA6.02	Elevations SE, SW	1
DA6.03	Schedule of materials and finishes	1
DA6.04	Streetscape Elevation	1
DA7.01	Artistic Impression	1
DA7.02	Artistic Impression	1
DA7.03	Artistic Impression	1
DA7.04	3D views	1
DA7.06	3D Views (Height Control)	1
DA8.01	Shadow Diagrams - Existing - 21st June	1
DA8.02	Shadow Diagrams - Proposed - 21st June	1
DA8.03	Shadow Elevation - Kogarah High School	1
DA8.04	Shadow Analysis - School Oval	1
DA8.05	Views from the sun	1
DA8.06	Views from the sun	1
DA8.07	Solar Access Study	1

DEVELOPMENT APPLICATION

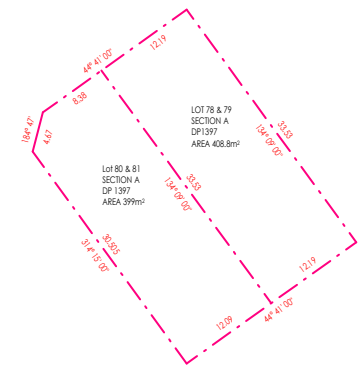
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**SITE INFORMATION**

Council: Georges River Council  
 Land Zoning: R4 - High density Residential  
 Height Limit: 33m



Total Area 807.8m²

DEVELOPMENT APPLICATION

1 Site Analysis - DA  
 1 : 500

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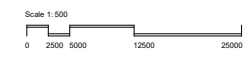
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E	Design Development - For consultant's review (1st)		01/05/2025
G	Design Development - For Coordination		23/06/2025
J	Design Development - For Coordination		25/07/2025
1	For Development Application		25/08/2025

**OMNIA (Mixed-use development)**  
 2-4 Gladstone St & 10 Victor St, Kogarah  
 For  
 Vortex Property Group



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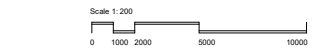
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 Site Analysis - Environmental



Scale	As indicated @ A3	Drawn	Author
Project No.	250202	Checked	Checker
Drawing No.	DA1.03	Approved	Approver
Revision	1		



1 Demolition Plan  
1:200



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Rev	Revision Description	Chk	Date	Project
1	Design Development For Development Application		18/08/2023 25/08/2023	OMNIA (Mixed-use development) 2-4 Gladstone St & 10 Victor St, Kogarah

For  
Vortex Property Group



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Title  
Demolition Plan

Project No. 250202	Checked	Author
Drawing No. DA1.04	Approved	Approver
Revision 1		

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 RAILWAY LOCAL PLANNING PANEL BUSINESS PAPER

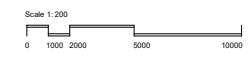
DEVELOPMENT APPLICATION



1 Excavation Plan  
1:200

**LEGEND**

- Outline of proposed building footprint above ground level
- Boundary
- Site fence / wall - to be removed



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1	Design Development For Development Application		18/08/2025 25/08/2025	OMNIA (Mixed-use development) 2-4 Gladstone St & 10 Victor St, Kogarah

For  
Vortex Property Group



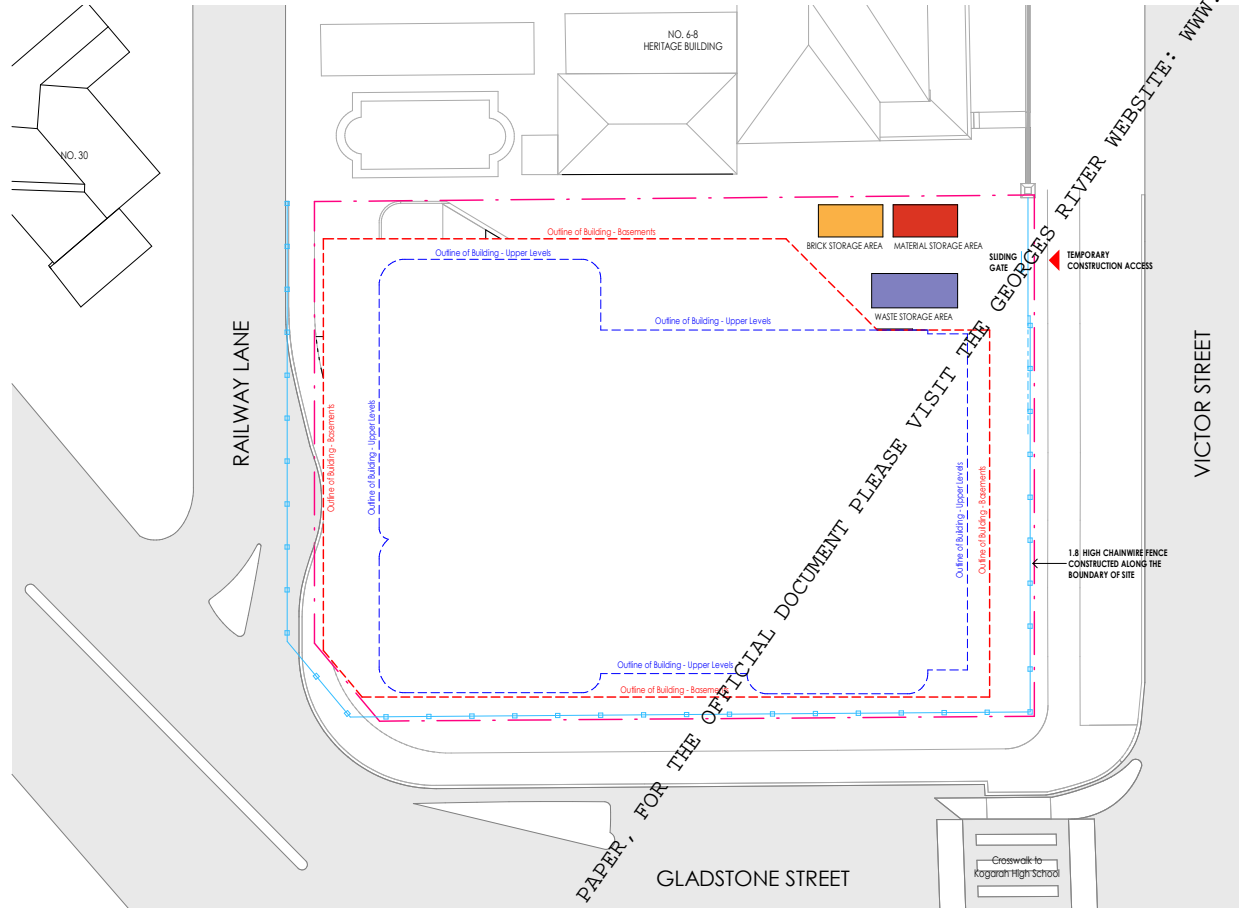
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Title	
Excavation Plan	

Project No.	Checked	Author
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Drawing No.	Approved	Approver
DA1.05	<input checked="" type="checkbox"/>	
Revision		1

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DEVELOPMENT APPLICATION



1 Site Environmental Management Plan  
1 : 200

DEVELOPMENT APPLICATION

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M	Design Development		20/08/2025	OMNIA (Mixed-use development)
1	For Development Application		25/08/2025	2-4 Gladstone St & 10 Victor St, Kogarah

For  
Vortex Property Group

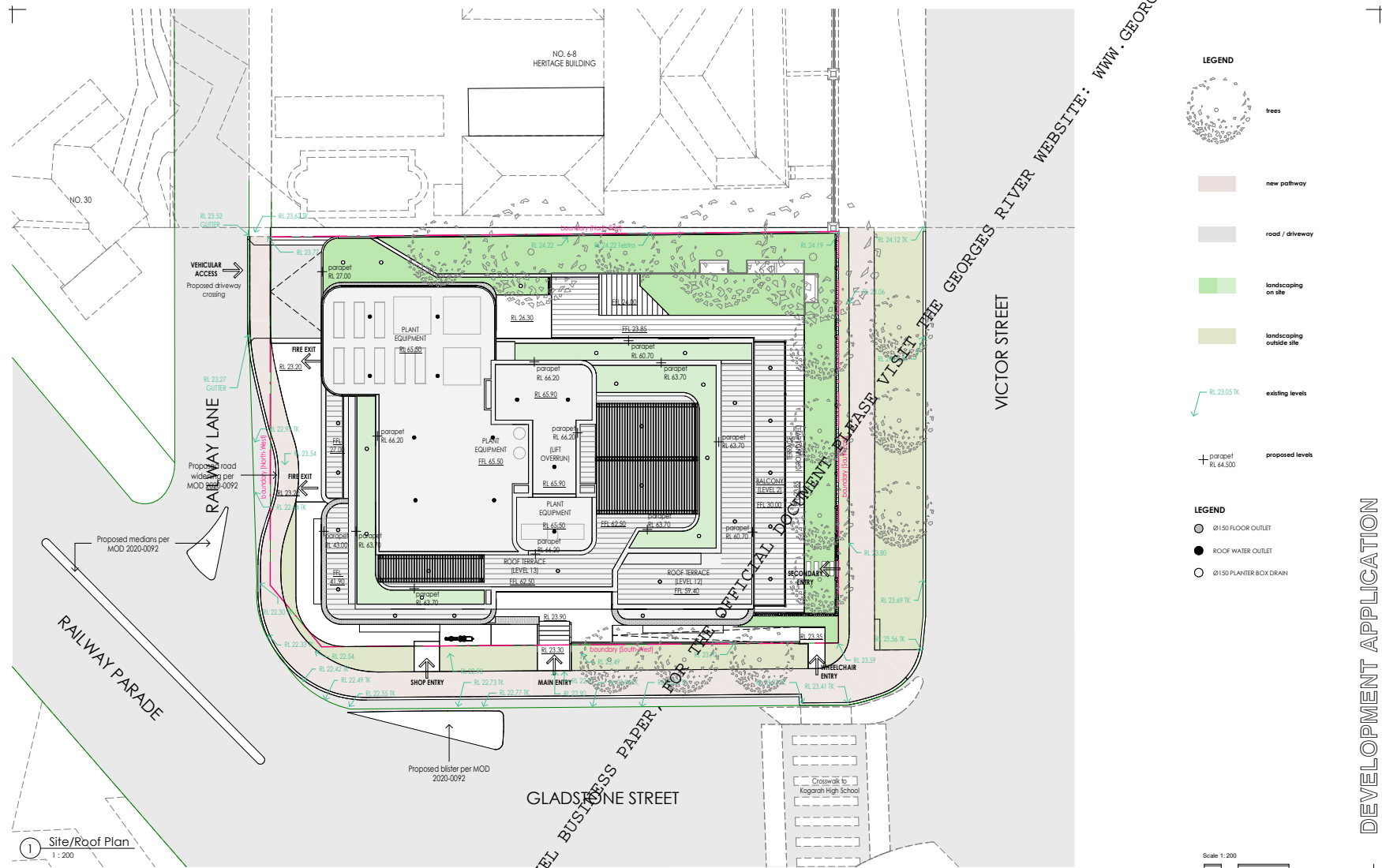
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Title  
Site Environmental Management Plan

Scale 1:200  
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Scale: 1:200 @ A3	Drawn	Author
Project No. 250202	Checked	Checker
Drawing No. DA1.06	Approved	Approver
Rev: 1	Revision	Revision

Print Date: 5/9/2025 10:27 PM

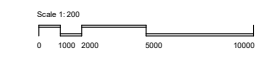


**LEGEND**

- trees
- new pathway
- road / driveway
- landscaping on site
- landscaping outside site
- existing levels
- proposed levels
- parapet RL 64.500

**LEGEND**

- Ø150 FLOOR OUTLET
- ROOF WATER OUTLET
- Ø150 PLANTER BOX DRAIN



1 Site/Roof Plan  
1:200

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E	Design Development - For consultant's review (1st)		01/05/2025
F	Design Development - For consultant's review (2nd)		14/05/2025
G	Design Development - For Coordination		23/08/2025
H	Design Development - For Coordination		26/06/2025
J	Design Development - For Coordination		25/07/2025
K	Design Development - For Coordination		01/08/2025
L	Design Development		18/08/2025
1	For Development Application		25/08/2025

**OMNIA (Mixed-use development)**  
2-4 Gladstone St & 10 Victor St, Kogarah  
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Site/Roof Plan

Project No.	Checked	Author
250202	Checked	Checker
DA1.10	Approved	Approver
		Revision
		1

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DEVELOPMENT APPLICATION

**SCHEDULE OF ACCOMMODATION**

2-4 Gladstone St, Kogarah

Site Area (m <sup>2</sup> )	807.80 m <sup>2</sup>		
-----------------------------	-----------------------	--	--

LANDSCAPING AND COMMUNAL OPEN SPACE				
		Areas REQUIRED		Areas PROVIDED
Required Deep soil planting (DCP)	7%	56.5 m <sup>2</sup>	58 m <sup>2</sup>	48.8 m <sup>2</sup>
Communal Open Space (SEPP)	20%	161.6 m <sup>2</sup>	On level 13	23.1 m <sup>2</sup>
			On level 12	180.4 m <sup>2</sup>
			On Ground level	252.3 m <sup>2</sup>
			COS Total	23%
Soft Landscaping	-	-	182 m <sup>2</sup>	23%

FLOOR SPACE RATIO		
Max. FSR ALLOWED		Total FSR PROVIDED
FSR per LEP	4.0	5.24
Including bonus (30%)	5.2	

GROSS FLOOR AREA		
Max. GFA ALLOWED (LEP)		Total GFA PROVIDED
Excluding bonus	3,231 m <sup>2</sup>	4,230 m <sup>2</sup>
Including bonus (30%)	4,201 m <sup>2</sup>	

GFA Provided	m2/ level	# of levels	Area per Level type
Level 13	136 m <sup>2</sup>	1	136 m <sup>2</sup>
Level 12	269 m <sup>2</sup>	1	269 m <sup>2</sup>
Levels 10-11	333 m <sup>2</sup>	2	666 m <sup>2</sup>
Levels 5-9	319 m <sup>2</sup>	5	1,595 m <sup>2</sup>
Level 4	315 m <sup>2</sup>	1	315 m <sup>2</sup>
Level 3	315 m <sup>2</sup>	1	315 m <sup>2</sup>
Level 2	306 m <sup>2</sup>	1	306 m <sup>2</sup>
Levels 1	332 m <sup>2</sup>	1	332 m <sup>2</sup>
Ground Level (Communal rooms)	296 m <sup>2</sup>	1	296 m <sup>2</sup>

BUILDING HEIGHT		
Max. HEIGHT ALLOWED		Max. HEIGHT DESIGNED
Height per LEP	33.0 m	42.9 m
Height incl. affordable housing bonus 20%	42.9 m	

CO-LIVING ROOMS				
Level Type	# of rooms per Level	Number of Levels (Type)	Number of rooms per Level Type	Rooms Total
Level 13	3	1	3	101
Level 12	6	1	6	
Levels 10-11	11	2	22	
Levels 5-9	10	5	50	
Level 4	10	1	10	
Level 3	10	1	10	
Level 2	0	1	0	
Levels 1	0	2	0	
Ground Level (Communal rooms)	0	1	0	

CO-LIVING - ACCESSIBLE ROOMS			
Accessible rooms REQUIRED (NCC)		Accessible rooms PROVIDED	
Required for 101 -125 units	6	On level 13	1
Percentage of accessible rooms	5.94%	On level 5	1
		On level 4	2
		On level 3	2

CO-LIVING - COMMUNAL ROOMS			
Area of communal rooms REQUIRED (SEPP 2021)		Area of communal rooms PROVIDED	
Communal rooms area	220.0 m <sup>2</sup>	On level 13	23.1 m <sup>2</sup>
		On level 12	180.4 m <sup>2</sup>
		On Ground level	252.3 m <sup>2</sup>
		220.3 m <sup>2</sup>	

COMMERCIAL AREA		
No requirement	Commercial (shop) - Total Area Provided	58.5 m <sup>2</sup>
	Commercial (shop) - Sales Area Provided	47.5 m <sup>2</sup>

AFFORDABLE HOUSING			
GFA of affordable housing REQUIRED		GFA of affordable housing PROVIDED (5 Units)	
Affordable Housing area (15%)	635 m <sup>2</sup>	On level 2	306.0 m <sup>2</sup>
		On level 1	332.0 m <sup>2</sup>
		638.0 m <sup>2</sup>	

Number of Apartments			
2 bedroom apartment (double-storey)	3	Total number of apartments	5
3 bedroom apartment	2		

CAR PARKING			
<b>Car parking for Co-living REQUIRED (DCP)</b>		<b>Car parking PROVIDED</b>	
Co-living - total parking required (1 space / 5 rooms)	21	On basement 1	4
<b>Car parking for Apartments REQUIRED (SEPP)</b>		On basement 1A	5
2 Bedroom Unit (0.5 Parking Space)	1.5	On basement 2	5
3 Bedroom Unit (2x 1.0 Parking Space)	2		
Apartments - total parking required	4	On basement 2A	6
<b>Car parking for Commercial REQUIRED</b>			
Commercial - total parking required (1 space per 40 m <sup>2</sup> )	1		
<b>TOTAL CAR PARKING REQUIRED</b>	<b>26</b>		

Accessible car parking			
<b>Accessible car parking REQUIRED</b>		<b>Accessible car parking PROVIDED</b>	
Accessible car parking - Residents (at % of accessible rooms to all rooms)	2	On basement 1	2
Accessible car parking - Apartments	1	On basement 1A	2
Accessible car parking - Commercial	1		
		4	

BICYCLE AND MOTORBIKE PARKING			
<b>Bicycle parking REQUIRED</b>		<b>Bicycle parking PROVIDED</b>	
Bicycle parking - Co-living (SEPP 2021) - adequate	-	On basement 3	30
Bicycle parking - Apartments	-		
Bicycle parking - Commercial (DCP) 1 parking space for 5 related cars	1		
<b>TOTAL BICYCLE PARKING REQUIRED</b>	<b>1</b>		

Motorbike parking			
<b>Motorbike parking REQUIRED</b>		<b>Motorbike parking PROVIDED</b>	
Motorbike parking - Co-living (SEPP 2021) - adequate	-	On basement 1	1
Motorbike parking - Apartments	-	On basement 1A	1
Motorbike parking - Commercial	-	On basement 2	1
		On basement 2A	1
<b>TOTAL BICYCLE PARKING REQUIRED</b>	<b>0</b>	4	

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Rev	Revision Description	Chk.	Date	Project
E	Design Development - For consultant's review (1st)		01/05/2023	OMNIA (Mixed-use development) 2-4 Gladstone St & 10 Victor St, Kogarah Vortex Property Group
F	Design Development - For consultant's review (2nd)		14/05/2023	
G	Design Development - For Coordination		23/08/2023	
G	Design Development - For Coordination		08/07/2023	
J	Design Development - For Coordination		25/07/2023	
J	Design Development - For Coordination		01/08/2023	
K	Design Development - For Coordination		18/09/2023	
L	Design Development		25/08/2023	
1	For Development Application			

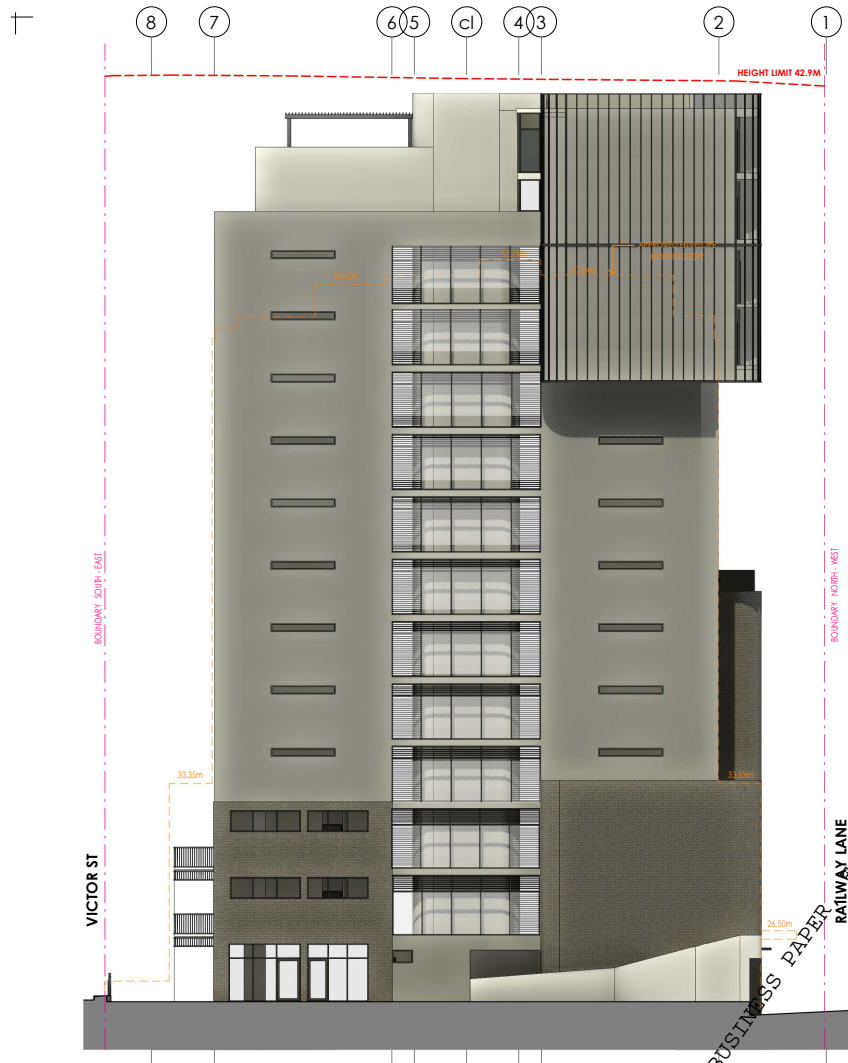
OMNIA (Mixed-use development)  
2-4 Gladstone St & 10 Victor St, Kogarah  
Vortex Property Group

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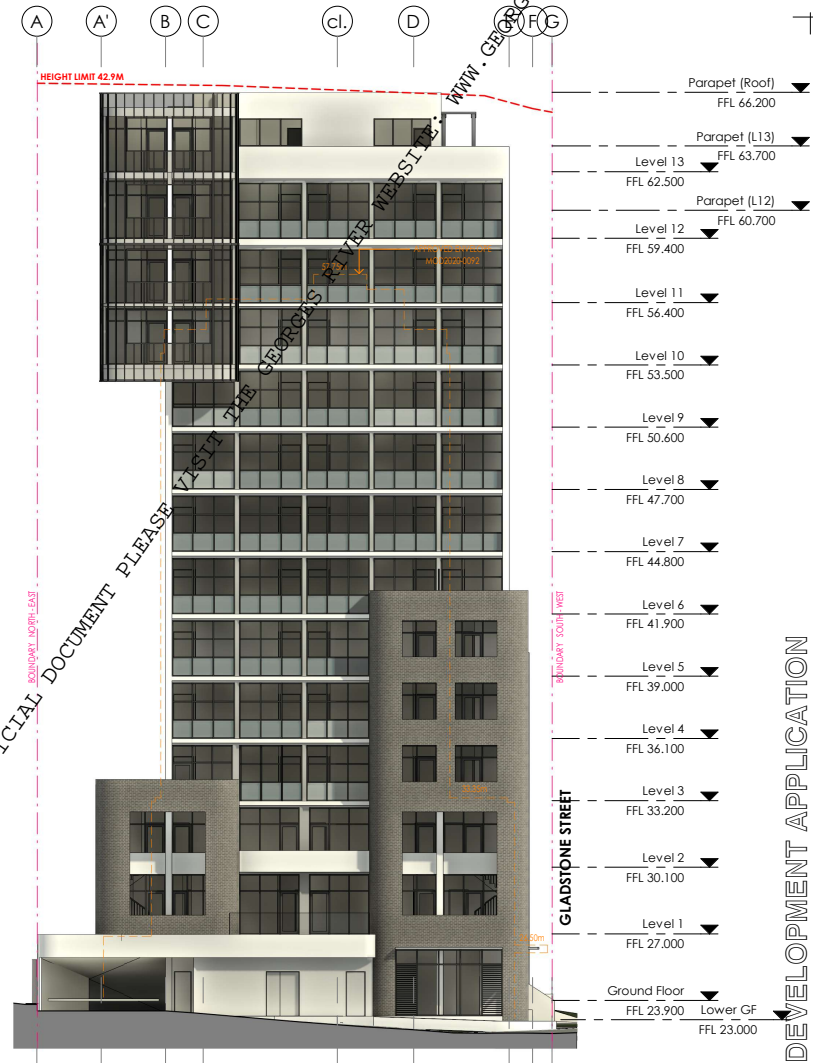


Title		Scale		Drawn		Author	
Schedule of accommodation		@ A3		Drawn		Author	
Project No.		250202		Checked		Checker	
Drawing No.		DA2.01		Approved		Approver	
Revision		1		Revision		Revision	
Date		5/09/2023 10:31 PM					

DEVELOPMENT APPLICATION

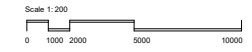


1 North-East Elevation  
1 : 200



2 North-West Elevation  
1 : 200

Parapet (Roof)	FFL 66.200
Parapet (L13)	FFL 63.700
Level 13	FFL 62.500
Parapet (L12)	FFL 60.700
Level 12	FFL 59.400
Level 11	FFL 56.400
Level 10	FFL 53.500
Level 9	FFL 50.600
Level 8	FFL 47.700
Level 7	FFL 44.800
Level 6	FFL 41.900
Level 5	FFL 39.000
Level 4	FFL 36.100
Level 3	FFL 33.200
Level 2	FFL 30.100
Level 1	FFL 27.000
Ground Floor	FFL 23.900
Lower GF	FFL 23.000



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Rev	Revision Description	Chk	Date
F	Design Development - For consultant's review (2nd)		14/05/2023
G	Design Development - For Coordination		23/06/2023
H	Design Development - For Coordination		26/08/2023
I	Design Development - For Coordination		08/07/2023
J	Design Development - For Coordination		25/07/2023
K	Design Development - For Coordination		01/08/2023
L	Design Development		18/08/2023
1	For Development Application		25/08/2023

**OMNIA (Mixed-use development)**  
2-4 Gladstone St & 10 Victor St, Kogarah  
For  
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Title  
**Elevations NE, NW**

Project No.	250202	Checked	Author
Drawing No.	DA6.01	Approved	Approver
Revision	1		

Print Date: 5/9/2023 10:21 PM

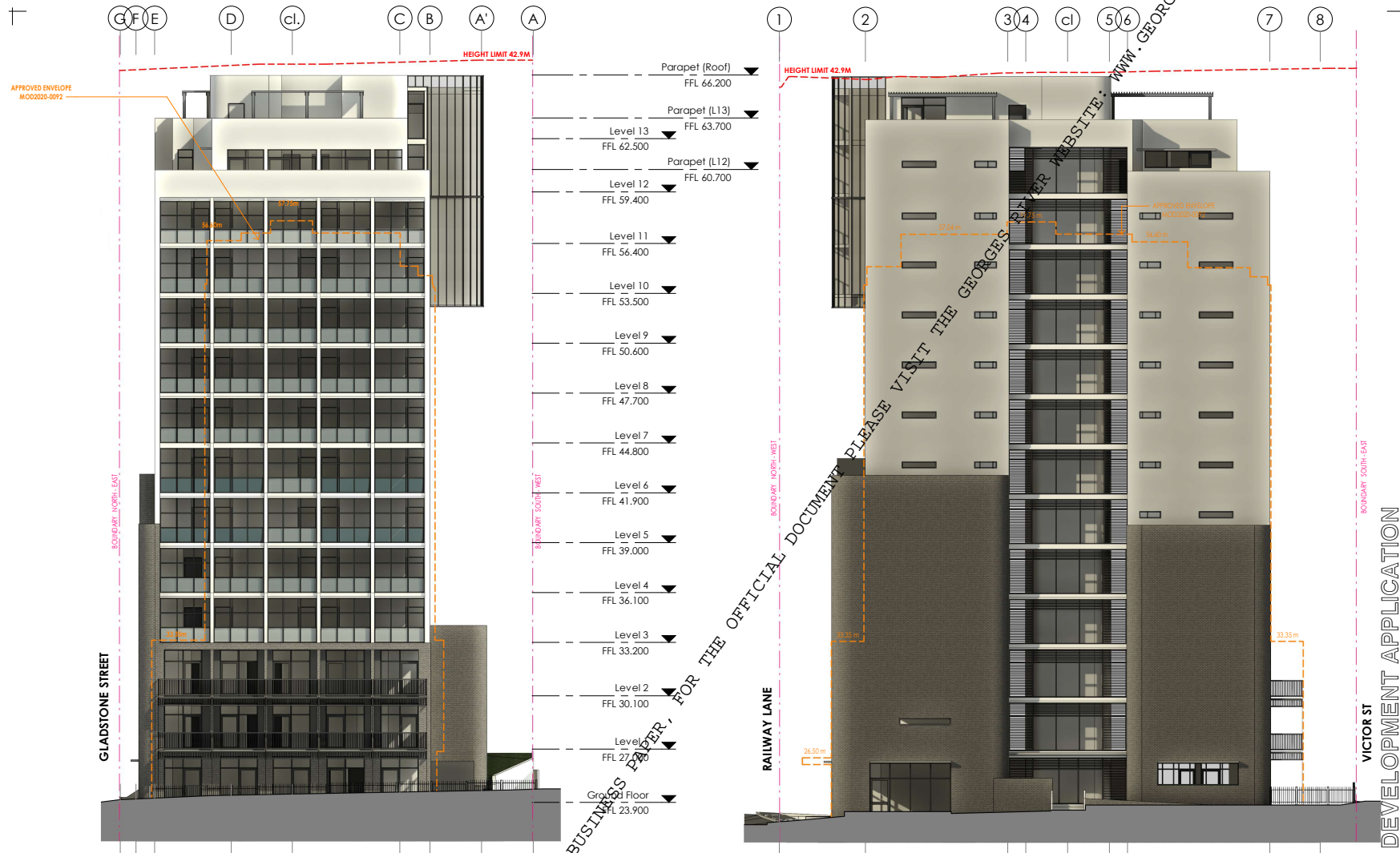
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RANEL BUSINESS PAPER

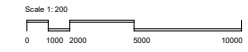
LOCAL PLANNING PANEL

DEVELOPMENT APPLICATION



1 South-East Elevation  
1:200

2 South-West Elevation  
1:200



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F	Design Development - For consultant's review (2nd)		14/05/2025
G	Design Development - For Coordination		23/06/2025
H	Design Development - For Coordination		26/08/2025
I	Design Development - For Coordination		08/07/2025
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K	Design Development - For Coordination		01/08/2025
L	Design Development		18/08/2025
1	For Development Application		25/08/2025

**OMNIA (Mixed-use development)**  
2-4 Gladstone St & 10 Victor St, Kogarah  
For  
Vortex Property Group

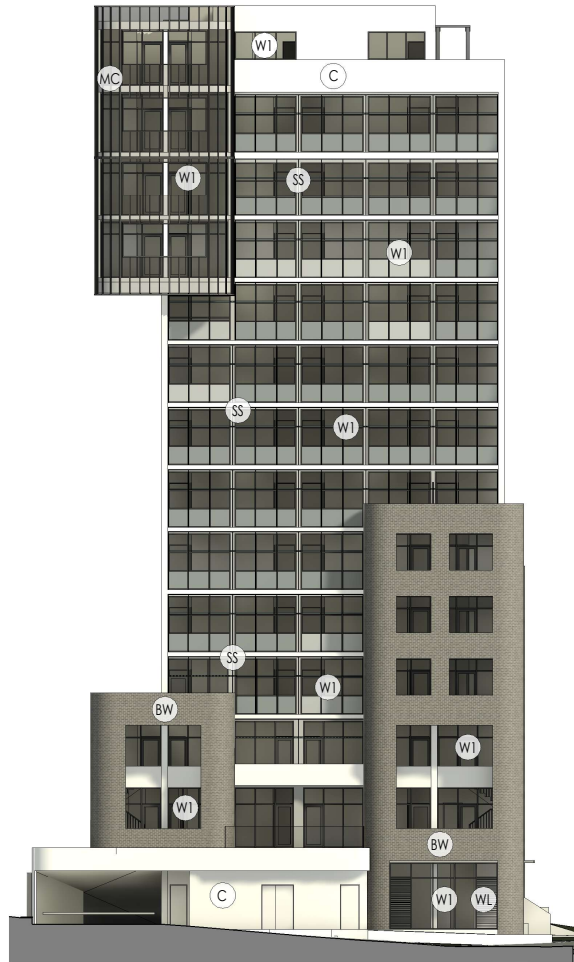
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Title  
Elevations SE, SW

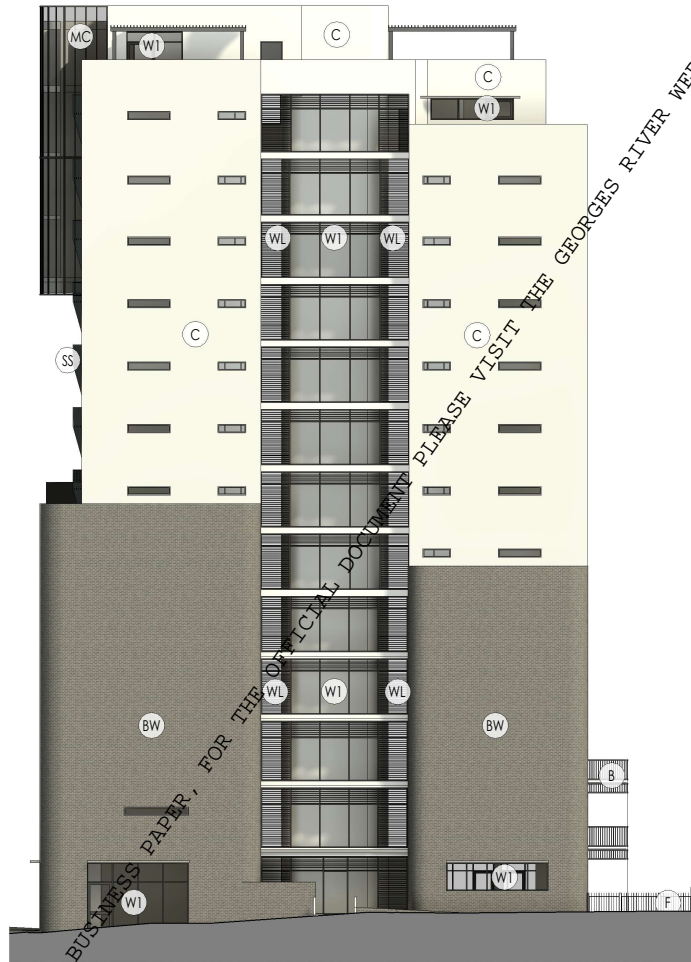
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Drawing No.	Approved	Approver
DA6.02	<input checked="" type="checkbox"/>	
Revision	Revision	Revision
	1	

Print Date: 25/08/2025 10:29 PM

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1 North-West Elevation - Materials



2 North-West Elevation - Materials

**MATERIALS & FINISHES KEY**

(C)	Textured precast concrete (Off-white)		
(BW)	Brick wall (Metallic blue colour)		
(WL)	Glazed louvers Anodised Aluminium frame (Translucent or frosted glass, Charcoal frame)		
(W1)	Double-glazed window Anodised Aluminium frame (Translucent or frosted glass, Charcoal frame)		
(MC)	Polycarbonate Wall Cladding Sheet (Translucent)		
(SS)	Perforated Metal Sunshading (Ice cold aquamarine /Red colour)		
(B)	Galvanised Steel Balustrade (Charcoal)		
(F)	Galvanised Steel Palisade fence (Charcoal)		

DEVELOPMENT APPLICATION

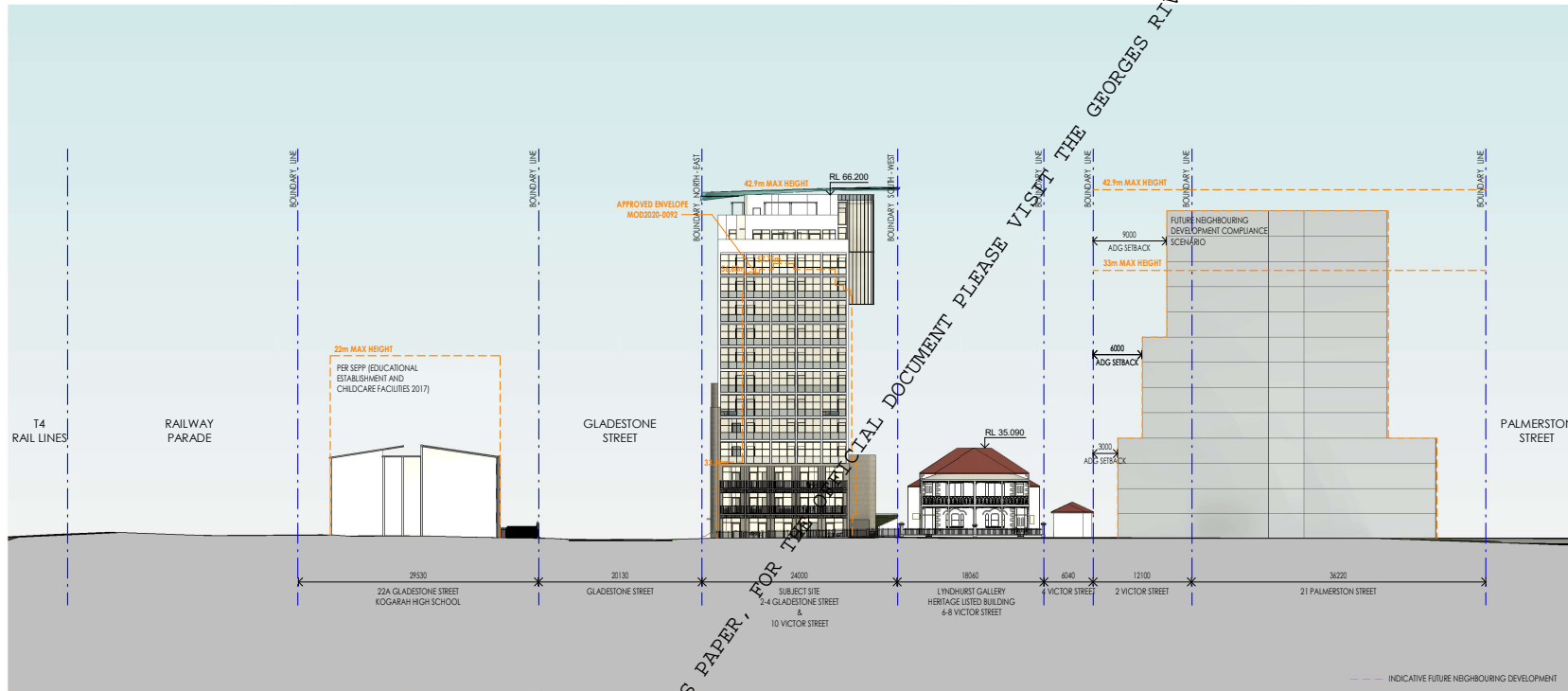
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Rev	Revision Description	Chk	Date	Project
G	Design Development - For Coordination		23/06/2023	OMNIA (Mixed-use development) 2-4 Glasstone St & 10 Victor St, Kogarah For Vortex Property Group
I	Design Development - For Coordination		08/07/2023	
J	Design Development - For Coordination		25/07/2023	
K	Design Development - For Coordination		01/08/2023	
L	Design Development		18/08/2023	
1	For Development Application		25/08/2023	

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Title	
Schedule of materials and finishes	

Scales		Drawn		Author	
1:200 @ A3					
Project No.		Checked		Checker	
250202		Approved		Approver	
Drawing No.		Revision			
DA6.03		1			
Print Date: 5/9/2023 10:35 PM					



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

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Rev	Revision Description	Chk	Date
C	Concept Design		28/03/2023
D	Design Development - Preliminary		03/04/2023
F	Design Development - For consultant's review (2nd)		14/05/2023
F	Design Development - For Coordination		25/06/2023
J	Design Development - For Coordination		25/07/2023
K	Design Development - For Coordination		01/08/2023
L	Design Development		18/08/2023
1	For Development Application		25/08/2023

**OMNIA (Mixed-use development)**  
 2-4 Gladstone St & 10 Victor St, Kogarah  
 For: Vortex Property Group

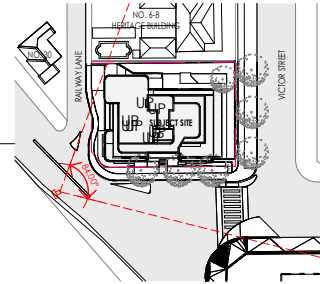
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Title: **Streetscape Elevation - Victor St**

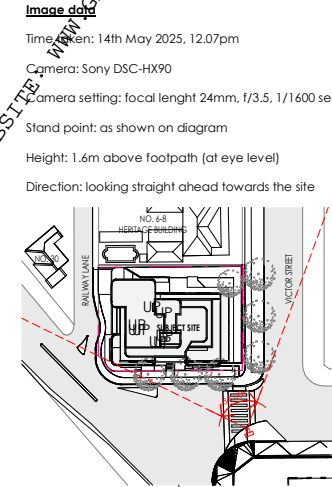
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Project No.	250202	Drawn	DL
Drawing No.	DA6.04	Checked	SH
Revision	1	Approved	KJ

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**Image data**  
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 Camera: Sony DSC-HX90  
 Camera setting: focal length 24mm, f/3.5, 1/2500 sec  
 Stand point: as shown on diagram  
 Height: 1.6m above footpath (at eye level)  
 Direction: looking towards Gladstone



**Image data**  
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 Camera: Sony DSC-HX90  
 Camera setting: focal length 24mm, f/3.5, 1/1600 sec  
 Stand point: as shown on diagram  
 Height: 1.6m above footpath (at eye level)  
 Direction: looking straight ahead towards the site



DEVELOPMENT APPLICATION

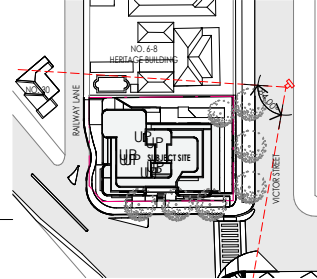
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G	Design Development - For Coordination		23/06/2025	
I	Design Development - For Coordination		08/07/2025	
J	Design Development - For Coordination		25/07/2025	
K	Design Development - For Coordination		01/08/2025	
L	Design Development - For Development Application		18/08/2025	
1	For Development Application		25/08/2025	

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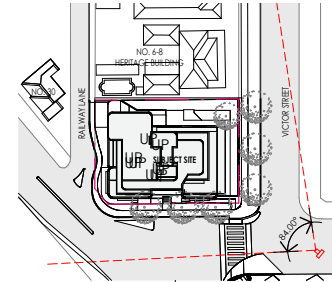
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Scale: 1:1000 @ A3	Drawn	Author
Project No. 250202	Checked	Checker
Drawing No. DA7.01	Approved	Approver
Revision 1	Revision	Revision



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 Height: 1.6m above footpath (at eye level)  
 Direction: looking straight ahead towards the site

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 Stand point: as shown on diagram  
 Height: 1.6m above footpath (at eye level)  
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DEVELOPMENT APPLICATION

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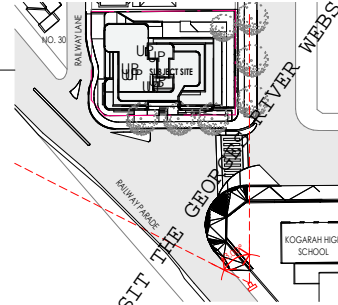
Rev	Revision Description	Chk	Date	Project
G	Design Development - For Coordination		23/06/2023	OMNIA (Mixed-use development) 2-4 Glasstone St & 10 Victor St, Kogarah For Vortex Property Group
J	Design Development - For Coordination		25/07/2023	
K	Design Development - For Coordination		01/08/2023	
L	Design Development		18/08/2023	
1	For Development Application		25/08/2023	

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Title: Artistic Impression

Project No.	Checked	Author
250202	Approved	Approver
Drawing No.	Revision	
DA7.02	1	

Scale: 1: 1000 @ A3  
 Date: 25/08/2023 10:04 PM



**Image data**  
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 Camera setting: focal length 35mm, f/4, 1/320 sec  
 Stand point: as shown on diagram  
 Height: 1.6m above footpath (at eye level)  
 Direction: looking straight ahead towards the site

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Rev	Revision Description	Chk	Date	Project
G	Design Development - For Coordination		23/06/2023	OMNIA (Mixed-use development) 2-4 Gladstone St & 10 Victor St, Kogarah For Vortex Property Group
J	Design Development - For Coordination		25/07/2023	
K	Design Development - For Coordination		01/08/2023	
L	Design Development		18/08/2023	
1	For Development Application		25/08/2023	

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Title	
Artistic Impression	

Scales		Drawn	Author
1: 1000 @ A3			
Project No.	Checked	Checker	
250202	Approved	Approver	
Drawing No.	Revision		
DA7.03	1		



View from corner of Gladstone Street and Victor Street



View from corner of Railway Parade and Gladstone Street

DEVELOPMENT APPLICATION

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Rev	Revision Description	Chk	Date	Project
1	Design Development - For Coordination		08/07/2023	<b>OMNIA (Mixed-use development)</b> 2-4 Gladstone St & 10 Victor St, Kogarah For Vertex Property Group
K	Design Development - For Coordination		01/08/2023	
L	Design Development		18/08/2023	
1	For Development Application		25/08/2023	

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Drawing No.	Revision	
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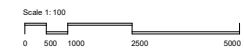
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3D View with Height Control

NOTE:  
NO EXCEEDANCE OVER HEIGHT CONTROL PLAN

DEVELOPMENT APPLICATION



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Rev	Revision Description	Chk	Date	Project
1	Design Development For Development Application		18/08/2023 25/08/2023	OMNIA (Mixed-use development) 2-4 Gladstone St & 10 Victor St, Kogarah

For  
Victor Property Group

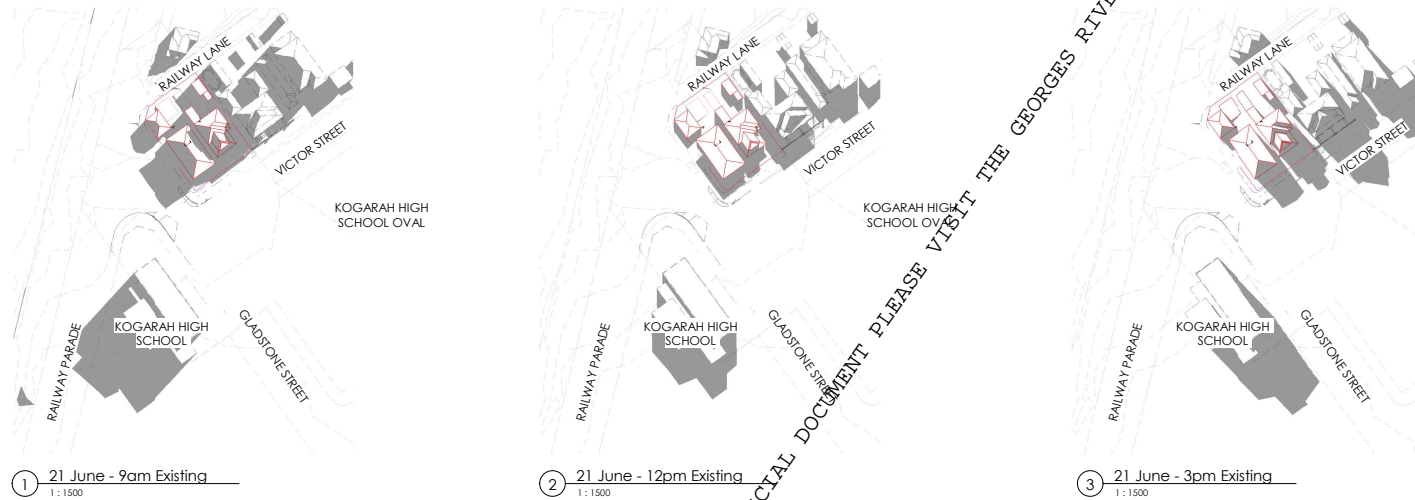


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Title  
3D Views (Height Control)

Project No.	Drawing No.	Revision
250202	DA7.06	1



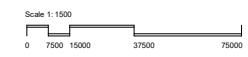
① 21 June - 9am Existing  
1:1500

② 21 June - 12pm Existing  
1:1500

③ 21 June - 3pm Existing  
1:1500

**LEGEND**

- Cast shadows from proposed development and existing neighbouring buildings
- Site boundary
- Existing development to be demolished



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G	Design Development - For Coordination		23/06/2023
J	Design Development - For Coordination		25/07/2023
K	Design Development - For Coordination		01/08/2023
L	Design Development		18/08/2023
1	For Development Application		25/08/2023

**OMNIA (Mixed-use development)**  
2-4 Gladstone St & 10 Victor St, Kogarah  
For  
Vortex Property Group



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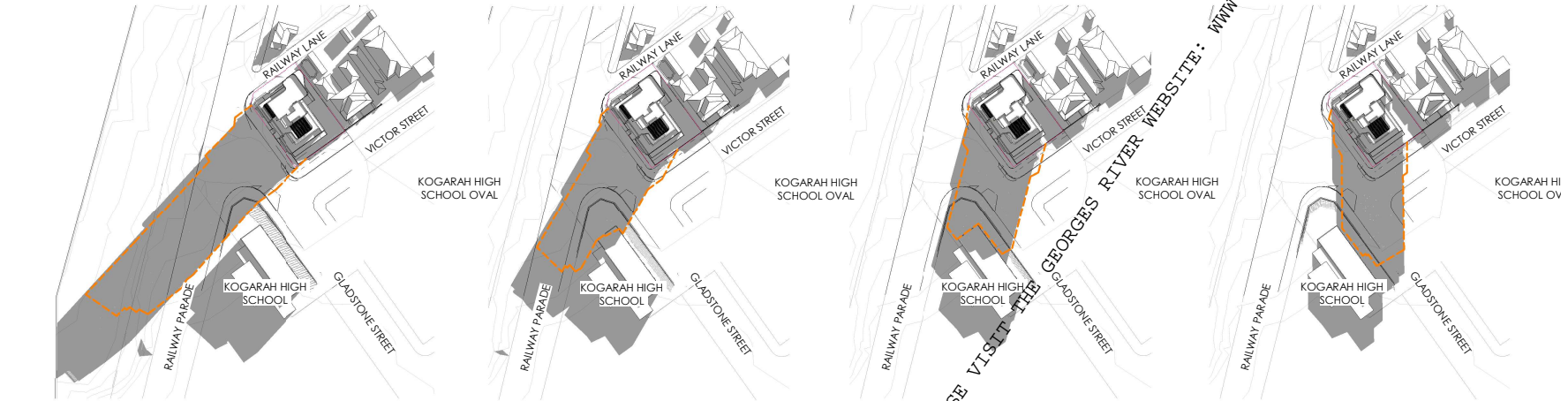
Title  
Shadow Diagrams - Existing - 21st June

Project No.	Drawn	Author
250202	Checked	Checker
	Approved	Approver
Drawing No.	Revision	
DA8.01	1	

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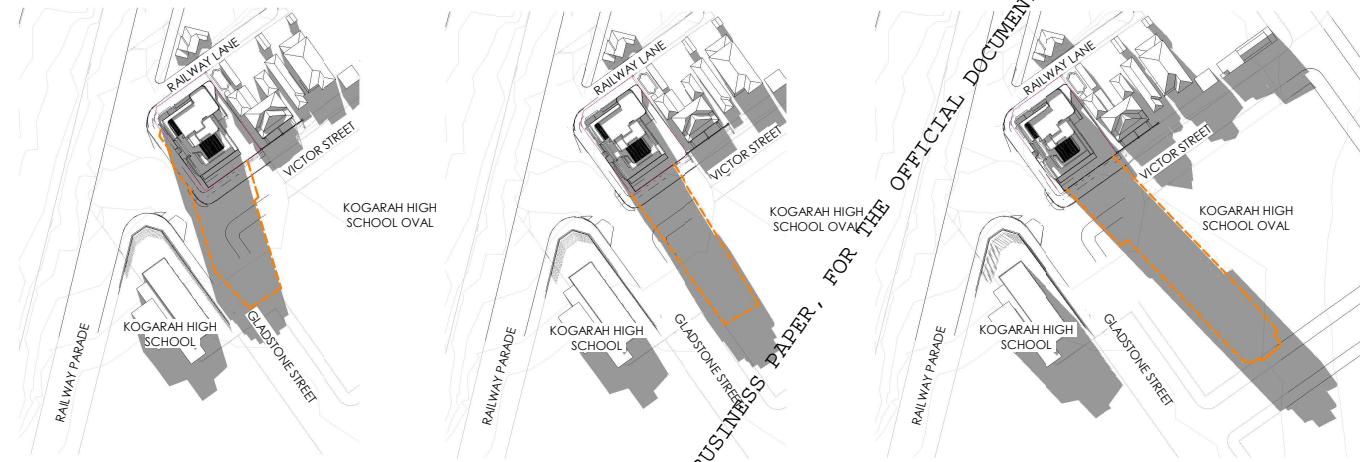


① 21 June - 9am Proposed  
1:1500

② 21 June - 10am Proposed  
1:1500

③ 21 June - 11am Proposed  
1:1500

④ 21 June - 12pm Proposed  
1:1500

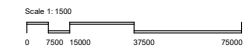


⑤ 21 June - 1pm Proposed  
1:1500

⑥ 21 June - 2pm Proposed  
1:1500

⑦ 21 June - 3pm Proposed  
1:1500

**LEGEND**  
 - Cast shadows from proposed development and existing neighbouring buildings  
 - Site Boundary  
 - Outline of shadow by development approved in MCO2020-0012



DEVELOPMENT APPLICATION

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 488/02/2023/Registered No. 12002

Rev	Revision Description	Chk	Date
F	Design Development - For consultant's review (2nd)		14/05/2023
G	Design Development - For Coordination		23/06/2023
J	Design Development - For Coordination		25/07/2023
K	Design Development - For Coordination		01/08/2023
L	Design Development		18/08/2023
1	For Development Application		25/08/2023

**OMNIA (Mixed-use development)**  
 2-4 Gladstone St & 10 Victor St, Kogarah  
 For  
 Vortex Property Group



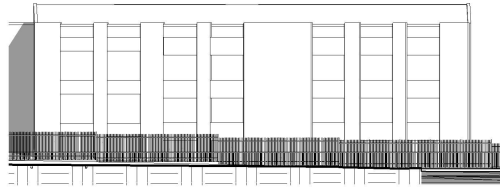
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Title  
 Shadow Diagrams - Proposed - 21st June

Project No.	Drawn	Author
250202	Checked	Checker
250202	Approved	Approver
DA8.02	Revision	Revision
	1	

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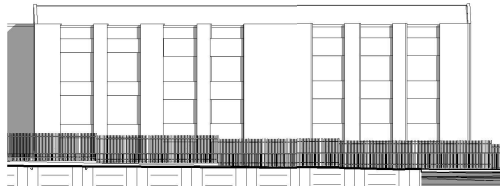
EXISTING



1 21st June - 10am Existing  
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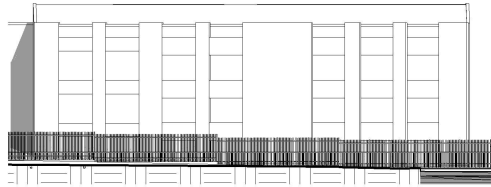


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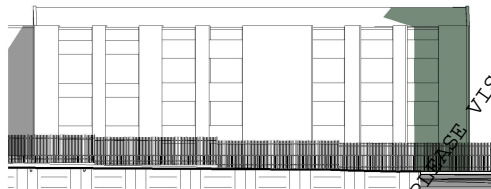


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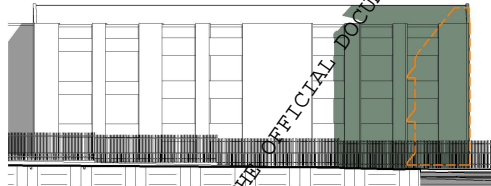
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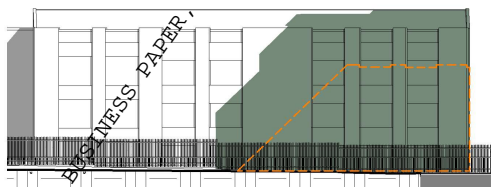
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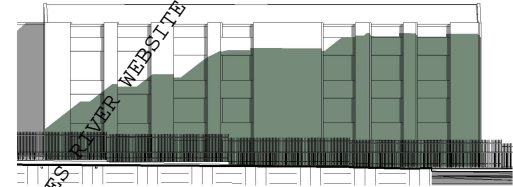
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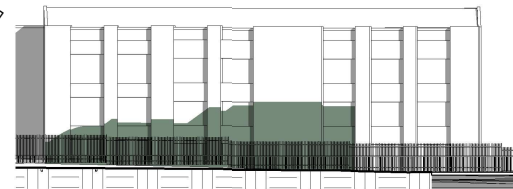
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1:300



7 21st June - 10.55am Proposed  
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8 21st June - 12pm Proposed  
1:300

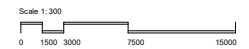


9 21st June - 12.20pm Proposed  
1:300



10 21st June - 12.35pm Proposed  
1:300

--- OUTLINE OF SHADOW IMPACT FROM STAMPED ARCHITECTURE PLAN MOD2020-0092  
 ■ EXISTING SHADOWS  
 ■ SHADOWS FROM NEW PROPOSED DEVELOPMENT



DEVELOPMENT APPLICATION

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J	Design Development - For Coordination		25/07/2023
K	Design Development - For Coordination		01/08/2023
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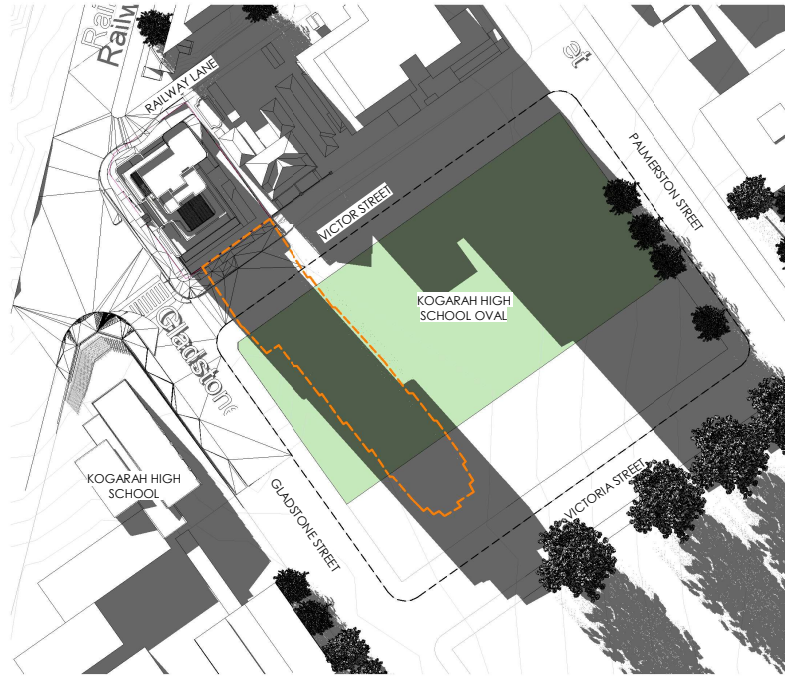
Project: **OMNIA (Mixed-use development)**  
 2-4 Glasstone St & 10 Victor St, Kogarah  
 For: **Vortex Property Group**

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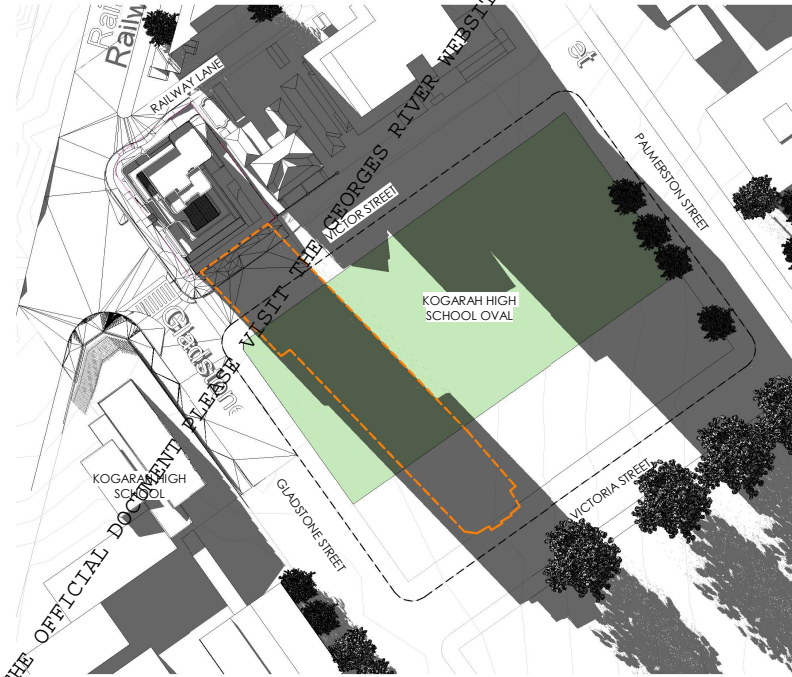
Title: **Shadow Elevation - Kogarah High School**

Project No.	Project Name	Scale	Drawn	Author
250202	As indicated @ A3	As indicated @ A3	Checked	Author
DA8.03	DA8.03	Checked	Approved	Checker
1	1	Approved	Revision	Revision

Per Day: 5/5/2023 10:42 PM

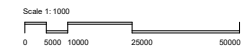


① 21 June - School Oval - 2.50pm  
1:1000



② 21 June - School Oval - 3pm  
1:1000

- LEGEND**
- Cast shadows from proposed development and existing neighbouring buildings
  - Site Boundary
  - Outline of shadow by development approved in MOD2020-0092



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**OMNIA (Mixed-use development)**  
2-4 Gladstone St & 10 Victor St, Kogarah  
For  
Vortex Property Group



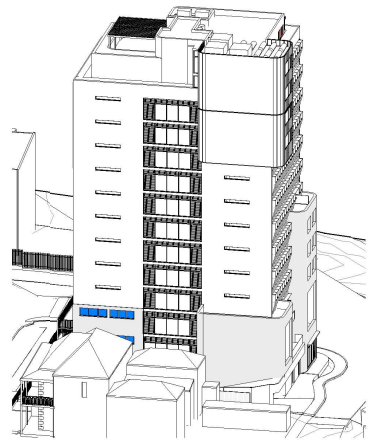
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Title  
Shadow Analysis - School Oval

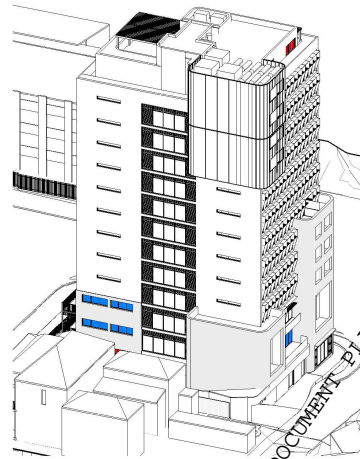
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250202	Checked	Checker
DA8.04	Approved	Approver
	Revision	Revision
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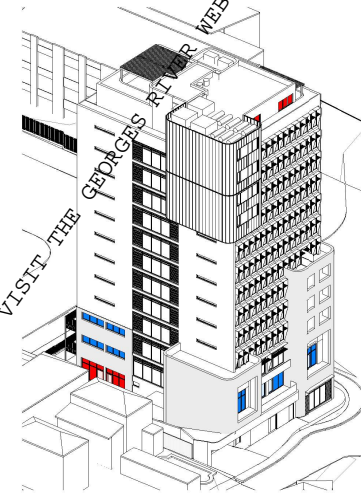
DEVELOPMENT APPLICATION



① VFIS - Winter Solstice - 9am



② VFIS - Winter Solstice - 10am



③ VFIS - Winter Solstice - 11am

**LEGEND**  
■ Co-living  
 Communal Room Windows  
■ Apartments  
 Living Area Windows

DEVELOPMENT APPLICATION

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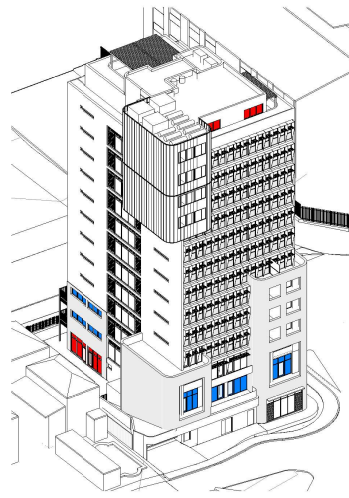
Project	Client
OMNIA (Mixed-use development) 2-4 Gladstone St & 10 Victor St, Kogarah	Vortex Property Group

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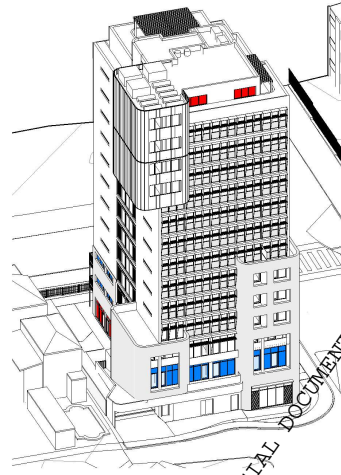
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		Checked	Checker
		Approved	Approver
		Revision	
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① VFTS - Winter Solstice - 12pm

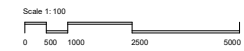


② VFTS - Winter Solstice - 1pm



③ VFTS - Winter Solstice - 2pm

**LEGEND**  
■ Co-living  
 Communal Room Windows  
■ Apartments  
 Living Area Windows



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Rev	Revision Description	Chk	Date	Project
1	Design Development For Development Application		18/08/2023 25/08/2023	OMNIA (Mixed-use development) 2-4 Gladstone St & 10 Victor St, Kogarah For Vortex Property Group

**OMNIA (Mixed-use development)**  
 2-4 Gladstone St & 10 Victor St, Kogarah  
 For  
 Vortex Property Group

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Title	
Views from the sun	
Scale: 1:200 @ A3	Drawn
Project No. 250202	Checked
Drawing No. DA8.06	Approved
Rev: 1	Revision
1	Revision

Drawn	Author
Checked	Checker
Approved	Approver
1	Revision

DEVELOPMENT APPLICATION



Georges River Local Planning Panel Meeting

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	
<b>Application Number</b>	DA2025/0443
<b>PAN</b>	PAN-574156
<b>Description</b>	Demolition works and construction of 14 storey mixed use development comprising in-fill affordable shop-top housing (5 units), a shop and co-living housing (101 rooms)
<b>Address</b>	2-4 Gladstone Street KOGARAH NSW 2217 & 10 Gladstone Street KOGARAH NSW 2217
<b>Lot / DP</b>	Lot 80 Sec A DP 1397 & Lot 81 Sec A DP 1397 & Lot 78 Sec A DP 1397 & Lot 79 Sec A DP 1397
<b>Applicant</b>	Cindy Park
<b>Owner(s)</b>	Victor Street Pty Ltd
<b>Responsible Officer</b>	Sophie Griffiths

Recommendation	
<b>Summary</b>	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.
<b>Refusal</b>	The assessment recommends that Georges River Local Planning Panel as the Consent Authority in accordance with Section 4.16 (1)(b) <i>Environmental Planning &amp; Assessment Act</i> 1979, refuse to the Development Application due to the reasons discussed within this report.

Proposal	
<b>Car Parking</b>	20 Parking Spaces.
<b>Demolition</b>	All structures to be removed as detailed in demolition plan.
<b>Estimated Development Cost</b>	\$14,353,578.00
<b>FSR</b>	<p>The maximum permitted floor space ratio under the Georges River Local Environmental Plan 2021 is 4:1.</p> <p>Section 12A(2) states the following:</p> <p><i>(2) If the development proposes to use the additional floor space ratio permitted under more than one relevant provision, the maximum floor space ratio must not exceed 130% of the maximum permissible floor space ratio for the development on the land.</i></p> <p>Pursuant to Section 16 of Housing SEPP, the proposal seeks to apply an in-fill affordable housing bonus of 15%, which permits an additional floor space ratio bonus of up to 30%. This results in a bonus floor space ratio of 5.2:1.</p>

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Georges River Local Planning Panel Meeting

Proposal	
	<p>The submitted floor space calculations indicate a non-compliance with the maximum permissible gross floor area, noting that a floor space ratio of 24:1 is proposed, which exceeds the maximum allowable FSR of 5.2:1.</p> <p>No Clause 4.6 variation request in relation to the Floor Space Ratio has been provided.</p>
<b>Land Use</b>	Shop Top Housing
<b>Maximum Height of Building</b>	42.8m
<b>Number of Units</b>	<ul style="list-style-type: none"> <li>• 101 Co-Living Rooms</li> <li>• 3 x two bedrooms and 2 x three bedroom in-fill affordable rooms.</li> </ul>

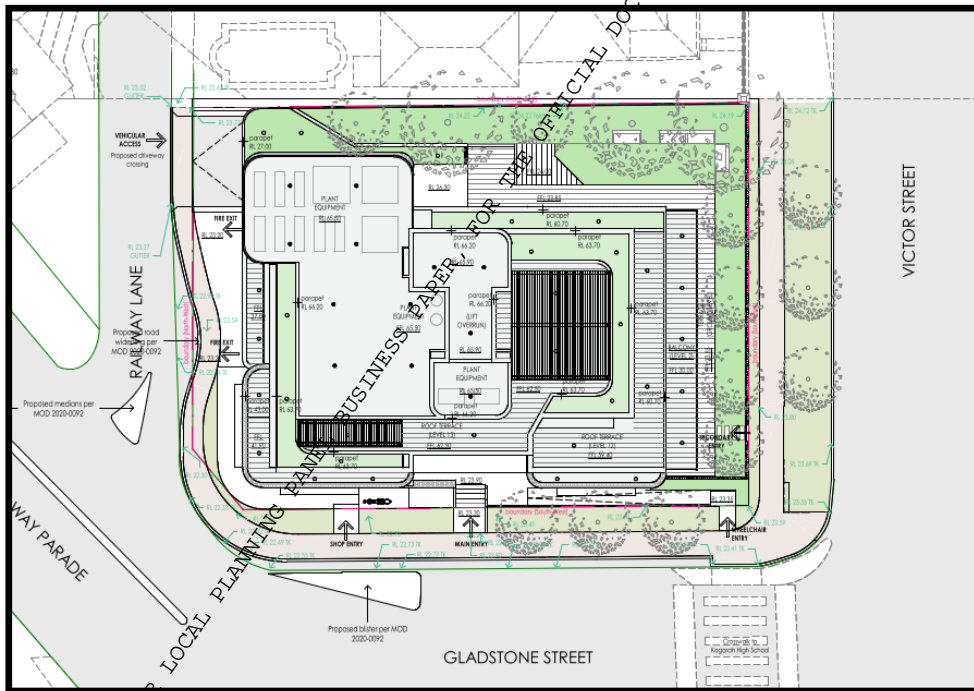


Figure 1 – Site plan (Source: Architectural Plans)

Georges River Local Planning Panel Meeting

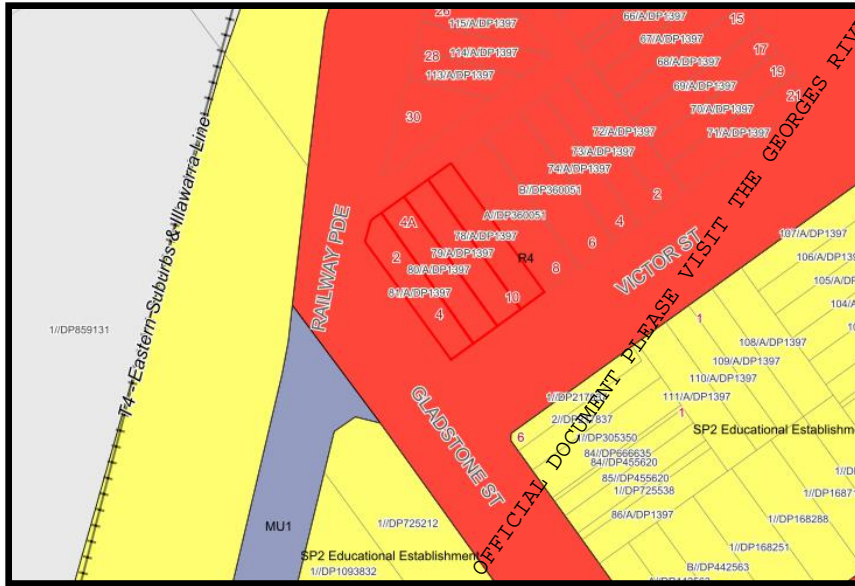


Figure 2 –Aerial view of development site outlined in red (Source: IntraMaps)



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

Processing	
Action	Date
Submission	25 September 2025
Lodgement	9 October 2025

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Georges River Local Planning Panel Meeting

**Assessment - Section 4.15 Evaluation**

The Provisions of any applicable Act

<b>Water Management Act 2000</b>		
Developments are required to obtain approvals by Water NSW under the <i>Water Management Act 2000</i> for the following three (3) scenarios:		
89. <b>Water use approvals:</b> confers a right on the holder to use water for a particular purpose at a particular location.		
90. <b>Water management works approvals:</b> Applies to three (3) kinds of works:		
2. <b>Water supply:</b> work for the purpose of taking water from a water source for the purpose of capturing or storing water, for the purpose of conveying water to the point where it is to be used, for the purpose of diverting the flow of water from a water source or impounding water at its source.		
3. <b>Drainage:</b> work for the purpose of draining water from land (such as a pump, pipe or channel) but is not for sewerage work.		
4. <b>Flood works:</b> work within the vicinity of a river or in a floodplain which is likely to influence the flow of water or the distribution of floodwaters.		
91. <b>Activity approvals:</b> Applies to two (kinds of works):		
2. <b>Controlled activity approval:</b> erection of a building or carrying out of works, the removal of material by way of excavation or otherwise, the depositing of material on land or the carrying out of other activity that affects the quantity or flow of water in a water source on water front land.		
3. <b>Aquifer interference approval:</b> the penetration of an aquifer, the interference with water in an aquifer, the obstruction of flow of water in an aquifer, the taking of water from an aquifer or disposal of water taken from an aquifer.		
Is an activity approval required?		Y      N
Has a geotechnical report been provided which notes the presence of groundwater on site?		<input checked="" type="checkbox"/> <input type="checkbox"/>
Is there a basement or a pool proposed?		<input checked="" type="checkbox"/> <input type="checkbox"/>
Is it expected that dewatering would be required during construction?		<input checked="" type="checkbox"/> <input type="checkbox"/>
Is a WaterNSW referral required?		Y      N
		<input checked="" type="checkbox"/> <input type="checkbox"/>
Referral Date: 14.10.2025		
Response: A response was provided on <b>12 February 2026</b> , by WaterNSW, which requested the following:		
1. Confirmation of the proposed basement construction design, being either tanked (fully watertight) or drained (requiring permanent ongoing dewatering).		
2. If a tanked basement design is proposed, the following information is requested.		
i. Volume of water to be extracted annually if available.		
ii. Duration of the water take for dewatering if available.		
iii. Method of measuring the water take and recording.		
3. If a drained basement design is proposed, WaterNSW and the NSW Department of Climate Change, Energy, the Environment and Water (DCCEE) will require additional modelled data to support a hydrogeological review and assessment. The Geotechnical report (or equivalent) will need to be updated accordingly and satisfy requirements detailed in the Minimum requirements for building site groundwater investigations and reporting. Further information can also be found at <a href="https://www.industry.nsw.gov.au/water/science/groundwater/aquifer-interference-activities">https://www.industry.nsw.gov.au/water/science/groundwater/aquifer-interference-activities</a> .		
No response was provided by the Applicant in relation to the above.		
On <b>4 April 2026</b> the below was issued by WaterNSW:		
As no response to this request has been received to date, WaterNSW wishes to advise of our intention to refuse General Terms of Approval (GTA). Should the requested information not be supplied within 14 days of the date of this letter (insert date), WaterNSW will be required to formally refuse GTA's within the Planning Portal.		

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

Environmental Planning Policies	Applicable	
	Y	N
SEPP (Biodiversity Conservation) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Housing) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Sustainable Buildings) 2022	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georges River Local Environmental Plan 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**

**Assessment**

**Complies**

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

**SEPP (Biodiversity and Conservation) 2021 Chapter 6**

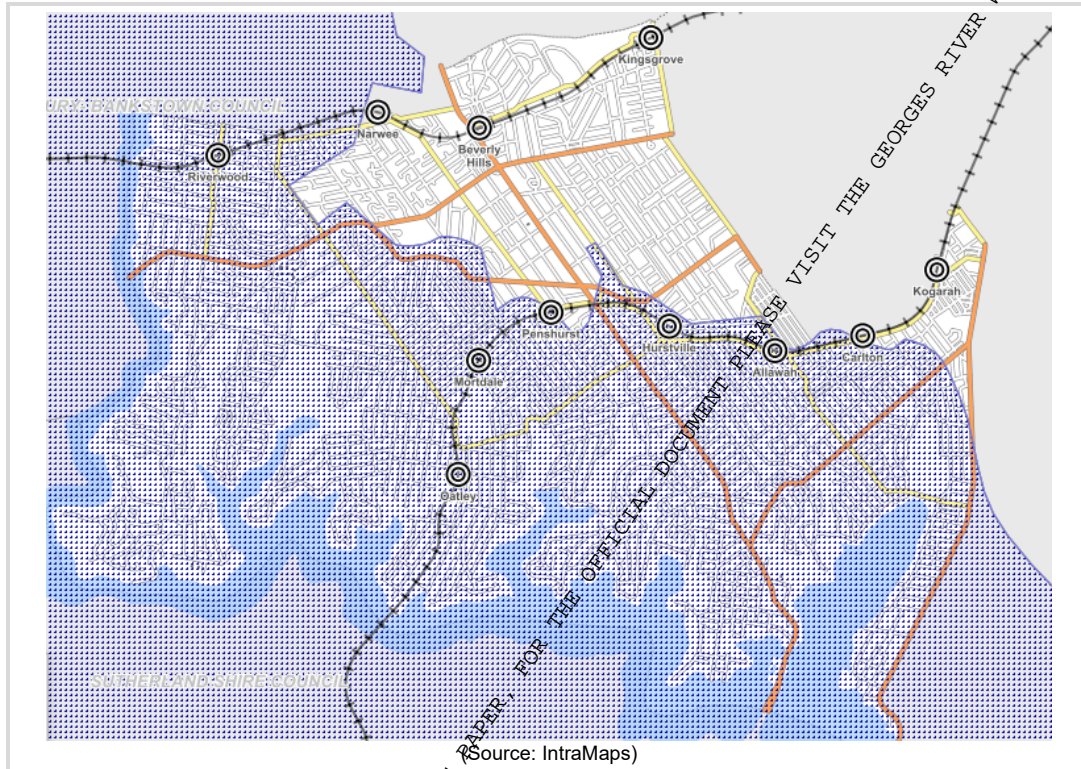
**Intro**

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

Standard	Proposed	Compliance
1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).	The maximum permitted floor space ratio under the Georges River Local Environmental Plan 2021 is 4:1.  Pursuant to Section 16 of Housing SEPP, the proposal seeks to apply an in-fill affordable housing bonus of 15%, which permits an additional floor space ratio bonus of up to 30%. This results in a bonus floor space ratio of 5.2:1.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—	The submitted floor space calculations indicate a non-compliance with the maximum permissible gross floor area,	



Georges River Local Planning Panel Meeting

<p>affordable housing component = <math>\frac{\text{additional floor space ratio}}{\text{(as a percentage)}} \div 2</math></p>	<p>noting that a floor space ratio of 5.24:1 is proposed, which exceeds the maximum allowable FSR of 5.2:1.</p> <p>No Clause 4.6 variation request in relation to the Floor Space Ratio has been provided.</p>	
<p>3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p>	<p>The maximum building height under cl 4.3 of GRLEP 2021 is 33m, which with a height bonus of 30% would be a maximum building height of 42.9m.</p> <p>The RFB component of the building requires an additional 6.2m in height (the two apartment floors are 3.1m Floor – Floor (F-F)). The bonus provision is invoked, but only an 18% increase in the maximum building height is needed for the two additional RFB floors. The remaining bonus height (3.6m) (proposed building height 42.8m – 33m) is not used for the RFB component but for co-living housing. The concern is that, part of the building height bonus that applies only to a RFB has been transferred to another land use to which the height bonus does not apply.</p> <p>At 42.8m high, the building is 3.6m over the maximum building height allowable under section 16(3) of SEPP Housing.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

**SECTION 19 NON-DISCRETIONARY DEVELOPMENT STANDARDS – THE ACT s.4.15**

Standard	Proposed	Compliance
<p>1) The following are non-discretionary development standards in relation to the residential development to which this division applies—</p>		<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No relates only to landscaping and car parking control.</p>
<p>(a) a minimum site area of 450m<sup>2</sup>,</p>	<p>Site area: 807.8m<sup>2</sup></p>	
<p>(b) a minimum landscaped area that is the lesser of— (i) 35m<sup>2</sup> per dwelling, or (ii) 30% of the site area,</p>	<p>Five dwellings require a minimum landscaped area of 35m<sup>2</sup> per dwelling being a total of 175m<sup>2</sup>. This is the lesser of 30% of the site area, which would require landscaped area of 242.34m<sup>2</sup></p> <p>161.2m<sup>2</sup> provided.</p>	
<p>(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p>	<p>25 spaces required, but only 20 provided.</p>	

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(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	
(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	
(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Noted. Complies.
2) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Noted.

**SECTION 20 DESIGN REQUIREMENTS**

Standard	Proposed	Compliance
3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	The design of the development is not consistent with the expected future desired character of the area.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

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

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

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

Standard	Proposal	Complies
<b>3C- Visual Privacy</b>		
<b>3C-1 Objective</b> Transition between private and public domain is achieved without compromising safety and security.	The proposal is inconsistent with ADG Objectives 3C-1 and 3C-2.	No
<b>3C-2 Objective</b> Amenity of the public domain is retained and enhanced.		
<b>3E – Deep Soil Zones</b>		





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<p><b>3E-1 Objective</b>                  Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p> <p>Design Criteria                  650m<sup>2</sup> – 1500m<sup>2</sup> = 3m minimum dimension                  7% deep soil zone (% of site area)</p>	<p>There is no COS defined for exclusive use of the RRB residents.</p>	<p>No</p>
<b>3G – Pedestrian Access and Entries</b>		
<p><b>Objective 3G-1</b>                  Building entries and pedestrian access connects to and addresses the public domain</p> <p><b>Objective 3G-2</b>                  Access, entries and pathways are accessible and easy to identify</p>	<p>The location of the lifts and lift lobby between the 2 fire stairs is inconsistent with ADG Objective 3G-2. The lift lobby is not clearly visible from the public domain and communal spaces.</p> <p>The proposed building entry is not clearly identifiable and not consistent with ADG Objective 3G-1 – Building entries and pedestrian access connects to and addresses the public domain.</p>	<p>No</p>
<b>3H – Vehicular Access</b>		
<p><b>3H-1 Objective</b>                  Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p>	<p>The proposed vehicular access off Railway Lane is located at the NE boundary and not integrated with the building's overall façade. This is inconsistent with ADG Objective 3H-1. The vehicular entry disrupts and dominates the streetscape especially given the corner location. The 0m setback to the NE to the driveway further exacerbates the dominance of the vehicular access given the lack of opportunity to incorporate any deep soil planting / landscaping.</p>	<p>No</p>
<b>3F- Visual Privacy</b>		
<p><b>3F-1 Objective</b>                  Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p> <p><b>Design Criteria</b>                  1. Separation between windows of habitable rooms and balconies is provided to ensure visual privacy is achieved.</p> <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:                  Up to 12m (4 storeys)</p>	<p>The proposal does not provide for adequate building separation distances as nominated within this control.</p>	<p>No</p>

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<p>Habitable and balconies - 6m Non-habitable – 3m</p> <p>Up to 25m (5-8 storeys) Habitable and balconies – 9m Non-habitable – 4.5m</p> <p>Over 25m (9+ storeys) Habitable and balconies – 12m Non-habitable – 6m</p>		
<b>4A- Solar and daylight access</b>		
<p><b>4A-1 Objective</b> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p> <p><b>Design Criteria</b> 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</p> <p>A maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm in midwinter.</p>	<p>The proposal does not provide for adequate solar access as nominated within this control.</p>	<p>No</p>
<b>4C – Ceiling Heights</b>		
<p><b>4C – 1 Design Criteria</b> 3.3m for ground and first floor to promote future flexibility of use</p>	<p>The Ground Floor and Level 1 ceiling heights does not comply with the ADG Objectives 4C-1, 4C-2 and 4C-3, and not supported.</p>	<p>No</p>
<b>4F: Common circulation and spaces</b>		
<p><b>4F-1 Objective</b> Common circulation spaces achieve good amenity and properly service the number of apartments</p> <p><b>Design Criteria</b></p> <ol style="list-style-type: none"> <li>1. The maximum number of apartments off a circulation core on a single level is eight</li> <li>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</li> </ol> <p><b>4F-2 Objective</b> Common circulation spaces promote safety and provide for social interaction between residents</p>	<p>The ground floor communal circulation is convoluted with blank wall and electrical cupboards at the building entry and the lift located behind the fire stairs linked with a 1m wide corridor</p> <p>The communal circulation space does not promote safety or provide opportunity for social interaction. This is inconsistent with ADG Objective 4F-2.</p>	<p>No</p>

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance	
		Y	N /A
<p>Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop-top housing is permitted under another environmental planning instrument. The subject development is situated within an R4 High Density Residential Zone, resulting in the permissibility of the proposed development.</p>			
<p><b>68 Non-discretionary development standards—the Act, s 4.15</b></p>	<p>The following are non-discretionary development standards in relation to development for the purposes of co-living housing—</p>		N
	<p>(a) for development in a zone in which residential flat buildings are permitted— a floor space ratio that is not more than—</p> <p>(i) the maximum permissible floor space ratio for residential accommodation on the land, and</p> <p>(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,</p>	<p>The maximum permitted floor space ratio under the Georges River Local Environmental Plan 2021 is 4:1.</p> <p>Pursuant to Section 16 of Housing SEPP, the proposal seeks to apply an in-fill affordable housing bonus of 15%, which permits an additional floor space ratio bonus of up to 20%. This results in a bonus floor space ratio of 5.2:1.</p> <p>The submitted floor space calculations indicate a non-compliance with the maximum permissible gross floor area, noting that a floor space ratio of 5.24:1 is proposed, which exceeds the maximum allowable FSR of 5.2:1. No Clause 4.6 variation request in relation to the Floor Space Ratio has been provided.</p>	
	<p>(b) for co-living housing containing 6 private rooms—</p> <p>(i) a total of at least 30m<sup>2</sup> of communal living area, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p>	<p>101 rooms proposed. Not applicable.</p>	
	<p>(c) for co-living housing containing more than 6 private rooms—</p> <p>(i) a total of at least 30m<sup>2</sup> of communal living area plus at least a further 2m<sup>2</sup></p>	<p>220m<sup>2</sup> of communal living area required based, noting that proposal seeks consent for 101 rooms.</p>	

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance		
		Y	N	N/A
	for each private room in excess of 6 private rooms, and (ii) minimum dimensions of 3m for each communal living area,	220.34m <sup>2</sup> of communal living area proposed.  To note, the inclusion of a communal living area at ground-floor level results in the proposal being inconsistent with a shop-top housing development, as the ground floor is required to comprise commercial development only.		
	(d) communal open spaces— (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m,	20% of the site area = 161.56m <sup>2</sup>  The proposal fails to provide sufficient communal open space, noting that the areas identified as communal open space fail to meet the minimum dimension of 3m throughout.		
	(e) unless a relevant planning instrument specifies a lower number— (i) for development on land in an accessible area—0.2 parking spaces for each private room, or (ii) otherwise—0.5 parking spaces for each private room,	0.2 x 101 = 20.2 spaces.  In addition to the required 20 parking spaces required for co-living, 4 parking spaces are required in accordance with the ADG for the RFB dwellings, along with additional commercial parking spaces.  The proposal provides 20 basement parking spaces.		
	(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,	Not Applicable		
	(g) for development on land in Zone R4 High Density Residential—the	10% of the Site or 80.78m <sup>2</sup> in accordance with the GRLEP 2021.		

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance		
		Y	N	N/A
	minimum landscaping requirements for residential flat buildings under a relevant planning instrument.	161m2 is provided.		
<b>69(1) Standards for co-living housing</b>	Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—			
	(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m2 and not less than— (i) for a private room intended to be used by a single occupant—12m <sup>2</sup> , or (ii) otherwise—16m <sup>2</sup> , and	Achieved. Each room is provided with a minimum area of 16m <sup>2</sup> of floor space, excluding the areas used for the purpose of private kitchen or bathroom facilities.		
	(b) the minimum lot size for the co-living housing is not less than— (i) for development on land in Zone R2 Low Density Residential—600m <sup>2</sup> , or (ii) for development on other land—800m <sup>2</sup> , and	Complies.		N
	(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— (i) will not contain more than 12 private rooms, and (ii) will be in an accessible area, and	Not applicable		
(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and	A small room for the manager is shown in the Ground Floor communal room.			

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance		
		Y	N	N/A
	(e) for co-living housing on land in a business zone— no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and	Not applicable.		
	(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and	Each room is provided with a private bathroom, kitchen and laundry.		
	(g) each private room will be used by no more than 2 occupants, and	The proposed rooms are to be limited to a maximum of 2 occupants. Conditions of consent to apply, subject to approval.		
	(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.	Thirty (30) bicycle spaces and one (1) motorcycle spaces.		
	Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—			
<b>69(2) Standards for co-living housing</b>	(a) the front, side and rear setbacks for the co-living housing are not less than—			
	(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or (ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for	The proposal fails to meet the setback requirements of Part 6.3.3 of GRDCP 2021.		

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

		Compliance		
		Y	N	N/A
	residential flat buildings under a relevant planning instrument, and			
	(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide and	Design Criteria in 3F-1 Visual Privacy of the Apartments Design Guide prescribes a minimum separation distances to the side and rear 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. From 9+ 12m of separation is required from habitable rooms and balconies and 6m from non-habitable rooms.		
	(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and	Complies.		
	(f) the design of the building will be compatible with— (i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition—the desired future character of the precinct.	The proposal does not demonstrate design excellence and fails to achieve compatibility with the desirable elements of the existing character of the local area.		

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**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021  
CHAPTER 3 DIVERSE HOUSING  
PART 3 – CO-LIVING HOUSING**

	Compliance	Y	N	N/A
Development consent must not be granted for the subdivision of co-living housing into separate lots.				

**SEPP (Resilience and Hazards) 2021  
Chapter 4 Remediation of land**

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

- The subject site is zoned R4 High Density Residential.
- A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination.
- Historic aerial photographs do not indicate an obvious history of a previous land use that may have caused contamination.
- A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.
- The Statement of Environmental Effects states that the property is not contaminated.

The subject site is not contaminated.

The subject site is suitable for the proposed land use.

**SEPP (Sustainable Buildings) 2022  
Intro**

SEPP (Sustainable Buildings) 2022 aims to encourage the design and delivery of sustainable buildings, ensure consistent assessment of sustainability in buildings, minimise the consumption of energy, reduce greenhouse gas emissions, minimise the consumption of mains-supplied potable water and to ensure good thermal performance of buildings. The SEPP sets standards for BASIX buildings, which are defined as developments which include at least 1 dwelling (excluding boarding houses, hostels and co-living housing which accommodate more than 12 residents or have a gross floor area exceeding 300m<sup>2</sup>).

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:	1810259M
Certificate Date:	27 August 2025



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The application has been assessed against the relevant provisions of SEPP (Sustainable Buildings) 2021. The proposal complies with the objectives of the EPI.

**SEPP (Transport and Infrastructure) 2021**

**Division 5 Electricity transmission or distribution  
Subdivision 2 – Development likely to affect an electricity transmission or distribution network (Ausgrid)**

This section applies to development or modification applications which include:			<b>Y</b>	<b>N</b>	<b>N/A</b>
	<ul style="list-style-type: none"> <li>Penetration of ground within 2 metres of an underground power line</li> <li>Works within 10 metres of any part of an electricity tower</li> <li>Works immediately adjacent to a substation</li> <li>Works immediately adjacent to an electricity easement</li> <li>Works within 5m of an overhead power line</li> <li>Installation of a pole within 30 metres of supporting overhead electricity transmission lines or within 5 metres of overhead power lines</li> </ul>				

2.48(2)(a)	Written notice to the electrical supply authority has been carried out.	Notified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.48(2)(b)	Any response to the above has been considered.	Conditions of consent imposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Division 15 Railways  
Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors— notification and other requirements  
2.98 Development adjacent to rail corridors**

This section applies to development on land that is adjacent to a rail corridor.			<b>Y</b>	<b>N</b>	<b>N/A</b>
2.98(2)(a)	Council must notify the rail authority.	Notified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.98(2)(b)	Council must take into consideration any response given.	Conditions of consent imposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The application has been assessed against the relevant provisions of SEPP (Transport and Infrastructure) 2021. The proposal complies with the objectives and controls of the EPI.

**Georges River Local Environmental Plan 2021**

Section	Text	Comment	Y	N	N/A
2.2 Zoning	Refer to LEP map.	R4 High Density	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3 Zone objectives	<p>R4</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a high density residential environment.</li> <li>To provide a variety of housing types within a high density residential environment.</li> <li>To encourage development that maximises public transport patronage and promotes walking and cycling.</li> </ul>	<p>The proposal seeks development consent for a shop top housing development, which is a permissible land use in the zone. Although, the substantive use of the Ground Floor is a combination of commercial, co-living housing and services for the co-living housing and the residential apartments above.</p> <p><b>The configuration of the proposal does meet the definition of shop top housing.</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.7 Demolition	The demolition of a building requires development consent.	Demolition plan provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Georges River Local Environmental Plan 2021				
Section	Text	Comment	N	N/A
4.3 Height of Buildings	<p>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,</p> <p>(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,</p>	<p>Standard: 33m</p> <p>Proposed:</p> <p>The maximum building height under cl 4.3 of GRLEP 2021 is 33m, which with a height bonus of 30% would be a maximum building height of 42.9m.</p> <p>The RFB component of the building requires an additional 6.2m in height (the two apartment floors are 3.1m Floor – Floor (F-F)). The bonus provision is invoked, but only an 18% increase in the maximum building height is needed for the two RFB floors. The remaining bonus height (3.6m) (proposed building height 42.8m – 33m) is not used for the RFB component but for co-living housing. Putting it another way, part of the building height bonus that applies only to a RFB has been transferred to another land use to which the height bonus does not apply.</p> <p>At 42.8m high, the building is 3.6m over the maximum building height allowable under section 16(3) of SEPP Housing.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.4 Floor space ratio	<p>To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,</p>	<p>Standard: 4:1</p> <p>Proposed:</p> <p>The maximum permitted floor space ratio under the Georges River Local Environmental Plan 2021 is 4:1.</p> <p>Pursuant to Section 16 of Housing SEPP, the proposal seeks to apply an in-fill affordable housing bonus of 15%, which permits an additional floor space ratio bonus of up to 30%. This results in a bonus floor space ratio of 5.2:1.</p> <p>The submitted floor space calculations indicate a non-compliance with the maximum permissible gross floor area, noting</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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LPP020-26 Attachment 2



Georges River Local Planning Panel Meeting

Georges River Local Environmental Plan 2021					
Section	Text	Comment	N	N/A	
		that a floor space ratio of 5.24:1 is proposed, which exceeds the maximum allowable FSR of 5.2:1.  No Clause 4.6 variation request in relation to the Floor Space Ratio has been provided.			
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	No Clause 4.6 Variation Request provided.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 proposed development would have an unacceptable adverse impact on the adjacent heritage item 'House and Garden – Lindhurst Gallery', 6-8 Victor Street.  The proposed development is contrary to the objectives of Clause 5.10 of the GRLEP in that the proposed development does not ensure the retention of the significance of the adjacent heritage item, including fabric, setting and views.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.2 Earthworks	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	The Geotech Report refers to a previous DA which had different basement setbacks and levels. An updated report for this development application, addressing the requirements of clause 6.2 of GRLEP and including detailed analysis of the proposal with regards to the proximity of the adjoining heritage building is required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Appropriate stormwater management proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.7 Airspace operations	To ensure the safe and uninterrupted operation of Sydney (Kingsford Smith) Airport by preventing	Insufficient information has been provided.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Georges River Local Planning Panel Meeting

Georges River Local Environmental Plan 2021					
Section	Text	Comment	N	N/A	
	development that penetrates its operational airspace and protecting the community from associated risks.				
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.	Appropriate management of essential services is proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.10 Design excellence	Applies to residential accommodation within the Foreshore Scenic Protection Map Area as well as buildings 3 or more storeys in height in R4 zone.	The proposal is contrary to the objectives of 6.10 of the GRLEP 2021.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.12 Landscaped areas in certain residential and conservation zones	Development consent must not be granted to development on land to which this clause applies unless at least the following percentages of the site area consists of landscaped areas or natural rock outcrops: (c) for development in Zone R3 Medium Density Residential—20% of the site area (d) for development in Zone R4 High Density Residential—10% of the site area If a lot is a battleaxe 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 proposal does not meet clause 6.12(4)(a), (b) and (d).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021. The proposal does not comply with one or more of the aims or controls of the EPI.					

**GRLEP 2021 Clause 4.6 Variation**

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

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

**Variation of a Development Standard**

The proposed variation relates to floor space ratio (Clause 4.4 of GRLEP 2021), building height (Clause 4.3 of GRLEP 2021) and car parking (Section 68(2)(e)(1) of the Housing SEPP). This matter is a Development Standard as defined in the Environmental Planning and Assessment Act 1979 and, as a result, the matter can be considered through Clause 4.6.

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LPP020-26 Attachment 2



Georges River Local Planning Panel Meeting

### Written Request

Clause 35B of the Environmental Planning and Assessment Regulation 2021 requires the applicant to prepare a document (written request) that sets out the grounds on which these matters are demonstrated. The development application was accompanied by a written request for a Clause 4.6 variation in relation to car parking; however, no written request was provided for the proposed variations to building height or floor space ratio. As a result, the development application cannot be approved.

### Proposed Variation

The development application was accompanied by a written request for a Clause 4.6 variation in relation to car parking only. However, the proposal also involves variations to the LEP development standards for building height and floor space ratio. No written request has been submitted to justify these variations in accordance with Clause 4.6(3). As a result, the consent authority is unable to be satisfied that the statutory tests required under Clause 4.6 have been met for these development standards.

While the submitted Clause 4.6 request addresses a parking variation under the Housing SEPP, this does not remedy the absence of a written request addressing the contraventions of the LEP standards for height and floor space ratio. Clause 4.6 must be applied separately to each contravened LEP development standard, and reliance on a variation request for a SEPP provision does not satisfy the requirements of the clause for LEP controls.

Accordingly, as the mandatory written request required by Clause 4.6 has not been provided for all relevant LEP development standards, the development application is not capable of approval.

### Provisions of any Proposed Instrument

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

### Provisions of any Development Control Plan

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

### Part 3 – General Planning Considerations

The proposal fails to satisfy Part 3.3 – Landscaping Objectives, as the extent and quality of proposed landscaping is insufficient to achieve the desired visual amenity, environmental performance and site integration. Furthermore, the development is contrary to the objectives of Part 3 Section 3.7.6 of the GRDCP, as it does not provide an appropriate landscape response that mitigates bulk and scale, contributes to streetscape character, or provides adequate deep soil and planting to support sustainable urban outcomes.

### Part 10.1 – Kogarah North Precinct

The proposal is inconsistent with the Vision for the Kogarah North Precinct under GRDCP Part 10.1, as it does not adequately respond to the intended built form character, streetscape outcomes or landscape setting for the area. The development is further non-compliant with Part 10.1, Section 3 – Street Frontage Height and Section 4 – Setbacks, resulting in excessive bulk and scale, insufficient transition to the public domain and an inappropriate relationship with adjoining properties. In addition, the proposal does not satisfy Part 10.1.6, Section 5 – Trees and Landscape, as it fails to retain and provide adequate tree planting, deep soil zones and landscape treatments necessary to support environmental outcomes, visual amenity and precinct character.

### Appendix 4 – Waste Management



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The proposal fails to comply with Appendix 4 – Waste Management of the GRDCP 2021, as it does not demonstrate an adequate and functional waste management system for the development. Insufficient information has been provided to confirm appropriate waste storage areas, collection arrangements, vehicle access and manoeuvring, or measures to minimise amenity impacts. As a result, the proposal is likely to result in inefficiencies in waste servicing and potential adverse impacts on adjoining properties and the public domain.

**Any Planning Agreement Under Section 7.4**

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

**The Regulations**

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

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

**The Likely Impacts of the Development**

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

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

**Site Suitability**

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

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

**Submissions**

The application was notified in accordance with Council policy by letter and given twenty-eight (28) days in which to view the plans and submit any comments on the proposal. Four (4) submissions were received during the neighbour notification period.

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

Issue	Comment
<b>Vehicular Access</b>	Concern is raised with regard to the impacts on the lane and its ability to service the proposed development. The proposal vehicular access is not supported in its current form and fails to comply with Objective 3H of the Apartment Design Guide.
<b>Building Height</b>	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

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	building. The proposal in its current form exceeds the maximum allowable height of building and is not supported.
<b>Heritage impact</b>	Concern is raised in relation to the impacts on the adjoining heritage item. The proposal fails to comply with the objectives of Clause 5.10 of the GRLEP 2021.
<b>Overshadowing and Loss of Amenity</b>	Issues of solar access and overshadowing were raised. An assessment of the application has revealed that the application complies with the minimum requirements for adjoining solar access and overshadowing is considered acceptable.
<b>Mental Health and Quality of Life</b>	Council acknowledges your concerns with regard to implications on personal mental health as a result of the development proposal, although Council is limited to considering matters under s4.15 of the Environmental Planning and Assessment Act 1979.
<b>Overdevelopment and bulk</b>	Issues of 'overdevelopment' are raised. The proposed development is a permissible form of development on the site. However, detailed assessment has revealed the proposal fails to achieve compliance with objectives, standards, and controls of relevant legislation. The proposal is not being supported in this regard.
<b>Impact on property prices</b>	Property value decline does not form part of the assessment criterion within Section 4.15(1) of the Environmental Planning and Assessment Act 1979 No.203. As a result, this is not considered further in assessment.
<b>Building Separation</b>	Concern is raised in relation to the proposed building setbacks. The proposal fails to comply with the relevant building separation controls found in the Apartment Design Guide and its not supported in its current form.
<b>Parking</b>	The proposal in its current form is not compliant with the required vehicle parking on site and is not in accordance with State Environmental Planning Policy (Housing) 2021 and its not supported in its current form.
<b>Landscaping</b>	Concern is raised in relation to landscaping. The proposal fails to provide sufficient deep soil planting in accordance with the relevant controls and its not supported in its current form.
<b>Railway Line</b>	The proposal was referred to Transport for NSW for comment in relation to the railway line. Conditions of consent were issued, subject to the approval of the application.
<b>Waste</b>	An appropriate waste management plan has not been proposed in relation to the development and is not supported in its current form.

**The Public Interest**

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

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



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**Referrals**

Internal Referrals		
Specialist	Comment	Outcome
Development Engineer	No objections raised with regard to the proposal.	Conditions provided.
Urban Design	Additional information required.	Unable to be supported.
Traffic	No response received at the time of preparing this report.	
Waste	Additional information required.	Unable to be supported.
Environmental Health	Additional information required.	Unable to be supported.

External Referrals		
Referral Body	Comment	Outcome
Ausgrid	The referral body has considered the following planning provisions: - Clause 2.48 of SEPP (Transport and Infrastructure) 2021.  No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed.
WaterNSW	Additional information requested.	No response provided by the Applicant.
Sydney Trains	No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed.
Sydney Airport	Clarification required regarding the overall building height.	Insufficient information provided.

**Contributions**

No Section 7.11 or 7.12 development contributions have been calculated as the proposal is recommended for refusal.

**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:



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## Georges River Local Planning Panel Meeting

For the reasons outlined within this report, it is considered that the proposal is not satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for refusal.

### 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 DA2025/0443 for the demolition works and construction of 14 storey mixed use development comprising in-fill affordable shop-top housing (5 units), a shop and co-living housing (101 rooms) on Lot 80 Sec A DP 1397 & Lot 81 Sec A DP 1397 & Lot 78 Sec A DP 1397 & Lot 79 Sec A DP 1397 on land known as 2-4 Gladstone Street KOGARAH NSW 2217, should not be approved subject to the refusal reasons referenced below:

1. The application fails to satisfy Section 26 of the Environmental Planning and Assessment Regulations 2021 with regard to specifying a registered community housing provider [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
2. The application fails to satisfy Section 19(2)(b) of the State Environmental Planning Policy (Housing) 2021 with regard to solar access [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
3. The application fails to satisfy Section 68(2)(d) of the State Environmental Planning Policy (Housing) 2021 with regard to communal open space [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
4. The application fails to satisfy Section 68(2)(g) of the State Environmental Planning Policy (Housing) 2021 with regard to landscaping [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
5. The application fails to satisfy Section 20(3) and Section 69(2)(f) of the State Environmental Planning Policy (Housing) 2021 with regard to design requirements [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
6. The application fails to satisfy Section 69(2)(a)(ii) and Section 69(2)(b) of the State Environmental Planning Policy (Housing) 2021 with regard to building setbacks and separation [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
7. The proposed development fails to satisfy the relevant requirements of Clause 147(1)(b) of the State Environmental Planning Policy (Housing) 2021 with respect to the following parts of the Apartment Design Guide [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*]:
  - a. Design criteria of objective 3F-1: Visual privacy; and
  - b. Objectives of 3C-1 and 3C-2: Public domain interface; and
  - c. Design criteria of objective 3E-1: Deep soil zones; and
  - d. Objectives of 3G-1 and 3G-2: Pedestrian access and entries; and
  - e. Objectives of 3H-1: Vehicular Access; and
  - f. Objectives of 4B: Cross ventilation; and
  - g. Design criteria of objective 4C-1 and objective 4C-2 and 4C-3: Ceiling heights; and
  - h. Design criteria of objective 4F-1 and objective 4F-2: Common circulation and spaces
8. The application fails to satisfy Schedule 9 design principals for residential apartment development of the State Environmental Planning Policy (Housing) 2021 with regard public and private interface [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].



Georges River Local Planning Panel Meeting

9. The application fails to satisfy Clause 2.3 of the Georges River Local Environmental Plan 2021 relating to the 'Zone Objectives and Land Use Table' as the proposed development type is not permitted within the R4 High Density Residential zone.
10. The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 with regard to building height [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
11. The application fails to satisfy Clause 4.4 of Georges River Local Environmental Plan 2021 with regard to floor space ratio [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
12. The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to departures from development standards [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
13. The application fails to satisfy Clause 5.10 of Georges River Local Environmental Plan 2021 with regard to heritage conservation [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
14. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
15. The application fails to satisfy Clause 6.11 of the Georges River Local Environmental Plan 2021 with regard to Environmental sustainability [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
16. The application fails to satisfy Clause 6.12 of the Georges River Local Environmental Plan 2021 with regard to landscaping [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
17. The application fails to satisfy the provisions Part 3 of the Georges River Development Control Plan 2021 with regard to general planning considerations [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
18. The application fails to satisfy the provisions Part 6.3 of the Georges River Development Control Plan 2021 with regard to the high density residential controls [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
19. The application fails to satisfy the provisions Part 10.1 of the Georges River Development Control Plan 2021 with regard to the Kogarah North Precinct controls [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
20. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*]
21. The development is considered to result in the unordered development of land [Pursuant to Section 1.3(c) of the *Environmental Planning & Assessment Act 1979*]; and
22. The site is considered unsuitable for the proposed development [Pursuant to S4.15(1)(c) of the *Environmental Planning & Assessment Act 1979*]; and



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- 23. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the *Environmental Planning & Assessment Act 1979*].

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17 September 2025  
252131.10WR

Written Request pursuant to Clause 4.6 of Georges River Local Environmental Plan 2021 Providing Grounds for Variation of the Non-discretionary Parking Development Standard under Clause 68 of the SEPP (Housing) 2021

Mixed Use Development at 2-4 Gladstone Street and 10 Victor Street, Kogarah NSW 2217

### Introduction & Assessment Context

This written request has been prepared pursuant to clause 4.6 of *Georges River Local Environmental Plan 2021 (the LEP)* to accompany an application which seeks development consent under the provisions of the *State Environmental Planning Policy (Housing) 2021 (the Housing SEPP)* for demolition of structures and construction of a 13-storey mixed-use development comprising shop top affordable housing (five units) over ground floor commercial premises, co-living housing (101 double rooms) and public domain works, at 2-4 Gladstone Street and 10 Victor Street, Kogarah (**the Site**).

The Development Application seeks to vary the non-discretionary development standard contained within Cl. 68(2)(e)(1) of the Housing SEPP that requires 0.2 parking spaces for each private room for co-living housing development in an accessible area (**the development standard**). For the proposed development, this equates to a requirement for 20 parking spaces.

The proposed development provides 15 parking spaces (12 standard, 2 accessible and 1 shared EV space). The proposed development represents a variation of 5 spaces or 25% from the numerical standard in the Housing SEPP. It is proposed to offset the loss of 5 spaces by designating one space as a shared vehicle to be provided by the developer.

Clause 4.6 of the LEP provides:

- (1) *The objectives of this clause are as follows—*
  - (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.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

OMNIA

Clause 4.6 Variation Request

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

This written request has been prepared in accordance with the NSW Department of Planning and Environment's 'Guide to Varying Development Standards' (November 2023) and relevant caselaw.<sup>1</sup>

A development standard may be varied if strict compliance is considered to be unreasonable or unnecessary in the circumstances. That may be demonstrated if:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard (*Initial Action* at [17]);
- The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary (*Initial Action* at [19]);
- The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable: (*Initial Action* at [19]); and
- The development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance is unnecessary and unreasonable: (*Initial Action* at [20]).

Further, Preston CJ found in *Initial Action*, at paragraphs 87 and 88, in the context of Clauses 4.6(3)(a) and (b) that:

"...Clause 4.6 **does not** directly or indirectly establish a test that the non-compliant development **should have a neutral or beneficial effect** relative to a compliant development..."

"...The requirement in Clause 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, **not that the development that contravenes the development standard have a better environmental planning outcome** than a development that complies with the development standard..." [Emphasis added in **bold**].

### Planning Instrument, Development Standard and Proposed Variation

#### 1. What is the environmental planning instruments you are seeking to vary?

State Environmental Planning Policy (Housing) 2021.

#### 2. What is the site's zoning?

The Site is zoned R4 High Density under *Georges River Local Environmental Plan 2021*.

#### 3. Identify the development standard to be varied.

The development standard to be varied, the non-discretionary parking standard, is set out in Cl. 68(2)(e)(i) of the Housing SEPP:

<sup>1</sup> Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (**Initial Action**), wherein the applicability of the findings in *Wehbe v Pittwater Council* [2007] NSWLEC 827 to cl 4.6 of the Standard Instrument were confirmed.

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Clause 4.6 Variation Request

(e) unless a relevant planning instrument specifies a lower number—

(i) for development on land in an accessible area—0.2 parking spaces for each private room or

The site is within an accessible area as defined in the Housing SEPP as it is within 800m walking distance of the entrance to Kogarah Railway station (see **Figure 1**).

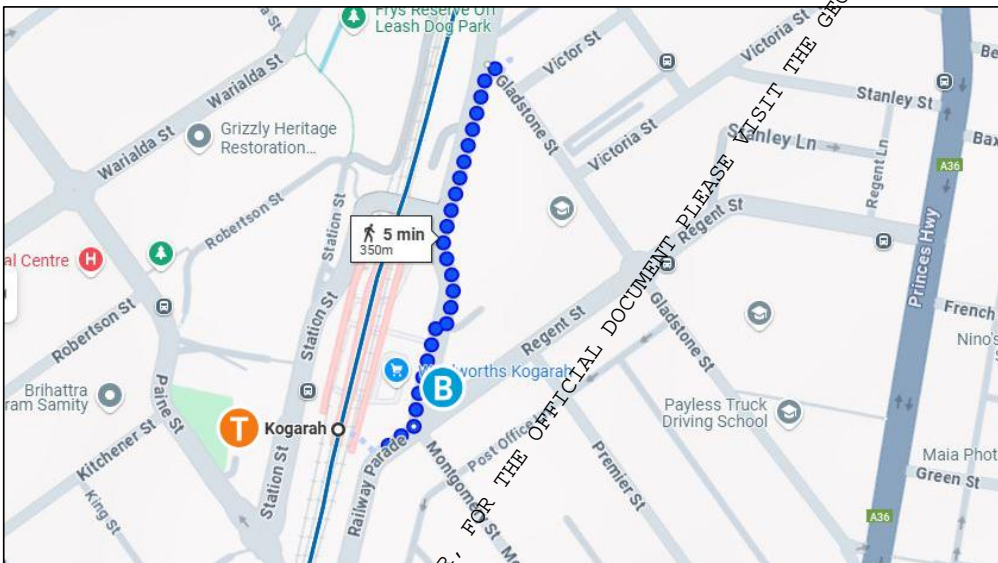


Figure 1: Walking Distance to Kogarah Railway Station entry (Source: Google Maps)

Under clause 68(2)(e)(i) of the Housing SEPP, 20 parking spaces are required for the proposed development comprising co-living housing with 101 private rooms.

4. Identify the type of development standard.

The development standard is a numerical development standard.

5. What is the numeric value of the development standard in the environmental planning instrument?

The numeric value of the non-discretionary development standard for parking is 20 spaces.

6. What is the difference between the existing and proposed numerical values? What is the percentage variation (between the proposal and the environmental planning instrument)?

The numeric value of the proposed variation from the development standard arising from the proposed development is five spaces.

The percentage variation is 25%.

Visual representation of the proposed variation.

Figure 2 below shows a visual representation of the proposed variation.

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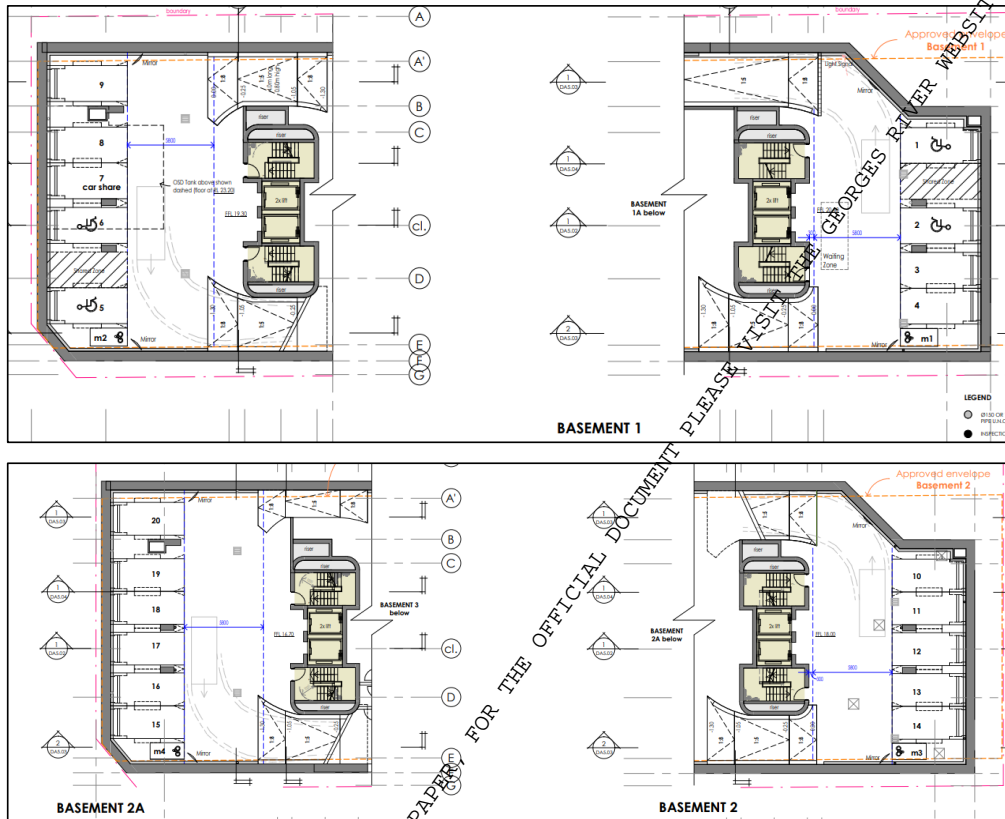


Figure 2: Proposed Basement Plans showing proposed parking (Source DA3.01 JSA Studio)

**Justification for the Proposed Variation**

8. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

It is considered that strict compliance with the non-discretionary parking development standard is unreasonable and unnecessary because the underlying objectives of the development standard are met notwithstanding the non-compliance with the standard.

The Housing SEPP does not contain objectives for the non-discretionary parking development standard (or any other standard). It is considered that the underlying objectives of the non-discretionary standard may be inferred from the principles of the Housing SEPP, which are as follows:

**3 Principles of Policy**

The principles of this Policy are as follows–

- (a) enabling the development of diverse housing types, including purpose-built rental housing,

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- (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.*

In addition, the underlying objective of a parking development standard would typically be expected to relate to such matters as ensuring parking is provided to meet the needs of the development and to minimise adverse external traffic and parking impacts on the locality.

The above Principles and inferred objectives are addressed below.

**A. Housing SEPP Principles**

**Principle 3(a): enabling the development of diverse housing types, including purpose-built rental housing**

The proposed development comprises a mixture of housing types including 5 affordable housing units and 101 new co-living housing rooms on the Site. The affordable housing units comprise a mixture of two bedroom and three-bedroom units, catering towards smaller family households seeking to live in apartments which are presently undersupplied in the housing market.

Co-living housing is specifically defined as one of the types of “diverse housing” provided for in Chapter 3 of the Housing SEPP. In addition, co-living housing is a type of housing which is purpose-built rental housing, as co-living housing is managed holistically and rooms may only be rented to tenants for a minimum of three months. Further, co-living housing may not be used for short-term or visitor accommodation, but must provide a primary place of residence for all occupants.

Therefore, the proposed development, including the parking variation, provides for the development of the Site for diverse housing types, including affordable housing and purpose-built rental housing, meeting the above principle of the Housing SEPP.

**Principle 3(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,**

The Application proposes five affordable housing units which will cater to low to moderate income households. One of the three-bedroom units is adaptable and able to cater to seniors

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or people with a disability. The Application additionally proposes six (6) accessible co-living units further catering to people with disability.

Co-living housing is a type of housing which provides a more affordable housing option for small households (1-2 persons) by virtue of the compact size of private facilities provided (which distinguishes it from apartments in residential flat buildings) and that smaller room sizes are offset by shared spaces and communal facilities. In addition, the private and shared facilities provided are furnished and ready-to-occupy, making it a type of housing more readily accessible by lower income groups.

The proposed development, including the parking variation, is therefore considered to meet the above Principle as it provides housing suitable for the needs of some more vulnerable members of the community, including those with lower incomes.

The provision of a shared car on demand is considered to be an additional benefit via the variation not provided through strict compliance with the control. For those on low incomes, the provision of a private vehicle can be a high expense. Direct access to a shared vehicle provides access at a lower cost.

**Principle 3(c): ensuring new housing development provides residents with a reasonable level of amenity**

As set out in the submitted Statement of Environmental Effects, the proposed development, including the parking variation, provides for an appropriate level of residential amenity for future occupants of the development, including:

- Measures to address noise impacts from traffic and private and communal rooms to ensure that the proposed development will comply with relevant noise criteria;
- Good solar and daylight access to private rooms, private balconies and communal spaces;
- A range of communal living spaces and facilities in several locations, as required under the Housing SEPP;
- Communal open space in excess of the requirements of the Housing SEPP accessible from the internal areas and providing a range of settings for different outdoor activities;
- Privacy to private rooms and communal spaces through separation and screening;
- A satisfactory level of parking, taking into account the proposed car share space (see further below); and
- A safe residential environment with appropriate levels of surveillance, control and management.

The provision of parking for the proposed development is addressed in the submitted Traffic and Parking Report as follows:

**4.2.1 Parking**

*... It is proposed to provide a total of 20 car parking spaces, including 4 accessible spaces and one car share space. The site is located some 400m from both Kogarah Train Station, providing the site with highly accessible public transport options to the T4 and South Coast Line. For this reason, residents will be more likely to utilise the available public transport options.*

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The parking requirements are sufficiently addressed by introducing a car share space, ensuring the parking provisions are well-suited to a development of this nature. Additional details are outlined in Section 4.2.2 below.

**4.2.2 Car Share**

Research indicates that car-sharing services can significantly reduce personal vehicle ownership. Studies, including those by GoGet, suggest that one car share vehicle can replace up to 10 privately owned cars. In the context of the proposed development, the inclusion of a dedicated car share space is expected to offset the need for multiple traditional parking spaces, thereby reducing overall parking demand.

The idea of car share spaces accounting for multiple standard parking spaces has been presented and affirmed in the Land and Environment Court on multiple occasions, including the following

- Commissioner Smithson found that the provision of 1 car share space replaced up to 10 to 12 private cars.
- NSWLEC 1020/2019 Arkibis P/L v Randwick City Council
- Commissioner Dickson found that the proposed provision of 1 car share space negated the shortfall of 8 parking spaces as indicated by the DCP.
- NSWLEC 1186/2016 Turner Architects v City of Botany Bay
- Commissioner O'Neill found that the proposed provision of 1 car share space negated the shortfall of 8 parking spaces as indicated by the DCP.

Furthermore, Georges River Council has an established Car Share Policy that facilitates the integration of car-sharing services within the local government area. The policy outlines criteria for Car Share Operators (CSOs) and supports the allocation of dedicated car share parking spaces.

The proposed share cars will be provided, managed and maintained by the facility operator and reserved for the Co-Living residents only. There will be a booking system in place, with the option to convert to another space if the demand frequently exceeds the capacity for the 1 car.

Thus, the reduction in conventional parking will be effectively addressed by providing a car share space in the parking scheme. This approach will help meet parking demand while aligning with Georges River Council's car-sharing policy

Accordingly, the proposed development, including the parking variation, provides sufficient parking to meet the likely demands of the development and is considered to meet this principle of the Housing SEPP.

**Principle 3(d): promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services**

The proposed development provides for new co-living housing in a location which has been identified for additional development/housing on the basis of its locational advantages, including access to existing transport (including road, rail, buses), educational and health infrastructure within the Kogarah Town Centre and employment opportunities.

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As shown above in **Figure 1**, the site is within an accessible area for the purposes of the Housing SEPP, being within walking distance of the entry to Kogarah Railway Station and close to bus stops served by a regular bus route. As noted above, given the availability and proximity to public transport, residents are more likely to use it.

The proposed development, including the parking variation, is consistent with the planning of the area and seeks to deliver new housing in a desirable and accessible location, with public transport options in proximity, and therefore meets the above Principle of the Housing SEPP.

**Principles 3(e): minimising adverse climate and environmental impacts of new housing development**

The parking variation minimises adverse climate and environmental impacts by allowing for access to a shared vehicle. This reduces unnecessary waste in the provision of multiple vehicles by occupants.

**Principle 3(f): reinforcing the importance of designing housing in a way that reflects and enhances its locality**

**Assessment:**

The proposed development, including the parking variation, has been designed to reflect and enhance its locality, by proposing a built form which is compatible with the desired future character of the area.

The Kogarah North Precinct is an area undergoing transition to a high density residential area with mixed use opportunities concentrated towards the Kogarah Town Centre. The re-development of the area aims to provide a balance of housing, employment and transit opportunities whilst also capitalising on use of the agglomerated health and education infrastructure.

The proposed development, including the parking variation, is considered to be a well-articulated contemporary form that will contribute to the public domain and locality through its form, design and integrated landscape treatment.

Accordingly, the proposed development, including the parking variation, is designed to reflect and enhance its locality by proposing a built form which is compatible with the desired future character of the area.

**Principle 3(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**

**Principle 3(h) mitigating the loss of existing affordable rental housing.**

The above principles are not applicable to the Site or the proposed development.

**B. Other Inferred Underlying Objectives**

**Provision of Parking to Meet Demand**

As described above, the proposed development, including the parking variation, is considered to provide parking to meet the likely demand of the co-living housing, noting the availability of public transport and the provision of one car share space within the development. The submitted Traffic and Parking Report states that 1 car share space can accommodate the parking

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demand of some 10 regular residential parking spaces (p. 10) and therefore the proposed development satisfies the parking demand for 20 spaces, while aligning with Georges River Council's car sharing policy. It will therefore not result in any significant adverse external parking impacts.

### Traffic Generation

The submitted Traffic and Parking Report (see **Annexure 12** to the SEE) provides that the traffic generation of the proposed development will be low based on the type of accommodation proposed, the reduced parking provided and proximity to public transport options, and will not create any discernible traffic impact.

Accordingly, the proposed development, including the parking variation, will not result in any significant adverse external traffic impacts.

### 9. Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to support the variation to the parking non-discretionary development standard applicable to the site, being:

- the proposed development, including the parking variation, is in an accessible location, in proximity to public transport options in the form of rail (and buses);
- as set out in the Traffic and Parking Report, the provision of one parking space as a car share space enables the proposed development to satisfy the parking demand, as 1 car share can accommodate the parking demand of some 10 regular residential parking spaces (p. 10).
- the proposed development, including the parking variation, aligns with Georges River Council's car sharing policy, as set out in the submitted Traffic and Parking Report (see Annexure 12 to the SEE);
- the proposed development, including the parking variation, will not result in adverse external parking impacts or excessive traffic generation beyond the capacity of the surrounding road system; and
- the proposed development, including the parking variation, achieves compliance with the inferred underlying objectives of the standard, as expressed through the Principles of the Housing SEPP and matters typically underlying such parking standards.

The above factors confirm that there are sufficient environmental planning grounds to justify the variation and that the Clause 4.6 variation request is well-founded.

### 10. Is there any other relevant information relating to justifying a variation of the development standard?

The proposed variation would give effect to the objects of R4 High Density Residential Zone under the LEP, in that:

- The Application will provide a diverse range of housing for a range of members in the community, as discussed above, which meets the needs of the Georges River Council area;
- The Application proposes 58.5sqm of retail 'shop' space which can be adapted and used to provide services and facilities which meet the day to day needs of residents;

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- The proposed shop space is located on the Gladstone Street and Railway Lane corner frontage and will serve to activate the street and contribute to the vibrancy of the neighborhood. The proposed shop is modest in area and will ensure the Kogarah Town Centre will remain the focus of business activity; and
- The Application proposes high density residential development within 400m walking distance of Kogarah Train Station and buses, maximising the number of people with access to public transport and encouraging active transport such as walking and cycling.

It will also give effect to the objects of the *Environmental Planning and Assessment Act 1979*, specifically S. 1.3(a) and (c):

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (c) *to promote the orderly and economic use and development of land,*

The proposal satisfies the zone and development standard objectives and therefore strict compliance with the standard is not required in order to achieve compliance with the objectives. Strict compliance would result in an inflexible application of policy. It does not serve any purpose that should outweigh the positive outcomes of the development and therefore a better planning outcome overall.

The development as proposed, including the parking variation, is consistent with the provisions of orderly and economic development as it provides for the redevelopment of the Site in an accessible location in a manner which responds appropriately to existing surrounding development and the emerging character of the area, which is undergoing transition to a high density residential area.

The proposed development, including the parking variation, is compatible with future anticipated development in the locality. In this regard, the proposal also meets the object of the Act with respect to good design and amenity of the built environment.

Higher density development in close proximity to transport will generate positive economic, environmental and social outcomes consistent with the planning for the Kogarah North Precinct. A flexible planning system capable of delivering well-designed, lower cost housing in a desirable and accessible location is in the public interest.

**Conclusion**

It is unreasonable and unnecessary to maintain strict compliance with the parking non-discretionary development standard applicable under the Housing SEPP in respect of the proposed development, including the parking variation.

There are sufficient environmental planning grounds to justify the variation of the parking non-discretionary development standard on the basis that compliance with the standard would be unreasonable and unnecessary in the circumstances of this particular case. As demonstrated above, the proposed development will be in the public interest and it is consistent with the inferred objectives of the parking non-discretionary development standard and the objectives of the R4 zone.

Moreover, it is considered that there would be no public benefit in maintaining the particular planning control in question, in the case of this specific development.

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The proposal also meets the objects of the EP&A Act 1979 with respect to good design and amenity of the built environment and will contribute to a better environment by providing a built form of development which responds appropriately to existing surrounding development and the emerging character of the area undergoing transition. It provides sufficient parking to meet demand with the provision of a car share space and minimises external traffic and parking impacts.

This request is considered to adequately address the matters required by Clause 4.6 and demonstrates that compliance with the development standard would be unreasonable and unnecessary in the circumstances of this case.

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## REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 07 MAY 2026

### LPP021-26 3 DINJERRA CRESCENT, OATLEY NSW 2223

<b>LPP Report No</b>	<b>LPP021-26</b>	<b>Development Application No</b>	<b>DA2025/0596</b>
<b>Site Address &amp; Ward Locality</b>	3 Dinjerra Crescent, Oatley NSW 2223 Peakhurst Ward		
<b>Proposed Development</b>	Alterations and additions to dwelling house		
<b>Owners</b>	Yau Cheung Wong; Siu Chun Wong		
<b>Applicant</b>	Anthony Milou		
<b>Planner/Architect</b>	Milou Associates		
<b>Date Of Lodgement</b>	9/01/2026		
<b>Submissions</b>	One		
<b>Cost of Works</b>	\$715,000.00		
<b>Local Planning Panel Criteria</b>	This application is referred to Georges River Local Planning Panel for determination as the proposed variation exceeds 10% of the applicable development standard.		
<b>Report prepared by</b>	Senior Development Assessment Planner		

<b>RECOMMENDATION</b>	Approval
-----------------------	----------

### EXECUTIVE SUMMARY

This matter is reported to Georges River Council's Local Planning Panel (the Panel) in accordance with Schedule 1, Part 3 of the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents, issued by the Minister for Planning and Public Spaces under section 9.1 of the Environmental Planning and Assessment Act 1979 on 6 March 2024.

The application seeks consent for a development which seeks a variation of Clause 4.3 Height of Buildings of the Georges River Local Environmental Plan 2021 by greater than 10%.

### PROPOSAL

Development Application No. DA2025/0451 proposes alterations and additions to a dwelling house. The particulars of the proposal are as follows:

- Demolition of portions of the existing dwelling, entry path, external stairs and decking
- Construction of a new lower ground floor consisting of two bedrooms
- Construction of a new foyer/entry area adjacent to the existing garage
- Construction of a new lift for all floors
- Construction of a non-trafficable green roof
- Landscaping works

## ASSESSMENT

Development Application No. DA2025/0451 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 an assessment against the provisions contained within:

- State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021;
- State Environmental Planning Policy (SEPP) (Sustainable Buildings) 2022;
- State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021;
- Georges River Local Environmental Plan 2021 (GRLEP 2021); and
- Georges River Development Control Plan 2021 (GRDCP 2021).

The proposed development is generally compliant with the relevant matters of considered prescribed by Section 4.15(1) of the Environmental Planning and Assessment Act 1979 with the exception of the following proposed variations:

The proposal exceeds the maximum building height prescribed under Clause 4.3 of the GR LEP 2021 and relies on a Clause 4.6 variation statement that is satisfactory. The submitted request accurately quantifies the extent of the non-compliance and demonstrates that there are sufficient planning grounds to justify the proposed variation.

There are further non-compliances with Section 6.1.2.2 of GR DCP 2021 as there are five storeys proposed on the site. This variation however does not provide an adverse impact onto adjoining properties and is compatible within the existing streetscape and is deemed to be satisfactory to the objectives of the clause.

A detailed consideration of these matters is provided in the attached assessment report. Collectively, the non-compliances within the proposal have been justified accordingly and the development can be supported subject to conditions of consent.

## NOTIFICATION

The application was notified in accordance with Council's Community Engagement Policy between 12 February 2026 and 26 February 2026. One (1) submission was received during the neighbour notification period. Details of the submissions are outlined in Council's assessment report.

## RECOMMENDATION

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, Development Application No. DA2025/0596 for alterations and additions to dwelling house at 3 Dinjerra Crescent, Gatley is recommended for approval subject to the recommended conditions held in Council's assessment report. The reasons for these recommendations are:

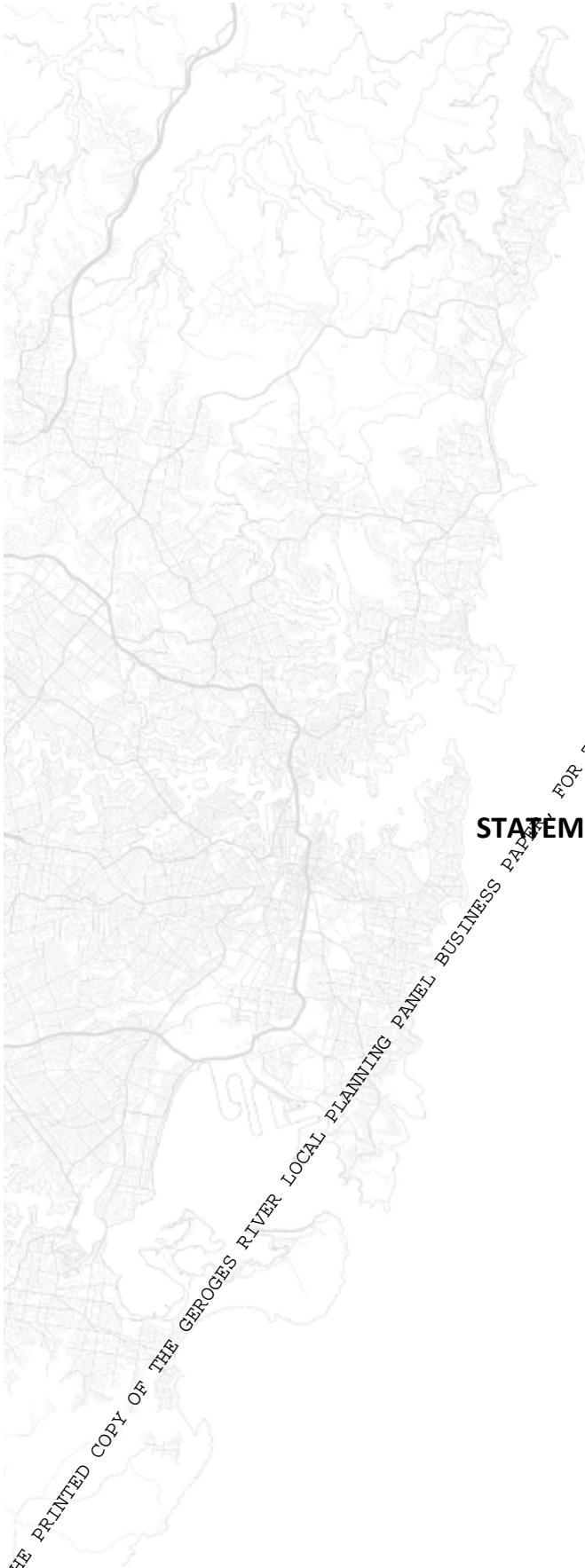
- The proposed development is permissible with the subject zone;
- The proposed development complies with the requirements of the relevant environmental planning instruments, or any variations are adequately justified;
- The proposed development is consistent with requirements of the Georges River Development Control Plan 2021; and
- The proposal, subject to conditions, will not result in unreasonable environmental and amenity impacts.

**ATTACHMENTS**

- Attachment [↓](#)1 Statement of Environmental Effects - 3 Dinjerra Crescent Oatley.pdf-  
DA2025/0596-3 Dinjerra Crescent, OATLEY NSW 2223.pdf - DA2025/0596
- Attachment [↓](#)2 Clause 4.6 Written Request - 3 Dinjerra Cr Oatley
- Attachment [↓](#)3 Architectural Plans No Floor Plans - 3 Dinjerra
- Attachment [↓](#)4 Assessment Report - DA2025 0596

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**LPP021-26**



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**DEVELOPMENT APPLICATION  
STATEMENT OF ENVIRONMENTAL EFFECTS**

Alterations and additions to an existing dwelling house

**3 Dinjerra Crescent, Oatley**

March 2026

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3 Dinjerra Crescent, Oatley – Statement of Environmental Effects

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3 Dinjerra Crescent, Oatley – Statement of Environmental Effects

**PROJECT DETAILS**

Client: Mr Yau Cheung Wong & Siu Chun Wong  
 Subject land: 3 Dinjerra Crescent, Oatley  
 Lot Description: Lot 4 of Deposited Plan 227582  
 Proposed development: Dwelling house alterations and additions

**The report is prepared by** Emma Rogerson  
 Master of Urbanism (Urban and Regional Planning) (USYD)  
 Bachelor of Architecture and Environments (USYD)

**The report is reviewed by** Mathew Fortunato  
 Bachelor of Architecture and Environment (USYD)  
 Planning Institute of Australia (Assoc.)

I certify that the contents of the Statement of Environmental Effects to the best of my knowledge, has been prepared as follows:

- In accordance with Section 4.12 of the Environmental Planning and Assessment Act 1979 and Clause 24 of the Environmental Planning and Assessment Regulation 2021;
- The statement contains all available information that is relevant to the environmental impact assessment of the proposed development;
- To the best of my knowledge the information contained in this report is neither false nor misleading.

**Quality Management**

Rev.	Description	Date	Written By	Reviewed By
1	Final Report	18.12.2025	ER	MF
2	Amendments to Part 4.13 and 4.15	26.03.2026	MF	MF

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3 Dinjerra Crescent, Oatley – Statement of Environmental Effects

**1.0 INTRODUCTION**

This Statement of Environmental Effects has been prepared for Mr Yau Cheung Wong & Siu Chung Wong to accompany a Development Application (DA) to Georges River Council for dwelling house alterations and additions at 3 Dinjerra Crescent, Oatley.

More specifically, the proposed development comprises the:

- **Demolition** of portions of the existing dwelling on all floors, and entry path, external stairs, and decking;
- **Construction** of new works on all floors of the dwelling, a non-trafficable green roof, a new lower ground floor, a new lift and staircase at garage level providing direct, step-free entry; and
- **Extensive native revegetation and landscaping** across the entire site, including the front yard, green roof, planters on the dwelling, rear yard and foreshore areas.

The proposal is permissible with consent and is suitable for the site and the area. The proposal has been designed to relate to its site and to the streetscape in terms of appearance, envelope, setbacks, bulk, and scale. The proposal will operate without any significant impact to the amenity of neighbouring properties.

This statement assesses any numeric non-compliance as acceptable on merit, resulting in no adverse impacts and in compliance with all relevant DCP and LEP objectives.

The purpose of this SEE is to:

- Describe the site to which the application applies and its context;
- Describe the proposed development
- Describe the legislative framework against which the application is to be assessed and determined; and
- Provide an assessment of the environmental impacts in accordance with the Section 4.15 of the EP&A Act 1979.

This Statement has been prepared in reference to the following:

Document	Author	Date
Architectural Plans	Milou & Associates	November 2025
Landscape Plan	B+E Landscape Architects	17 November 2025

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## 2.0 SITE ANALYSIS & CONTEXT

### 2.1 The Site

The site is located at 3 Dinjerra Crescent, Oatley and is legally described Lot 4 in Deposited Plan 227582. The site is located on the western side of Dinjerra Crescent, at the end of the cul-de-sac.



Figure 1: Site locality map (Google Maps 2025)



Figure 2: Aerial map (NSW Planning Portal, 2025)

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The site is rectangular with a total area of 1,068.8 square metres by survey, with a 13.83 metre street frontage to Dinjerra Crescent. The northern side boundary measures 76.585 metres and the southern side boundary measures 73.755 metres. The rear boundary measures 18.07 metres. The site falls steeply from the street towards the rear.

The site currently contains a four-storey detached dwelling house. The rear of the site is landscaped with shrubs and grass. Vehicular access is available from Dinjerra Crescent.

The land is zoned R2 Low Density Residential under the provisions of Georges River Local Environmental Plan 2021 (LEP). The site is not identified as a Heritage Item, nor is it located within a Heritage Conservation Area (HCA). It is also not considered to be located within the close vicinity of any Item or HCA, or as a contributory item.



Figure 3: Subject site as viewed from Dinjerra Crescent (Corona Projects, 2025)

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Figure 4: Existing rear elevation (Corona Projects, 2025)



Figure 5: View from development site to the rear (Corona Projects, 2025)

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### 2.2 The Locality

The site is located within the local residential area of Oatley. The locality comprises primarily of low density residential development of multiple storeys high. The area predominantly features buildings of a contemporary architectural style. The development site adjoins detached dwelling houses to the north and south, and the Georges River to the rear.

Notable sites in the area include:

- Oatley Point Reserve
- Simpson Reserve
- Old Como Bridge



Figure 6: View towards the southern neighbour at 4 Dinjerra Crescent (Corona Projects, 2025)

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Figure 7: View towards the northern neighbour at 2 Dinjerra Crescent (Corona Projects, 2025)

### 2.3 Development History

A search on Council’s DA Tracker found that there is no recent recorded planning history for the site.

## 3.0 THE PROPOSAL

### 3.1 Overview

The Development Application proposes dwelling house alterations and additions at 3 Dinjerra Crescent, Oatley. More specifically, the proposed development comprises the:

- **Demolition** of portions of the existing dwelling on all floors, and entry path, external stairs, and decking;
- **Construction** of new works on all floors of the dwelling, a non-trafficable green roof, a new lower ground floor, a new lift and staircase at garage level providing direct, step-free entry; and
- **Extensive native revegetation and landscaping** across the entire site, including the front yard, green roof, planters on the dwelling, rear yard and foreshore areas.

The proposal has been designed to relate to its site and to the streetscape in relation to appearance, envelope, setback, bulk and scale. The contemporary design utilises high quality materials and detailing, enhanced by extensive native planting and green roof elements, to present an unobtrusive visual outcome for the locality while delivering environmental benefits such as reduced stormwater runoff, improved biodiversity, carbon sequestration, and alleviation of the urban heat island effect. This approach demonstrates exemplary native regeneration within a foreshore scenic protection area. Please refer to plans prepared by Milou & Associates.

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### 3.2 Development Configuration

The proposed development comprises the following:

Level	Use
Lower Ground 5	Bedrooms x 2
	Bathrooms x 2
Lower Ground 4	Bedrooms x 2
	Bathrooms x 3
	Living Room and Patio
Lower Ground 3	Bedrooms x 2
	Bathrooms x 2
Ground Floor	Open Plan Dining/Living
	Kitchen
	Bathroom
	Storage
Garage Floor	Garage
	Foyer/Lounge

Each floor is connected by an internal lift and stair access. The steeply sloped terrain renders numerous levels most suitable, in order to step with the steep ground level.

### 3.3 Numerical Overview

A brief numerical overview of the development parameters for the proposed development is included in the below table.

Component	Proposal
Site area	1,068.8m <sup>2</sup>
Gross Floor Area	305m <sup>2</sup>
Floor Space Ratio	0.28:1
Height	12.5m
Boundary setbacks	
Front	In line with existing
Side (W)	In line with existing
Side (S)	In line with existing
Rear	>15% of site length
Car spaces	2

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#### 4.0 STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT

This Chapter provides an environmental assessment in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

##### 4.1 Statutory and Policy Compliance

The relevant matters for consideration under Section 4.15(a) of the EP&A Act, 1979, are identified as:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Georges River Local Environmental Plan 2021
- Georges River Development Control Plan 2021

The primary statutory document that relates to the subject site and the proposed development is Georges River Local Environmental Plan 2021. The primary non-statutory plan relating to the subject site and the proposed development is Georges River Development Control Plan 2021.

##### 4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

This Policy is to provide for a state-wide planning approach to the remediation of contaminated land. Subject to Clause 4.6, considerations should be given to the suitability of land in terms of contamination.

The subject site has a long history of being used for the residential purpose. Thus, the land is not likely to be contaminated and, given that no change of use is proposed, no further consideration is required under Clause 4.6(1)(b) and (c) of the Resilience and Hazards SEPP.

##### 4.1.2 State Environmental Planning Policy (Sustainable Buildings) 2022

This SEPP applies to the proposed development. A BASIX Certificate is submitted with the application and confirms that the proposal will comply with the water, thermal comfort, and energy efficiency requirements of the policy.

**4.1.3 Georges River Local Environmental Plan 2021**

**Zoning and permissibility**

The site is located in Zone R2 Low Density Residential.

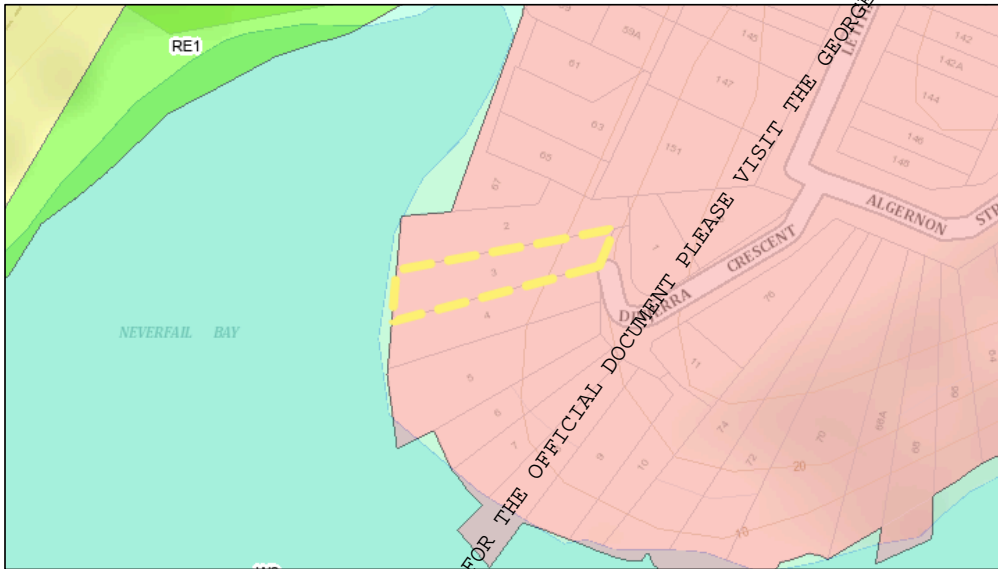


Figure 8: Land Zoning Map (NSW Spatial Planning Viewer 2025)

The development is identified to be works to a dwelling house, which is permitted with consent in the R2 Low Density Residential zone.

The objectives of the zone are:

- 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.

The proposed development meets the relevant land use zone objectives. The development will provide additional bedrooms in a growing area where there is high demand for additional housing, delivering a functional, spacious and high-quality family home suited to multi-generational living. The proposal will not prevent other sites from hosting land uses that provide facilities or services to meet the day to day needs of residents.

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Importantly, the proposal incorporates enhanced accessibility features, including a new lift and staircase at garage level to provide direct, step-free entry, providing an improved level of residential amenity. Further, the extensive native revegetation, green roof, and landscaping demonstrate positive environmental outcomes, promoting biodiversity, reducing stormwater runoff, and setting a positive precedent for sustainable development within the zone.

**Clause 4.3 Height of buildings**

The LEP Height of Building Map stipulates that the maximum building height permitted for the site is 9 metres. The proposed height of the development is 12.5 metres. This results in a non-compliance of 3.5m or 38.89%.

Refer to Clause 4.6 Variation Request submitted with this DA addressing this non-compliance.

**Clause 4.4 Floor space ratio and Clause 4.4A Exceptions**

The LEP Floor Space Ratio Map stipulates that the maximum floor space ratio permitted for the site is 0.55:1. The site is also marked as subject to 'Area 1' on the FSR Map, which triggers Clause 4.4A. Clause 4.4A states that sites with an area of between 1,000 – 1,499sqm shown as 'Area 1' and proposing a dwelling house are subject to a prevailing maximum FSR measured with a formula:

$$\begin{aligned}
 &= [(site\ area - 1000) \times 0.2 + 462.5] \div site\ area:1 \\
 &= [(1,068.8 - 1000) \times 0.2 + 462.5] \div 1,068.8:1 \\
 &= (68.8 \times 2 + 462.5) \div 1,068.8:1 \\
 &= \mathbf{0.56:1}
 \end{aligned}$$

The proposal has a floor space ratio of 0.28:1 and therefore complies.

**Clause 5.10 Heritage Conservation**

The site is not identified as a Heritage Item, nor is it located within a Heritage Conservation Area (HCA). It is also not considered to be located within the close vicinity of any Item or HCA, or as a contributory item.

**Clause 6.1 Acid sulphate soils**

The Acid Sulphate Soils Map stipulates that the site is Class 5. The proposed works will not be below 5 metres Australian Height Datum, and are unlikely to lower the water table below 1 metre Australian Height Datum on adjacent Class 1, 2, 3, or 4 land.

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**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 proposal is considered to be consistent with the requirements of this clause as the development is not expected to disrupt or have a detrimental effect on the drainage patterns and soil stability of the locality. Nor is it likely to disturb relics and have an adverse impact on any waterway, drinking water catchment or environmentally sensitive area. This is due to the minor extent of cut and fill included within the proposal, which will not drastically alter the existing terrain and environmental functions and processes.

**Clause 6.4 Foreshore area and coastal hazards and risk**

This clause applies when new works will result in a footprint of the building extending further forward than the footprint of the existing building into the foreshore building line. The proposal will not result in any changes within the foreshore building line.

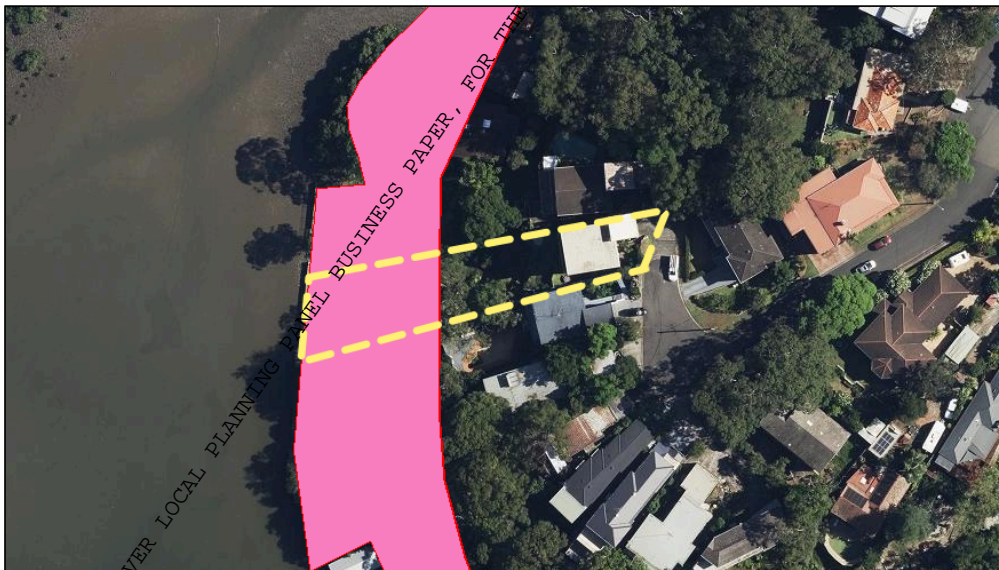


Figure 9: Foreshore Building Line Map (NSW Spatial Planning Viewer 2025)

**Clause 6.6 Foreshore scenic protection area**

The site is located within a “Foreshore scenic protection area” on the Foreshore Scenic Protection Area Map. Therefore, Council must be satisfied that the development would facilitate the following:

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- (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 site, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors,
- (d) the achievement of no net loss of significant vegetation or habitat,
- (e) the avoidance of clearing steep slopes and facilitation of the stability of the land,
- (f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places,
- (g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land

The proposal strongly supports these objectives through its sensitive design and extensive environmental enhancements. No tree removal is proposed, with all new works confined to existing built-upon areas, thereby retaining remnant vegetation communities, habitat, and any threatened species or populations while avoiding disturbance to the natural topography, rock formations, or steep slopes.

The development provides compliant deep soil zones supporting future tree canopy establishment. Most significantly, extensive native revegetation and landscaping is proposed across the entire site, including the front yard, dwelling (via planters and a non-trafficable green roof), rear yard, and foreshore areas, delivering substantial enhancement of native vegetation and habitat. The green roof further contributes benefits<sup>1</sup> such as:

- Reduced heating and cooling requirements for the building;
- Reduced and slowed stormwater runoff;
- Improved sound insulation;
- Carbon sequestration;
- Capture of gaseous and particulate pollutants;
- Alleviation of urban heat island effects; and
- Increased biodiversity.

New works step with the sloped site to minimise height and bulk, and views and vistas to and from the Georges River are reasonably shared and preserved. The incorporation of extensive native planting and green elements also softens the visual appearance of the dwelling from the streetscape and foreshore, minimising impacts on the views and visual environment. Overall, the proposal sets a positive precedent for sustainable development and native regeneration within the foreshore scenic protection area.

<sup>1</sup> <https://www.yourhome.gov.au/materials/green-roofs-and-walls>

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**Clause 6.13 Landscaped areas in certain residential and environmental protection zones**

The minimum landscaped areas or natural rock outcrops for a dwelling house located on land within the Foreshore Scenic Protection Area is 25% of the site area. The proposal has a landscaped area of more than 25% and thus complies with the standard.

**4.1.4 Georges River Development Control Plan 2021**

The development had been considered against the provisions of Georges River Development Control Plan 2021 below.

Control	Comment	Compliance
<b>GENERAL PLANNING CONSIDERATIONS</b>		
<b>3.2.1 TREES &amp; VEGETATION</b>		
4	For the purpose of this section, a tree is defined as vegetation having a: <ul style="list-style-type: none"> <li>• Height of 3 metres or more, or</li> <li>• Diameter of 100mm or more when measured at ground level, or</li> <li>• Branch spread of 3 metres or more.</li> </ul>	No trees are proposed for removal under this DA. N/A
7	Approval is required for the <ul style="list-style-type: none"> <li>• Removal of tree(s) in conflict with built structures, where all engineering and practicable management alternatives have been considered and not feasible.</li> <li>• Removal of tree(s) for construction or extension of buildings where there is no feasible alternative that will allow for the retention of the tree(s).</li> </ul>	No trees are proposed for removal under this DA. Yes
<b>3.3 LANDSCAPING</b>		
1	Landscaping on site should be incorporated into the site planning of a development.	Generous deep soil and plantings are retained. Yes
<b>3.4 BUSHFIRE PRONE LAND</b>		
1	Development should be located and designed to minimise the need for bushfire hazard reduction within native vegetation areas.	No new habitable works are proposed on portions of the site affected by bushfire. The need for any hazard reduction in native vegetation areas is therefore mitigated. Yes
<b>3.5.1 EXCAVATION (INCLUDING CUT AND FILL)</b>		
1	Natural ground level should be maintained within 900mm of a side and rear boundary.	Natural ground level is unchanged within 900m of any boundary. Yes
2	Cut and fill should not alter natural or existing ground levels by more than 1m.	The natural ground level is being retained as far as practical, however, cut and fill beyond upon merit. Acceptable

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Control	Comment	Compliance
	1m are proposed to accommodate the new lower ground floor works. This is necessary and considered the optimal planning outcome as it allows the building to better integrate with the land and reduce its external bulk and scale.	
3	Habitable rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level.	Habitable rooms have windows above ground level. Yes

**3.8 VIEWS IMPACTS**

1	Development shall provide for the reasonable sharing of views.	The proposal has been carefully designed to reduce impacts to view obstruction as far as practical. Properties in the area enjoy views to Georges River and associated water and land interface.  Refer to Part 4.1.5 of this SEE for further discussion on view sharing, and how the proposal successfully achieves this with consideration of principles established under <i>Tenacity</i> .	Yes
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**3.10 WATER MANAGEMENT**

1	Development must comply with Council's Stormwater Management Policy which provides detail of drainage requirements for different development types. Consultation with Council is recommended.	Drainage as per the existing system is suitable.	Yes
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**3.13 PARKING ACCESS AND TRANSPORT**

1	The car parking rate for development types are outlined in Table 1 – Parking Requirements. <ul style="list-style-type: none"> <li>1 space per 1 and 2 beds</li> <li>2 spaces per 3 beds or more</li> </ul>	2 parking spaces are proposed within the garage.	Yes
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.	Compliance is achieved.	Yes

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Control		Comment	Compliance
16	Basement car parking is to be located within the building footprint.	No basement parking is proposed.	N/A
<b>RESIDENTIAL CONTROLS</b>			
<b>6.1.2 SINGLE DWELLINGS</b>			
1.1	New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP	Refer to section later in this table which considers the Oatley area.	Yes
1.2	Developments on sites with two (2) or more frontages are to address all frontages.	There is only one street frontage.	N/A
1.4	Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance.	Passive surveillance is achieved with windows and balconies facing the public waterway, and the driveway entry facing Dinjerra Crescent.	Yes
1.6	The maximum size of voids at the first floor level should be a cumulative total of 15m <sup>2</sup> (excluding voids associated with internal stairs).	Voids are reduced.	Yes
2.1	New buildings are to consider and respond to the predominant and desired future scale of buildings within the neighbourhood, and consider the topography and form of the site.	The proposal retains the single-storey scale of the streetscape, with the new works concealed from view from the Dinjerra Crescent frontage and integrated with the slope and design to reduce appearance.	Yes
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.		Yes
2.4	Where topography conditions require a basement, the area of the basement should not exceed the area required to meet the car parking requirements for the development, access ramp to the parking and a maximum 10m <sup>2</sup> for storage and 70m <sup>2</sup> for plant rooms. Additional basement area to that required to satisfy these requirements may be included as floor space area when calculating floor space ratio.	No basement is proposed.	N/A
2.5	Where the entry to the basement carpark is visible from the street, the entry should be recessed a minimum of 1m (from the edge of the external wall or balcony) from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials.	No basement is proposed.	N/A

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Control	Comment	Compliance
<p>3.1 The minimum setback from the primary street boundary is:</p> <ul style="list-style-type: none"> <li>i. 4.5m to the main building wall / facade;</li> <li>ii. 5.5m to the front facade of a garage or carport;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied.</li> </ul> <p>Note: The “Prevailing Street Setback” is the setback calculated by averaging the setback of two (2) adjoining residential properties on both sides of the development.</p>	<p>The proposed front setback is as per the existing dwelling.</p>	<p>Yes</p>
<p>3.3 For corner lots, the setback from the secondary street boundary is to be at least:</p> <ul style="list-style-type: none"> <li>i. 1.2m to the building line if the site is less than 15m in width (see Figure 1); or</li> <li>ii. 2.0m to the building line if the site is 15m or greater in width (see Figure 2).</li> </ul>	<p>The site is not a corner lot.</p>	<p>N/A</p>
<p>3.4 Buildings are to have a minimum rear setback of 15% of the average site length, or 6m, whichever is the greater (excluding detached secondary dwellings – see Point 12 in Section 6.1.2.12- Secondary Dwellings of this DCP).</p>	<p>The proposed rear setback is much greater than 15% of the site length.</p>	<p>Yes</p>
<p>5 The minimum side setbacks for ground and first floor are:</p> <ul style="list-style-type: none"> <li>i. 900mm for lots up to 12.5m in width measured at the front building line for the length of the development.</li> <li>ii. 1.2m for lots greater than 12.5m in width measured at the front building line for the length of the development.</li> <li>iii. 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development.</li> </ul>	<p>Proposed side setbacks are as per the existing dwelling, achieving an average of 1.5m.</p>	<p>Yes</p>
<p>3.1 Private open space is to be located at the rear of the property and/or behind the building line and is to have a minimum area of 60m<sup>2</sup> with minimum dimensions of 6m and located on the same level (not terraced or over rock outcrops).</p>	<p>Private open space is provided in the rear setback and achieves the minimum 60sqm w/ 6m dimensions at ground level. Balconies also provide POS at numerous levels.</p>	<p>Yes</p>

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Control		Comment	Compliance
4.4	Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent buildings.	Privacy is achieved by way of angling new openings and balconies across the rear of the site, rather than sides. Trees also screen side-facing views.	Yes
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 environmental protection zones of GRLEP 2021.	Compliant landscaping is provided.	Yes
5.4	Impervious areas are to occupy no more than: <ul style="list-style-type: none"> <li>i. 60% of the street setback area where the front setback is less than 6m, or</li> <li>ii. 50% of the street setback area where the front setback is 6m or greater, or</li> <li>iii. 50% of the primary street setback area on corner allotments.</li> </ul>	Impervious area within the front setback is unchanged by this proposal. Due to the need for paved driveway access, compliance is unable to be achieved.	Acceptable upon merit
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.	Tree planting within the front setback is unchanged by this proposal. Due to the need for paved driveway access, compliance is unable to be achieved. Additional trees in this area would contribute to view loss.	Acceptable upon merit
6.1	Any excavation must not extend beyond the building footprint, including for any basement car park.	Excavation is limited to the building footprint.	Yes
6.2	The depth of cut or fill must not exceed 1.0m from existing ground level, except where the excavation is for a basement car park.	Cut and fill is limited as far as practical.	Yes
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).	Two parking spaces are accommodated within the garage,	Yes
7.6	The maximum driveway width at the street boundary is 4.0m.	The existing driveway width is maintained.	Yes
7.7	Basements are permitted where the LEP height development standard is not exceeded, and it is demonstrated that there will be no adverse environmental impacts (e.g. affectation of watercourses and geological structure). Basements on land where the average grade is less than 12.5% are permitted only where they	No basement is proposed.	N/A

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Control	Comment	Compliance
	are not considered a storey (see definition in the LEP) and the overall development presents as two (2) storeys to the street.	Acceptable upon merit
7.9	The maximum width of a garage opening is 6m.	The garage opening is as per existing. Yes
8.1	Windows from active rooms are to be offset with windows in adjacent dwellings, or appropriately treated so as to avoid direct overlooking onto neighbouring windows.	New openings are angled towards the rear of the site as far as practical. Yes
8.3	Upper level balconies should not project more than 1500mm beyond the main rear wall alignment so as to minimise adverse visual privacy impacts to adjoining properties.	Balconies are reasonable in size and location. Yes
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.	The rear private open space and rear habitable areas of the southern neighbour receive compliant sunlight. Yes
10.3	Direct sunlight to north-facing windows of habitable rooms and 50% of the principal private open space area of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.	Yes

**ANCILLARY DEVELOPMENT**

**6.4.3 OUTBUILDINGS**

1	Outbuildings are not to be located within the front building line setback and must be set back a minimum of 900mm from all site boundaries. Windows and glass doors must face into the yard of the subject site or be appropriately treated to reduce visual impacts if facing a neighbouring property.	No new outbuildings are proposed.	N/A
4	The sum of the floor space of all outbuildings on a site (excluding carports and open structures such as pergolas, awnings and the like) must not exceed 30m <sup>2</sup> .	No new outbuildings are proposed.	N/A
5	The maximum height of outbuildings is 3.5m to the ridge and 2.5m to the underside of the eaves, above existing ground level.	No new outbuildings are proposed.	N/A
7	The minimum setbacks for garages, gyms, cabanas and sheds are 900mm from all	No new outbuildings are proposed.	N/A

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Control	Comment	Compliance
boundaries.		
<b>6.4.4 SWIMMING POOLS/SPAS</b>		
1	Swimming pools/spas are to be located to the rear of properties.	No swimming pool is proposed. N/A
2	For corner allotments or where the property has two street frontages, swimming pools/spas are not to be located in the primary frontage.	No swimming pool is proposed. N/A
3	Swimming pools/spas must be positioned a minimum of 900mm from the property boundary with the water line being a minimum of 1500mm from the property boundary.	No swimming pool is proposed. N/A
4	In-ground swimming pools shall be built so that the top of the swimming pool coping is as close to the existing ground level as possible. On sloping sites this will often require excavation of the site on the high side to obtain the minimum out of ground exposure of the swimming pool consistent with the low side.	No swimming pool is proposed. N/A
5	Swimming pools/spas are to be no more than 500mm above existing ground level.	No swimming pool is proposed. N/A
7	Decking around a swimming pool must not be more than 600mm above existing ground level.	No swimming pool is proposed. N/A

**LOCALITY STATEMENTS**

**5.10.2 OATLEY WEST LOCALITY STATEMENT**

1	Retain and enhance the prominence of the bushland landscape character in new development through tree planting and landscaping.	Generous deep soil and tree plantings are retained, upholding the landscape character of the area.	Yes
2	Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback.	Nor reduction of landscaping in setbacks is proposed.	Yes
3	Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls.	Trees are preserved, and views are shared as per Part 4.1.5 of this report.	Yes
	Public views to waterways should be retained from streets and public places.	Views are shared as per Part 4.1.5 of this report.	Yes

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**4.1.5 View Loss Assessment**

Properties along Dinjerra Crescent enjoy west-facing views toward the Georges River, its surrounding land-water interface, and the Old Como Bridge. Notably, the front-facing windows and balconies at 1 Dinjerra Crescent currently have sightlines across the development site in a westerly direction.

Figures 11 through 14 below form the basis of this view loss assessment. These images illustrate the view orientation and provide a comparison of pre- and post-development conditions, using images captured from the front facing first floor balcony of 1 Dinjerra Crescent to assess the extent and reasonableness of view sharing.



**Figure 11** – View sightlines diagram from the front-facing windows and balconies at 1 Dinjerra Crescent (Nearmap, 2025). Annotated by Corona Projects (2025).



**Figure 12** – Front facing windows and balconies at 1 Dinjerra Crescent (Milou & Associates)

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3 Dinjerra Crescent, Oatley – Statement of Environmental Effects



Figure 13 – View comparison from 1 Dinjerra Crescent – Existing (Milou & Associates, 2025)



Figure 14 – View comparison from 1 Dinjerra Crescent – Proposed (Milou & Associates, 2025)

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View impacts resultant of the proposed works will be assessed via the four-step assessment Planning Principles established by Senior Commissioner Roseth under *Tenacity Consulting v Waringah [2004] NSWLEC 40* as follows:

Assessment Step	Comment
<p><b>1. View Type</b></p> <p><i>The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views.</i></p>	<p>The view subject to this assessment (Figure 13) captures the Georges River waterway and sightlines to the Old Como Bridge, a notable structure in the local context adding distinctiveness and scenic value to the subject view.</p> <p>The views are partially obstructed by existing foliage and dwellings, but remain of high value overall due to the combination of water interface and sightlines of the Old Como Bridge.</p>
<p><b>2. Viewing Location</b></p> <p><i>The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</i></p>	<p>The affected views are obtained from the front-facing first-floor balcony and windows of No. 1 Dinjerra Crescent. These are standing views across the street, rather than from secondary/rear elevations or sitting positions. Front-boundary views warrant consideration, though expectations for full retention across adjoining lots are moderated.</p>
<p><b>3. Extent of Impact</b></p> <p><i>This should be done for the whole of the property, not just for the view that is affected.</i></p> <p><i>The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.</i></p>	<p>As illustrated in Figures 13 and 14, the central and most valuable components of the view, the Old Como Bridge and the Georges River water-land interface, remain fully visible and unobstructed. Only a peripheral portion of the lateral water elements are partially obscured by the proposed additions, representing an estimated loss of less than 15% of the total horizontal field of view from the primary standing position on the balcony.</p> <p>The view impact is therefore classified as minor.</p>
<p><b>4. Reasonableness of Proposal</b></p> <p><i>The fourth step is to assess the reasonableness of the proposal that is causing the impact.</i></p> <p><i>A development that complies with all planning controls would be considered more reasonable</i></p>	<p>Whilst the proposal is generally compliant with the applicable planning controls, it includes an exceedance of the maximum permissible height under Clause 4.3 of the Georges River LEP 2021. This height variation is comprehensively addressed in the submitted Clause 4.6 Written Request (Corona Projects, March 2026) which demonstrates that strict compliance with the maximum building</p>

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<p><i>than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.</i></p> <p><i>With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.</i></p>	<p>height is both unreasonable and unnecessary in the circumstances of the case. The variation is necessitated by site-specific constraints, including the steep topography requiring a stepped built form, prior excavation distorting the height plane, consistency with the established pattern of multi-storey stepped dwellings along the low side of Dinjerra Crescent, and a low street-level presentation. Refer to the Clause 4.6 Written Request for full details.</p> <p>The design effectively minimises visual bulk and view impacts by responding to the site's steep topography. Additions are stepped within the existing building footprint, avoiding outward expansion, while a non-trafficable green roof further reduces perceived height and mass. Extensive native revegetation and planters soften the building's profile and integrate it into the surrounding bushland. Collectively, these strategies reduce the perceived scale from key vantage points including the Georges River, neighbouring properties, and the public domain, notably the Old Como Bridge.</p> <p>Alternative designs achieving full compliance whilst delivering equivalent functional outcomes would likely require greater site disturbance, increased bulk, further expansion beyond the existing building footprint, or forfeiture of key benefits. It is therefore considered that a more skilful design could not achieve the same level of amenity, environmental merits, and view protection while further reducing the already minor view impact.</p> <p>On this basis, the proposal is deemed reasonable</p>
--	---

It can therefore be concluded that, although the front-facing balcony and windows of No. 1 Dinjerra Crescent enjoy locally high-value views of the Georges River and the Old Como Bridge, the skilfully designed proposal results in only a very minor impact. With the central and most valued sightlines fully preserved, the development demonstrates reasonable and equitable view sharing and is supportable on merit.

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#### 4.1.6 Draft Planning Instruments

Georges River Council does not have any current Draft Planning Instruments that apply to the proposed development, thus as demonstrated, the development achieves a high level of compliance with the applicable Environmental Planning Instruments.

#### 4.2 Impacts of the Development

As noted in the above assessment against the provisions of the relevant Environmental Planning Instruments and Development Control Plan, the development is of a reasonable scale and nature, and does not present unreasonable environmental, social, and economic impacts.

##### 4.2.1 Natural and Built Environment Impacts

The development does not impact upon native vegetation, soil conditions, foreshore environment or air quality.

The proposed built form allows the neighbouring sites to retain their access to privacy, solar access, pleasant outlook and overall residential amenity. The location of all proposed works to the rear ensures that the aesthetic quality of the streetscape is preserved as is.

##### 4.2.2 Social and Economic Impacts

The development increases the social amenity of the property with the increased habitable floor space and available housing. This will improve the way of life for future residents.

The short term economic impacts are positive, with the generation of employment opportunity through the physical construction stages. The use of high quality materials will ensure a durable final built outcome, reducing the need to rebuild in the near future, resulting in a positive long term financial and sustainability outcome.

#### 4.3 Suitability of the Site

The subject site is considered suitable in size and shape to accommodate the development. The proposal does not introduce any incompatible uses to the site. The works are permissible under the R2 Low Density Residential zone.

##### 4.3.1 Access to Services

The site is located within an established residential area with excellent access to services and public transport. As the site is within an established urban area, electricity, sewer, telephone, and water services are readily available to the subject site.

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**4.3.2 Parking and Access**

The on-site parking provided complies with the parking requirements as prescribed by Georges River Development Control Plan 2021. It provides a logical and considered approach to the provision of on-street car parking. The design and layout of on-site parking and vehicle access/egress is compliant with AS2890.1.

**4.3.3 Hazards**

The site is in an area recognised by Council as being subject to bushfire. The proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance. New works are entirely outside of the bushfire mapped area, and no changes to affected evacuation routes or dwelling numbers are proposed.

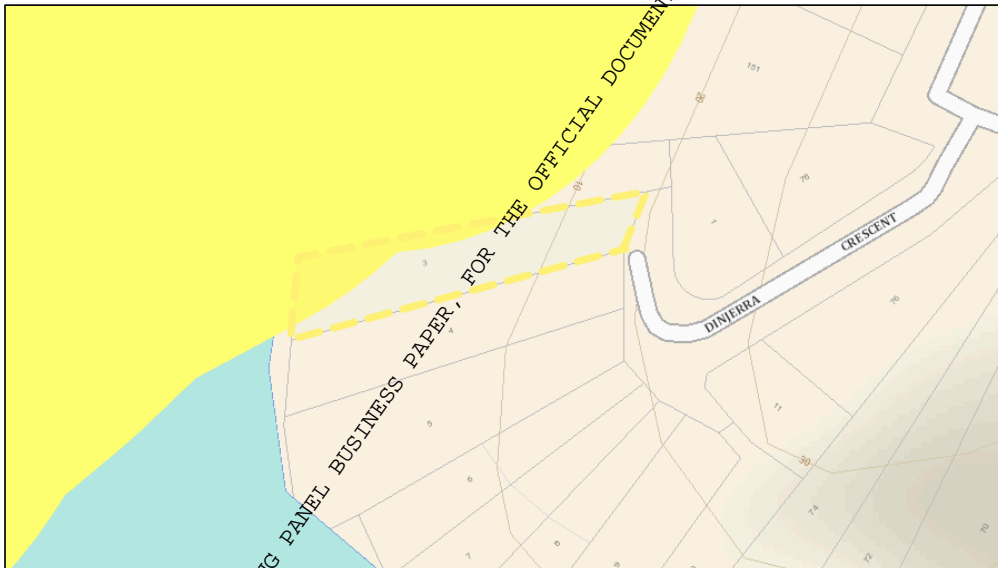


Figure 15: Bushfire Prone Land Map (NSW Planning Portal)

**4.4 The Public Interest**

The proposal is considered to be in the public interest as it produces nominal environmental, social and economic impacts. Furthermore, it improves the residential amenity of the site with the upgraded habitable space and private open space without preventing neighbouring sites from achieving adequate levels of residential amenity themselves.

The proposed development has been designed to relate to the size, shape and context of the site and has been designed in accordance with the desired future character for development in the area.

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The proposal seeks to provide a residential development that makes efficient use of space on the site in a prime location that is in high demand for spacious and functional residential accommodation. In addition, the proposal has been designed to minimise as far as practical any adverse effects on existing and future neighbouring properties. The proposal is consistent with the applicable LEP and DCP provisions except where identified and justified in this Statement of Environmental Effects. Accordingly, the proposed development is considered to be in the public interest.

**5.0 CONCLUSION**

The Statement of Environmental Effects (SEE) has been prepared to consider the environmental, social, and economic impacts of the dwelling house alterations and additions at 3 Dinjerra Crescent, Oatley. The report has addressed the applicable policies and plans, and has provided an environmental assessment in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

The application proposes a permissible development within the subject site locality. The proposal incorporates appropriate design considerations to minimise any adverse impacts on the natural and built environment, and the amenity of the surrounding neighbourhood.

Given the benefits of the development and compliance with the relevant policies and plans, we conclude that the proposed development at 3 Dinjerra Crescent, Oatley as described in this application is reasonable and supportable, and worthy of approval by Georges River Council.

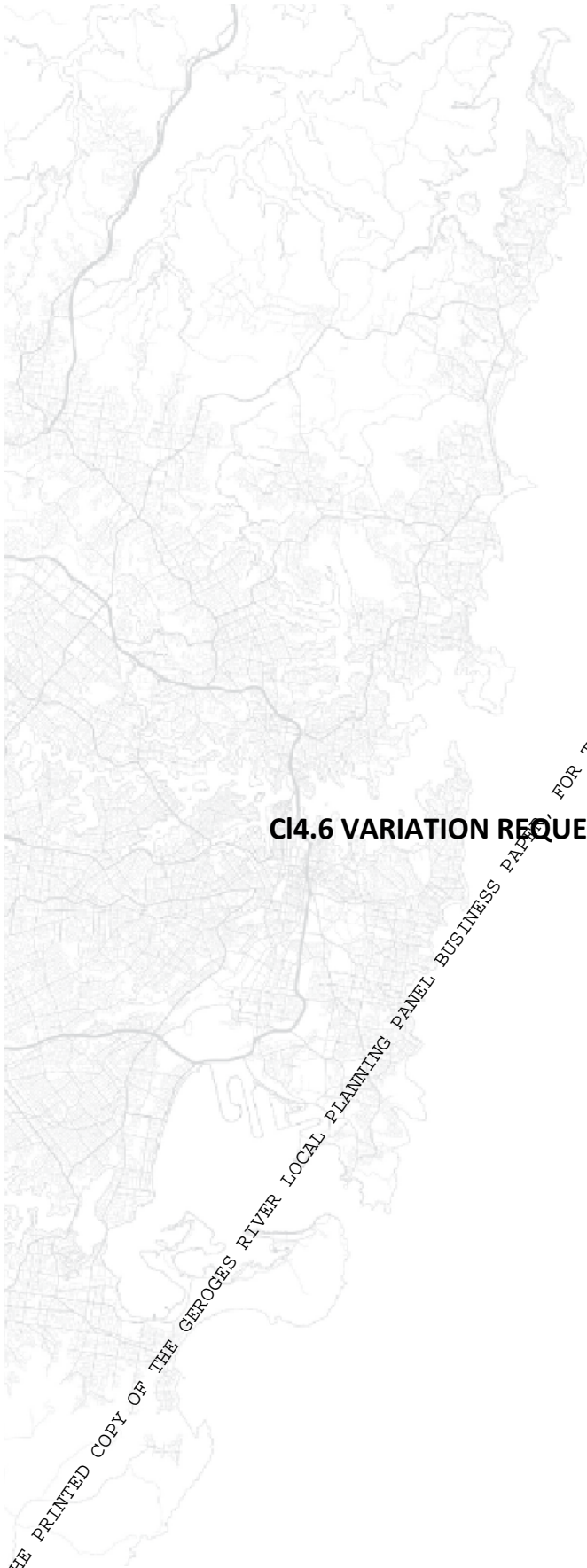
Prepared By:

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Reviewed By:

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**DEVELOPMENT APPLICATION**  
**CI4.6 VARIATION REQUEST – Clause 4.3 Height of Buildings**

Alterations and additions to an existing dwelling house

**3 Dinjerra Crescent, Oatley**

March 2026

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3 Dinjerra Crescent, Oatley – Cl4.6 Variation Request Report – Clause 4.3 Height of Buildings

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3 Dinjerra Crescent, Oatley – Cl4.6 Variation Request Report – Clause 4.3 Height of Buildings

**PROJECT DETAILS**

Client: Ms. Meillie Wong and Mr. Eric Tran  
 Subject land: 3 Dinjerra Crescent, Oatley  
 Lot Description: Lot 4 of Deposited Plan 227582  
 Proposed development: Alterations and additions to an existing dwelling house  
 Clause being varied: Clause 4.3 Height of Buildings  
 Extent of variation: 38.89%

**The report is prepared by** Mathew Fortunato  
 Bachelor of Architecture and Environments (USYD)

**The report is reviewed by** Madeline Maric  
 Bachelor of Planning (MQU)

I certify that the contents of the Clause 4.6 Variation request to the best of my knowledge, has been prepared as follows:

- In accordance with Section 4.12 of the Environmental Planning and Assessment Act 1979 and Clause 24 of the Environmental Planning and Assessment Regulation 2021;
- The statement contains all available information that is relevant to the environmental impact assessment of the proposed development;
- To the best of my knowledge the information contained in this report is neither false nor misleading.

**Quality Management**

Issue	Description	Date	Written By	Reviewed By
1	Final Report	18.12.2025	MF	MM
2	Revised Report	26.03.2026	MF	MF

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3 Dinjerra Crescent, Oatley – CI4.6 Variation Request Report – Clause 4.3 Height of Buildings

**1.0 BACKGROUND**

This Clause 4.6 variation is a written request to vary a development standard to support a development application (DA) for alterations and additions to an existing dwelling house at 3 Dinjerra Crescent, Oatley.

More specifically, the proposed development comprises the:

- **Demolition** of portions of the existing dwelling on all floors, and entry path, external stairs, and decking;
- **Construction** of new works on all floors to the dwelling, a non-trafficable green roof, and a new lower ground floor; and
- **Retention** of portions of the exiting dwelling, driveway and landscaping.

Clause 4.3 of Georges River Local Environmental Plan (LEP) 2021 relates to the height of buildings requirement and states that: “The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.”. The height of buildings map stipulates that a maximum building height of 9m applies to the site.



**Figure 1:** Height of Buildings Map (Georges River LEP 2021) Subject site identified with red arrow (Annotated by Corona Projects)

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The architectural plans submitted with the DA indicate that the proposed development has a maximum height of 12.5m. This results in a 38.89% variation to the development standard and non-compliance of 3.5m.

The documentation upon which this report has been prepared is as follows:

Document	Author	Date
Architectural Plans	Milou & Associates	November 2025
Statement of Environmental Effects	Corona Projects Pty Ltd	December 2025

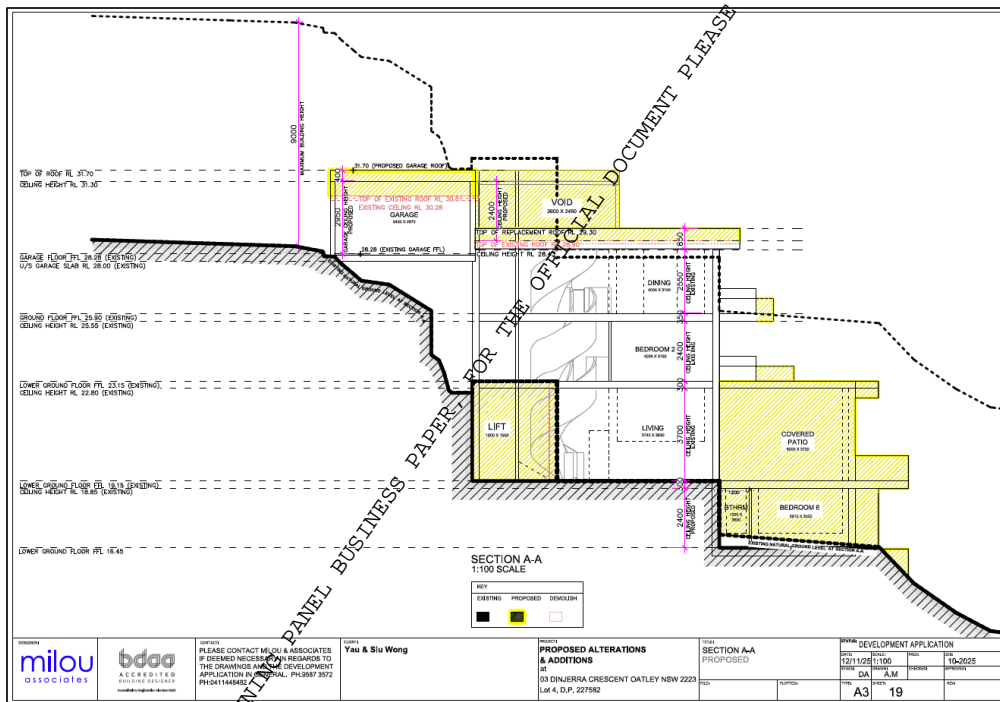


Figure 2: Proposed section A-A (Milou & Associates, 2025)

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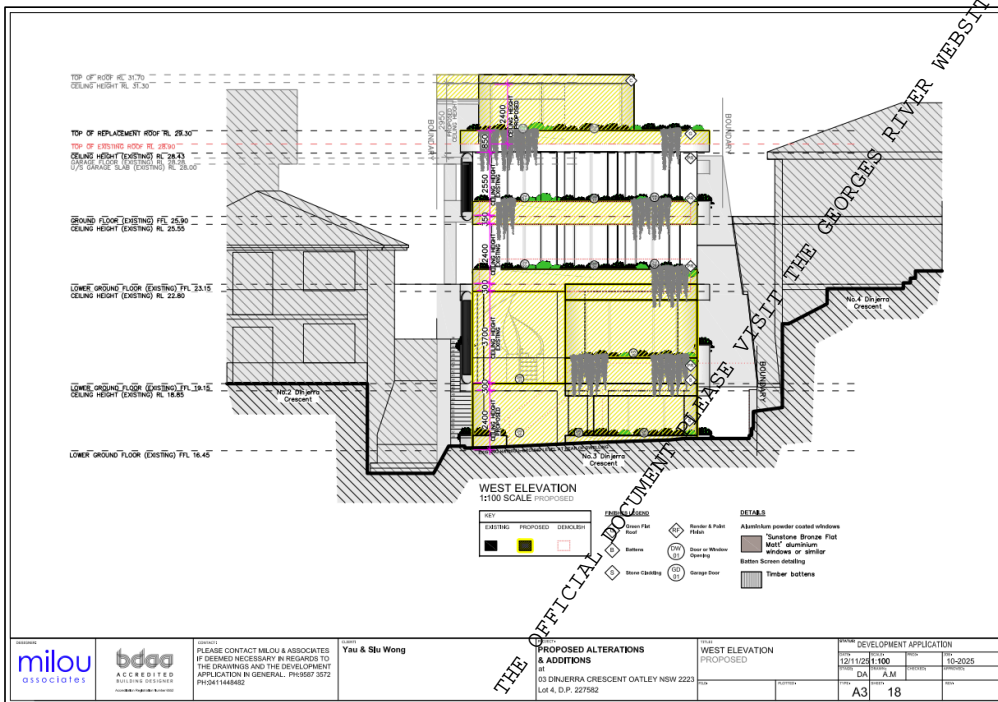


Figure 3: Proposed western elevation (Milou & Associates, 2025)

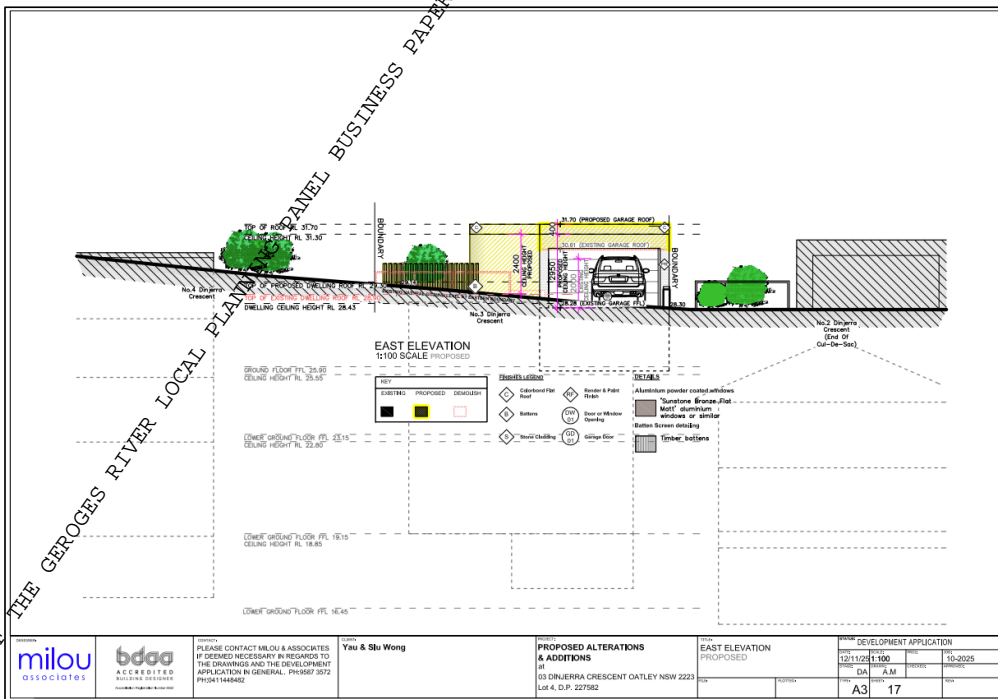


Figure 4: Proposed eastern elevation (Milou & Associates, 2025)

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**2.0 IS THE STANDARD A DEVELOPMENT STANDARD?**

Clause 4.3 of the Georges River Local Environmental Plan (LEP) 2021 states that:

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

A development standard is defined in Section 1.4 of the Environmental Planning and Assessment Act 1979 (“EPA Act”) to mean:

*“provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*

- a) *the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- b) *the proportion or percentage of the area of a site which a building or work may occupy,*
- c) ***the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,***
- d) *the cubic content or floor space of a building,*
- e) *the intensity or density of the use of any land, building or work,*
- f) *the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- g) *the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- h) *the volume, nature and type of traffic generated by the development,*
- i) *road patterns,*
- j) *drainage,*
- k) *the carrying out of earthworks,*
- l) *the effects of development on patterns of wind, sunlight, daylight or shadows,*
- m) *the provision of services, facilities and amenities demanded by development,*
- n) *the emission of pollution and means for its prevention or control or mitigation, and*
- o) *such other matters as may be prescribed.”*

The height of buildings control falls under subsection (c); therefore, the control is a development standard and Clause 4.6 of the Georges River Local Environmental Plan 2021 is applicable.

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### 3.0 CLAUSE 4.6 OF THE GEORGES RIVER LOCAL ENVIRONMENTAL PLAN 2021

The Standard Instrument LEP contains its own variations clause (Clause 4.6) to allow the variation of development standards. Clause 4.6 of the Standard Instrument is similar in tenor to the former State Environmental Planning Policy No. 1; however, the variations clause contains considerations which are different to those in SEPP 1. The language of Clause 4.6(3)(a)(b) and case law suggests a similar approach to SEPP 1 may be taken in part.

There is abundant judicial guidance on how variations under Clause 4.6 variations should be assessed. Some of these cases are taken into consideration in this request for variation.

While it is not necessary to refer to case law, we do so as it has become customary in sustaining requests under Clause 4.6.

### 4.0 THE ONUS ON THE APPLICANT

Under Clause 4.6(3)(a), it is the onus of the applicant to demonstrate: -

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

The judgement by Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* clarified the correct approach to Clause 4.6 variation requests, including that:

Paragraph 13 -15 of the judgement states: -

*The permissive power in cl 4.6(2) to grant development consent for a development that contravenes the development standard is, however, subject to conditions. Clause 4.6(4) establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard*

*The first precondition, in cl 4.6(4)(a), is that the consent authority, or the Court on appeal exercising the functions of the consent authority, must form two positive opinions of satisfaction under cl 4.6(4)(a)(i) and (ii). Each opinion of satisfaction of the consent authority, or the Court on appeal, as to the matters in cl 4.6(4)(a) is a jurisdictional fact of a special kind: see *Woolworths Ltd v Pallas Newco Pty Ltd (2004) 61 NSWLR 707; [2004] NSWCA 442 at [25]*. The formation of the opinions of satisfaction as to the matters in cl*

3 Dinjerra Crescent, Oatley – Cl4.6 Variation Request Report – Clause 4.3 Height of Buildings

4.6(4)(a) enlivens the power of the consent authority to grant development consent for development that contravenes the development standard.

The first opinion of satisfaction, in cl 4.6(4)(a)(i), is that the applicant’s written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)). The written request needs to demonstrate both of these matters.

Accordingly, the matters required to be demonstrated by cl 4.6(3) are set out below using the relevant principles established by the Court.

**Clause 4.6 (3) (a) - Compliance with the development standard is unreasonable or unnecessary in this particular case.**

In *Wehbe V Pittwater [2007] NSW LEC 827* (Wehbe) a five-part test was established in which a variation to a development standard is considered to be unreasonable or unnecessary as per Clause 4.6(3A). The five tests established in Wehbe are (emphasis added):

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

Satisfaction of any one of these tests is sufficient to demonstrate the compliance with the standard is unreasonable or unnecessary. This variation is based on the first test, which is addressed below.

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3 Dinjerra Crescent, Oatley – CL4.6 Variation Request Report – Clause 4.3 Height of Buildings

Consistency with the objectives of the standard:

The first test of Wehbe requires demonstration that the objectives of a development standard can be achieved notwithstanding noncompliance with that particular standard. The objectives of Clause 4.3 are articulated at Clause 4.3(1): -

1) *The objectives of this clause are as follows—*

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

**Objective (a)** The desired future character of the Oatley East locality is outlined within Part 5.10.1. of the GRDCP 2021 as follows:

**Future Desired Character**

- *Retain and enhance the prominence of the bushland landscaped character in new development through tree planting and landscaping.*
- *Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback, alongside low fencing to enhance visual permeability.*
- *Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls.*
- *Public views to waterways should be retained from streets and public places.*

The proposed development retains the existing bushland character of the site, noting that no significant vegetation is proposed for removal. The new works build upon the existing building footprint with a modest extension to the rear which integrates sensitively into the steep slope, minimising impacts on native vegetation. The proposal retains the existing front setback with additional plantings proposed within this setback area. No front fence is proposed, retaining the visual permeability of the site.

The design retains all significant trees on site, primarily located to the rear of the site away from the building footprint. Equitable view sharing is achieved with views towards the Georges River, the Old Como Bridge, and surrounding land water interface to be retained as captured from adjoining properties and the public domain. A comprehensive assessment against in accordance with the principles established in *Tenacity Consulting v Warringah [2004] NSWLEC 140* demonstrates this within the submitted Statement of Environmental Effects.

3 Dinjerra Crescent, Oatley – CL4.6 Variation Request Report – Clause 4.3 Height of Buildings

Overall, the proposal integrates sensitively with the lands topography, existing view corridors, landscape qualities, and established residential character. It preserves and enhances key built-form elements, delivers improved landscape outcomes, and fully aligns with the desired future character outlined in the GRDCP 2021.

**Objective (b)** The proposal will retain a compliant impact on adjoining properties in terms of overshadowing, bulk, and privacy. No public views over the site are anticipated to be obstructed. Furthermore, the proposal will not unreasonably impact private views from adjoining properties to the north or south of the site. This outcome is achieved through the provision of a large rear setback, combined with the fact that each adjoining dwelling currently enjoys expansive, largely unimpeded views to the rear. The proposed built form is located substantially behind the primary viewing corridors of these properties and is not anticipated to interrupt significant water views.

West facing views over the site captured from the first floor front balcony of No.1 Dinjerra Crescent are to be reasonably preserved with only a very minor portion of the viewing frame to be obstructed and significant views of the land-water interface and the Old Como Bridge to be retained. The proposal has been assessed against the view loss principles established in *Tenacity Consulting v Warringah [2004] NSWLEC 140* and determined to have a reasonable impact and demonstrate equitable view sharing.

Refer to the comprehensive view loss assessment within Part 4.1.5 of the submitted Statement of Environmental Effects (Corona Projects, 2026).

**Objective (c)** The subject site is not located in close proximity to a land zone boundary, alternate land use, heritage item, or heritage conservation area.

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 the first test of Wehbe is achieved and thus strict compliance with the development standard is unreasonable or unnecessary in this particular case.

**Clause 4.6 (3)(b) - That there are sufficient environmental planning grounds to justify contravening the development standard**

Satisfaction as to sufficient environmental planning grounds is a matter for the Council to determine and can be site specific as set out in the judgement of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*.

Paragraph 23 -24 of the judgement states: -

3 Dinjerra Crescent, Oatley – CL4.6 Variation Request Report – Clause 4.3 Height of Buildings

As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be “environmental planning grounds” by their nature: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [26]. The adjectival phrase “environmental planning” is not defined but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

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

The term ‘environmental planning grounds’ is not defined and may be interpreted with wide scope as has been the practice of the Land and Environment Court. The environmental planning grounds supporting variation are on the basis of:

- Existing height non-compliance

The existing dwelling currently exceeds the 9m height limit, with a maximum height of 11.88m and a corresponding non-compliance of 2.88m or 32%. The proposal increases the existing building height by a minor 0.62m or 5.2% (as a percentage of the existing height), representing a modest intensification within the established building envelope.
- Topography of the site

The site falls steeply from Dinjerra Crescent toward the Georges River. This topography necessitates a stepped built form to achieve functional internal layout, step-free accessibility (via the new lift), and a practical building footprint. Strict compliance with the 9m height limit would force an overly fragmented or compromised design, increasing visual bulk and site disturbance. The proposed variation is limited to the upper floor, roof form, and eaves, allowing the development to respond sensitively to the land’s natural fall.

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- Streetscape appearance

The maximum height of the dwelling as measured from street level is 3.35m, as is visible on the eastern elevation (Figure 4). As a consequence, the height variation will be largely imperceptible from the public domain and will not interrupt established street level sightlines toward the waterfront, thereby maintaining the visual amenity and character of the Dinjerra Crescent streetscape. A fully compliant scheme with a maximum building height of 9m would present almost identically from the street, with no major difference in appearance, bulk, or scale.

- Consistency with adjoining development

The established built-form character along the low side of Dinjerra Crescent is predominantly characterised by two to four storey buildings that step down the steep slope toward the rear as is evident in Figure 5 below. This includes properties as No. 2 and No. 4 Dinjerra Crescent, adjoining either side of the subject site.

These existing dwellings achieve their additional height for the same reasons advanced in this application, namely, the need to respond to the significant fall of the land. The proposed dwelling at No. 3 sits comfortably within the height envelope already established by these neighbouring properties and presents a scale, bulk and vertical articulation that is consistent with the prevailing and built-form pattern.



**Figure 5:** Existing dwelling aerial imagery (Google Earth, 2025)

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3 Dinjerra Crescent, Oatley – Cl4.6 Variation Request Report – Clause 4.3 Height of Buildings

- Prior excavation of the site

The existing dwelling has been partially excavated into the hillside creating an artificial and lowered height plane. In the judgement of *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582, a similar variation to maximum building height was proposed that included pre-existing excavation. The court stated at [74] that –

*“the prior excavation of the site within the footprint of the existing building, which distorts the height of the buildings development standard plane overlaid above the site when compared to the topography of the hill, can properly be described as an environmental planning ground within the meaning of cl 4.6 (3)(b) of LEP 2014.”*

It is considered that this application proposes a height variation under similar conditions and is consistent with this aspect of the judgment, given the existing excavation on site.

- Orderly and economic development of land

Given the suitability of the site and the lack of impact arising from the development, the proposal is consistent with object (c) of the EP& Act 1979 to promote the orderly and economic development of land.

As set out in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the aforementioned environmental planning grounds do not rely on the benefits of the development as a whole, but rather they directly relate to the proposed Height of Buildings aspect that contravenes the development standard.

For the reasons detailed in this request, I am of the opinion that there are sufficient environmental planning grounds for Council to be satisfied that the request is adequate and to allow appropriate flexibility.

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3 Dinjerra Crescent, Oatley – Cl4.6 Variation Request Report – Clause 4.3 Height of Buildings

**5.0 CONCLUSION**

The purpose of the application is to apply for the alterations and additions to an existing dwelling house at 3 Dinjerra Crescent, Oatley. The nature of the proposal necessitates a variation to the height of buildings development standard; however, the proposal will be commensurate in bulk and siting to surrounding development within the locality.

As development standards tend to be strictly numerical in nature, they fail to take into consideration the nature of the development, any site constraints, or qualitative aspects of the development or of the particular circumstances of the case. Clause 4.6 of the standard instrument LEP allows such an analysis to be carried out.

It has been demonstrated in this request that strict compliance with the height of buildings development standard is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to allow Council to form the opinion of satisfaction that this written request has adequately addressed the matters required to be demonstrated by Cl.4.6(3)(a) and (b).

Therefore, I request that Council support the variation on the basis that this Clause 4.6 variation demonstrates that strict compliance with the development standard is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify a variation to the development standard.

Prepared By:



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**Bachelor of Architecture and Environments (USYD)**  
**Planning Institute of Australia (Assoc.)**

Reviewed By:

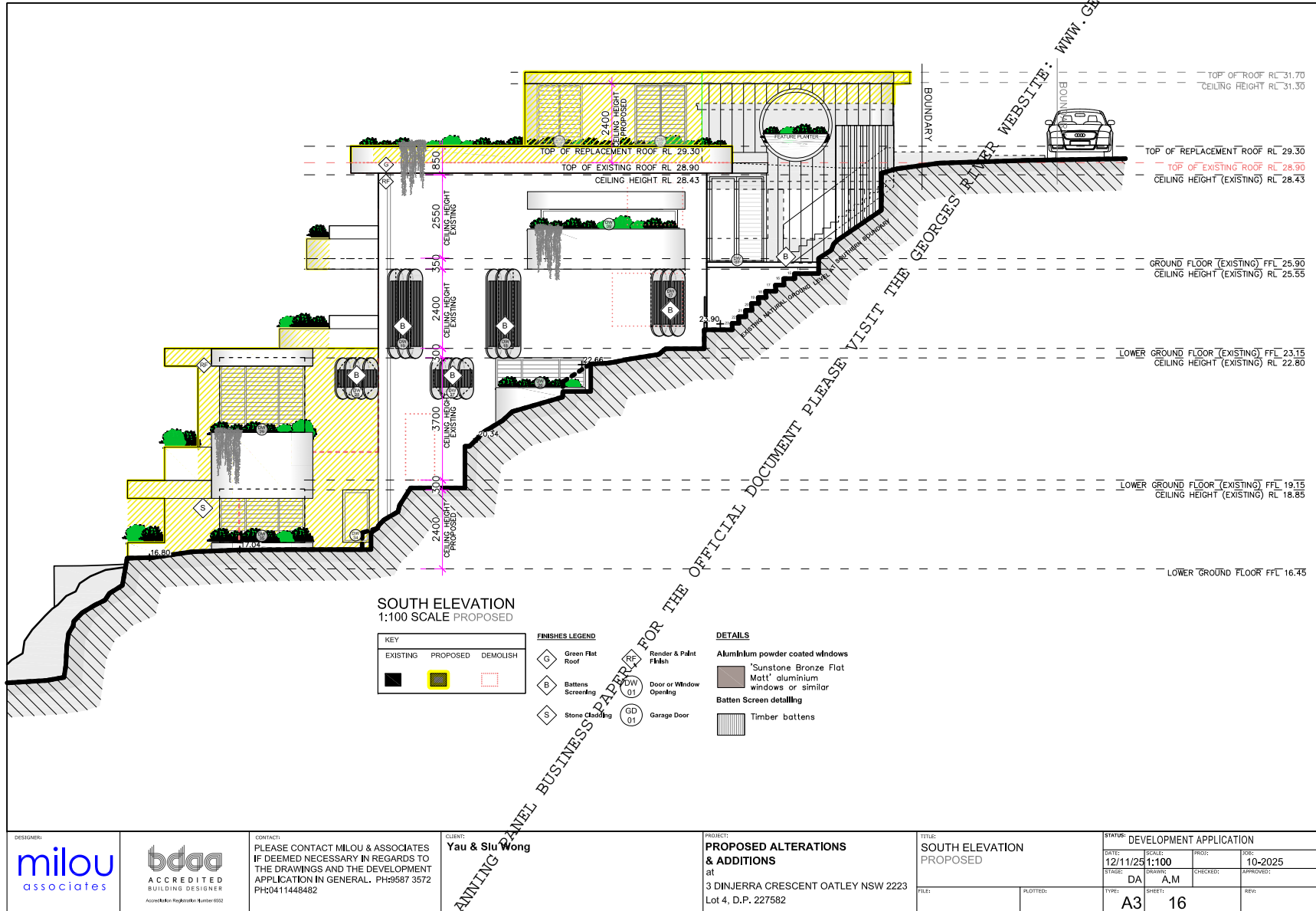


Madeline Maric  
Town Planner  
**Bachelor of Planning (MQU)**  
**Planning Institute of Australia (MPIA)**

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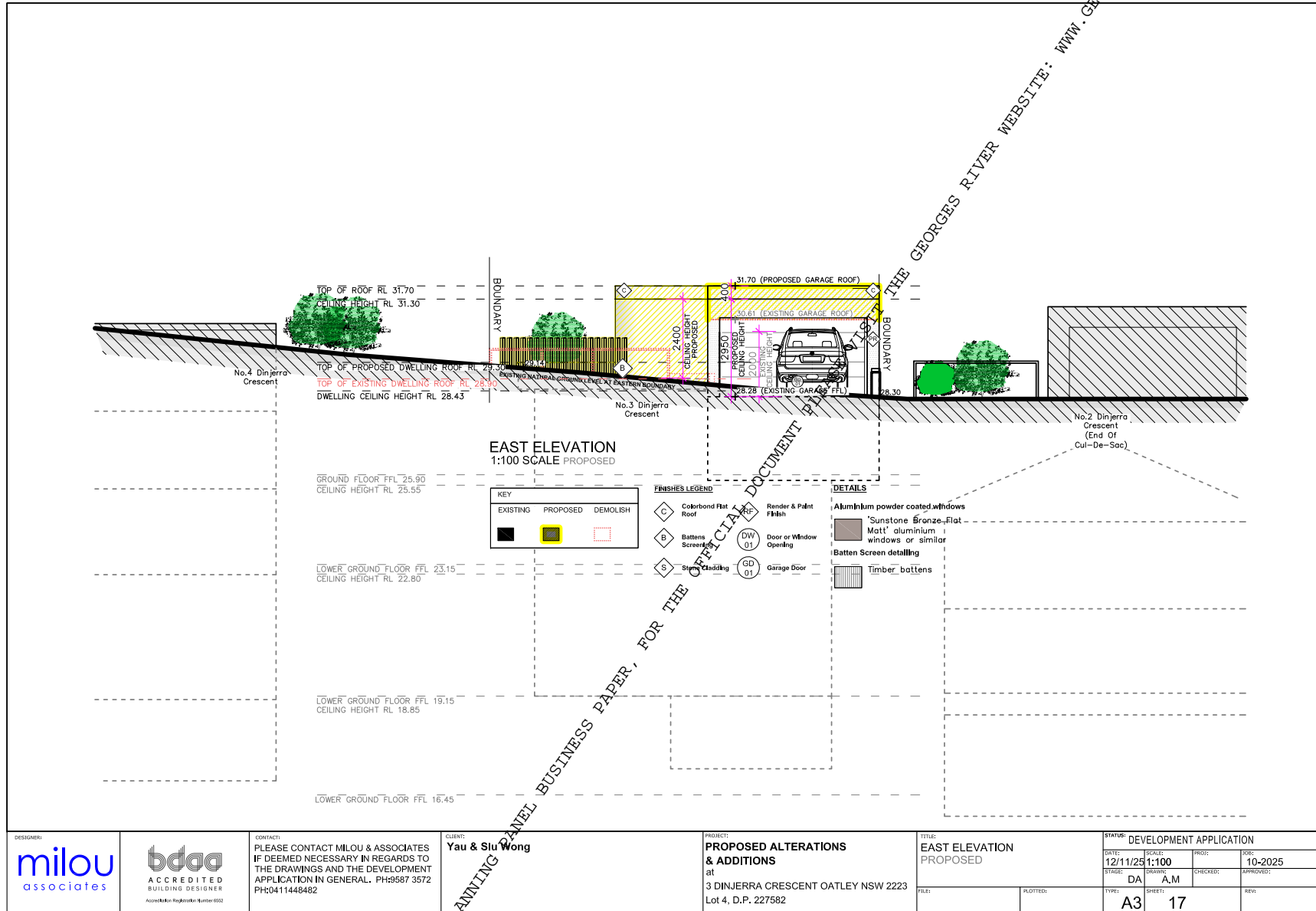
CONTACT:  
PLEASE CONTACT MILOU & ASSOCIATES  
IF DEEMED NECESSARY IN REGARDS TO  
THE DRAWINGS AND THE DEVELOPMENT  
APPLICATION IN GENERAL. PH:9587 3572  
PH:0411448482

CLIENT:  
**Yau & Siu Wong**

PROJECT:  
**PROPOSED ALTERATIONS  
& ADDITIONS**  
at  
3 DINJERRA CRESCENT OATLEY NSW 2223  
Lot 4, D.P. 227582

TITLE:  
**SOUTH ELEVATION  
PROPOSED**

STATUS: DEVELOPMENT APPLICATION			
DATE: 12/11/25	SCALE: 1:100	PROJ:	JOB: 10-2025
STAGE: DA	DRAWING: A_M	CHECKED:	APPROVED:
TYPE: A3	SHEET: 16		REV:



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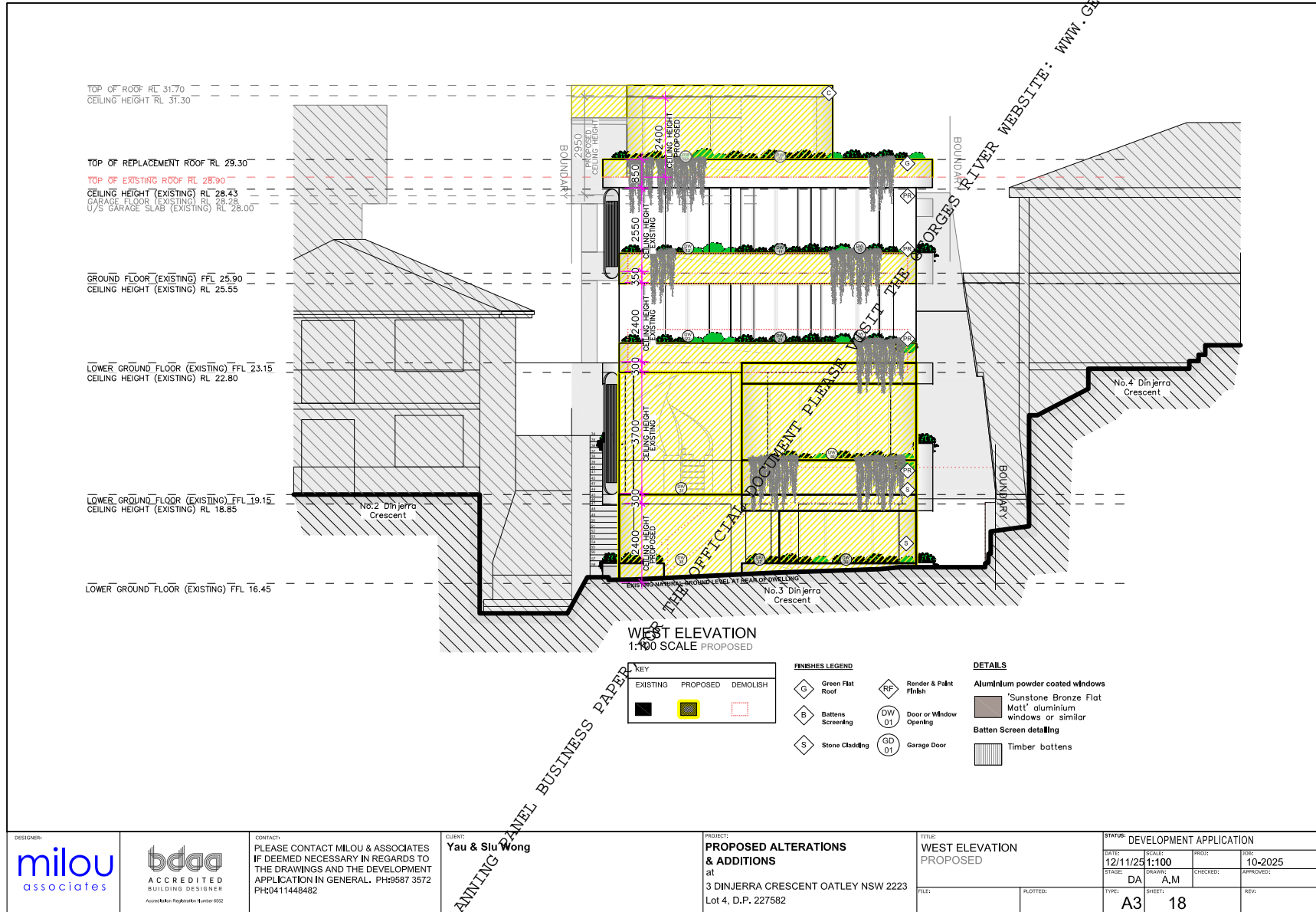
CLIENT:  
**Yau & Siu Wong**

PROJECT:  
**PROPOSED ALTERATIONS  
& ADDITIONS**  
at  
3 DINJERRA CRESCENT OATLEY NSW 2223  
Lot 4, D.P. 227582

TITLE:  
**EAST ELEVATION  
PROPOSED**

STATUS: **DEVELOPMENT APPLICATION**

DATE: 12/11/25	SCALE: 1:100	PROJ:	JOB: 10-2025
STAGE: DA	DRAWN: A.M	CHECKED:	APPROVED:
TYPE: A3	SHEET: 17		REV:



DESIGNER:

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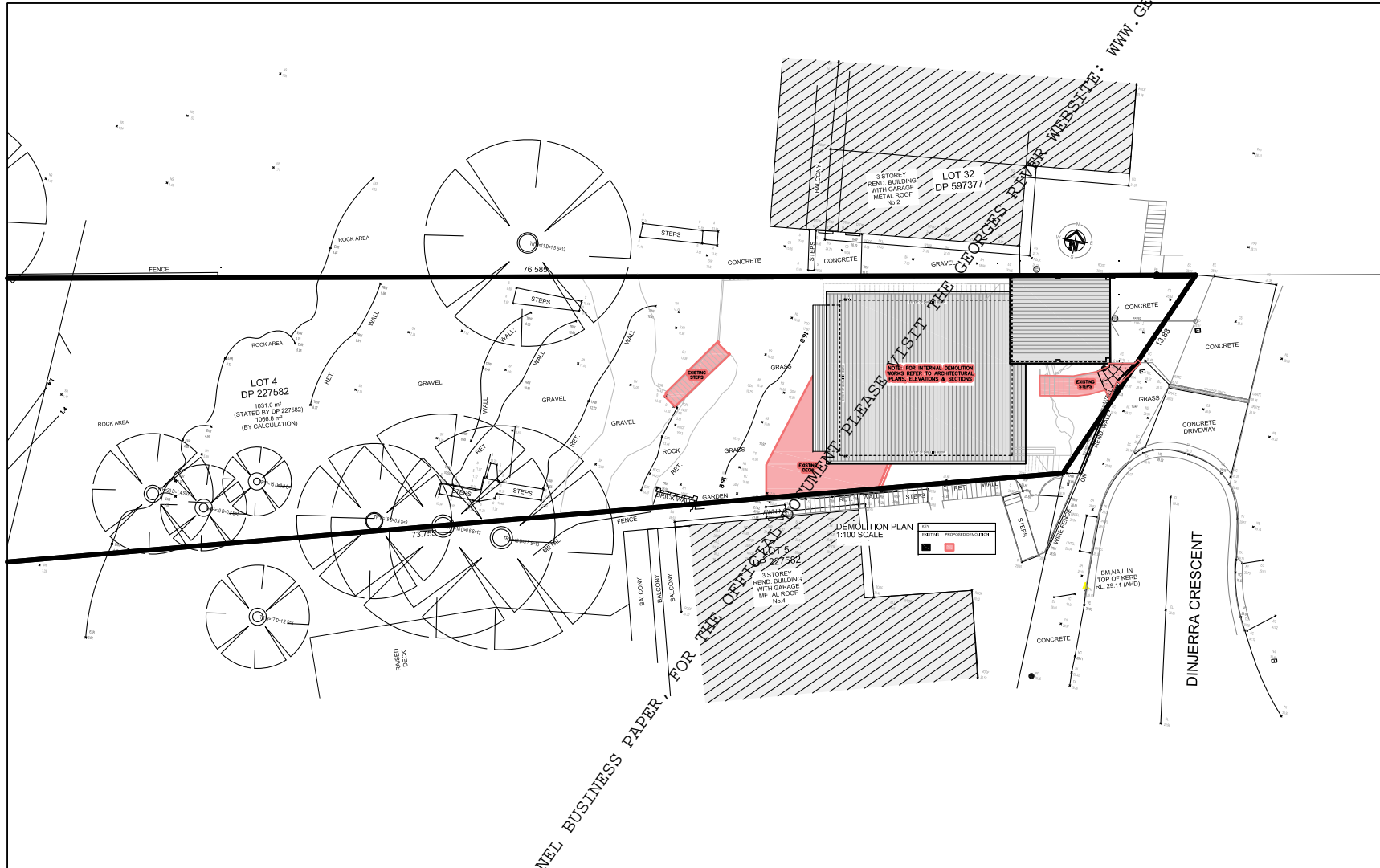
CLIENT: **Yau & Siu Wong**


PROJECT: **PROPOSED ALTERATIONS & ADDITIONS** at 3 DINJERRA CRESCENT OATLEY NSW 2223 Lot 4, D.P. 227582

TITLE: **WEST ELEVATION PROPOSED**

FILE: \_\_\_\_\_ PLOTTED: \_\_\_\_\_

STATUS: DEVELOPMENT APPLICATION			
DATE:	SCALE:	PROJ:	JOB:
12/11/25	1:100		10-2025
STAGE:	DRAWN:	CHECKED:	APPROVED:
DA	A_M		
TYPE:	SHEET:	REV:	
A3	18		



DESIGNER: 	CONTACT: PLEASE CONTACT MILOU & ASSOCIATES IF DEEMED NECESSARY IN REGARDS TO THE DRAWINGS AND THE DEVELOPMENT APPLICATION IN GENERAL. PH:9587 3572 PH:0411448482	CLIENT: Yau & Siu Wong	PROJECT: <b>PROPOSED ALTERATIONS &amp; ADDITIONS</b> at 3 DINJERRA CRESCENT OATLEY NSW 2223 Lot 4, D.P. 227582	TITLE: DEMOLITION PLAN	STATUS: DEVELOPMENT APPLICATION			
					DATE: 12/11/25	SCALE: 1:200	PROJ: DA	JOB: 10-2025
				TYPE: A3	SHEET: 25	CHECKED: A.M.	APPROVED: REV:	

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# Delegated Assessment Report

DA2025/0596

Lot 4 DP 227582

3 Dinjerra Crescent, OATLEY NSW 2223

### 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)(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.

### Alterations and Additions

Alterations and additions to the existing dwelling house as follows.

- Demolition of portions of the existing dwelling, entry path, external stairs and decking
- Construction of a new lower ground floor consisting of two bedrooms
- Construction of a new foyer/entry area adjacent to the existing garage
- Construction of a new lift for all floors
- Construction of a non-trafficable green roof
- Landscaping works

A site plan is provided below:

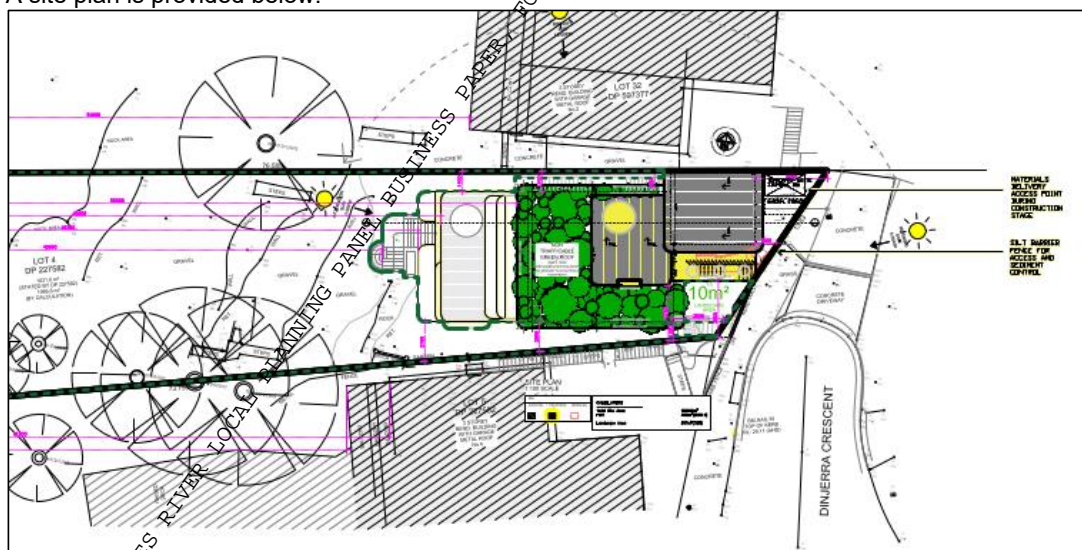


Figure 1 Site plan (Source: Architectural Plans)

## Site and Locality

### Site Description

The site is currently identified as Lot 4 DP 227582 and is commonly known as 3 Dinjerra Crescent, Oatley NSW 2223. The irregular shaped lot has a total site area of 1031sqm by title, with a primary



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street frontage of 13.8m. The site has a steep topography, falling towards the rear waterway. Currently on the site is an existing three storey dwelling house with a detached garage at street level. Adjoining the site in the immediate locality are low density residential dwellings, with dense bushland and water in close proximity.

### Aerial Image of Land Zoning

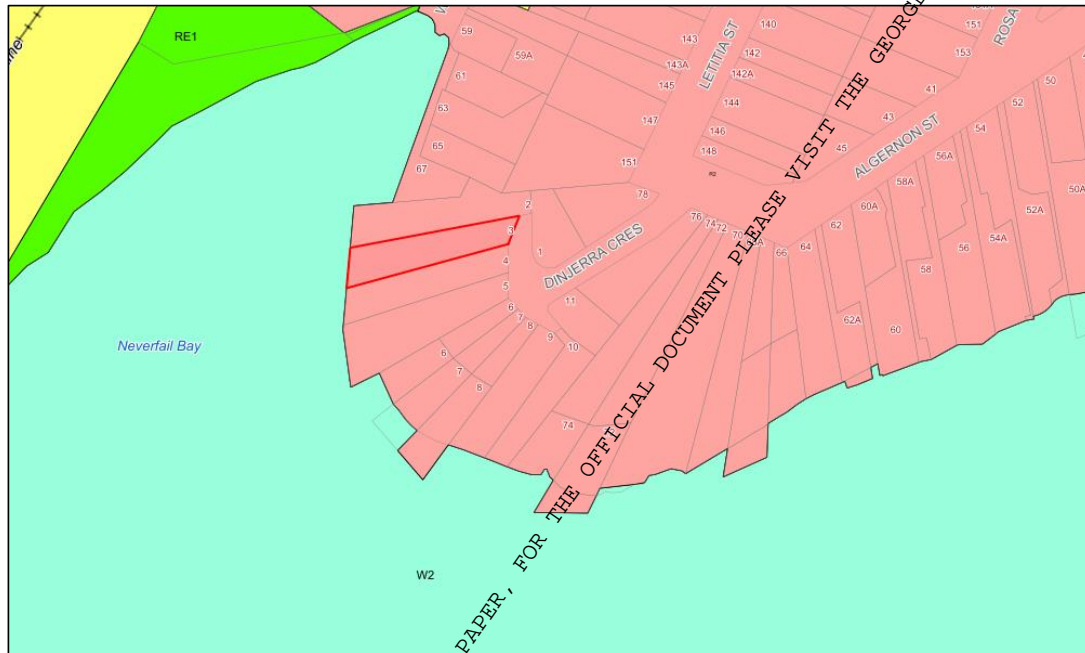


Figure 2 –Aerial view of development site outlined in red (Source: IntraMaps)

### Aerial Image of Site



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



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## Background

### Processing

Application History		
Action	Date	Comment
Submission Date	Monday, 29 December 2025	-
Lodgement Date	Friday, 9 January 2026	-
Site Inspection Conducted	Thursday, 5 March 2026	-
Request for Additional Information Sent	Thursday, 19 March 2026	Requested the following information: <ul style="list-style-type: none"> <li>- Adequate view loss assessment and Clause 4.6 variation statement</li> </ul>
Revised Documentation Received	Tuesday, 31 March 2026	-

### Site Inspection

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



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

## Assessment - Section 4.15 Evaluation

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

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

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

### The provisions of any environmental planning instrument (EPI)

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

### The Provisions of any applicable Act

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

#### Site Affections Relevant Under SEPPs

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

SEPPs	Applicable	
Name of SEPP	Yes	No
SEPP (Biodiversity Conservation) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Housing) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Industry and Employment) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Resource and Energy) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Sustainable Buildings) 2022	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the development as the subject site is located within the Georges River Catchment and affects 9 trees near the proposed development.

Council’s landscape officer reviewed the application and raised no objection to the proposal. The proposal will not result in adverse environmental and ecological impacts to the Georges River Catchment. The proposal complies with SEPP (Biodiversity and Conservation) 2021, subject to tree protection and sediment control conditions.

**State Environmental Planning Policy (Sustainable Buildings) 2022**

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

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

The details of the provided BASIX Certificate are provided below:

BASIX Certificate Details	
Author:	Mr Anthony Milou
Certificate Number:	A1828145
Certificate Date:	Wednesday, 24 December 2025

**State Environmental Planning Policy (Resilience and Hazards) 2021**

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

Chapter 2 – Coastal Management

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

- Proximity area for coastal wetland
- Coastal Environment area
- Coastal Use area

Before granting development consent on any land within the coastal zone the consent authority must be satisfied that the proposed development is not likely to cause increased risk of coastal

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hazards on that land or other land. Council is satisfied that the proposal is unlikely to cause increased risk of coastal hazards on that land or other land.

Clause 2.8 - Development on land in proximity to coastal wetlands or littoral rainforest

The consent authority is to be 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 application was referred to Council's Environment Officer who reviewed the application and raised no environmental concern. On that basis, it is considered that the proposal satisfies Clause 2.8 of the SEPP.

Clause 2.10 - Development on land within the coastal environment area

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

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

Clause 2.11 - Development on land within the coastal use area

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

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

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

Chapter 4 – Remediation of Land



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

As part of the assessment process, a site inspection was conducted, and Council's Contamination Records and aerial imaging (inc. historic imaging) were reviewed. The site has historically been used for residential purposes and there is no evidence that any use under Table 1 of the contaminated land planning guidelines has occurred on site. Given this, there is no evidence that the site is contaminated and the site is considered suitable for the proposed development.

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

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

Division 5 – Electricity transmission or distribution

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

**The Provisions of any Local Environmental Plan**

**Georges River Local Environmental Plan 2021**

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

**Site Affectations**

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

**Other Affectations**



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Bushfire Prone Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Council Owned Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Crown Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Easements Within Lot Boundaries	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Narrow lot housing precinct	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (if yes describe)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**GRLEP 2021 Part 2 – Permitted or prohibited development**

**Clause 2.3 – Zone objectives and Land Use Table**

Standard	Proposal	Compliance
<p>The subject site is zoned R2 Low Density Residential.</p> <p>The objectives of the zone are:</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community;</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents;</li> <li>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,</li> <li>To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River Local Government Area.</li> </ul>	<p>The proposal is consistent with the zone objectives and is satisfactory.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Clause 2.7 - Demolition requires development consent**

Standard	Proposal	Compliance
<p>The demolition of a building or work may be carried out only with development consent.</p>	<p>Considered.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**GRLEP 2021 Numeric Controls**

Site Area = 1031sqm

Standard	Required	Proposed	Compliance
<p><b>Cl. 4.3</b> Height of Buildings</p>	<p>Maximum 9m</p>	<p>12.85m (refer to below Clause 4.6 variation assessment)</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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<p><b>Cl. 4.4A</b>  <i>Exceptions to floor space ratio—certain residential accommodation</i></p> <p>[(site area - 1000) × 0.2 + 462.5] ÷ site area:1</p>	<p>Maximum 0.45:1 (468.7m<sup>2</sup>)</p>	<p>0.28:1 (290.74m<sup>2</sup>)</p>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>
<p><b>Cl 6.12</b>  <i>Landscaped Area</i></p>	<p>Minimum 25% (257.75m<sup>2</sup>)</p>	<p>78% (807m<sup>2</sup>)</p>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>

GRLEP 2021 Part 5 – Miscellaneous Provisions		
Clause 5.7 – Development below mean high water mark		
Standard	Proposal	Compliance
<p>Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).</p>	<p>The proposal does not involve works below the Mean High Water Mark.</p>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>

GRLEP 2021 Part 6 – Additional Local Provisions		
Clause 6.1 – Acid sulfate soils		
Standard	Proposal	Compliance
<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p><b>Class 5</b>                      The site is identified as containing Class 5 Acid Sulfate Soils.</p> <p>Consent may not be granted for any Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land unless an acid sulfate soils management plan has been prepared.</p>	<p>The site identified as containing Class 5 acid sulfate soils, but the works are not located on land within 500m of land of a lower class, and is not below 5m Australian Height Datum. No further action is therefore required.</p>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>
Clause 6.2 - Earthworks		

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Standard	Proposal	Compliance
<p>Council must consider the following prior to granting consent for any earthworks:</p> <ul style="list-style-type: none"> <li>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</li> <li>(b) the effect of the development on the likely future use or redevelopment of the land,</li> <li>(c) the quality of the fill or the soil to be excavated, or both,</li> <li>(d) the effect of the development on the existing and likely amenity of adjoining properties,</li> <li>(e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the development to accommodate the fall in the land,</li> <li>(f) the source of any fill material and the destination of any excavated material,</li> <li>(g) the likelihood of disturbing relics,</li> <li>(h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</li> <li>(i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul>	<p>The proposed earthworks are satisfactory with regards to the matters identified.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<b>Clause 6.3 – Stormwater Management</b>		
Standard	Proposal	Compliance
<p>(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) includes, if practicable, on-site stormwater detention or retention to</li> </ul>	<p>The proposal is satisfactory with regards to the matters identified.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

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<p>minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) is designed to minimise the impact on public drainage systems.</p>		
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**Clause 6.4 – Foreshore area and coastal hazards and risk**

Standard	Proposal	Compliance
<p>(3) Development consent must not be granted for development on land to which this clause applies except for the following purposes—</p> <p>(a) the alteration, or demolition and rebuilding, of an existing building if the footprint of the building will not extend further forward than the footprint of the existing building into— the foreshore building line, or the land identified on the Coastal Hazard and Risk Map,</p> <p>(b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so,</p> <p>(c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks.</p> <p>(4) In deciding whether to grant development consent, the consent authority must consider the following matters—</p> <p>(a) whether the development addresses the impacts of sea level rise and tidal inundation as a result of climate change,</p>	<p>No work is proposed below the FBL, and therefore no further consideration with this Clause is required.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

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<p>(b) whether the development could be located on parts of the site not exposed to coastal hazards,</p> <p>(c) whether the development will cause congestion or generate conflict between people using open space areas or the waterway,</p> <p>(d) whether the development will cause environmental harm by pollution or siltation of the waterway,</p> <p>(e) opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners,</p> <p>(f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(5) In this clause—  <b>foreshore area</b> means the land between the foreshore building line and the mean high water mark of the nearest bay or river.  <b>Foreshore building line</b> means the line shown as the foreshore building line on the Foreshore Building Line Map.</p>		
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**Clause 6.5 – Riparian land and waterways**

Standard	Proposal	Compliance
<p>(3) In deciding whether to grant development consent for development on land to which this clause applies, Council must consider the following—</p> <p>(a) whether the development is likely to have an adverse impact on the following—</p> <ul style="list-style-type: none"> <li>i. the water quality and flows within the waterway,</li> <li>ii. the stability of the bed, shore and banks of the waterway,</li> <li>iii. the future rehabilitation of the waterway and riparian areas,</li> <li>iv. the biophysical, hydrological or ecological integrity of adjacent coastal wetlands, including the aquatic and riparian species,</li> </ul>	<p>Following consideration of the matters identified in Clause (3), the proposal is considered to suitably respond to this criterion.</p> <p>The proposal also appropriately addresses the matters identified in Clause (4).</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

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<p>habitats and ecosystems of the waterway,</p> <ul style="list-style-type: none"> <li>v. indigenous trees and other vegetation,</li> <li>vi. opportunities for additional planting of local native riparian vegetation,</li> </ul> <p>(b) whether the development is likely to increase water extraction from the waterway,</p> <p>(c) whether the development will cause environmental harm by pollution or siltation of the waterway,</p> <p>(d) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless Council is satisfied that—</p> <ul style="list-style-type: none"> <li>(a) the development is designed, sited and will be managed to avoid significant adverse environmental impact, or</li> <li>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</li> <li>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</li> </ul>		
<b>Clause 6.6 Foreshore scenic protection area</b>		
<b>Standard</b>	<b>Proposal</b>	<b>Compliance</b>
<p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following—</p> <ul style="list-style-type: none"> <li>(a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation,</li> <li>(b) the avoidance or minimisation of the disturbance and adverse impacts</li> </ul>	<p>The proposal is satisfactory with regards the matters identified in (3).</p> <p>The proposal satisfies the objectives of this clause. The proposal recognises, protects, and enhances the natural, visual, environmental and heritage qualities of the scenic areas of the Georges River.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

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<p>on remnant vegetation communities, habitat and threatened species and populations,</p> <p>(c) the maintenance and enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors,</p> <p>(d) the achievement of no net loss of significant vegetation or habitat,</p> <p>(e) the avoidance of clearing steep slopes and facilitation of the stability of the land,</p> <p>(f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places,</p> <p>(g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.</p>		
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**Clause 6.9 Essential Services**

Standard	Proposal	Compliance
<p>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</p> <ul style="list-style-type: none"> <li>a) the supply of water,</li> <li>b) the supply of electricity,</li> <li>c) the supply of telecommunications facilities,</li> <li>d) the disposal and management of sewage</li> <li>e) stormwater drainage or on-site conservation,</li> <li>f) suitable vehicular access.</li> </ul>	<p>The proposal has, or includes arrangements that will make available these essential services.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

**Clause 6.10 Design Excellence**

Standard	Proposal	Compliance
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<p>(2) This clause applies to development on land within the Foreshore Scenic Protection Area involving—</p> <p>(a) the erection of a new building, or</p> <p>(b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.</p> <p>(3) For land identified in on the Foreshore Scenic Protection Area Map:</p> <p>(i) bed and breakfast accommodation,</p> <p>(ii) health services facilities,</p> <p>(iii) marinas,</p> <p>(iv) residential accommodation, except for secondary dwellings,</p> <p>(4) Development consent must not be granted for development to which this clause applies unless Council considers that the development exhibits design excellence.</p> <p>(5) In considering whether the development exhibits design excellence, Council must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(d) how the development addresses the following matters—</p> <p>i. the suitability of the land for development,</p>	<p>The proposal is located within the Foreshore Scenic Protection Area for residential accommodation. As such, Clause 6.10 applies.</p> <p>The proposal has been considered with regards the matters identified in Clause (5) and is considered to suitably demonstrate compliance with the Clause.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
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<ul style="list-style-type: none"> <li>ii. existing and proposed uses and use mix,</li> <li>iii. heritage issues and streetscape constraints,</li> <li>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,</li> <li>v. bulk, massing and modulation of buildings,</li> <li>vi. street frontage heights,</li> <li>vii. environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,</li> <li>viii. pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,</li> <li>ix. the impact on, and proposed improvements to, the public domain,</li> <li>x. achieving appropriate interfaces at ground level between the building and the public domain,</li> <li>xi. excellence and integration of landscape design,</li> <li>xii. the provision of communal spaces and meeting places,</li> <li>xiii. the provision of public art in the public domain,</li> <li>xiv. the provision of on-site integrated waste and recycling infrastructure,</li> <li>xv. the promotion of safety through the application of the principles of crime prevention through environmental design.</li> </ul>		
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**GRLEP 2021 Clause 4.6 Variation**

As identified in assessment above, a Clause 4.6 Written Request has been submitted by the applicant, seeking a departure from the height of buildings development standard.



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Name of Clause	Proposed Variation
4.3 - Height	(a variation of 38.89% or a non-compliance of 3.5m);

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:

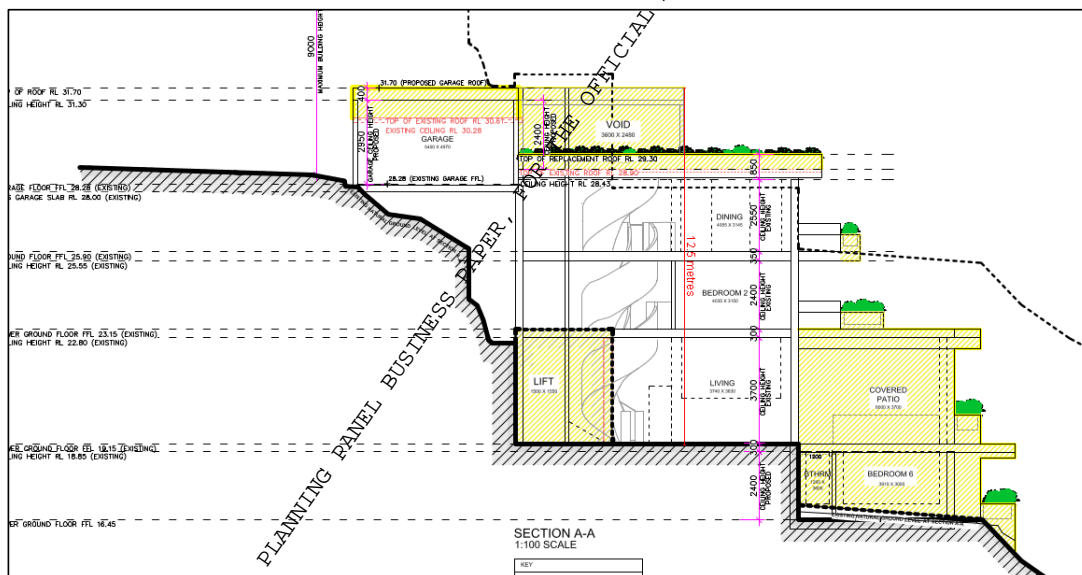


Figure 5: Extent of proposed variation (Source: Submitted Applicant Plans)

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;



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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 first Wehbe test is considered of relevance to the proposed development.

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:

Objective	Applicant Assessment
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality	<ul style="list-style-type: none"> <li>• The proposed development retains the existing bushland character of the site, building upon the existing footprint.</li> <li>• The design retains all significant trees on site, with no impact towards the waterway.</li> <li>• Equitable view sharing is achieved with views towards the Georges River, the Old Como Bridge, and surrounding land water interface to be retained.</li> <li>• The proposal maintains the existing front and side setbacks with additional plantings.</li> </ul>
(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas	<ul style="list-style-type: none"> <li>• The proposal will retain a compliant impact on adjoining properties in terms of overshadowing, bulk and privacy.</li> <li>• The proposed built form is located substantially behind the primary viewing corridors is not anticipated to interrupt significant water views.</li> <li>• There are minor views from the western properties that will be obstructed, however, the majority of the views are not affected.</li> </ul>
(c) to ensure an appropriate height transition between new building and – (i) adjoining land uses, or (ii) heritage items, heritage conservation areas of original places of heritage significance	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>

**Council Comment:** The applicant notes that the objectives of the development standard are achieved notwithstanding noncompliance with the development standard. In this regard:



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

The overall building height is compatible with the existing and desired future character of the locality due to the existing topography of the land and the siting of the dwelling house. The proposed entry/foyer level's roof RL is measured at 1m greater than the existing garage on street level, and the dwelling will not be perceived as bulky when viewed from the street. Further to the above, the proposal is compliant regarding floor space ratio and landscaping stipulated under GR LEP 2021.

- 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 extension provides minimal impact in terms of overshadowing, visual impact and loss of privacy when on adjoining properties and from the waterway, due to the location and setback of the existing dwelling.

As assessed in this report, there is minor view loss from the rear adjoining property, however, it has been assessed as satisfactory due to the limited views that will be obstructed of the waterway.

- c) *to ensure an appropriate height transition between new building and –*  
 a. *adjoining land uses, or*  
 a) *heritage items, heritage conservation areas of Aboriginal places of heritage significance*

This section is not applicable due to there being no other adjoining land uses or heritage items.

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 existing dwelling currently exceeds the 9m height limit, with a maximum height of 11.88m and a corresponding non-compliance of 2.88m or 32%. The proposal increases the existing building height by a minor 0.62m or 5.2% (as a percentage of the existing height), representing a modest intensification within the established building envelope.*
- *The site falls steeply from Dinjerra Crescent toward the Georges River. This topography necessitates a stepped built form to achieve functional internal layout, step-free accessibility (via the new lift), and a practical building footprint. Strict compliance with the 9m height limit would force an overly fragmented or compromised design, increasing visual bulk and site disturbance. The proposed variation is limited to the upper floor, roof form, and eaves, allowing the development to respond sensitively to the land's natural fall.*
- *The maximum height of the dwelling as measured from street level is 3.35m, as is visible on the eastern elevation (Figure 4). As a consequence, the height variation will be largely imperceptible from the public domain and will not interrupt established street level sightlines toward the waterfront, thereby maintaining the visual amenity and character of the Dinjerra Crescent streetscape. A fully compliant scheme with a maximum building height of 9m would present almost identically from the street, with no major difference in appearance, bulk, or scale.*
- *The established built-form character along the low side of Dinjerra Crescent is predominantly characterised by two to four storey buildings that step down the steep slope toward the rear as is evident in Figure 5 below. This includes properties as No.2 and No.4 Dinjerra Crescent, adjoining either side of the subject site.*
- *These existing dwellings achieve their additional height for the same reasons advanced in this application, namely, the need to respond to the significant fall of the land. The proposed dwelling at No.3 sits comfortably within the height envelope already established by these*



neighbouring properties and presents a scale, bulk and vertical articulation that is consistent with the prevailing and built-form pattern.

- The existing dwelling has been partially excavated into the hillside creating an artificial and lowered height plane. In the judgement of *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582, a similar variation to maximum building height was proposed that included pre-existing excavation. The court stated at [74] that- "the prior excavation of the site within the footprint of the existing building, which distorts the height of the buildings development standard plane overlaid above the site when compared to the topography of the hill, can properly be described as an environmental planning ground within the meaning of c/ 4.6 (3)(b) of LEP 2014." It is considered that this application proposes a height variation under similar conditions and is consistent with this aspect of the judgment, given the existing excavation on site.
- Given the suitability of the site and the lack of impact arising from the development, the proposal is consistent with object (c) of the EP& Act 1979 to promote the orderly and economic development of land.

It is considered that the proposal demonstrates sufficient environmental planning grounds to warrant the variation for the following reasons:

- It is noted that there is an existing height non-compliance of 11.8m or 32% from the top of the existing roof to the existing ground level. Therefore, the proposed works constitutes an increase of 600mm or 5.2% of the development standard.
- It is also noted that the dwelling house has already been excavated to a lower ground floor area, resulting in a greater non-compliance due to the topography of the site.
- The proposed works on the dwelling house will be perceived as a one storey dwelling from the street, resulting in no impact within the existing streetscape.
- The dwelling house is compliant with all other relevant controls, including floor space ratio, landscaping, setbacks, privacy and overshadowing, with minimal amenity impacts and limited perceived bulk when viewed from adjoining properties.

The proposal seeks to vary Clause 4.3 Height of Building 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

*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.



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## Georges River Development Control Plan 2021

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

View Impacts						
3.8 View Impacts						
Control	Proposal	Compliance				
<p>1. The development shall provide for the reasonable sharing of views.</p> <p><u>Note:</u> Where a proposal is likely to adversely affect views from either private or public land, assessment of applications will refer to the Planning Principle established by the Land and Environment Court in Tenacity Consulting vs Warringah Council (2004) NSWLEC140.</p>	<p>See below a detailed discussion on the view sharing impact.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>				
<p><b>View Loss Assessment:</b></p> <p>The Planning Principle established the following four (4) questions that need to be addressed as part of a view loss assessment:</p> <ol style="list-style-type: none"> <li>1. The first step is the assessment of views to be affected</li> <li>2. The second step is to consider from what part of the property the views are obtained.</li> <li>3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected.</li> <li>4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them.</li> </ol> <p>The subject site and adjoining properties gain views to the Georges River and Old Como Bridge, which are land and water interface views. As a view loss complaint was lodged, Council is required to assess the view loss in accordance with the Planning Principle established by the Land and Environment Court in Tenacity Consulting vs Warringah Council (2004) NSWLEC140.</p> <p>A site inspection was carried out on the submitter's property to assess the view loss impact. The table below summarises the observations of the view loss.</p> <table border="1"> <thead> <tr> <th>Criterion</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td>1. The views to be affected</td> <td>The view to be affected relates to views of the Georges River with interface between the land and water being present. There are</td> </tr> </tbody> </table>			Criterion	Comments	1. The views to be affected	The view to be affected relates to views of the Georges River with interface between the land and water being present. There are
Criterion	Comments					
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	also views of the old Como Bridge. The site with the proposed works sits in front of the house affected, however, at a much lower level.
2. What part of the property the views are obtained	The view is obtained from the first-floor balcony and the master bedroom. It is considered that partial views will be affected from both areas, however, primarily with minor and interrupted water views towards the river.
3. Extent of impact	Based on the location of the development relative to the objecting allotment, it is noted that there will be some loss of views as a result of the proposed works, however the loss is considered to be minor to negligible given the extent of view corridor that is currently available and the view corridor that will be retained as a result of the addition to this subject allotment.  Given the location of the proposed development in comparison to the objector's property, it is considered that minor view loss towards the eastern side of the Georges River will be impacted, however, existing views facing near the old Como Bridge will be unaffected.
4. Reasonableness of the proposal	The proposal does not comply with planning controls relating to height, however, a variation to this is supported. The proposal complies with all other planning controls relating to floor space ratio and setbacks. The proposal therefore is considered reasonable from a view sharing perspective.



**Figure 6:** Proposed view from 1 Dinjerra Crescent once works are completed (Source: Submitted Applicant Plans)

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**Figure 7:** Existing view from balcony of 1 Dinjerra Crescent (Source: Assessing Officer)

Given the reasons above, the proposal is not considered to cause unreasonable view loss impact on the adjoining property.

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 GRDCPS).	A condition of consent has been imposed to satisfy this control.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Universal / Accessible Design		
3.17 Universal / Accessible Design		
Control	Proposal	Compliance



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3. Accessways for pedestrians and vehicles to be separated	Provided.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Streetscape Character and Built Form**

**6.1.2.1 Streetscape Character and Built Form**

Control	Proposal	Compliance
1. New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP.	No void proposed.  The proposal is designed with a well-articulated façade, promotes passive surveillance, and is compatible with the streetscape.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. New buildings and additions are to be designed with an articulated front façade		
4. Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance		
5. Development must be sensitively designed so as to minimise adverse impacts on the amenity and view corridors of neighbouring public and private property while maintaining reasonable amenity for the proposed development and is to balance this requirement with the amenity afforded to the new development.		
6. The maximum size of voids at the first floor level should be a cumulative total of 15m <sup>2</sup> (excluding voids associated with internal stairs).		

**Building Scale and Height**

**6.1.2.2 Building Scale and Height**

Control	Proposal	Compliance
1. New buildings are to consider and respond to the predominant and desired future scale of buildings within the neighbourhood, and consider the topography and form of the site.	Storeys proposed: Five (four being presented to the water).  Due to the existing structure being that of a four storey development, the proposed building scale of a fifth storey is considered acceptable. The proposed fifth storey is measured at 1m above the	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. On sites with a gradient or cross fall greater than 1:10, dwellings are to adopt a split-level approach to minimise excavation and fill. The overall design		

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<p>of the dwelling should respond to the topography of the site.</p>	<p>existing roof line of the garage, providing minimal visual and amenity impacts onto the existing street frontage and adjoining properties.</p>	<p>Due to the nature of the proposed use for easier access into the dwelling house, the fifth storey is measured at being 300mm higher than the existing garage</p>
<p>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.</p>		
<p>4. Where topography conditions require a basement, the area of the basement should not exceed the area required to meet the car parking requirements for the development, access ramp to the parking and a maximum 10m<sup>2</sup> for storage and 20m<sup>2</sup> for plant rooms. Additional basement area to that required to satisfy these requirements may be included as floor space area when calculating floor space ratio.</p>		
<p>5. Where the entry to the basement carpark is visible from the street, the entry should be recessed a minimum of 1m (from the edge of the external wall or balcony) from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials.</p>		

**Setbacks**

**6.1.2.3 Setbacks**

Control	Proposal	Compliance
<p><u>Front Setbacks</u></p> <p>1. The minimum setback from the primary street boundary is:</p> <ul style="list-style-type: none"> <li>i. 4.5m to the main building wall / façade;</li> <li>ii. 5.5m to the front facade of a garage or carport, or at least 1m behind the main building wall / façade, whichever is the greater;</li> <li>iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied.</li> </ul>	<p>Front setback: As existing Rear setback: 51.6m (67%) Side setbacks: As existing</p> <p>No balcony proposed within the front setback area.</p> <p>The proposed reduced side setback is acceptable as it remains in keeping with the existing side setback and does not adversely affect compliance with the solar access and landscaped area controls or adversely impact upon the visual and</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

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

Private Open Space		
6.1.2.4 - Private Open Space		
Control	Proposal	Compliance
<p>01. Private open space is to be located at the rear of the property and/or behind the building line and is to have</p>	<p>Adequate private open space provided, all with compliant dimensions and on the</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

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<p>a minimum area of 60m<sup>2</sup> with minimum dimensions of 6m and located on the same level (not terraced or over rock outcrops).</p>	<p>same level, provided which attempts to maximise solar access.</p>	
<p>2. Private open space is to be provided for all dwellings, (with the exception of secondary dwellings, which are able to share the private open space of the principal dwelling).</p>		
<p>3. Private open space is to be located so as to maximise solar access.</p>		
<p>4. Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent buildings.</p>		

**Landscaping**

**6.1.2.5 Landscaping**

Control	Proposal	Compliance
<p>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.</p>	<p>Sufficient landscaped area has a minimum dimension of 1.2m. Impervious areas within the front setback are remaining as is.  The proposed landscaped complies with Clause 6.12 of the GRLEP 2021. The proposal provides a landscape setting within the street frontage(s), where impervious areas are minimised.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>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.</p>		
<p>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.</p>		
<p>4. Impervious areas are to occupy no more than: 1. 60% of the street setback area where the front setback is less than 6m, or</p>		

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<p>ii. 50% of the street setback area where the front setback is 6m or greater, or</p> <p>iii. 50% of the primary street setback area on corner allotments.</p>		
<p>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.</p>		
<p>6. Preference is to be given to incorporating locally indigenous plants.</p>		

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

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or aggravating existing flood conditions on adjacent land.	Condition(s) are to be applied to ensure that any fill is to be VENM.	
9. Fill material must be virgin excavated natural material (VENM)		
10. For flood-affected sites, cut and fill is to comply with the requirements of Chapter 6 of Council's Stormwater Management Policy		
<b>3.5.2 Construction Management/Erosion and Sediment Control</b>		
<b>Control</b>	<b>Proposal</b>	<b>Compliance</b>
<p>1. Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways through the use of the following:</p> <ul style="list-style-type: none"> <li>- Sediment fencing;</li> <li>- Water diversion;</li> <li>- Single entry/exit points</li> <li>- Filtration materials such as straw bales and turf strips.</li> </ul>	<p>The proposal includes a sediment control plan indicating implementation of these measures. A suitable condition will be included in the consent which ensures compliance with the control.</p> <p>The proposal minimises cut and fill and site disturbance. The proposal is not considered to have a high potential risk to groundwater.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>2. Development that involves site disturbance is to provide an erosion and sediment control plan which details the proposed method of soil management and its implementation. Such measures are to be in accordance with The Blue Book – Managing Urban Stormwater, Soils &amp; Construction by LandCom</p>	<p>The proposal is accompanied by adequate documentation that ensures no adverse impacts result to groundwater, significant trees, or Councils public domain.</p>	
<p>3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.</p>		
<p>4. Construction works within a tree protection zone (TPZ) of a tree on the development site or adjoining land, must be undertaken in accordance with AS 4970 (Protection of trees on development sites).</p>		
<p>5. Development which has a high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised.</p>		

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<p>6. Work must not be carried out in a public road or footpath unless a permit has been granted by Council (or other relevant roads authority) under s.138 of the Roads Act 1993, and / or s.68 of the Local Government Act 1993. These are separate approvals to development consent or a Complying Development Certificate. Consult with Council to determine if a permit is required.</p>		
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**6.1.2.6 Excavation (Cut and Fill)**

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

**Visual Privacy**

**6.1.2.8 - Visual Privacy**

Control	Proposal	Compliance
<p>1. Windows from active rooms are to be offset with windows in adjacent dwellings, or appropriately treated so as to avoid direct overlooking onto neighbouring windows.</p>	<p>The rear balconies demonstrate the following widths: G/F: 1.5m  The proposed living room and active room windows are designed to allow opaque views into the adjoining properties only.  Survey plan supplied per DCP requirements.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>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.</p>		

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<p>3. Upper level balconies should not project more than 1500mm beyond the main rear wall alignment so as to minimise adverse visual privacy impacts to adjoining properties.</p>		
<p>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.</p>		
<p>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.</p>		
<p>6. Roof top terraces are not permitted on top of dwelling houses, secondary dwellings and ancillary structures, such as boat sheds and garages.</p>		

**Noise and Machinery**

**6.1.2.9 Noise**

Control	Proposal	Compliance
<p>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.</p>	<p>The noise generators are placed away from and acoustically treated. Standard conditions to be imposed to limit noise generation.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

**6.4.2 Air Conditioning**

Control	Proposal	Compliance
<p>1. Air conditioning units should be sited so that they are not visible from the street.</p>	<p>The proposal complies with Part 6.4.2 of the DCP and a suitable condition of consent has been imposed to limit noise generation.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. The noise level from air conditioning condensers/systems is not to exceed the LAeq 15 minute by 5dBA measured at the property boundary.</p>		

**Solar Access**

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

**Materials, Colour Schemes and Details**

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6.1.2.11 Materials, Colour Schemes and Details		
Control	Proposal	Compliance
1. Large expansive surfaces of predominantly white, light or primary colours which would dominate the streetscape or other vistas should not be used.	The proposal incorporates a material and colour scheme that is sympathetic to the existing streetscape and the desired future character of the locality.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street.		
3. Matching buildings in a row should be finished in the same colour or have a tonal relationship.		
4. All materials and finishes utilised should have low reflectivity.		

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

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



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<p>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.</p>	<p>The proposal is supported by a site analysis and design response demonstrating how the relevant provisions of the LEP and the objectives of this part of the DCP have been addressed.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. Removal of existing native vegetation minimised to that which is reasonably required to site and construct a building.</p>	<p>The proposal minimises the removal of native vegetation and maintains the integrity of the edge of bushland closest to the Georges River. The proposal retains ridgeline vegetation to provide a backdrop to the waterway.</p>	
<p>3. The integrity of the existing edge of bushland closest to the Georges River is retained.</p>	<p>Adequate complementary planting is provided to lessen the impact of the proposed development.</p>	
<p>4. Vegetation along ridgelines and on hillsides is retained and supplemented to provide a backdrop to the waterway.</p>		
<p>5. New, complementary planting and landscaping is encouraged.</p>		
<p>6. Where on a steep site, vegetation is used to screen the impact of support structures such as piers.</p>		
<p>9. Natural features that make a contribution to the environmental qualities and scenic landscape values of the foreshore, including mature native tree and sandstone rock outcrops, platforms and low cliffs, are retained.</p>	<p>Existing natural features are retained.</p>	
<p>10. The visual impact of buildings is minimised having regard to building size, height, bulk, siting, external materials and colours and cut and fill.</p>	<p>The proposal demonstrates suitable visual bulk and sits discretely within the landscape. The proposal minimises earthworks and respects the existing terrain.</p>	
<p>11. Buildings should be sited on the block to retain existing ridgeline vegetation, where possible. Siting buildings on existing building footprints or reducing building footprints to retain vegetation is highly recommended.</p>	<p>The proposal retains existing topographic features and minimises vegetation removal.</p>	

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<p>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:</p> <ul style="list-style-type: none"> <li>i. The preservation of topographic features of the site, including rock shelves and cliff faces;</li> <li>ii. The retention of significant trees and vegetation, particularly in areas where the loss of this vegetation would result in the visual scarring of the landscape, when viewed from the water, and</li> <li>iii. Minimised site disturbance through cutting and/or filling of the site.</li> </ul>		
<p>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 facades facing the foreshore is to be 50%-50%.</p>	<p>50% of the water-facing elevation consists of glazing.</p> <p>The proposal features a predominantly earthy tone and glazing that is compatible to the background landscape and the existing dwelling.</p> <p>The proposal has a compatible presence when viewed from the waterway and incorporates a variety of design elements that are in keeping with themes within the locality.</p>	
<p>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.</p>		
<p>15. Buildings fronting the waterway must have a compatible presence when viewed from the waterway and</p>		

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<p>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.</p>		
<p>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:</p> <ul style="list-style-type: none"> <li>i. Awnings or other features over windows;</li> <li>ii. Recessing or projecting architectural elements; or</li> <li>iii. Open, deep verandas.</li> </ul>		
<p>17. Adequate landscaping shall be provided to screen undercroft areas and reduce their impact when viewed from the water.</p>		
<p>18. The extent of associated paved surfaces is minimised to that which provides essential site access and reasonable private open space.</p>	<p>The extent of paved surfaced proposed seems essential to the site and reasonable.</p>	
<p>19. Buildings have external finishes that are non-reflective and coloured to blend with the surrounding landscape.</p>	<p>The proposal demonstrates external finishes that are non-reflective and coloured to blend with the surrounding landscape. This will also be imposed by way of condition.</p>	
<p>27. Development provides opportunities to create view corridors from the public domain to the Georges River.</p>	<p>The development will not diminish the opportunities to create view corridors from the public domain to the Georges River.</p>	

**Any Planning Agreement Under Section 7.4**

Section 6.15 (1) (a) (iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

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



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## The Regulations

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

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

## The Likely Impacts of the Development

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

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

## Site Suitability

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

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

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

## Submissions

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

The application was advertised and adjoining residents were notified by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. One submission was received during the neighbour notification period. The matters relevant to this application raised in the submissions are considered below:

Issue	Comment
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<p><b>View Loss</b></p>	<p>Concerns were raised regarding the potential view loss impact the proposed development would have on the rear properties. A detailed view loss impact assessment can be found in this assessment report, and the application is determined to be satisfactory.</p>
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**Revised Plans - Re-notification**

The applicant lodged revised plans on Tuesday, 31 March 2026. In accordance with the requirements of Georges River Community Engagement Strategy these plans were not publicly exhibited as, in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.

**The Public Interest**

*Section 4.15 (e) the public interest.*

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

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

**Referrals**

Internal Referrals		
Specialist	Comment	Outcome
Landscape Officer	<p>The officer has considered the following planning provisions:</p> <ul style="list-style-type: none"> <li>- SEPP (Biodiversity Conservation) 2021</li> <li>- Part 3.2 of GRDCP 2021</li> <li>- Part 3.3 of GRDCP 2021</li> <li>- Georges River Tree Management Policy 2024</li> </ul> <p>No objections raised to the proposal and conditions recommended.</p>	Conditions imposed as recommended.
Biodiversity/ Natural Environment	<p>The officer has considered the following planning provisions:</p> <ul style="list-style-type: none"> <li>-</li> </ul>	Conditions imposed as recommended.



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	<ul style="list-style-type: none"> <li>- NSW Biodiversity Conservation Act and Regulation 2017</li> <li>- SEPP (Resilience and Hazards) 2021</li> <li>- Clause 6.1 of GRLEP 2021</li> <li>- Part 3.2 of GRDCP 2021</li> <li>- Part 3.3 of GRDCP 2021</li> <li>- Georges River Council Tree Management Policy 2024</li> </ul> <p>No objections raised to the proposal and conditions recommended.</p>	
<b>External Referrals</b>		
Referral Body	Comment	Outcome
Ausgrid	<p>The referral body has considered the following planning provisions:</p> <ul style="list-style-type: none"> <li>- Clause 2.48 of SEPP (Transport and Infrastructure) 2021</li> </ul> <p>No objections raised to the proposal and conditions recommended.</p>	Conditions imposed as recommended.

## 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 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



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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 DA2025/0596 for alterations and additions to dwelling house on Lot 4 DP 227582 on land known as 3 Dinjerra Crescent, OATLEY NSW 2223, as an approval for the reasons below subject to the conditions referenced in Appendix 1.

### Signed

*A. Richardson*

**Assessing Officer: Alec Richardson**  
**Title: Senior Development Assessment Planner**  
**Date: 9 April 2026**

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.

## Appendix 1 – Conditions

### Development Details

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	10-2025 Sheet 24	12/11/25	-	Milou Associates
Demolition Plan	10-2025 Sheet 25	12/11/25	-	Milou Associates



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Garage Floor Plan	10-2025 Sheet 10	12/11/25	-	Milou Associates
Ground Floor Plan	10-2025 Sheet 11	12/11/25	-	Milou Associates
Lower Ground Floor Plan -03	10-2025 Sheet 12	12/11/25	-	Milou Associates
Lower Ground Floor Plan - 04	10-2025 Sheet 13	12/11/25	-	Milou Associates
Lower Ground Floor Plan - 05	10-2025 Sheet 14	12/11/25	-	Milou Associates
North Elevation	10-2025 Sheet 15	12/11/25	-	Milou Associates
South Elevation	10-2025 Sheet 16	12/11/25	-	Milou Associates
East Elevation	10-2025 Sheet 17	12/11/25	-	Milou Associates
West Elevation	10-2025 Sheet 18	12/11/25	-	Milou Associates
Section A-A	10-2025 Sheet 19	12/11/25	-	Milou Associates

#### 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](http://www.georgesriver.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

3. **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.

#### Requirements of Concurrence, Integrated and Other Government Authorities

4. **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 outline 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](http://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.

5. **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.
6. **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>
7. **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.



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For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 7426). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

**Prior to the Issue of the Construction Certificate**

- 8. **Fees to be Paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.georgesriver.nsw.gov.au](http://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
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy">https://portal.longservice.nsw.gov.au/bci/levy</a>	
Builders Damage Deposit	\$ 2,060.00
Inspection Fee for Refund of Damage Deposit	\$ 220.00
Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.12)	\$ 7,150.00

**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).

Indecation

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 received by Council prior to the release of the Construction

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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](http://www.georgesriver.nsw.gov.au)

9. **Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
- 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
  - 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
  - Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

10. **Site Management Plan** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
11. **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate submitted with this application must be implemented on the plans lodged with the application for the Construction Certificate.
12. **Low reflectivity roof** - Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.
13. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- Compliance with the approved Erosion & Sediment Control 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 clean water runoff 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
  - All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
  - 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.

14. **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.
15. **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.

16. **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 Certifier prior to the issue of the Construction Certificate.
17. **Landscape Plans** - All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.
18. **Tree Protection Plan** – A site-specific tree protection plan and specification in accordance with AS 4970-2009: Protection of trees on development sites prepared by an AQF Level 5 Arborist must be lodged for approval by the PCA prior to the issue of a construction certificate. The plan must include the following as a minimum:
- Name of AQF Level 5 Arborist, contact information, plan number and date
  - Drawn to scale
  - North point
  - Location of all existing trees on site, on adjoining properties within 5 metres of the boundary fence and street trees.
  - All trees clearly labelled for retention, removal, transplanting or pruning
  - Existing and proposed RL's at the base of each tree
  - Accurate TPZ, SRZ and canopy dimensions
  - Incursion areas and percentages
  - Locations, dimensions and specifications for tree protection measures including fencing, trunk and ground protection and Project Arborist supervision and certification as required.
19. **Tree Removal prohibited** - This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

#### **Prior to the Commencement of Work (including Demolition & Excavation)**



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

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

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

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

21. **Demolition Notification Requirements** - The following notification requirements apply to this consent:
- 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.
  - 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.
  - 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.
22. **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.
23. **Before You Dig Australia** - The applicant shall contact "Before You Dig Australia" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Before You Dig Australia" shall be forwarded to the Principal Certifier (PC) and Council for their records.



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24. **Registered Surveyors Report - During Development Work** - A report must be submitted to the Certifier at each of the following applicable stages of construction:
- Set out before commencing excavation.
  - Floor slabs or foundation wall, before formwork or commencing brickwork.
  - 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.
  - 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.
  - Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
  - Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
  - 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.

Work must not proceed beyond each stage until the Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

25. **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.

#### During Construction

26. **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.
27. **Hours of construction for demolition and building work** - Unless authorised by Council:
- Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.



- b. Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only.

Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.

28. **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.
29. **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.
30. **Damage within Road Reserve and Council Assets** - The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
31. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt. Copies of all receipts for the disposal or processing of all such materials shall be submitted to the Certifier and Council, where Council is not the Certifier Authority.
32. **Public Utility and Telecommunication Assets** - The owner 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.
33. **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.
34. **Tree Removal prohibited on adjoining properties** - No tree on Council's public footway, public reserves or on neighbouring properties or protected under the Georges River Tree Management Policy 2024 may be removed, pruned or otherwise damaged without Council consent.
35. **Tree Pruning** - The consent from Council must be obtained prior to the undertaking of any tree pruning, including tree roots greater than 40mm in diameter. Only minor pruning will be permitted by Council.
36. **Biodiversity** - Erosion and sediment controls must be implemented at the rear of the property to





ensure building materials, soil and debris do not enter the Georges River waterway.

37. **Landscape Works** – All landscape works shall be carried out in accordance with the approved landscape plans and specifications, subject to the following –

- a) The applicant must engage a licensed and reputable nursery grower early within the build phase and order all trees and plant material early to ensure that all tree and plant material, pot/bag sizes and quantities are guaranteed at the time of the landscape and planting phase.
- b) All trees proposed upon the approved landscape plan shall comply with AS 2303 – 2018, Tree Stock for Landscape use and NATSPEC Specifying Trees: a guide to assessment of tree quality (2003).

38. **Tree Protection** –

- a) All trees within and adjoining the site must be protected in accordance with Australian Standards AS4970-2009 Protection of Trees on Development Sites.
- b) The storage or mixing of materials, washing equipment, disposal of liquids or building materials, site sheds etc. must not occur within 4 meters of the trunk of any tree (inc. neighbouring trees).
- c) Any excavation works (including stormwater infrastructure) within the Tree Protection Zone (TPZ) of any tree must be referred to the Site Arborist with regards to tree protection, prior to the commencement of the works.
- d) All excavation works within the TPZ of any tree must be undertaken using non-destructive methods (by hand/ Airspade/ hydro-vac etc.) to ensure no tree root greater than 30mm diameter or section of root mass are damaged, pruned or removed.
- e) Alternative installation methods for services such as redirection of services or directional boring must be employed where roots greater than 30mm diameter or a section of root mass (palm tree roots) are encountered during the installation of any services within the TPZ of any tree.
- f) Trees specified for retention are to be inspected, monitored and remedial work undertaken as required during and after completion of development works by a qualified AQF Level 5 Project Arborist. Regular inspections and documentation from the Arborist to the PCA and Council's Tree Compliance Officer are required at the following hold points:

Hold Point	Action Required by AQF Level 5 Project Arborist
1. a) Prior to commencement of demolition/construction works.	Site meeting with builder to discuss and confirm understanding of tree protection measures required.
1. b) Prior to commencement of demolition/construction works.	Supervise and certify installation of tree protection measures. Tree protection measures are to be installed as per the approved Tree Protection Plan. Clear and dated photographs of

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	the installed tree protection fencing must be submitted to Council.
2. Works within the TPZ areas of trees to be retained.	<p>Supervise, direct and photograph all approved works with the TPZ areas of tree to be retained.</p> <ul style="list-style-type: none"> <li>a) During demolition of any existing structure within close proximity to Tree Protection Zones (TPZ)</li> <li>b) During any excavation, trenching or construction that has been approved by Council within the TPZ of any tree to be retained;</li> <li>c) During any landscape works within the TPZ of any tree to be retained.</li> </ul>
3. Arboricultural Compliance Report.	<p>Inspect, photograph and report on tree health and condition, maintenance of tree protection measures and remedial tree works as required.</p> <ul style="list-style-type: none"> <li>a) Certification tree protection measures have been installed in accordance with the conditions prior to the commencement of works;</li> <li>b) Certification of compliance with each key milestone listed above within 48 hours of completion;</li> <li>c) Details of any other works undertaken on any tree to be retained or with TPZ(s);</li> <li>d) A final compliance report shall be submitted prior to the issuing of the Occupation Certificate.</li> </ul>
4. Prior to issue of Occupation Certificate	<p>Final inspection of trees to be retained and provision of follow up report detailing activities during construction including any damage to the trees and any remedial work required to ensure the ongoing health and structural stability of the trees and/or replacement trees required. Any recommendations for remedial work and/or replacement trees will be required to be approved by Council's Tree Compliance Officer and actioned prior to the issue of an occupation certificate for the development</p>

**Prior to the issue of the Occupation Certificate**

- 39. **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



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Occupation Certificate.

40. **BASIX Compliance Certificate** - A Compliance Certificate must be provided to the Certifier regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.
41. **Completion of Landscape Works** - All landscape works, the planting of all trees and plant material in accordance with approved landscape plans (at CC) and specifications and conditions of consent, must be completed prior to the issue of a final occupation certificate for the site. A certificate of compliance for the planting of all trees and shrubs proposed for the site must be prepared by a qualified Horticulturist, Landscape Designer or AQF Level 5 Arborist and forwarded to the PCA for approval prior to the issue of an occupation certificate.
42. **Completion of Tree Works** -
  - a) All tree protection and Project Arborist works set out in the approved tree protection plan and Project Arborist hold points must be completed prior to the issue of a final occupation certificate for the site. A certificate of compliance prepared by the AQF Level 5 Project Arborist and all required monitoring documentation must be submitted to the PCA for approval prior to the issue of an occupation certificate. Documentation must be made available to Council's Tree Compliance Officer on request.
  - b) All tree replacement works must be completed prior to the issue of a final occupation certificate for the site. A certificate of compliance prepared by a qualified Horticulturist or AQF Level 5 Arborist be submitted to the PCA for approval prior to the issue of an occupation certificate. Documentation must be made available to Council's Tree Compliance Officer on request.
43. **Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the 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.

#### Operational Conditions (On Going)

44. **Ongoing Tree Maintenance Works** -
  - a) All newly planted trees and plants must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying trees and plants and other operations required to maintain healthy trees, plants and turfed areas.
  - b) Trees must be maintained until they reach a height where they are protected by Councils Tree Management Controls. If any trees are found to be faulty, damaged, dying or dead before they are protected by Councils Tree Management Controls then they must be replaced with the same species and pot/bag size.  
Mature trees shall be inspected for health and structural integrity by an AQF Level 5 Arborist 12 month post completion of works. A certificate of compliance and/or report with recommendations for remedial work will be required to be approved by Council's Tree Compliance Officer.
45. **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).

46. **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 obtusive effects of outdoor lighting.
47. **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.
48. **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, or other harmful products.

#### **Operational Requirements Under the Environmental Planning & Assessment Act 1979**

49. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
50. **Appointment of a PC** - The erection of a building must not commence until the applicant has:
- appointed a PC for the building work; and
  - 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:

- 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
- notify the PC of the details of any such appointment; and
- notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

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

51. **Notification Requirements of PC** - No later than two days before the building work commences, the PC must notify:
- the consent authority and the Council (if not the consent authority) of his or her appointment; and
  - the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

52. **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.

53. **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](#).

54. **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.

55. **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.

An Occupation Certificate Application Form is attached for your convenience.

### Prescribed Conditions

56. **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.

57. **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.

58. **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.

59. **Shoring and adequacy of adjoining property** - 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.



60. **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.

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

#### 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. **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](http://www.georgesriver.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. DA2018/0\*\*\*) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

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

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

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

3. **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 justify 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.

4. **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](http://www.SafeWork.nsw.gov.au)).

5. **Ausgrid Overhead Powerlines** - Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au).

6. **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>.

7. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers



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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.

- 8. **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.
- 9. **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.

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