

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSSH – 143 1 -5 Stanley Street and 1 – 11 Princes Highway Kogarah
DA Number	DA2023/0222
LGA	Georges River Council
Proposed Development	Demolition of existing structures, lot consolidation and construction of a 10-storey shop top housing and residential flat building development containing 102 residential apartments, 3 x commercial tenancies, one office above two (2) levels of basement containing 53 car parking spaces, tree removal, landscaping and site works
Street Address	1 -5 Stanley Street and 1 – 11 Princes Highway Kogarah
Applicant/Owner	Applicant – Mr Aaron Sutherland Owner – Kogarah Investments No.3 Pty Ltd
Date of DA lodgement	13 July 2023
Total number of Submissions Number of Unique Objections	28 Unique Submissions
Recommendation	Refusal
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	Schedule 6 – 2 - General development over \$30 million Development that has an estimated development cost of more than \$30 million. The development has a development cost of \$34,864,225.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Building and Sustainability Index:2004) • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Planning Systems) 2021 • Georges River Local Environmental Plan 2021 • Georges River Development Control Plan 2021
List all documents submitted with this report for the Panel's consideration	Relevant plans, report, and documents outlining the development
Clause 4.6 requests	Nil – however there is a LEP height breach.
Summary of key submissions	Height Overdevelopment Overshadowing Traffic and parking Solar access Privacy Amenity Pedestrian safety Character Isolate lots Inadequate public transport Inadequate community infrastructure
Report prepared by	Brendan Leo – Consultant Planner
Report date	19 May 2024
Summary of s4.15 matters	Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Nil
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	N/A
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	No

Executive Summary

Proposal

1. Council received development application DA2023/0222 seeking consent for the demolition of existing structures, lot consolidation and construction of a 10-storey shop top housing and residential flat building development containing 102 residential apartments, 3 x commercial tenancies, one office above two (2) levels of basement containing 53 car parking spaces, tree removal, landscaping and site works.

2. In response to the issues raised as part of Council's assessment the proposal was amended by the applicant. This assessment report is based on the most recent plans and documentation submitted to Council on 21 March 2024.

Site and Locality

3. The subject development site is known as 1-5 Stanley Street and 1-11 Princes Highway, Kogarah.
4. The allotments and their legal description are noted below:
 - Lots 36-40 Sec B, DP1397
 - Lot 1 DP1097818,
 - Lot 1 DP1052346,
 - Lots 2 & 3 DP455617,
 - Lot 1 DP659359.
5. The development site is an irregular shaped allotment situated on the northern side of Stanley Street and the western side of the Princes Highway, on the south-western corner of a signalised intersection. The site has a 51 metre frontage to Princes Highway a splay of 4.205 metres and a 64.01 metre frontage to Stanley Street Kogarah. The development site has a total area of 2,554.6sqm. The site is relatively flat with a cross fall of approximately 2 metres from the south-west corner to the north-east corner of the development site.
6. The site contains a variety of buildings including attached and detached dwellings, a small residential flat building and commercial buildings fronting the Princes Highway. There is minor non-significant existing vegetation over the development site.
7. The subject site is bounded by Princes Highway to the east and Stanley Street to the south. The site is located within the Kogarah North Precinct which adjoins the Kogarah Town Centre and is located approximately 500m to the north-east of the Kogarah Railway Station. There is also a variety of educational institutions in walking distance to the site.

State Environmental Planning Policies

8. The proposal was assessed against the following relevant State Environmental Planning Policies.

State Environmental Planning Policy (Resilience and Hazards) 2021

9. Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the proposal. Chapter 4 seeks to promote the identification and appropriate remediation of contaminated land in order to reduce the risk of harm to human health or any other environmental impacts to ensure the suitability of the land for the proposed development.

10. Clause 4.6 requires contamination and remediation to be considered prior to the determination of a Development Application. The consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated and if contaminated, whether the land requires remediation in order to be suitable for the proposed development.
11. A Detailed Site Investigation Report prepared by EI Australia was submitted in support of the application. The Report concluded that based on historical land uses of the site and soil sampling there is a low potential for contamination to be present on the site, the site is therefore suitable for the proposed development. Given there are no known records of contaminating activities being conducted on the subject site, there is no indication that the land is contaminated. The provisions of Chapter 4 have been satisfied.

State Environmental Planning Policy (Biodiversity and Conservation) 2021.

12. The relevant parts of the above Policy that apply to this application are Chapter 2 – Vegetation in non-rural areas, and Chapter 6 – Water Catchments.
13. Chapter 2 - Vegetation in Non-Rural Areas 2 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.
14. This chapter applies to clearing of:
 - (a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
 - (b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the Council's Development Control Plan.
15. As part of the proposal, a number of small to medium sized trees and shrubs which has been assessed as being of little significance have been nominated for removal. The application has been reviewed by a Landscaped Officer who is supportive of the application and has imposed specific conditions of consent.

Chapter 6 – Water Catchments has the following relevant aims and objectives:

- *whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
- *whether the development will have an adverse impact on water flow in a natural waterbody,*

- *whether the development will increase the amount of stormwater run-off from a site,*
 - *whether the development will incorporate on-site stormwater retention, infiltration or reuse,*
 - *the impact of the development on the level and quality of the water table,*
 - *the cumulative environmental impact of the development on the regulated catchment,*
 - *whether the development makes adequate provision to protect the quality and quantity of ground water.*
16. The proposed stormwater drainage system has been assessed by Council's Development Engineer and is considered satisfactory subject to compliance with recommended conditions to ensure that the stormwater emanating from the development will not unduly impact the water quality of the Georges River.

State Environmental Planning Policy (Building and Sustainability Index:2004)

17. A BASIX Certificate is required to be lodged for any development application in NSW for any new residential development where the proposed cost of works exceeds \$50,000.
18. A BASIX certificate was provided with the initial development application, but no revised BASIX Certificate was lodged in support of the amended proposal.
19. The proposed development fails to satisfy the requirements of BASIX in terms of water, thermal comfort and energy efficiency.

State Environmental Planning Policy (Transport and Infrastructure) 2021

20. The Transport and Infrastructure SEPP applies to the site and relevant parts are discussed below.

Chapter 2 Infrastructure

21. The application was referred to Ausgrid pursuant to clause 2.48 of the SEPP. Ausgrid found the proposal satisfactory subject to conditions being imposed if the application was to be supported.

Clause 2.119 - Development with frontage to classified road

22. Clause 2.119 states the following:
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*

- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

23. The site enjoys frontage to the Princes Highway, however there is no direct vehicular access proposed from the Princes Highway all vehicular access is provided from Stanley Street.

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

24. Clause 2.120 requires the consent authority to consider the likely impact of noise and vibration on residential accommodation. This applies to land located adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles. The subject site is located on a classified road and the development is traffic generating, the provisions of Clause 2.119 are applicable and a referral to Transport for NSW was undertaken. An acoustic report has been prepared by Acouras Consultancy and found that the proposed development is able to comply with the road noise and vibration requirements of the SEPP subject to the recommendations of the acoustic report being implemented. TfNSW raised no objection finding the proposal is satisfactory and providing conditions of development consent to be imposed if the application was to be supported.
25. If approved the proposed development will be conditioned that the recommendations of the Acoustic Report prepared by Acouras Consultancy are to be implemented to ensure compliance with the SEPP requirements and ensure acceptable amenity for future occupants.
26. Where the building is affected and reliant upon mechanical ventilation, these rooms will need to comply with the relevant provisions of the NCC and the relevant Australian Standards.

Clause 2.122 -Traffic Generating Development

27. Clause 2.122 requires that new residential accommodation with more than 75 dwellings where the access is within 90m of a classified road are required to be referred to TfNSW (RMS) for comment. As the subject sites location and the development proposed meets this criterion, a referral was sent to TfNSW who raised no objection to the development subject to conditions being imposed if the application was to be supported.
28. The application was referred to TfNSW (RMS) for concurrence under section 138 of the Roads Act 1993 and in accordance with clauses

2.119, 2.120 and 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021. A formal response was provided granting concurrence subject to the imposition of conditions if the application was to be supported.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

29. State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65) was gazetted on 26 July 2002 and 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. Amendment 3 to State Environmental Planning Policy 65 commenced on 17 July 2015 and implemented various changes including the introduction of the Apartment Design Guide (ADG) to replace the Residential Flat Design Code. Given the nature of the proposal the provisions of SEPP 65 applies to the development.
30. SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes.
31. In order to satisfy these aims and improve the design quality of residential apartment buildings in the State, the plan sets design principles in relation to context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction, and aesthetics.
32. The proposed development has been assessed against the relevant provisions of SEPP 65 and the Apartment Design Code. The proposal fails to satisfy numerous criterion of the Apartment Design Code and the variations sought for the non-compliant elements have not been incorporated into the development or are not supported.

Zoning and GRLEP (2021) Compliance - LEP

33. The site is zoned R4 High Density Residential under the provisions of the Georges River Local Environmental Plan 2021. The proposal satisfies the R4 zone objectives. The proposed application is for a mixed-use development comprising residential apartments with ground floor commercial tenancies fronting the Princes Highway which are all permitted land uses in the R4 High Density Residential zone under GRLEP 2021. The application seeks an increase to the statutory height limit for the lift over run and rooftop elements for the communal open space on the top level of the development which exceeds the maximum permitted building height of 33m.
34. The application has not been accompanied by a Clause 4.6 - exceptions to development standards request to vary the height control nominated within Clause 4.3 – Height of buildings development standard, this is a

jurisdictional matter which prevents the Panel from determining the proposal other than by way of refusal.

Georges River Development Control 2021

35. The provisions of the Georges River Development Control Plan 2021 are applicable to the proposed development. The proposal is not considered to be an acceptable urban design and planning outcome for the site and fails to satisfy all the applicable provisions contained within the GRDCP. A detailed assessment of the proposal against these controls is provided later in this report.

Part 10 Precincts – Kogarah North Precinct.

36. In addition to the general GRDCP requirements, site specific controls have been developed for the Kogarah North Precinct development sites. The proposal fails to satisfy all requirements of the Kogarah North Precinct controls and if approved would result in an inappropriate built form.
37. A detailed assessment of the proposal against these controls is provided later in this report.

Submissions

38. The application was initially advertised for a period of fourteen (14) days between 3 August 2023 and 17 August 2023 in accordance with the Georges River Development Control Plan and the Georges River Council Community Engagement Strategy notification criterion. Twenty one (21) submissions were received.
39. Amended Plans were submitted and the application was re-advertised between 31 July 2024 and 18 April 2024 in accordance with the Georges River Development Control Plan and the Georges River Council Community Engagement Strategy notification criterion. Seven (7) submissions were received.
40. A total of twenty eight (28) submissions were received during the two (2) notification periods.

Conclusion

41. Having regard to the matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment, the proposed Development Application DA2023/0222 seeking consent for demolition of existing structures, lot consolidation and construction of a 10-storey shop top housing and residential flat building development containing 102 residential apartments, 3 x commercial tenancies, one office above two (2) levels of basement containing 53 car parking spaces, tree removal, landscaping and site works is recommended for refusal for the reasons referenced at the end of this report.

Report in Full

Site and Locality

42. The subject development site is known as 1-5 Stanley Street and 1-11 Princes Highway, Kogarah.
43. The allotments and their legal description are noted below:
- Lots 36-40 Sec B, DP1397
 - Lot 1 DP1097818,
 - Lot 1 DP1052346,
 - Lots 2 & 3 DP455617,
 - Lot 1 DP659359.



Figure 1 – Site Locality Plan (Source: Council's Intramaps)

44. The development site is an irregular shaped allotment situated on the northern side of Stanley Street and the western side of the Princes Highway, on the south-western corner of a signalised intersection. The site has a 51 metre frontage to Princes Highway a splay of 4.205 metres and a 64.01 metre frontage to Stanley Street Kogarah. The development site has a total area of 2,554.6sqm. The site is relatively flat with a cross fall of approximately 2 metres from the south-west corner to the north-east corner of the development site.



**Figure 2: Aerial view of the subject site showing two street frontages.
(Source Council's Intramaps)**

45. The site contains a variety of buildings including attached and detached dwellings, a small residential flat building and commercial buildings fronting the Princes Highway. There is minor non-significant existing vegetation over the development site.
46. The subject site is bounded by Princes Highway to the east and Stanley Street to the south. The site is located within the Kogarah North Precinct which adjoins the Kogarah Town Centre and is located approximately 500m to the north-east of the Kogarah Railway Station. There is also a variety of educational institutions in walking distance to the site.



Figure 3: Existing building at 3-5 Princes Highway Kogarah.



Figure 4 - Existing building at 7-11 Princes Highway.



Figure 5 - Existing building at 1 Stanley Street Kogarah.



Figure 6 - Existing building at 3-5 Stanley Street Kogarah

Surrounding Development

47. The subject development site is transitioning from older single and double storey dwellings, low scale residential flat buildings and commercial development to a high-density housing development which is consistent with the up-zoning within the Kogarah North Precinct.
48. Immediately adjoining the site to the north nestled into the “v” shape is a three-storey residential flat building known as 133-137 Harrow Road Kogarah.



Figure 7: Looking south toward the subject site showing the existing residential flat building at 133-137 Harrow Road Kogarah.

49. To the east across the Princes Highway is the Bayside Local Government Area and the properties consist of a mix of older developments comprising commercial premises, single storey dwellings and two storey residential flat buildings.



Figure 8: Looking east across the Princes Highway from the subject site showing older existing buildings within the Bayside Local Government Area.

50. To the south across Stanley Street located on the corner of Princes Highway, Stanley Street and Regent Lane is a seven storey mixed-use building known as 13-17 Princes Highway Kogarah. This building consists of ground level commercial with residential apartments above. Vehicular access to the basement carparking is from Regent Lane.



Figure 9: Looking south showing existing building adjacent to the subject site at 13-17 Princes Highway Kogarah.

51. Also, to the south across Stanley Street located on the corner of Stanley Street, Stanley Lane and Regent Lane is a ten-storey residential flat building known as 2-10 Stanley Street Kogarah. Vehicular access to the basement carpark is from Stanley Lane.

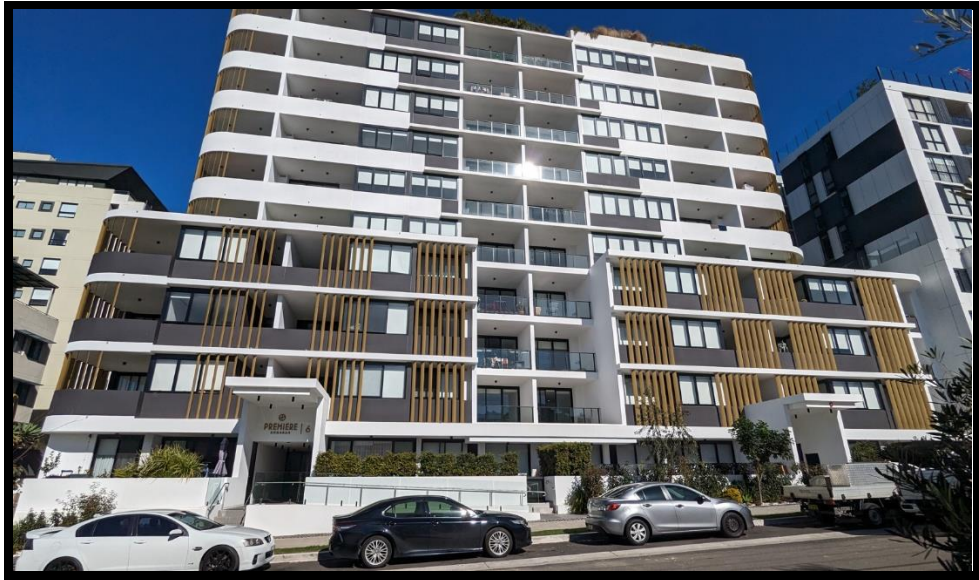


Figure 10: Looking south showing existing building adjacent to the subject site at 2-10 Stanley Street Kogarah.

52. Further to the west along the southern side of Stanley Street is a large ten storey residential flat building known as 12-24 Stanley Street Kogarah. This site has a second frontage to Stanley Lane and a pedestrian through link has been created along the western boundary linking Stanley Lane and Stanley Street. Vehicular access to the basement carparking is from Stanley Lane.

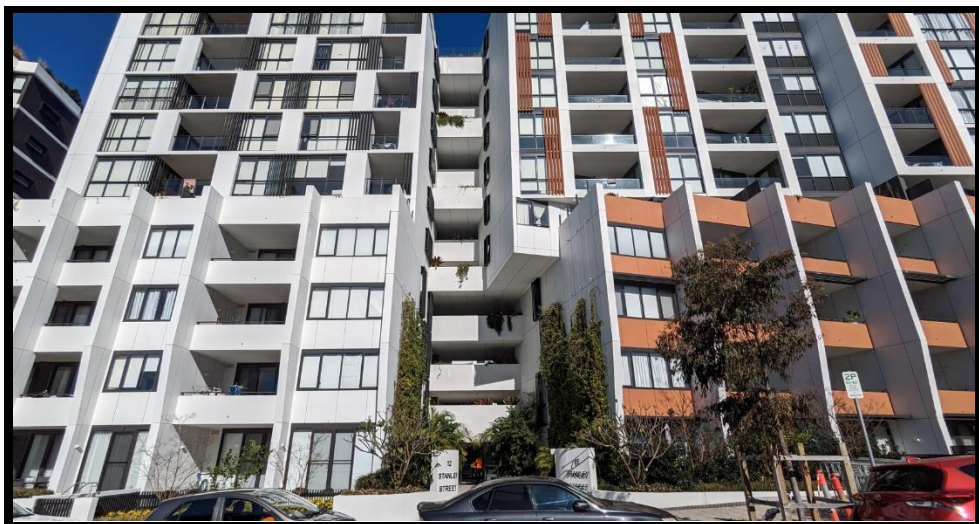


Figure 11: Looking south showing existing building adjacent to the subject site at 12-24 Stanley Street Kogarah.

53. On the northern side of Stanley Street Kogarah adjoining the subject site to the west are three (3) lots containing low density two storey attached dwellings that will become isolated allotments if the proposed

development proceeds. These properties are known as 7, 9 and 9A Stanley Street Kogarah.

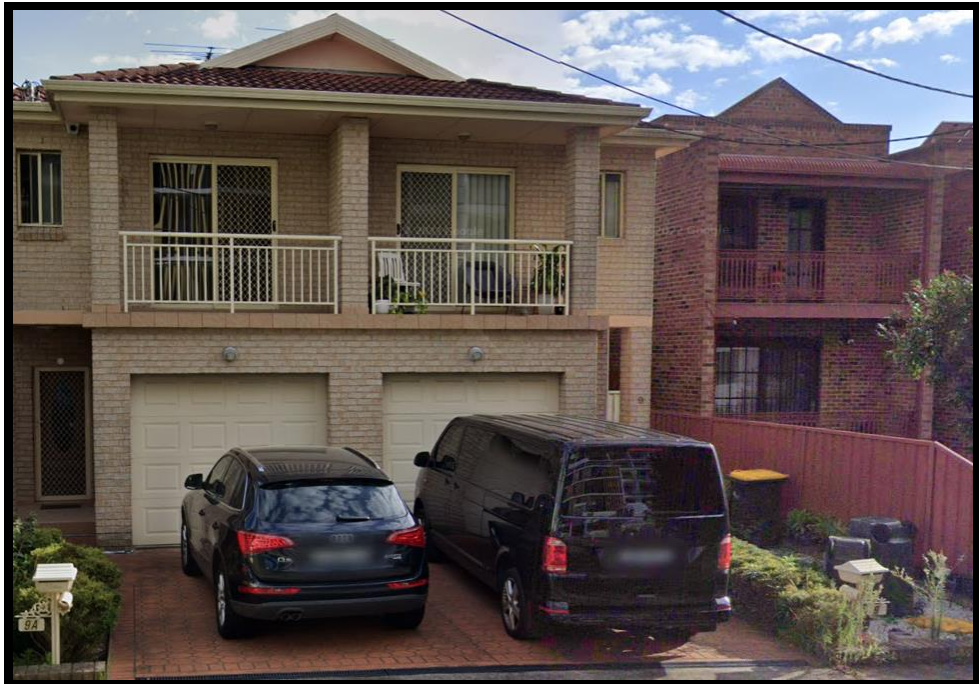


Figure 12: Looking north from Stanley Street showing existing building adjacent to the subject site at 7, 9 and 9A Stanley Street Kogarah (Source Google Streetview).

54. Adjoining the site to the north-west is an older single storey dwelling known as 40 Victoria Street Kogarah which is directly adjacent St George Girls High School situated at 15 Victoria Street Kogarah which includes a two-storey main building listed as a Local Heritage Item I207.



Figure 13: Looking south-east from Victoria Street Kogarah showing the existing dwelling on 40 Victoria Street Kogarah.

55. Adjoining the subject site to the north and to the north-west of 133-137 Harrow Road Kogarah is a four storey residential flat building known as 125-131 Harrow Road Kogarah.



Figure 14: Looking south from Harrow Road Kogarah showing the existing residential flat building known as 125-131 Harrow Road Kogarah.

56. The site is located in close proximity to Kogarah Town Centre, Kogarah Railway Station, St George Public and Private Hospitals, and various educational facilities, including Kogarah Public School, Kogarah High School and St George Girls High School to the north-west. St George TAFE is located in close proximity to the south-east. The site is located approximately 300m from Rockdale Plaza shopping complex.
57. The locality is identified in the GRDCP 2021 as being within the Kogarah North Precinct, and was subject to substantial uplift in zoning, height and floor space under the Kogarah New City Plan gazetted on 26 May 2017. Accordingly, the Kogarah North Precinct is undergoing transition from low density to higher densities, with a number of similar scale residential flat developments already constructed, under construction or approved in the area since the rezoning was affected.
58. The details of those developments are as follows:
- 41 – 47 Princes Highway, Kogarah. 10 storey mixed use development with basement parking. Approved by the Land and Environment Court on 5 July 2018 by way of S34 Agreement.

- 70 – 78 Regent Street, Kogarah. 10 storey residential flat building with basement car parking. Approved by the Land and Environment Court on 24 July 2018 following a contested hearing.
- 2 – 10 Palmerston Street, Kogarah. 10 storey residential flat building with three levels of basement car parking. Approved by the Land and Environment Court on 20 September 2018 by way of S34 Agreement.
- 11 Stanley Street and 28 – 36 Victoria Street, Kogarah. 9 storey residential flat building with three levels of basement parking approved by the Land and Environment Court on 23 October 2018 by way of S34 Agreement.
- 2-10 Stanley Street Kogarah. 10 storey residential flat building with basement parking. Approved by the Sydney South Planning Panel on 11 December 2018.
- 12-24 Stanley Street, Kogarah. 11 storey residential flat building with 4 levels of basement car parking. Approved by the Sydney South Planning Panel on 9 April 2019.
- 2-4 Gladstone Street and 10 Victor Street, Kogarah. 9 and 10 storey residential flat building with ground level retail space and basement car parking. Approved by the Land and Environment Court on 11 April 2019 following a contested hearing.
- 71-97 Regent Street, Kogarah. 10 storey residential flat building with 3 levels of basement car parking. Approved by the Land and Environment Court on 14 May 2019 by way of S34 Agreement.
- 80-84 Regent Street, Kogarah. 11 Storey residential flat building with basement car parking. Approved by the Georges River Council Local Planning Panel on 11 June 2019.
- 58-68 Regent Street, Kogarah. 11 storey residential flat building with basement car parking. Granted consent via S34 agreement on 11 September 2020.
- 44-52 Regent Street, Kogarah. 11 storey residential flat building with basement car parking Granted consent via S34 agreement on 10 February 2021.
- 6-16 Victoria Street, Kogarah. 12 storey residential flat building with basement car parking. Granted consent via S34 agreement on 10 February 2021.
- 18-24A Victoria Street, Kogarah. 10 storey residential flat building with basement car parking. Granted consent via S34 agreement on 25 May 2021.
- 36 & 38 Gladstone Street and 59-69 Princes Highway. 10 storey residential flat building with basement parking approved by Sydney South Planning Panel (SSPP) on 15 December 2022.
- 99 Regent Street Kogarah recent court approved modification application MOD2022/0052 to DA/183/2016 – judgement 12 December 2023.
- 37 Princes Highway Kogarah – DA 2021/0424 - Demolition of the existing dwelling and ancillary structures and subsequent construction of a ten (10) storey 'shop top' development over three levels of basement parking was refused by the Georges River

Local Planning Panel on 20 July 2023. A review of determination was lodged under Clause 8.2 REV2023/0019 which was later withdrawn, an appeal was lodged with the Land and Environment Court of NSW on 13 December 2023. A Section 34 conference is scheduled for 7 June 2024.

Description of Proposal

59. Council received development application DA2023/0222 seeking consent for the demolition of existing structures, lot consolidation and construction of a 10 storey mixed use development containing 102 residential apartments, 3 x commercial tenancies and one office space above two (2) levels of basement containing 53 car parking spaces, tree removal, landscaping and site works.
60. In response to the issues raised as part of Council's assessment the proposal was amended by the applicant. This assessment report is based on the most recent plans and supporting documentation submitted to Council on 21 March 2024.

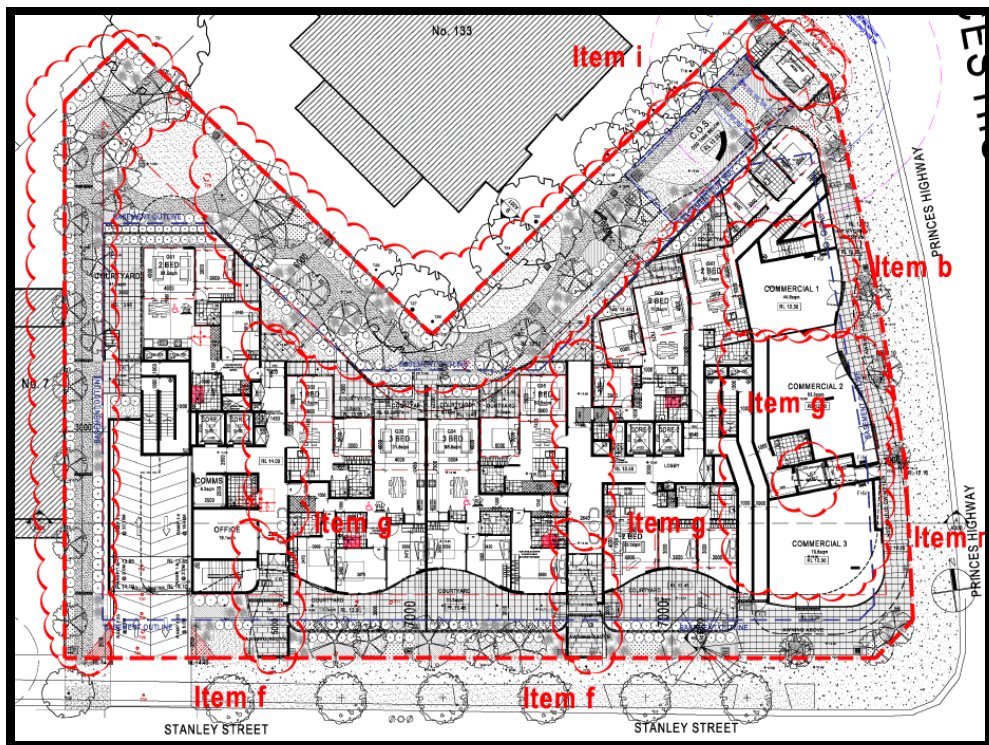


Figure 15: Ground Floor Site Plan – plans submitted 21 March 2024



Figure 16: Architectural perspective of proposal as viewed from Stanley Street Kogarah.



Figure 17: Architectural perspective of proposal as viewed from the Princes Highway Kogarah showing ground level commercial tenancies.

61. A breakdown of the proposed development is as follows:

- Demolition of all existing buildings on the site.
- Lot consolidation.
- Erection of a new 10 storey mixed use building containing 102 apartments and 3 commercial tenancies, one office space above two basement levels containing 53 car spaces, bicycle parking, garbage room, storage and plant.
- The development comprises a four-storey podium element with a partially setback building above, which separates into two towers at the top of the building.
- A roof top terrace is located above the building to provide communal open space that receives a high level of solar access.
- The rear ground floor communal open space is designed in the form of a garden setting.
- Direct street access is provided for all street facing ground floor units and commercial tenancies.
- Vehicular entry to the basement is provided from Stanley Street adjacent to number 7 Stanley Street Kogarah.

Basement Level 2

- 31 Car Parking Spaces

- 5 x visitor car spaces
- 26 x residential car spaces including ten (10) accessible space.
- Vehicle Ramp
- 33 residential bicycle spaces.
- Fire Hydrant & Sprinkler Pump Rom
- 62 Storage areas.
- 2 Fire Stairs
- 3 Lift Cores
- Fire services including the fire hydrant and sprinkler pump room, hose reels and extinguishers.
- Fan room.

Basement Level 1

- 22 Car Parking Spaces
 - 5 x Commercial car spaces including 1 accessible space.
 - 6 x visitors car spaces including 1 accessible space and 1 dual use as a car wash bay.
 - 4 x car share spaces.
 - 7 x residential car spaces including 1 accessible space.
- Waste Truck Loading area and working space.
- Bulky Waste Room.
- Food organics and garden organics (FOGO) Waste Room.
- Commercial Waste Room.
- Residential Bin Holding Room.
- Bin Tug Storage area.
- Two by 2 chute Waste Discharge Rooms.
- Vehicle Ramp.
- 18 residential bicycle spaces.
- 1 retail bicycle space.
- Main Switch Room.
- Fire Hydrant & Sprinkler Tank.
- 2 Fan Rooms.
- Electrical Cupboard.
- 34 Storage areas.
- 2 Fire Stairs
- 3 Lift cores.
- 1 lift shaft.
- Fire services including the fire hydrant and sprinkler pump room, hose reels and extinguishers.

Ground floor Plan

- Three (3) commercial tenancies 44.8sqm, 63.3sqm and 79.6sqm.
- 1 Commercial lift access.
- 1 Commercial accessible toilet.
- Fire services.
- Office 19.1sqm and Comms Room with an accessible toilet.
- Residential apartments comprising the following:
 - 2 x 1 bedroom apartments.

- 4 x 2 bedroom apartments.
- 2 x 3 bedroom apartments.
- Fire Stairs and corridors.
- 2 Residential lift cores containing 4 lifts.
- Electrical and comms cupboards/shafts.
- 2 Garbage/recycling chutes.
- 2 residential entry lobbies with awnings over.
- Residential Mailboxes accessed via Stanley Street entry area to each lobby.
- Kiosk substation north-east of the site along Princes Highway.
- Communal Open space over the OSD tank north-east of the site.
- OSD Tank below the COS.
- Through Site Link Public Walkway along the western boundary.
- Landscaping.
- Entry ramp to Basement levels
- Services and meters

Level 1-3 Plan

- Residential apartments comprising the following:
 - 2 x 1 bedroom apartment on each level – total of 6.
 - 10 x 2 bedroom apartment on each level – total of 30.
 - 1 x 3 bedroom apartment on each level – total of 3.
- 2 Residential lift cores containing 4 lifts.
- Fire Stairs.
- Electrical and comms cupboards/shafts.
- 2 x Garbage/recycling chutes.
- 2 x residential Lobbies.

Level 4 Plan

- Residential apartments comprising the following:
 - 4 x 1 bedroom apartment.
 - 6 x 2 bedroom apartment.
 - 1 x 3 bedroom apartment.
- 2 Residential lift cores containing 4 lifts.
- Fire Stairs.
- Electrical and comms cupboards/shafts.
- 2 x Garbage/recycling chutes.
- 2 x residential Lobbies.

Levels 5-7 Plans

- Residential apartments comprising the following:
 - 3 x 1 bedroom apartment on each level – total of 9.
 - 6 x 2 bedroom apartment on each level – total of 18.
 - 1 x 3 bedroom apartment on each level – total of 3.
- 2 Residential lift cores containing 4 lifts.
- Fire Stairs.
- Electrical and comms cupboards/shafts.
- 2 x Garbage/recycling chutes.
- 2 x residential Lobbies.

Level 8 Plan

- Residential apartments comprising the following:
 - o 2 x 1 bedroom apartment.
 - o 4 x 2 bedroom apartment.
 - o 1 x 3 bedroom apartment.
- 2 Residential lift cores containing 4 lifts.
- Fire Stairs.
- Electrical and comms cupboards/shafts.
- 2 x Garbage/recycling chutes.
- 2 x residential Lobbies.

Level 9 Plan

- Residential apartments comprising the following:
 - o 2 x 1 bedroom apartment.
 - o 4 x 2 bedroom apartment.
 - o 1 x 3 bedroom apartment.
- 2 Residential lift cores containing 4 lifts.
- Fire Stairs.
- Electrical and comms cupboards/shafts.
- 2 x Garbage/recycling chutes.
- 2 x residential Lobbies. n

Roof Plan

- Rooftop area containing the following:
 - o 2 x Communal open space areas, one for each tower.
 - o 2 x Pergolas one in each COS area.
 - o Landscaping to each COS area.
 - o Seating and decking in each COS area.
 - o BBQ and accessible toilet in each COS area.
 - o 2 x Lift over runs one in each COS area.
 - o Centralised hot water plant adjacent to each COS area.

Development Summary

62. A numerical summary of the proposed development is provided as follows:

Element	Proposal
Site Area	2,554.6sqm
Height	34.59m or RL47.5
Levels	Ten (10) storeys
Apartments	102 Residential apartments comprised as follows: <ul style="list-style-type: none">• 25 x 1 bedroom (24.5%).• 66 x 2 bedroom apartments (64.7%).• 11 x 3 bedroom apartment (10.8%).
Commercial/Retail	3 x commercial premises plus one office space.
Car parking spaces	53 car parking spaces comprising the following:

	(i) 33 Residential spaces (including 13 accessible spaces). (ii) 11 Residential visitor spaces (including 1 dual use car wash bay and 1 accessible visitor space). (iii) 5 Commercial spaces (including 1 accessible space). (iv) 4 Car share spaces
Bicycle parking spaces	52 bicycle spaces as follows: - 51 Residential bicycle spaces. - 1 Commercial bicycle spaces.
Common open space	Ground Level – 511.76sqm (20.03%) Roof Top – 415.7sqm (16.27%) Total = 927.46sqm (36.3%)
Deep soil Area	381.5sqm or 14.93% of the site area.
Solar access for apartments	69/102 apartments or (66.6%) receive a minimum of 2 hours of solar access during mid-winter. 18/102 apartments (17.6%) receive no sunlight
Cross ventilation for apartments	55/95 or 57.9% of apartments in the first nine storeys.

Background

63. DA2023/0222 lodged with Council on 12 July 2023 seeking development consent for the demolition of existing structures, lot consolidation and construction of a 10 storey mixed use development consisting of 102 residential apartments, three (3) commercial tenancies and once office space above two (2) basement levels of parking containing 53 car parking spaces, tree removal, landscaping and site works.
64. A request for further information was forwarded to the applicant on 31 October 2023, following receipt of all referrals and a complete assessment had been undertaken. The following issues were raised, and the following amendments and additional information requested:

1. Water NSW

- a) *WaterNSW has reviewed the information provided with the development application and requests the following additional information to permit further assessment of the Development Application. Confirmation of the proposed basement construction design, being either tanked (fully watertight) or drained (requiring permanent ongoing dewatering).*
- b) *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.

- c) *If a drained basement design is proposed, WaterNSW and the Department of Planning and Environment -Water (DPE) 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 below Table 1 Modelling Inputs.*

Table 1 Modelling inputs

WaterNSW and DPIE do not support the drained basement option for basements. However if the proponent is insistent on a drained basement alternative for the design of the basement, they will need to provide all the following additional data and modelling inputs to enable DPIE to undertake the necessary hydrogeological assessment.

Assessment Item

- 1 The estimate volume of water take has been specified in the documentation supplied with the application (in megalitres).*
- 2 Detailed explanation and supporting evidence have been provided to demonstrate the suitability of the volume estimation method (either description of numerical model used or analytical solution and source document).*
- 3 The ground elevation across the site has been provided on an architectural plan or section or detailed in other supporting documents in a manner acceptable to WaterNSW and DPIEWater.*
- 4 A report outlining the geotechnical characterisation of the ground conditions, based on site specific intrusive investigations that fully penetrate to a deep geological unit beneath the property that is identified in the geotechnical report as being consolidated or hard.*
- 5 Frequently repeated water level measurements illustrating the natural range over at least three months (in metres below ground level).*
- 6 The magnitude of required drawdown in water level to achieve dry conditions in the excavation has been identified (in metres).*
- 7 The works proposed to be used for dewatering have been described in detail (number, spacing, depth, individual discharge rates, cumulative discharge rate) and illustrated on specific plan and section diagrams.*
- 8 The base level of the aquifer has been identified or can it be determined from supplied bore logs (in metres below ground level).*
- 9 Accurate excavation footprint dimensions (length, width, bulk excavation level) have been specified (in metres).*

- 10 *Field test results to determine the hydraulic conductivity of lithological units present beneath the site have been reported (in metres per day).*
- 11 *The anticipated duration of dewatering pumping has been specified (days or weeks or months).*
- 12 *The depth of piling embedment beneath the bulk excavation level has been specified (in metres).*

In the case of a drained basement, we request that the geotechnical report be updated accordingly and uploaded to the planning portal. Further information can also be found at <https://www.industry.nsw.gov.au/water/science/groundwater/aquifer-interference-activities>.

2. Urban Designer

a) Creation of a Through Site Link

To enable a more efficient network of pedestrian movement, Part 10 of GRDCP 2021 – Kogarah North Precinct requires a provision of a pedestrian connection (Through Site Link) located approximately opposite Regent Lane, which would be around the centrally located bedroom of unit G09. The Pre-DA letter, dated 3 May 2023, recommended provision of a minimum 6m wide through site link.

The design should be amended as follows:

- *As pre the recommendations in the PreDA letter, the through site link should be minimum 6m wide x 2 storey high with access to natural light and ventilation, which will be a more desirable design outcome.*
- *The through site link should be direct, attractive, well-lit with line of sight from one end to the other (Refer ADG Figure 3G.5).*
- *The location should be in the vicinity of Regent Lane to the south to enhance pedestrian connectivity.*
- *The through site link should be safe and free of entrapment spaces and areas with limited passive surveillance. Where appropriate, it should be lined with active frontages to create a safe and active pedestrian environment.*
- *The through site link should contribute to the public realm, should be identifiable in the streetscape and easy to find.*
- *There should be a separation of public and private spaces.*

b) Topography / Public Private Interface

The site generally slopes down from the western boundary to the east at Princes Highway frontage. The site also slopes down from the northern boundary to the south towards Stanley

Street frontage. The site has a cross fall of around 2.65m and a fall of around 2.33m along Stanley Street.

An attempt has been made to address topography, which is encouraging. However, there still are areas of concern. Apartment G01 is around 0.8m below the existing natural ground. While Commercial 1 at RL 13.20m in the northeast corner is around 1.07m above the existing footpath along Princes Highway with steps and accessible lift. The increase in the finished floor level (FFL) is owing to the location of the OSD / Rainwater Tank (RWT). However, no sections are provided through the RWT to ascertain the changes in levels in the northeast corner.

The level difference between Commercial 1 and existing footpath is not supported as the level difference disconnects the building from the public domain. The steps at Princes Highway frontage are inconsistent with ADG Objective 3C-2, which promotes minimising ramping for accessibility by locating building entries and setting ground floor levels in relation to footpath level. It also encourages design of ground floor to minimise level changes along pathways.

A unisex toilet is also proposed between Commercial 2 and 3 with external access on the Princes Highway façade. This unnecessarily disrupts street activation and not desirable.

The proposal is to be amended for FFLs of Commercial 1 to be at the same level as the existing footpath. Generally, all commercial tenancies should be at the same level as the existing footpath level. Any level changes should be accommodated within the building footprint.

The unisex toilet along princes Highway should be relocated to continue street activation along princes Highway.

All the apartments should also be above the existing natural ground to minimise cut and fill, use of steps and ramps and enhance the relationship between the open space and built form.

c) Setbacks / Building Separation

Level	Direction	Required	Proposed
Ground	North	6.0m	6.0m
	East (Princes Highway)	2.0m	2.0m
	South (Stanley Street)	5.0m	5.0m
	West	6.0m	0m - 6.0m
Up to 4 Storeys	North	6.0m	6.0m
	East (Princes Highway)	2.0m to balcony 4.0m to Building wall	2.0m to balcony 4.0m to Building wall
	South (Stanley Street)	7.0m	5.0m
	West	6.0m	0m
5 to 8 Storeys	North	9m	6.5 (curved area) & 9m
	East (Princes Highway)	5m from the Street to Balcony	5m from the Street to Balcony
	South (Stanley Street)	8m to balcony	8m
	West	9m (between habitable rooms)	6m
9+ Storeys	North	12m	6.5 (curved area) & 12m
	East (Princes Highway)	5m from the Street to Balcony	5m from the Street to Balcony
	South (Stanley Street)	8m to balcony	8m
	West	12m	6m

Table 1: Building Setbacks + Separation

The proposal has numerous non-compliances with the prescribed setbacks under GRDCP 2021 and the ADG building separation distances, especially to the west (Refer Table 1 – non-compliances in red text).

In justification to the 0m setback to the western boundary, the Statement of Environmental Effects (SEE) prepared by Sutherland & Associates Planning states:

to the south across Stanley Street to the east of Regent Lane are a variety of recently completed residential flat buildings which reflect the emerging character of the North Kogarah precinct. These buildings employ a 4 storey podium with 6 storeys above. These buildings also establish a precedent of a nil side boundary setback at podium level, and a 6 metre side boundary setback for the levels above.....

However, as stated in Council's Pre-DA letter, the precedent set to the south is not considered a good urban design outcome and nor is it consistent with the vision for the Kogarah North Precinct, which includes:

Kogarah North will consist of residential and community uses in the form of apartment buildings that will deliver a diversity of heights but will maintain a human scale built form at street level creating a balance between increased housing opportunities, public and private amenity and an active and safe pedestrian environment. The built form will be

complemented by generous public domain with a strong landscape character to create a verdant, attractive and high-quality landscape for the amenity of residents, neighbours and visitors to Kogarah North.

.....The area's leafy streets, beautiful public and hidden parks, community facilities and visible heritage features make for an attractive, people-friendly environment. There are many pleasant places to stop awhile and chat to neighbours, providing the setting for a rich and varied community life.

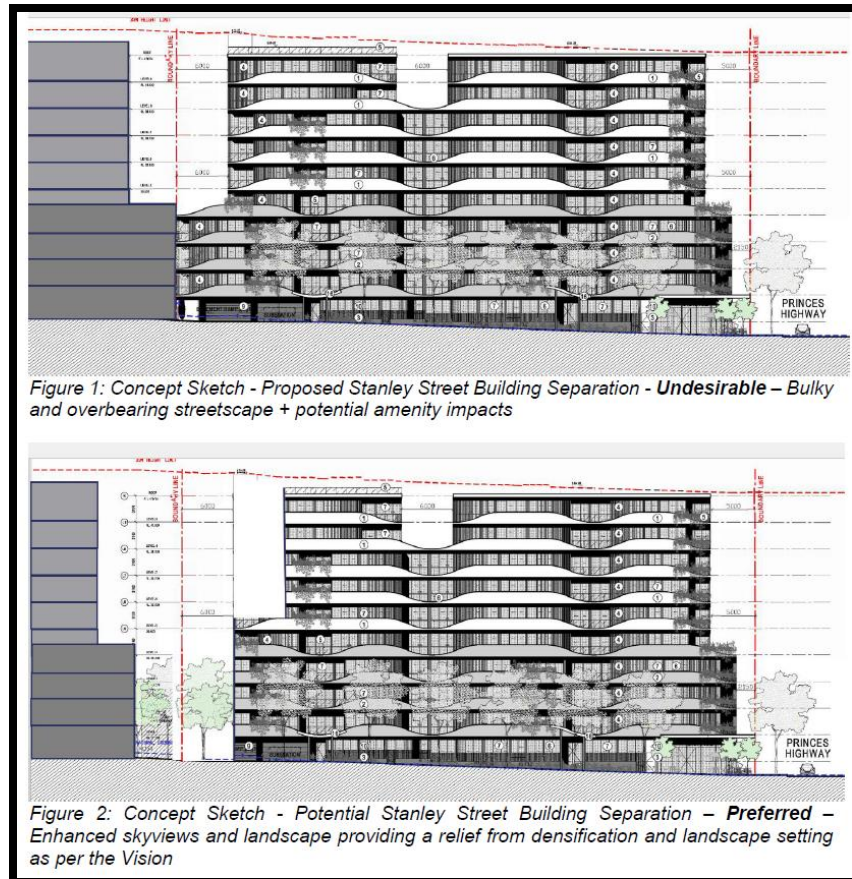
While, the ADG has established that building separation not only ensures that amenity between buildings is maintained but also contributes to the urban form of an area. Hence, one of the aims of building separation under Part 2F of the ADG is to:

- *ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings*

It should be noted that the subject site lies within the R4 – High Density Residential area and a continuous podium is not desired. Continuous podium is only appropriate in the business/commercial zones. The lack of setback to the west denies the opportunity for deep soil planting and landscaping to realise the vision. The proposal and any future development to the west will result in overbearing streetscape devoid of landscaping to minimise the impact of building bulk (Refer Figures 1 and 2).

In addition, the Western Elevation is entirely blank because of the non-compliance with the required building separation. The bulky and blank Western Elevation does not demonstrate design excellence as required under Part 6.10 of GRLEP 2021, which requires highest standard of architecture.

Lack of appropriate building separation/setbacks has resulted in an excessive building bulk and a development that further deteriorates the urban form contrary to the vision established for Kogarah North Precinct. Hence, the non-compliance with the setbacks and building separation is not supported.



Given the densification of the area, scale of the proposal and taking into consideration the vision for the area, the design should be amended to comply with the minimum required GRDCP setbacks and ADG building separation, especially to the west to not compromise any potential development to the west. Façade treatment and building bulk is discussed further below.

d) Basement Car Park

Part 6.3.4 of GRDCP prescribes a minimum 3m setback for basements. However, as discussed further under Section 4.2, for sites with greater than 1,500m² site area **minimum 6m dimensions** are required to be provided to accommodate deep soil areas.

The proposed 4 levels of basement have a 1m setback to the western boundary, 2.6m-6m to the northern boundary, and 3m to the southern and eastern boundaries. Setback to the western boundary and part of the setback to the northern boundary do not comply with the GRDCP. The non-compliance to the basement setbacks is not supported.

A minimum 3m setback to all the proposed basement levels should be provided to the western boundary for the proposal

to comply with the basement setback requirements and to include deep soil along the western boundary to enhance the landscape character.

e) *Vehicular Access*

Vehicular access is proposed with 2.5m setback to the western boundary off Stanley Street. The western side setback narrows down to 1m and includes fire egress. The proposed 3 levels above ground have 0m setback to the western boundary managing to integrate the vehicular access with the façade design.

However, as stated above under Setbacks, the proposal does not comply with the western side setback requirement. And it is recommended to provide the GRDCP required setbacks and ADG building separation. This will have an impact on the current location of the driveway / vehicular entry.

The design of the vehicular access should be consistent with ADG Objective 3H-1, which requires vehicular access points to be designed and located to create high quality streetscapes and to be integrated with the building's façade design. The 6m setback to the west will provide opportunity for deep soil planting that will not only enhance the streetscape but also amenity of future residents.

f) *Pedestrian Access / Building Entry*

Residential

Two main pedestrian building entries are proposed from Stanley Street associated with the 2 service cores/lift lobbies, which are inset and not visible from the building entrance. The entries have white curved awnings in an effort to distinguish them on the facade. Separate individual entries to the ground floor apartments along Stanley Street have also been provided.

The substation in the south-west corner dominates the 2m wide building Entry 1. The plans indicate that the substation projects under Entry 1 canopy to the west, while to the east is the 1.8m high privacy fence of G10 courtyard. Similarly, the 1.8m wide building Entry 2 has 1.8m high privacy fence of G07 and G08 courtyards on either side.

The building entries through the 1.8m high privacy fence and in part encroached by a substation is not considered a high quality and pleasant walking environment. The white curved awnings blend in with the all the curved elements and materiality on the façade.

This is not consistent with ADG objective 3G-1, which requires building entries to be clearly identifiable and distinguishable. The proposal is also not consistent ADG Objective 3G-2, which requires building access areas including lift lobbies, stairwells and hallways to be clearly visible from the public domain. Hence, not supported.

The lifts should be located to be clearly visible from the public domain. This will not only enhance the visual and physical pedestrian connection of the proposal with the public domain but also the ease of wayfinding.

The building entries should be designed such that they contribute to the identity of the building and the character of the streetscape. Building entries should be clearly identifiable and distinguishable on the façade and provide high quality and pleasant walking environment.

The exact area required for the substation should be determined and the design finalised accordingly.

g) Common Circulation Space

The proposal includes a 2m wide corridor/common circulation space associated with Service Core 1 and a 1.8m wide corridor associated with Service Core 2 (widens to 2m wide lift lobby) connecting the pedestrian entry with the service cores.

Commercial parking spaces are provided on Basement Level 2. However, separate service area has not been provided as required under ADG Objective 4S-2. To access the commercial tenancies, the employees / customers will have to exit the building and walk as much as 50m to Commercial 1. Accordingly, the commercial components of the building are inaccessible to people with a disability.

On the 3 levels above ground, Service Core 2 provides access to 9 apartment/floor. This does not comply with ADG Objective 4F-1, which allows maximum 8 apartments off a circulation core on a single level. The corridors associated with each service core is around 1.54m – 2m wide with no opportunity for casual social interaction or gathering. The proposal does not comply with ADG Objective 4F-2. The garbage chutes and maintenance room doors that open onto the corridors will be an obstruction in the narrow corridors.

*Although the corridor width may comply with the AS, **it is recommended** that greater than minimum required corridor widths should be provided to allow for comfortable movement*

while also incorporating the building services. The corridors should also be designed to provide incidental space for casual social interaction.

The non-compliance of the proposal on the 3 levels above ground with the maximum number of apartments accessed for a circulation core could be taken into consideration subject to compliance of the proposal with all other requirements and the design amended to address the urban design recommendations.

h) Private Open Space and Privacy

It should also be noted that Objective 4E-1 of the ADG recommends a minimum 2m depth for balconies of 1 and 2 bedroom apartments with a minimum 8m² and 10sqm area respectively. The proposal includes numerous curved primary balconies and balconies which may have planter boxes and following issues are raised and need clarification:

Concern is raised on the primary balcony of the following apartments:

- The 9sqm POS of apartments 408, 508, 608, 708 do not comply with the minimum required 10sqm.*
- Apartments 111, 211, 311 have a maximum 2m depth and minimum 0.60m.*
- Apartments 116, 216, 316, have minimum dept of 1.6m, which will be further reduced if a planter was incorporated.*
- Apartments 103, 203, 303 have a depth of 2m; however, if planter boxes are incorporated the depth will not comply with the ADG.*
- Apartments 104, 204, 304, 115, 215, 315, 804, 904 have a depth of 1.4m – 1.8m.*

Planting is illustrated on the 3D Visualisation images as well as the elevations. However, no information is provided on the landscape plans. In addition, the planter box sizes are inaccurate as the overall depth of 0.15m is considered inadequate.

Although some of the above non-compliances could be considered minor. The numerous POS non-compliances, in addition to the other urban design issues demonstrates the proposal is an over development of site.

In addition, the quality of the primary balconies and the bedroom privacy is also of concern as majority of the balconies are located adjacent bedrooms with windows that

overlook into the balconies. This is undesirable especially for the 2 and 2 plus bedroom apartments.

The design should be amended for the balconies to comply with the minimum ADG recommended depths. The balconies should be located to minimise privacy impacts.

In addition, accurate information should be provided on the proposed planters on the balconies. If planter boxes are provided, then accurate information should be provided accordingly. If planter boxes are not proposed, then the 3D visualisation images should be amended.

i) Communal Open Space –

Objective 3D-1 of the ADG requires minimum 25% of the site area to be provided as communal open space (COS) with minimum 3m dimension. Minimum 50% of the COS is to receive direct sunlight for a minimum 2 hours between 9am to 3m on 21 June. The design guidance requires COS to be co-located with deep soil area.

In addition, the recently adopted GRDCP prescribes that no more than 40% of the required COS to be located above ground. The GRDCP also prescribes a minimum 5m dimension for the COS.

*Based on the Site Area being 2,398m² (**Note. site area varies depending upon the documentation, Council will be using the registered lot dimensions and areas**) the subject site requires a minimum 599.6m² COS. Based on the calculations provided, the proposal provides in total 700.4m² COS (431.4m² on ground and 269m² on roof top) (Refer Drawing No. A703). However, the separation between the public and communal open space at ground level is unclear given the potential public link through the site within the open space area to the north.*

The proposal complies with the numerical requirements based on a site area of 2,398m². However, the COS is more of a 'left over' space as it is not well integrated with the built form. At ground, the majority of the COS has interface with private courtyards with around 2.0m high privacy fence preventing any informal casual surveillance. The COS is also unlikely to receive the required sunlight in the future if the site to the north when developed.

The design should be amended for the COS to be well integrated with the built form and not be a "left-over" space. A preferred option could be to locate the COS space such that

it has equitable and direct access and visual link from the service core.

The solar access study should take into consideration the potential development to the north.

It is acknowledged that the through site link will not be usable until the completion of development to the northwest in the future. However, the design should be future proof and hence clarification should be provided on the separation between the public and communal spaces.

j) Deep Soil

*Objective 3E-1 of the ADG requires minimum 7% of the site area to be provided as deep soil area with **minimum 6m dimensions** for sites greater than 1,500m² site area. For site area greater than 1,500m², where possible, the ADG also recommends providing 15% of the site area as deep soil area.*

*Based on the Site Area being 2,398m² (**Note. site area varies depending upon the documentation**) requires a minimum 167.86sqm deep soil area. Based on the information provided, the proposal in total provides 384m² deep soil area (Refer Drawing No. A704 and Landscape Plan Drawing No. DA-L101). However, this figure is incorrect as areas occupied by private courtyards, paving and timber deck pedestrian paths have also been included. Considering this, the proposal is unlikely to comply with the ADG deep soil requirements.*

Accurate deep soil calculations based on the ADG description and minimum 6m dimensions should be provided. Any non-compliance with the deep soil requirement will not be supported given the R4 zone.

k) Solar Access

Objective 4A-1 of the ADG requires minimum 70% of the living rooms and private open spaces (POS) of apartments in a building to receive a minimum 2-hour direct sunlight between 9am and 3pm at mid-winter. A maximum of 15% of apartments could receive no direct sunlight. The proposal includes a total of 112 apartments of which minimum 78.4 apartments and their POSs are required to comply with the ADG.

Based on the information provided, 87 of the total 112 apartments receive the minimum required 2 hours direct sunlight. However, the proposal has not taken into consideration the potential development to the north. Given

the upzoning of the area, it is very likely that the site to the north will be development to similar scale.

Secondly, given the apartment layout, it is considered that apartment along Princes Highway may not receive the required direct sunlight. Skylights are proposed above the podium roof along Stanley Street to enhance solar access to the south facing apartments. Privacy concerns are raised due to lack of information.

The following needs to be provided:

- Detail solar analysis should be provided taking the context into consideration especially the potential development to the north.*
- Detail solar analysis should include elevational shadows and internal views*
- Sun eye diagrams taking into consideration potential development to the north should also be provided to ascertain the compliance of the proposal with the required direct solar access.*
- Addition information should be provided on the treatment of the skylights on the podium roof and privacy issues given the proposed landscaping on the podium roof as illustrated on the 3D Visualisation images.*

Any non-compliance to the solar access requirements is unlikely to be supported.

l) Shadow Analysis

It is acknowledged that the area has been zoned for certain scale of development. However, every effort should be made to minimise overshadowing of the public domain to the south. This includes providing appropriate building separation, building breaks to allow for sunlight penetration and sky views.

The proposal should provide setbacks to the west to minimise overshadowing to the south.

m) Natural Cross Ventilation –

Part 4B-3 of the ADG requires minimum 60% of apartments in the first nine storeys of a building to be naturally cross ventilated. It also requires the overall depth of apartments to not exceed 18m. To facilitate air flow, ADG provides following design guidance:

- Building should include dual aspect, cross through and corner apartments.*

- Ventilation openings (inlet and outlet) with approximately the same area.
- Apartment layout designed to minimise number of corners, doors and rooms that might obstruct airflow.

The information provided state that 74 out of the total 112 apartments proposed have access to natural ventilation. However, this number is incorrect.

Apartment G01 indicates air flow from the living room to adjacent courtyard with 2m high privacy screen. There is not movement of fresh air through the apartment. It is also not consistent with ADG Objective 4B-1, which requires all habitable rooms to be naturally ventilated.

Apartments 103, 203, 303 has the airflow through a kitchen high level window into the corridor and out through the 1.5m wide louvered window of the 1.5m wide x 10.5m long building indentation. This is not supported as it is considered that movement of air through this convoluted, narrow and long space is unlikely. For effective air circulation, the ADG recommends a 2:1 (width to depth) ratio for building indentations (Refer ADG Objective 4B-2). In addition, there is a significant difference in the size of the inlet and outlet.

Concern is raised on all the single aspect apartment, which include 104, 204, 304, 105, 205, 305, 110, 210, 310, 113, 213, 313, 116, 216, 316, 115, 215, 315, 804, 904. Natural cross ventilation is not achieved in these apartments (Refer ADG Figure 4B.8).

Given the layout of the apartments, concern is also raised on lack of natural cross ventilation of apartment 801 and 901.

Accordingly, only 50 (44.4%) of the 112 apartments are naturally cross ventilated. This does not comply with Objective 4B-3 of the ADG.

The design should be amended for the proposal to comply with the minimum required 60% apartments to be naturally cross ventilated.

Clarification is also required on the following:

- Apartment G06 air flow is indicated through two bedrooms and courtyard.
- Apartment 101, 201 and 301 has air flow through two bedrooms and into the 1.5m building indentation, which is not supported.

In addition, accurate drawings should be provided indicating the true air flow rather than just the annotation of arrows.

n) Ceiling Heights

The FFL of Commercial 1 is at RL 13.20m and 1.07m higher than the FFL of Commercial 2 and 3. However, the entire floor has a single slab. This results in Commercial 1 having ceiling height of 3.9m (floor to floor). This does not comply with the required height for ground floor non-residential uses.

It is recommended that the design should be amended for the ceiling height of Commercial 1 to comply with ADG and be consistent with Commercial 2 and 3 ceiling heights.

o) Building Services

Substation is located adjacent the vehicular access off Stanley Street. Fire Hydrant Booster is located at the intersection of Stanley Street and Princes Highway.

Confirmation from the energy provider is to be provided on the size of the substation kiosk as any increase will have an adverse impact on the streetscape and the building entry. Similarly, given the dominance of the Fire Hydrant Booster at the intersection of Stanley Street and Princes Highway, the location is considered undesirable.

Following is recommended:

- Locating the substation at the corner of Princes Highway and Harrow Road or a basement chamber substation should be considered.*
- The Fire Hydrant Booster should be relocated away from the intersection of Stanley Street and Princes Highway where possible, is there an alternate compliant location that could be considered.*
- All building services included should be integrated into the development and the façade design without compromising street activation and minimise the impact on the streetscape.*
- Consider installing smart electrical and gas meter that could be installed away from the street frontage as service providers do not need access to the smart meters.*

p) Architectural Expression and Bulk and Scale

The proposed development is clearly rooted in the architectural language of the developments constructed in recent years in the area, which are dominated by mundane

repetition of architectural elements and materials with little attention to detail, massing composition or design excellence (Refer Drawing A011 and Figure 3).

The proposed development is described as providing attractive contemporary architectural expression in the SEE.

It is acknowledged that there is variation in massing created by the podium and tower typology. However, it is considered that the façades predominantly are a composition of repetitive building elements. The façade design lack variation in materiality and are dominated by clear glass, dark/black aluminium fins and white and grey undulating / curved render balcony balustrade emphasising horizontality (Refer Figure 3). The flat roof further accentuates horizontality and does not enhance the built form or the skyline.



Figure 3: Stanley Street Elevation – landscaping on façade in the current design is not feasible (Source: tony owen ptrrs)

Development on the site to the west will happen. With a continuous podium and lack of appropriate building separation above the podium along Stanley Street, the streetscape will be dominated by overbearing built form with lack of landscaping contrary to the Vision for the area (Refer Figures 1 and 2).

In addition, the unarticulated Western Elevation presents a bulky, 10 storey monolithic wall when viewed from the west, which will dominate the views till the site to the west is developed. This is undesirable and does not demonstrate design excellence.

The 6m separation on levels 9 and 10 does not provide relief from the bulk below, especially along Stanley Street and views looking south from Princes Highway. The articulation in the form of the repetitive balconies do not provide depth in the massing as there is no projection or surface recession on the

façade. The solid-to-void relationship of the northern, southern and eastern elevations too is not proportionate with significant proportion of the façade dominated by glazing.

Along Princes Highway, the elevated Commercial 1 FFL adds to the bulk at street level and disconnects the public / private domain.

On the southern façade (Stanley Street frontage) the main building entries are not clearly identifiable. Additional details should be provided on the public / private interface treatment as it is likely that privacy screens will be provided for the POSs within the front setback, that will dominate the streetscape and is undesirable.

Generally, planting is indicated on the 3D Views to enhance the presentation of the proposal. However, as discussed under section 3.2, concern is raised on the accuracy of the information. In addition, planting indicated on the non-trafficable podium roof on elevations but not on plans. If planting is proposed the maintenance of it is of concern

It is recommended that the proposal should be amended for it to make a positive contribution to the public realm.

All recommendations provided should be taken into consideration and addressed for the building to deliver highest standard of sustainable architecture and urban design as prescribed under Clause 6.10 of GRLEP 2021.

Using vertical emphasis to balance the overall size and horizontality should also be considered to break the horizontality, building bulk and the monotonous pattern and repetitions of the facades. Variation in materiality and texture should also be considered for the facades to contribute to the visual interest. Any blank walls should include changes in materials, patterns, colours or other design elements to provide some visual variation. The roof form should enhance the built form and the skyline.

To break the overall bulk, the proposal should consider a podium and two towers to mimic the built form on levels 9 and 10. This will also provide opportunity to incorporate dual aspect or corner apartments for the proposal to comply with the ADG requirements on natural cross ventilation.

One of Council's priorities under the LSPS is to improve architectural quality of developments, innovation is required in the design. Design solutions that integrate vertical gardens in

the building façades must be explored to enhance visual appeal and address sustainability.

The proposal is not supported in its current form. This referral provides numerous recommendations for design amendments. The proposal will require considerable amendments in order to receive support from an urban design perspective.

3. Senior Development Engineer

- a) *Driveway Profile: - The applicant is to submit a profile (longitudinal section) demonstrating access clearance by the B85 Design Vehicle (85% percentile vehicle in accordance with AS2890.1 2004)” for the entry and exit. This profile (scale 1:20) is to show levels and grades from road centreline to the proposed internal garage floor level including but not limited to levels of, Road centreline, changes of grade on road surface, lip of gutter, invert of gutter, back of vehicular crossing (gutter layback), front of path, back of path and boundary. The profiles provided are to also include the natural surface of the land as well as the proposed design including cut and fill dimensions.*

Additional profiles are to be provided on either side of driveway when longitudinal grade of road exceeds 8%. The profile will be used to assess suitability of proposed internal driveway levels and does not represent final footpath or road levels. The levels on Councils Road related area including boundary level will be provided follow the submission of an “Application for Driveway Crossing and Associated Works on Council Road Reserve” issued under Section 138 Roads Act.

The Stormwater and OSD - The applicant is to submit documentation check list (Appendix –A1 of the SMP) are required to be completed by the consulting engineer and submitted together with the submission. The SMP can be obtained from the following link:
<https://www.georgesriver.nsw.gov.au/StGeorge/media/Documents/Council/Governance/Codes%20and%20Policies/Pol-073-01-01-Stormwater-Management-Policy-April-2021.pdf>

4. Senior Building Surveyor

*BCA classification - Class 9c & 7a
RIS -11
Effective Height more than 25m
Type of Construction: Type A*

The proposal has been examined as an overview for general compliance with the Fire Safety and construction provisions of Clause 69 of the EP&A Regulation - a detailed Building Code of Australia assessment has not been undertaken.

After review of the submitted BCA report, several issues were identified. It should be noted that the BCA report should be amended to be consistent with new NCC BCA Vol.1 which came in effect in May 2023.

i. A number references to BCA were made to the BCA 2019 which does not reflect the requirement of current BCA 2022.

RECOMMENDATIONS

Subsequent to our assessment of the proposed development, it is recommended that the following matters are to be addressed to comply with the BCA utilising either as the 'deemed to satisfy' provisions or via an alternate solution under the performance requirements (as advised by the client):

- Storage areas/ loading bay within Basement 1 is to be reduced to FRL's to achieve 120 mins in lieu of 240 mins respectively, subject to a performance solution to address the relevant Performance Requirements of the BCA.
- All openings within 3m of the external boundaries (fire source feature) are to be protected in accordance with C1D5 or via an alternate solution which is to be prepared and addressed at the Construction Certificate stage.
- A single exit has been provided to the roof top communal area, hydrant/sprinkler pump room, commercial room 1 (Possibly 2 and 3 also) which do not comply as per D2D3 of the BCA.
- The distance to a point of choice or exit do not comply with clause D1.4 of BCA.
- The distance between alternative exits do not comply with clause D1.5 of BCA.
- The discharge and path of travel from all fire stairs on the ground floor, do not comply with D2D12 as they discharges into the covered area that is less than 1/3 in perimeter and it passes opening with 6m to the road.
- The discharge of the eastern fire stairs that are from the separate descending fire scissor stairs discharge with the one fire passage way that is not independent from each other and they do not comply with D2D12.
- Performance solution required to hydrant/sprinkler pump room as no airlock has been provided in the design as required in clause D2D12.
- The door swing from the hydrant/sprinkler pump room to the fire stair is non compliant as it swing into the room as per D2D12.
- The building will be provided with a hydrant system in accordance with the provisions of Clause E1.3 of the BCA and AS 2419.1.
- The entire building will be protected by a sprinkler system throughout complying with Clause E1.5 and Spec E1.5 of the BCA.
- Stay pressurisation is required to all fire isolated exit. The system is to be compliant with AS/NZS 1668.1 and Specification E2.2a of the BCA.
- A Fire Control Centre is required to comply as per Specification E1.8.
- Emergency lift compliance is required with E3.4 as the building has a effective height greater than 25m.
- The building contains a Class 7a Carpark and also the Class 6 use which means the concessions for Zone Smoke Control Systems cannot be applied to the building as per E2D6 and we understand these will be considered via performance-based solutions.



Designers are to confirm that stair pressurisation testing will be achievable given the commission requirements under AS1668.1-2015 requiring multiple doors to be open when testing occurs. (Designers are also to detail relief air paths on plans).



FIRE CONTROL CENTRE

A fire control Centre is required to buildings with an effective height more than 25m, as per E1D13 and Specification. The design and compliance will be subject to be reviewed at the CC stage.

SMOKE HAZARD MANAGEMENT

The building will be provided with a smoke management system in accordance with the provisions of Clause E2D5, E2D6 and Specification 20 of the BCA.

The building will require:

- Class 2: An automatic smoke detection and alarm system in accordance with E2D5 and Specification 20 and AS 3786.
- Class 6: An automatic smoke detection and alarm system complying with E2D6 and Specification 20.
- Class 7a: Carpark requires natural ventilation or mechanical ventilation system in accordance with AS 1668.2 and Clause D2D13 of AS/NZS 1668.1.
- Occupancy warning system compliant with clause S2D27 of Specification 20 and AS 1670.1-2015 to be provided throughout the entire building.

The building contains a Class 7a Carpark and also the Class 6 use which means the concessions for Zone Smoke Control Systems cannot be applied to the building as per E2D6 and we understand these will be considered via performance-based solutions.

The design of the service will be subject to review by a fire services consultant. Evidence with compliance with E2 of BCA is required prior to the issue of the Construction Certificate.

EMERGENCY LIGHTING

Emergency lighting will be provided throughout the building in accordance with Clauses E4D1 & E4D1 of the BCA and AS2293.1.

The design of the service will be subject to review by the electrical fire services practitioner.

EXIT SIGNS

Exit signs will be provided throughout the building in accordance with Clauses E1D5, E1D6 & E4D8 of the BCA and AS2293.1.

The design of the service will be subject to review by the electrical fire services practitioner.

ii. Draft Proposed Fire Safety Schedule listed 'Fire engineering report by I-Fire', which is not applicable to the proposed development.

APPENDIX B – DRAFT PROPOSED FIRE SAFETY SCHEDULE

MEASURE	STANDARD OF PERFORMANCE
Access panels to fire-resisting shafts	BCA Clause C4D14, AS 1905.1-2015.
Automatic fail safe devices	BCA 2022 Clause C4D5, D3D26, AS 1670.1-2018
Automatic fire suppression system	BCA Clause E1D4, E1D11(2), Specification 17, AS 2118.1-2017 & AS 2118.6-2012.
Wall wetting sprinkler and drencher systems	
Automatic fire detection system	E2D2(2)(b)(v), NSW E2D19(3), clause S20C2(c) of Specification 20, S20C4, AS 1670.1-2018.
Automatic shutdown air handling systems	NSW E2D16, AS1668.1-2015, S20C6, AS 1670.1-2018.
Emergency lifts	BCA Clause E3D5 AS 1735.2 – 2001
Emergency lighting	BCA Clause E4D2 & E4D4, AS 2293.1-2018.
Emergency warning and intercom system	BCA Clause E4D9, AS 1670.4-2018.
Exit signs	BCA Clause E4D5, NSW E4D6, E4D6, AS 2293.1-2018.
Fire alarm monitoring system - Sprinkler system only.	BCA Clause E1D4, E1D11(2), Specification 17, AS 2118.6-2012, AS 1670.3-2018.
Fire Control Centre	BCA Clause/Specification E1D15
Fire dampers	BCA Clause C4D15(2)(b), AS 1668.1-2015, AS 1682.1-2015.
Fire doors	BCA Clause C3D14, C4D5, C4D9, D2D12, AS 1905.1-2015.
Fire hose reels	BCA Clause E1D3, AS 2441-2005.
Fire hydrant system	BCA Clause E1D4, AS 2419.1-2021.
Fire seals (protecting openings in fire resisting components of the building)	BCA Clause C4D13, C4D15, Specification 13, and manufacturers specifications.
Fire Engineering	Fire Engineer Guidelines (TBA)
Mechanical air handling system	BCA Clause/ Specification E2D4 (Clause 6), AS/NZS 1668.1 – 2015 & AS 1668.2 – 2012 & AS1670.1- 2018 (Clause 7.4 Smoke Control Systems)
Portable fire extinguishers	BCA Clause E1D14, AS 2444-2001
Pressurising system	BCA Clause/ Specification E2D4 (Clause 6) & AS/NZS 1668.1 – 2015 & AS1670.1- 2018 (Clause 7.4 Smoke Control Systems)
Power operated exit doors	BCA Clause D3D24, D3D26
Standby power systems - battery back-up for emergency lifts;	Fire engineering report by i-Fire.
Smoke and Heat Alarms	BCA Spec E2D4 and AS3786-2014 and Manufacturer's Specification
Smoke doors	BCA Clause S11C2, S11C3, C3D6, C3D15, D3D7, G3D4, Spec 11, Spec 12
Smoke proof walls	BCA Clause C3D6, NSW C3D4(3), C3D15, Spec 11
Warning and operational signs	BCA Clause C4D7, D3D28, D4D7, E2D4, Specification 19, Specification 23, Specification 27, Clause 108 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

There are inconsistencies between the BCA clause referenced in report, error in the proposed fire safety schedule and no clause-by-clause assessment to proposed building in term of BCA compliance. Considering the scale and complexity of the building, The BCA report is considered unable to be referenced in the Development Consent as it is not addressing the correct criterion.

An amended BCA report is to be provided.

5. **Waste Development Officer** **Waste Management Plan and design**

a. *The Waste Management Plan submitted is incomplete.*

- The applicant must outline within an updated/new Waste Management Plan (WMP) the proposed methods for managing waste from the demolition and construction phase of the project. For construction and demolition stages of the development, the WMP must propose, at a minimum, all information outlined in Section 1 (Attachment 1) of the Georges River DCP 2021.*

- b. *There are inconsistencies within the Waste Report (WMP) as follows:*
- i. *Food organics are proposed to be collected both weekly and fortnightly.*
 - ii. *Waste collection services are proposed to be provided by both Council and private service providers.*
- *Ensure a revised Waste Management Plan is provided that is consistent and corresponds with updated Architectural Plans.*
- c. *The applicant has proposed a single chute system to transport general waste to the bin storage area on the basement floor level 1. Recycled materials are to be collected in separate bin storage areas provided on each occupied level and transferred to the basement floor level 1 bin storage area. Council does not support this proposal, a dual chute or switching system is required as a minimum.*
- *The applicant must outline on revised architectural plans and corroborate these within a revised WMP a single chute with switching device or dual chute system for general waste and recycling waste, using either rotating or linear tracks at the discharge point in the waste room.*
 - *If the applicant proposes a switch chute system, it will be the responsibility of the Owners Corporation/Building/Strata Manager to ensure contaminations is managed to the satisfaction of Council. Council reserves the right to cancel any services provided at the property in the event contamination is not managed appropriately full details to be provided in the updated WMP.*
- d. *The applicant has not allowed for organic food waste generated by residents to be managed in a way that encourages source separation. Best practice source separation is achieved by providing residents with a safe and convenient opportunity to manage waste. The applicant has proposed resident transport waste from units directly to the basement waste storage area.*
- *The applicant must outline on revised architectural plans and corroborate these within a revised WMP, the path of travel of organic waste from the point of generation (each unit) to level specific waste/bin storage area/s, then to the central storage area/collection point.*
 - *The applicant must provide a food organics bin storage area on each occupied floor, suitable for the storage of at*

least 2 days' worth of food organics at a ratio of 13.71L per unit, per day. The mobile garbage bins for the collection of food organics are to be rotated with empty bins daily by the managing body.

- e. *The applicant has proposed the fortnightly collection of food organics. This is not consistent with waste management practices that manage odour and provide good amenity to residents.*
 - *The applicant must outline within an updated/new Waste Management Plan (WMP) as a minimum the proposed methods for weekly collection of organic food waste in accordance with all applicable regulatory requirements, relevant health and environmental standards and to the satisfaction of Council.*
 - *All organic food waste storage areas are to be maintained in clean, safe and hygienic manner. In the event organic food waste storage areas are not maintained in an appropriate manner, Council reserves the right to cancel any organic food waste services provided at the property. Details are to be provided in the revised WMP on how this will be achieved.*
 - *If weekly organic food waste disposal is not proposed the Applicant must demonstrate in a revised WMP that the any alternate method meets the following requirements:*
 - *Is not likely to harbourage and/or a likely breeding place for insects and/or vermin.*
 - *Is being dealt with satisfactorily and is not causing an odour nuisance to residents.*
 - *Private waste collection services provided for the removal residential food organics are restricted to a maximum of twice weekly between Monday – Friday and within the hours of 6am – 10pm. Private waste collection services are to occur entirely within the confines of private property with bins or waste prohibited from being placed on Council land for servicing or collection. Full details to be provided in a revised WMP on how this will occur within the property.*
- f. *The applicant has not met the minimum requirements for onsite collection by Council's waste service contractors. The proposed collection location is on basement level 1 and is not supported by Council. Furthermore, access to the basement does not allow access for any waste collection vehicles. The ramp height shown in drawing A302 is only 2.2m at its lowest point. The applicant has options for collections, and a redesign should consider such options.*

- *The applicant must outline on revised architectural plans and corroborate these within a revised WMP showing the bin collection arrangements are suitable for onsite collection.*
- *Wheel Out Wheel Back' (WOWB) service is not supported at this location with the design proposed so full details are required on off-street collection location.*

Construction and Demolition Waste

- g. The provisions for managing construction and demolition waste have not been provided.*
- *Ensure a revised Waste Management Plan is provided addresses managing construction and demolition waste.*

Ongoing Operational Waste

RESIDENTIAL

- h. The applicant has allowed for the required bins to be stored onsite for use by residents in managing waste at the site by use of private waste contractor. In the event that the applicant proposes to modify the bin room location and change the servicing arrangements to use Council's waste contractors the following would need to be addressed.*
- *The applicant must allow sufficient bin storage at the following:*
 - *120L general waste per unit per week – equivalent to 7 x 1100L general waste bins per week, serviced twice weekly,*
 - *120L recycling per unit per week – equivalent to 28 x 240L commingled recycling bins per week, serviced twice weekly,*
 - *120L organics per unit per week equivalent to 23 x 240L organic waste bins per week, serviced twice weekly.*
 - *Units with greater than 50 units must provide a separate paper storage area at a rate of 660L for every 50 units – equivalent to 3 x 660L bins per week, serviced once weekly.*
- i. The location of the bin storage area on each occupied levels does not encourage source separation by providing residents with convenient opportunity to manage the waste stream. In all but one location the recycle bin storage areas are positioned away from and not adjacent to the waste chute system inlet and this is not supported.*

- *The bin storage areas on each occupied floor must encourage source separation and be located in a convenient location adjacent to a chute system inlet.*
- *The bin storage area must not result in odour or nuisance to residents. Bin storage areas should not be located adjacent to or opposite unit entry points to avoid nuisance.*

j. The applicant has allowed for the storage of bulky waste generated by residents, but the design is either deficient or lacking in detail. Following details need to be included in the architectural Plan and/or the Waste Management Plan

- *For a development of 112 residential units, the following storage space will be required for bulky waste:*
 - *Over 100 units: a minimum of 12sqm + 2sqm per 50 additional units above 150 units (or part thereof).*

The bulky waste storage area must be secured, and only permitted to be used by the Body Corporate/Building Manager to prevent illegal dumping of waste.

The management of access to the designated bulky waste storage area will be the responsibility of the Body Corporate/Building Manager. The access into the storage area must be double door width, and/or use roller doors where space is constrained. Any double-width doors must have a wide hinge to open flush with walls so as to not restrict manoeuvrability of large or heavy bulky waste items.

- *All bin and bulky waste storage areas are to be sufficiently dimensioned to allow for the easy movement of bins to and from the kerbside/interim storage area during collection and must have appropriately sized doors for the size of bin to be used. The path of travel for bins must be level, at an appropriate grade, well-lit and without stairs, in addition to being in accordance with the BCA. The designated bin and waste storage areas are required to be a size appropriate for the storage of the waste volumes generated at the site. All bin and waste storage areas are to be appropriately lit (sensor lighting recommended), drained to sewer with a water outlet for bin washing/cleaning and not visible from the public domain unless secured behind wall/roof.*
- *Double door access (at least 2500mm) must be provided into the bulky waste storage area, with a wide range of openings to enable ease of manoeuvring large bulky waste such as furniture without doors as obstructions.*

- k. *If the Applicant relocates the waste collection point to a suitable location to allow onsite collection by Council the applicant needs to provide the following details:*
- *The applicant must outline where bins and bulky waste will be stored on private property ahead of collection, adjacent to the collection location for ease of collection.*
 - *The use of equipment must be considered and outlined within the WMP, such as the use of bin tugs and/or bin lifters to mitigate any manual handling risk associated with the proposed method of managing waste/bins at the site.*
 - *Collection vehicles must be able to service the development without the need to travel any distance in reverse - all vehicular movements must be in a forward-moving direction. If a collection vehicle is required to reverse to complete a collection service, this must be discussed with Council prior to Development Application lodgement and detailed in both the Development Application's Traffic Management Plan and Waste Management Plan.*
 - *The development will be constructed in a manner as per this approval, to facilitate on-property collection services, by ensuring the following:*
 - *Waste Loading zone access and operation facilitates the accessing of the site by a waste collection vehicle up to 10.5m length, 2.5m width and 3.9m height, with rear bin loading.*
 - *A Council-contracted waste collection vehicle can stand on-site to enable servicing of both bins and bulky waste. On-site collection must cater for the following waste rear loader vehicle specifications (larger than standard MRV):*
 - i. *Length - 10.5 metres*
 - ii. *Width - 2.5 metres*
 - iii. *Travel height - 3.9 metres*
 - iv. *Operational height for loading – 3.9 metres*
 - v. *Vehicle tare weight – 13.1 tonnes*
 - vi. *Maximum payload - 10 tonnes*
 - vii. *Loaded vehicle mass estimate - 23 tonnes*
 - viii. *Turning radius - 25 metres*
 - ix. *In the event of a turntable - 25-tonne capacity*
 - *All driveways and collection points must be designed to carry collection vehicles and their loads (up to 25 tonnes total). Refer to the "Better practice guide for resource recovery in residential developments" for vehicle specifications.*
 - i. *The gradient of any basement entry or exit, that must be traversed by a waste collection*

vehicle shall be a maximum gradient of 1:20 for the first 6 meters from the street, then 1:8 or 1:6 with a transition of 1:12 for 4 meters at a lower end.

- ii. The gradient of the collection point shall be reasonably flat to allow manoeuvring and loading of receptacles.*
 - iii. The gradient of the internal driveways should not exceed 1:10.*
 - iv. Collection vehicles should not have to travel more than 50 meters once inside the basement to access the collection point.*
 - v. The collection point must be designed and constructed in line with Australian Standards and Other regulations and appropriately for the collection vehicle to stand and perform the services safely, including, but not limited to the requirements of sufficient space, adequate lighting, and non-slippery surfaces.*
- To accommodate the safe movement of bins. Bin storage area door access must be at least 1700mm for 240L bins and 2500mm for 660L and 1100L bins. A minimum of 2500mm must be provided for the bin and bulky waste storage area access and for the entire path of bin travel.*
 - In the event redesign does not satisfy Councils' requirement for onsite collection, the development will be conditioned to receive only collection services by private waste collection contractor entirely within the confines of private property and at expense to the Owners Corporate/Body Corporate. Private waste collection services will be limited to occur Monday – Friday between the hours of 6 am – 6pm and limited to twice weekly. A private waste condition may be waived in the future by Council, in line with any changes to the waste collection service enabling Council to provide a collection service to this property which is not currently available at the time of completing this referral.*
 - Recycling services shall be manufactured, installed and maintained in accordance with any applicable regulatory requirements, relevant Australian Standards, and relevant manufacturer's specifications.*

A redesign is required to address the significant issues and to ensure waste management is considered according to Council's requirements and in line with best practice.

The applicant is required to ensure a revised Waste Management Plan is provided that corresponds with updated Architectural Plans, and it aligns with the proposed modifications to the bin storage area and the services cupboard on each occupied level. The proposed method of collection, bin and bulky waste collection locations is required to be provided to Council in the WMP and shown on the revised Architectural Plans.

In the event a re-design and further information is not provided, the site will be applied with numerous conditions to waive the responsibility of Council to provide waste collection services at a property as the proposal does not meet minimum essential collection requirements given the location and designs of the bin storage area. This will mean the site is conditioned to only receive private waste collection services in perpetuity which will likely lead to increased costs to the body corporate and future residents.

6. Traffic Engineer

The applicant be advised to submit amended plans and documents to Council that:

- a) Shows the quantum of car parking has been assessed and is provided using Metropolitan Sub-regional Centre parking rates as per s12. Vehicular Access and Car Parking in GRDCP2021 Part 10- Precincts- Kogarah North Precinct.*
- b) Shows clearance heights in the loading area and gradients on the ramp(s) to it being designed to cater for access by a Small Rigid Vehicle (SRV) as described in AS 2890.2: 2018 Parking Facilities, Part 2 – off street commercial vehicle parking.*
- c) Shows the location of all security roller doors/shutters.*
- d) Includes an assessment of the queue length at the vehicle entry point.*
- e) Include ground clearances for the mini – rear loader vehicle as described in “s5.2 Loading and Service Circulation” of the “Traffic Impact Assessment” document prepared by Genesis Traffic (Ref:GT22058) dated 18 May 2023.*

7. Town Planning

a) Georges River Local Environmental Plan

- **Design Excellence**

Clause 6.10 of the GRLEP relates to design excellence and provides that the consent authority must not consent to development greater than 3 storeys in the R4 High

Density Residential zone unless it has considered that the development exhibits design excellence.

The proposed design has an unsympathetic relationship with the adjoining properties to the west and will lead to them becoming isolated allotments.

Once isolated, these 3 properties will be unable to achieve the density envisaged by the R4 zoning and the requirements of the planning policy.

The proposal is also reliant upon numerous non-compliances and urban design issues discussed above the design fails to achieve the necessary design excellence required by the clause.

Accordingly, the consent authority cannot consent to a development that fails to exhibit design excellence and the proposal needs to be redesigned.

- b) **Statement of Environmental Effects** - The Statement of Environmental Effects (SEE) was found to be deficient and failed to address multiple planning policy controls as required by section 4.15 (1)(a)(i). including the following:

Apartment Design Guide

- i. 3D Communal Open Space
- ii. 3E Deep Soil Zones
- iii. 3F Visual Privacy
- iv. 3G Pedestrian access and entries
- v. 3H Vehicle access
- vi. 3J Bicycle and Carparking
- vii. 4A Solar and Daylight Access
- viii. 4B Natural Ventilation
- ix. 4C Ceiling Heights
- x. 4D Apartment Size and Layout
- xi. 4E Private Open Space and Balconies
- xii. 4F Common circulation areas
- xiii. 4G Storage
- xiv. 4H Acoustic Privacy
- xv. 4J Noise and Pollution
- xvi. 4K Apartment Mix
- xvii. 4L Ground Floor Apartments
- xviii. 4M Facades
- xix. 4N Roof design
- xx. 4O Landscape Design
- xxi. 4P Planting on Structures
- xxii. 4Q Universal Design
- xxiii. 4U Energy Efficiency
- xxiv. 4V Water management and conservation

xxv. 4W Waste Management

xxvi. 4X Building Maintenance

- c) **Georges River Development Control Plan (GRDCP)**
Part 6.3 Residential Flat Buildings and residential components of shop top housing (High Density).

Please provide an update SEE addressing these requirements.

- d) **Wind Analysis Report** - *In accordance with the requirements of GRDCP - Part 10.1.6 (3) – Kogarah North Precinct a Wind Analysis Report is required to be submitted.*
- e) **Fencing Details** - *details required of proposed fencing to Stanley Street frontage.*
- f) **Isolated sites – In accordance with the requirements of GRDCP** - *Part A 10.1.6 (1) – Siting and Consolidation of Development Sites a DA Concept Plan is required to be submitted for the sites to be isolated in Stanley Street No.s 7, 9 and 9A. The Plan must have regard to all the requirements of this section.*
- g) **Western Side Boundary Setback** – *In accordance with the requirements of GRDCP Part 6.3.3 – Side Boundary Setbacks and Part 10.1.6 (4) – Setbacks the western boundary setbacks fail to comply. The setback needs to be increased to allow separation with the adjoining property and all opportunities for deep soil panning.*
- h) **Basement Setbacks** - *In accordance with the requirements of GRDCP Part 6.3.4 basement setbacks need to be amended to comply.*
- i) **Deep Soil zones** – *The deep soil zones on the northern side have structures and paving shown which cannot be included when calculating deep soil zones.*
- j) **Public Art** – *In accordance with the requirements of GRDCP - Part 3.15.2 a Public Art Plan is required to be submitted. The Plan shall be prepared in accordance with the Georges River Council Public Art Guidelines.*
- k) **Creation of Through Site Pedestrian Link** - *In accordance with the requirements of GRDCP - Part 10.1.6 (7) Creation of Through Site Pedestrian Links and Additional Open Space the development proposal needs to create a through link as detailed in Figure 7 shown below or on an alternative alignment.*



- l) **Site Area** – Survey Plan of Site - The total area of the site is stated differently in various plans and documents as follows:
- i. Statement of Environmental Effects/Architectural Plans: 2,398m².
 - ii. Traffic Impact Assessment: 2,572m².
 - iii. Addition of each of the ten lots area as per the DP's: 2,554.61m².

Without a consistent and accurate site area many other calculations that rely on site area cannot be accurately completed. The site area needs to be determined and calculations redone. Please provide an accurate Site plan with boundary dimensions and site area shown.

- m) **Gross Floor Area** - The gross floor area is stated differently in various plans and documents as follows:
- i. Statement of Environmental Effects:- 9,372m².
 - ii. Architectural Plans: 9,356m².

Once the suite area is accurately determined and the gross floor area the floor space ratio needs to be recalculated.

- n) **Other GRDCP controls:** - The proposal needs to be amended to comply with the below GRDCP controls:

- Part 6.3.6 – Landscape Treatment of Setbacks
- Part 6.3.7 – Communal Open Space
- Part 6.3.8 – Solar Access
- Part 6.3.10 – Dwelling Mix
- Part 10.1.6 (5) – Trees and Landscape
- Part 10.1.6 (8) – Housing Choice

65. The assessment contained in the report is based upon the updated amended plan set and documentation submitted in response to the request for further information referenced above.

Compliance and Assessment

66. The development site has been inspected and this assessment has regard to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Instruments

67. Compliance with the relevant State Environmental Planning Policies (SEPP) is detailed below.

State Environmental Planning Policy	Compliance
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004	No
State Environmental Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65)	No

State Environmental Planning Policy (Resilience and Hazards)2021

Chapter 4 Remediation of Land

68. Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the proposal. Chapter 4 seeks to promote the identification and appropriate remediation of contaminated land in order to reduce the risk of harm to human health or any other environmental impacts and ensure the suitability of the land for the proposed development.
69. Clause 4.6 requires contamination and remediation to be considered when determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated and if contaminated, whether the land requires remediation in order to be suitable for the proposed development.
70. Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the proposal. Chapter 4 seeks to promote the identification and appropriate remediation of contaminated land in order to reduce the risk of harm to human health or any other environmental impacts to ensure the suitability of the land for the proposed development.
71. Clause 4.6 requires contamination and remediation to be considered prior to the determination of a Development Application. The consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated and if contaminated, whether the land requires remediation in order to be suitable for the proposed development.

72. A Detailed Site Investigation Report prepared by EI Australia was submitted in support of the application. The Report concluded that based on historical land uses of the site and soil sampling there is a low potential for contamination to be present on the site, the site is therefore suitable for the proposed development. Given there are no known records of contaminating activities being conducted on the subject site, there is no indication that the land is contaminated. The provisions of Chapter 4 have been satisfied.

State Environmental Planning Policy (Biodiversity and Conservation) 2021.

73. The relevant parts of the above Policy that apply to this application are Chapter 2 – Vegetation in non-rural areas, and Chapter 6 – Water Catchments.
74. Chapter 2 - Vegetation in Non-Rural Areas 2 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. Council's Landscaping Consultant supports the removal of the vegetation on site however the resultant landscaped treatment of the site in response to the development needs further resolution and is therefore not supported at this time. Further consideration is required with respect to vegetation on adjoining allotments.
75. This chapter applies to clearing of:
- (a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
 - (b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the Council's Development Control Plan.
76. As part of the proposal, a number of small to medium sized trees and shrubs which has been assessed as being of little significance have been nominated for removal. The application has been reviewed by a Landscaped Officer who is supportive of the application and has imposed specific conditions of consent.
77. Chapter 6 – Water Catchments has the following relevant aims and objectives:
- *whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
 - *whether the development will have an adverse impact on water flow in a natural waterbody,*
 - *whether the development will increase the amount of stormwater run-off from a site,*

- *whether the development will incorporate on-site stormwater retention, infiltration or reuse,*
- *the impact of the development on the level and quality of the water table,*
- *the cumulative environmental impact of the development on the regulated catchment,*
- *whether the development makes adequate provision to protect the quality and quantity of ground water.*

78. The proposed stormwater drainage system has been assessed by Council's Development Engineer and is considered satisfactory subject to compliance with recommended conditions to ensure that the stormwater emanating from the development will not unduly impact the water quality of the Georges River.

State Environmental Planning Policy (Building and Sustainability Index:2004)

79. A BASIX Certificate is required to be lodged for any development application in NSW for any new residential development where the proposed cost of works exceeds \$50,000.
80. A BASIX certificate was provided with the initial development application, but no revised BASIX Certificate was lodged in support of the amended proposal.
81. The proposed development fails to satisfy the requirements of BASIX in terms of water, thermal comfort and energy efficiency.

State Environmental Planning Policy (Transport and Infrastructure) 2021

82. The Transport and Infrastructure SEPP applies to the site and relevant parts are discussed below.

Chapter 2 Infrastructure

83. The application was referred to Ausgrid pursuant to clause 2.48 of the SEPP. Ausgrid found the proposal satisfactory subject to conditions being imposed if the application was to be supported.

Clause 2.119 - Development with frontage to classified road

84. Clause 2.119 states the following:

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*

- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

85. The site enjoys frontage to the Princes Highway, however there is no direct vehicular access proposed from the Princes Highway all vehicular access is provided from Stanley Street.

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

86. Clause 2.120 requires the consent authority to consider the likely impact of noise and vibration on residential accommodation. This applies to land located adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles. The subject site is located on a classified road and the development is traffic generating, the provisions of Clause 2.119 are applicable and a referral to Transport for NSW was undertaken. An acoustic report has been prepared by Acouras Consultancy and found that the proposed development is able to comply with the road noise and vibration requirements of the SEPP subject to the recommendations of the acoustic report being implemented. TfNSW raised no objection finding the proposal is satisfactory and providing conditions of development consent to be imposed if the application was to be supported.
87. If approved the proposed development will be conditioned that the recommendations of the Acoustic Report prepared by Acouras Consultancy are to be implemented to ensure compliance with the SEPP requirements and ensure acceptable amenity for future occupants.
88. Where the building is affected and reliant upon mechanical ventilation, these rooms will need to comply with the relevant provisions of the NCC and the relevant Australian Standards.

Clause 2.122 -Traffic Generating Development

89. Clause 2.122 requires that new residential accommodation with more than 75 dwellings where the access is within 90m of a classified road are required to be referred to TfNSW (RMS) for comment. As the subject sites location and the development proposed meets this criterion, a referral was sent to TfNSW who raised no objection to the development subject to conditions being imposed if the application was to be supported.
90. The application was referred to TfNSW (RMS) for concurrence under section 138 of the Roads Act 1993 and in accordance with clauses 2.119, 2.120 and 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021. A formal response was provided

granting concurrence subject to the imposition of conditions if the application was to be supported.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

91. State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (State Environmental Planning Policy 65) was gazetted on 26 July 2002 and 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. Amendment 3 to State Environmental Planning Policy 65 commenced on 17 July 2015 and implemented various changes including the introduction of the Apartment Design Guide (ADG) to replace the Residential Flat Design Code. Given the nature of the development proposed, State Environmental Planning Policy 65 applies.
92. Clause 28(2) of State Environmental Planning Policy 65 requires that the consent authority take into consideration the following as part of the determination of DAs to which State Environmental Planning Policy 65 applies:
- a) the advice (if any) obtained from the design review panel, and*
 - b) the design quality of the development when evaluated in accordance with the design quality principles, and*
 - c) the Apartment Design Guide.*
93. Council does not have a Design Review Panel, so the application has been reviewed with respect to the design quality of the proposal having regard to the nine (9) design quality principles as set out in the ADG. These design principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of the proposed solutions.
94. The application has been reviewed with respect to the relevant criteria as set out in the ADG. Comments have been received from Council's Urban Designer.
95. The tables below provide a comprehensive assessment against the principles, objectives and controls of State Environmental Planning Policy No 65 and the ADG.

Table - application of State Environmental Planning Policy 65

Clause	Standard	Proposal	Complies
3. Definitions	Complies with definition of "Residential Apartment Development" (RAD)	Complies with the definition. The proposal is for a 10 storey shop	Yes

	<p>Section 4 (1) (Application of Policy) of the State Environmental Planning Policy 65 states that the policy <i>“applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:</i></p> <ul style="list-style-type: none"> - <i>the development consists of any of the following:</i> <ul style="list-style-type: none"> (a) <i>the erection of a new building,</i> (b) <i>the substantial redevelopment or the substantial refurbishment of an existing building,</i> (c) <i>the conversion of an existing building, and</i> - <i>the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and</i> - <i>the building concerned contains at least</i> 	<p>top housing and residential flat building development which includes three (3) commercial tenancies and an office space and a residential flat building with two (2) levels of basement parking. The development satisfies the definitions within this policy.</p>	
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	<i>4 or more dwellings.”</i>		
4. Application of Policy	<p>Development involves the erection of a new RFB, substantial redevelopment or refurbishment of a RFB or conversion of an existing building into a RFB</p> <p>The definition of an RFB in the State Environmental Planning Policy includes mixed use developments.</p>	The proposal is for a 10 storey shop top housing and residential flat building development which includes three (3) commercial tenancies and an office space and a residential flat building with two (2) levels of basement parking. The development satisfies the definitions within this policy.	Yes
Clause 50 - Development Applications (E P & A Regulation 2000)	<p>Design verification statement provided by qualified designer.</p> <p>Registered Architect Name and Registration No.</p>	A Design Verification Statement provided by Registered Architect Tony Owen (Registered Architect No.7080) accompanies the application.	Yes

96. A design verification statement was provided by the project lead architect Tony Owen (Registration No.7080) of Tony Owen Partners in accordance with Clause 29 of the *Environmental Planning and Assessment Regulation 2021* with regard to the original submission and this design verification statement updated to support the amended plans as submitted.
97. The application was referred to Council’s Urban Designer following lodgement of the DA, the review found the design to be inadequate and offered detailed comments on the design deficiencies shown above under Background. These comments were provided to the applicant as

part of the request for further information. A meeting was held with the Applicant and their consultant team, Council's Assessing Officer, Urban Designer and Coordinator Development Assessment to discuss the request for further information. Preliminary plans were provided in an attempt to address the requested amendments which were also reviewed and discussed during the meeting.

98. The applicant submitted amended plans and documentation to address the concerns raised these amendments were reviewed by Council's Urban Designer and found to be inadequate as not all the issues raised had been adequately resolved.
99. Council's Urban Designers Comments are reproduced below:

Urban Design Assessment

It is acknowledged that the design has been amended to address some of the concerns raised on the original proposal. However, it is considered that the amended design still has some unresolved urban design issues and hence the proposal is not supported in its current form.

Setback/Pedestrian Site Through Link

- a. *The setback to the western boundary is inconsistent with ADG requirements and crowds the pedestrian through link failing to provide appropriate transition and scale especially considering the potential 0m setback to the potential future development at No. 7 and 9 Stanley Street. A minimum 6m setback should be provided from the western boundary for the first 4 storeys, which will provide an appropriate transition, comply with the required side setback and will also provide adequate width to support growth of mature trees and provide separation between the public / private domain as well as provide to enhance pedestrian safety by potentially incorporating lighting.*

Topography/ Public Private Interface

- b. *The design fails to address the local topography in the northwest corner. The finished floor level (FFL) of apartment G01 still is around 0.8m below the existing natural ground. This does not comply with Part 3.5.1 (3) of GRDCP, which requires habitable rooms to be located above existing ground level. Sections through G01 have not been provided. The RIF Response letter dated 10 March 2024, states that given the large changes in levels across the site, some local variation is to be expected. This not supported as a more thoughtful design could easily address the topographical changes so that the FFL of G01 is above the existing natural ground level.*

Site Isolation

- c. *A site isolation study /conceptual drawings have been provided to illustrate the potential development opportunities at Nos. 7-9A Stanley Street to justify not consolidating the subject site with the adjoining sites leading to the creation of isolated sites. However, the information provided lacks details on building services (substation, fire hydrants, gas and electrical meters, letter boxes, fire stairs etc), waste storage and collection which will have a significant impact on the streetscape and street activation. The concept also lacks details on compliance with amenity requirements. The feasibility of constructing basement parking providing so few parking spaces per level is also of major concern. The 3D envelope massing diagrams provided proves that the massing of the potential development is inconsistent with the desired streetscape character and vision for the area. It is considered that amalgamating the subject sites with Nos. 7-9A will result in an overall better urban design outcome and which has the potential to achieve design excellence as required under Clause 6.10 of GRLEP 2021.*

Setbacks / Building Separation

- d. *The proposal fails to provide acceptable and complaint setbacks to the western side boundary. The proposal achieves visual privacy through the use of sacrificial non-essential windows to mask a blank wall but fails to achieve the required building separation. Building separation is not just about visual privacy but should contribute towards the urban form, streetscape rhythm, skyline and skyviews. SEPP 65 Principle 1- Context and Neighbourhood character requires new buildings to respond to and enhance the qualities and identity of an area including the adjacent sites, streetscape and neighbourhood. Appropriate building separation will enhance a sense of openness, preserve visual scale and access to sky views that will offer relief from the built form. It will also avoid loss of amenity and ensure building fits within the planned context of the neighbourhood.*

The proposed western façade treatment is an improvement on the original design however it still is considered cosmetic. The white painted concert panels on the western façade is purely cosmetic and does not provide depth or variation in the massing. The 10 storey blank wall does not enhance amenity or skyline / skyviews. The lack of adequate building separation in addition to the future development on 7-9A Stanley Street will further deteriorate the streetscape and amenity.

The amended design is not consistent with Clause 6.10 – Design Excellence of GRLEP 2021 or setbacks to Part 6.3.3 of GRDCP. It is considered that a 6m setback should be provided for the built form up to 4 storeys and a minimum 9m for the built form above 4 storeys from the western boundary. This will allow provision of meaningful

windows on the western façade that will enhance amenity and add articulation on the façade.

Vehicular Access

- e. The amended design has increased the western side boundary setback to the vehicular access from 2.5m to 3.0m. The 3 levels above ground have 6m setback (5m to the green wall) to the western boundary resulting in partial integration of the vehicular access with the façade design. The partial protrusion of the vehicular access / rolling shutter still detracts from the streetscape and is not consistent with ADG Objective 3H-1, which requires developments to create high quality streetscapes. The blank western façade does not provide an appropriate transition to the through site link. In addition, extensive comments were also provided on the original design and the requirements for a 6m setback to the western boundary for 0-4 storeys.

Private Open Space and Privacy

- f. The unit breakdown schedule has multiple inconsistencies with the drawings and needs to be corrected to be of any use as a summary. Multiple units POS fail to achieve the minimum area or dimension requirement once the space taken up by planter boxes or narrow corners created by triangular shapes are excluded. Concern is raised that the below units POSs is noncompliant:

G06	The minimum depth required dimension includes the planter, which is incorrect. The POS does not comply with the minimum required 2m depth.
G07	The minimum depth required dimension includes the planter, which is incorrect. The POS does not comply with the minimum required 2m depth. In addition, the usability of the POS is of concern given the triangular shape, which also includes access to the COS.
103, 203 and 303	Area appears to be less than the required 8sqm (it is around 7sqm), while the maximum depth is 2.19m not the minimum
104, 204, and 304	Minimum depth – 1.4m - required 2m
105, 205 and 305	Area of the primary balcony appears to be less than the required 12sqm, while the minimum depth is 0.8m. These units have 2 balconies.
111, 211 and 311	Area appears to be less than the required 10sqm, while the minimum depth is 1m - required 2m.
404, 510, 610 and 710	Triangular shaped balcony with only the required 8sqm area.

410	Minimum depth 0.8m - required 2m.
502, 602 and 702	Area appears to be less than the required 8sqm.
803	Minimum depth 0.8m - required 2m.

Solar Access

- g. There are discrepancies between:
- Drawings A716 and A717 – Shadow Diagram – Existing Development and
 - Drawings A729 and A730 – Shadow Diagram – Potential Development

For example between 9am and 10am in Option a; some of the apartments only receive 1 hour direct sunlight; however, in spite of the potential development in Option b; some of the apartments are shown to now receive around 2 hours sunlight. Clarification is required on the accuracy of the shadow diagrams.

Based on Drawing Nos. A729 and A730, 74 of 102 receive minimum 2 hours direct sunlight or 72.5% of the proposed apartments receive minimum 2 hours sunlight. However, this is inaccurate for the following reasons:

- i. Unit 402, 404 will rely on skylights when the site to the north is developed in the future*
- ii. Unit 801, 901, 904, 906 rely on skylights, which is inconsistent with the ADG Objective 4A-2, which recommends courtyards, skylights and high level windows to be used only as a secondary light source in habitable rooms.*

Accordingly, only 69 of 102 (66.6%) have access to minimum 2 hours direct sunlight. This does not comply with the ADG required minimum 70%.

Cross Ventilation

- h. *The information provided state that 62 out of the total 102 apartments (60.78%) proposed have access to natural ventilation. However, this is considered to be incorrect and concern is raised on the cross ventilation of the following single aspect apartments:*
- *102, 202, 302, 103, 203, 303, 206, 306, 306, 404*

Accordingly, only 52 of the total 102 (50.98%) apartments have access to natural cross ventilation. The proposal therefore does not comply with the minimum ADG requirement of 60%.

Apartment Layout

- i. *ADG Objective 4D-1 - The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.*

Concern is raised on the internal layout and functionality of the apartment G07 as it has a 0.9m wide x 8m long entrance corridor to get to the living room + from living room another 9.5m long corridor with 2 bedrooms off the corridor. This is not considered a well organised or efficient layout.

The design includes some unusual and impractical apartment layouts with linear layouts. This could be acceptable given the unusual shape of the site. However, given the amenity impacts especially the non-compliance with solar access and natural ventilation, an effort should be made to improve the apartment layout especially to enhance amenity.

Architectural Expression, Bulk and Scale

- j. *Extensive comments on the bulk, emphasis on horizontality and bulk especially of the painted white concrete panels and repetition of architectural details and materiality were provided on the original design. An effort has been made to integrate the podium and tower and introduce verticality by incorporating the face brick vertical elements on the façade continued from the horizontal panels on the podium façade in addition to the vertical aluminium fins. This is encouraging.*

However, the repetition of the solid white painted panels as well as the face brick especially on the southern and eastern façades is still dominate and emphasis horizontality.

The western façade is considered bulky and the materiality treatment considered cosmetic especially since the windows proposed are non-essential windows, which may be removed in the future if required. The façade lacks articulation that provides depth to the façade and not just a change of materiality.

Inclusion of on structure planning and the green wall is encouraging but concern is raised on its feasibility especially following the development of the site to the west, which is likely to cast a shadow on the green wall. Details on the green wall should be provided especially its materiality and maintenance, which have not been included on the Landscape Plans.

The green wall does not provide massing variation for it to be defined as a base / podium with a tower above. For the proposal to achieve a podium tower typology and for the proposal to be consistent with the streetscape, as stated before, the western façade should provide a minimum 6m setback for 0-4 storeys and minimum 9m for the built form above 4 storeys to the western

boundary. The western side setback will provide opportunity to incorporate windows and balconies, which will not only enhance amenity but also minimise the building bulk and add interest to the façade and enhance sky views.

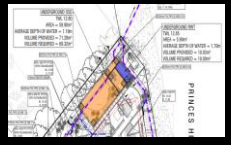

Conclusion

k. The amended proposal is not supported in its current form. The proposal needs further amendments in order for it to be supportable from an urban design perspective. This referral provides recommendations for design amendments, for the proposal to be taken into consideration.

100. Clause 28 of SEPP 65 requires the consent authority to take into consideration the provisions of the Apartment Design Code. The table below assesses the proposal against these provisions.

Table - Design considerations of Part 3 and Part 4 of the Apartment Design Guide (ADG)

Clause	Standard	Proposal	Complies
3D - Communal open space	<p>1. Communal open space has a minimum area equal to 25% of the site. - Where it cannot be provided on ground level it should be provided on a podium or roof</p> <ul style="list-style-type: none"> • Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room 	<p>Site area 2,554.6sqm</p> <p>Required 25% of site area or 638.65sqm.</p> <p>Total area of communal open space provided 927.46sqm or 36.3% of the site area.</p> <p>511.76sqm at ground level and 415.7sqm in the combined rooftop communal open space area. It is noted that the landscaping plan shows turf and recreational areas over the OSD tank to the north-east of the site which is not desirable.</p>	Yes Numerically compliant.

	<ul style="list-style-type: none"> • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space 	 Extract from the stormwater plan.  Extract from the landscape plan.	
	2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	Complies	Yes, at least 50% of communal open space at Ground Level and Level 09 will achieve a minimum of 2 hours of solar access throughout the day during mid-winter.
3E – Deep Soil zones	1. Deep soil zones are to meet the following minimum requirements: Where the site area greater than 1,500m ² A minimum width 6m A minimum deep soil area of 7% of site area Achieving the design criteria may not be	Site area 2,554.6sqm. Required minimum is 7% of site area or 178.82sqm. Total area of deep soil zones provided 381.5sqm or 14.93% of the site area.	Yes Numerically compliant.

	<p>possible on some sites including where:</p> <ul style="list-style-type: none"> • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure</p>		
3F- Visual Privacy	<p>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:</p>	<p>Apartment privacy has been coordinated throughout the proposals to balance uses, solar access, cross ventilation and communal open space. The subject site has residential apartments adjoining the site to the north, north-west and across Stanley</p>	<p>No, however considered acceptable from a privacy perspective see discussion below.</p>

	<p>Up to 12m (4 storeys) Habitable - 6m Non-habitable – 3m</p> <p>Up to 25m (5-8 storeys) Habitable – 9m Non-habitable – 4.5m</p> <p>Over 25m (9+ storeys) Habitable – 12m Non-habitable – 6m</p>	<p>Street to the south. There is lower density residential adjoining the site to the west.</p> <p>Only the northern, north-western and western sides of the development directly adjoin developments which necessitate assessment of privacy impacts. To the south is Stanley Street where the residential development is on the opposite side of the road, the roadway satisfies the separation distances.</p>	
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Comment on Separation distances (3F Visual Privacy):

The separation distances of the proposed building are intended to provide a balanced approach to achieving the privacy requirements identified in Objective 3F-1 of the Apartment Design Guide, as well as the need to avoid multiple steps in the built form as the height increases which would result in a 'ziggurat' appearance.

Planning Circular PS17-001 identifies that "*the ADG is not intended to be and should not be applied as a set of strict development standards*". Rather, the ADG provides objectives, design criteria and design guidance on how residential development proposals can meet the SEPP 65 principles through good design and planning practice.

The Northern and North-western Side Separation

Along the rear and side of the site or northern and north-western side the building adopts varying separation distances that comply with the respective requirements being 6m for the first 4 floors (GL-L3), 9m from level 5 to level 8 floor (L4-L7) and 12m for level 9 and level 10 (L8 and L9).

Western Side Separation

Along the western side adjacent to the existing lower density residential development the building adopts the following separation distances 3m at Ground Level, 6m for Level 1 to Level 9 which fails to comply with the required minimum separation distances. The proponents seek to manage overlooking arising from the non-complaint setbacks by the use of 'sacrificial' windows, that are either false windows that appear as larger glazed window openings in the western façade, however they are either non-existent behind or highlight windows. This arrangement in the opinion of the applicant manages overlooking to an acceptable level.

Roof Top Communal Open

Overlooking from the roof top communal open space is acceptably managed through setbacks and the use of planter boxes to the perimeter.

Conclusion

Notwithstanding the numerical non-compliances identified, it is considered that the building separation distances proposed combined with fenestration and the floor layout satisfy the SEPP 65 design quality principles which is the key determinative in the matter and will not give rise to undue amenity impacts for occupants of the existing developments or future occupants of the proposed development.

Furthermore, it is considered unreasonable, to enforce compliance with the prescribed separation distance for the following reasons:

- the extent of false fenestration and highlight windows provided along the western elevation has reduced the potential for overlooking.
- privacy screening has been provided along the critical open space perimeters.
- it is considered that acceptable levels of privacy will be achieved.

As the proposal is consistent with the SEPP 65 design quality principles, and the proposed separation distances, fenestration and floor layouts achieve the objectives of the numerical separation distances, it achieves reasonable levels of external and internal visual privacy for both for the proposed development and adjacent sites.

3G – Pedestrian Access and entries	Building entries and pedestrian access connects to and addresses the public domain.	The retail premises have their own entries from the Princes Highway and Stanley Street.	Yes
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	<p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.</p>	<p>There are two (2) pedestrian residential entrance lobbies accessed from Stanley Street that are defined by entry canopies/awnings.</p> <p>There are three (3) individual ground floor units fronting Stanley Street with each having individual entries accessed from the common pedestrian entries via their courtyards. These entries allow access from the street providing a degree of activation but are not intended to be the primary entry point of the units as in two of the three units the Stanley Street courtyard is only accessible from bedrooms.</p>	
3H-Vehicle Access	<p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and</p>	<p>The vehicular access point for residential and commercial tenancy parking is from Stanley Street on the western side of</p>	Yes

	vehicles and create high quality streetscapes.	<p>the development and has been appropriately designed to achieve safety, minimise conflicts between pedestrians and vehicles.</p> <p>The partial protrusion of the vehicular access/roller shutter is prominent detracting from the streetscape presentation and is not consistent with Objective 3H-1, which requires developments to create high quality streetscapes.</p>	No
3J-Bicycle and carparking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; or On land zoned and sites within 400m of land zoned E2 Commercial Core, MU1 Mixed Use or 	<p>The site is located within 800m of Kogarah Railway Station as such the RMS provisions are applicable to this assessment.</p>	<p>No - The car parking arrangements and number of car spaces provided fails to comply with the ADG/RMS minimum requirement even factoring in the reduced rate afforded to the location being in close</p>

	<p>equivalent in a nominated regional centre</p> <p>The minimum car parking requirement for residents and visitors is set out in the Roads and Maritime Services Guide to Traffic Generating Developments (RMS), or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>In accordance with Section 5.4.3 (High Density Residential Flat Buildings) of the RMS Traffic Generating Guidelines. The site is located within the “Metropolitan Regional (CBD) Centres” and the following provisions apply;</p>		proximity to public transport.
	<p>0.6 spaces per 1 bedroom unit</p> <p>0.9 spaces per 2 bedroom unit</p>	<p>The proposal requires the following car parking provisions.</p> <ul style="list-style-type: none"> • 25 x 1 bedroom units 0.6 x 25 = 15 spaces • 66 x 2 bedroom units 0.9 x 1 	No

	1.4 spaces per 3 bedroom unit	<p>= 59.4 spaces</p> <ul style="list-style-type: none"> 11 x 3 bedroom units $1.4 \times 11 = 15.4$ spaces <p>Residential spaces required = 89.8 Provided (33) spaces plus (4) car share spaces. No contractual agreement has been submitted with the application demonstrating that a car share provider will service this development.</p>	No
	<p>1 space per 5 units (visitor parking)</p> <p>Note: The RMS provisions permit Council to reduce visitors parking for buildings located within close proximity to public transport.</p> <p>The provision of at least one loading dock for residential use is desirable, although a dock intended for commercial uses may be sufficient</p>	<ul style="list-style-type: none"> Visitor spaces required $102/5 = 20.4$ spaces/ provided (11) spaces. Commercial spaces required $= 206.8 \text{sqm} / 40 \text{sqm} = 5.17$ spaces/ provided (5) spaces <p>The proposal provides a total of 53 off-street car parking spaces for residents, visitors and</p>	<p>No</p> <p>No</p>

		<p>commercial tenancies and 115 spaces are required leading to a deficiency of 62 spaces.</p> <p>The car parking spaces provided includes ten (10) residential accessible space and one (1) accessible visitor's space.</p> <p>Whilst the building is located within close proximity to public transport the shortfall in car parking spaces is unacceptable.</p> <p>Based on the above, the off street car parking provisions will not meet the minimum car parking requirements of RMS/ADG provisions.</p> <p>A loading area has been provided for residential waste collection vehicles, but no loading arrangements have been provided for the commercial tenancies.</p>	
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4A- Solar and daylight access	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	Being able to discern adequately the extent of solar access to the apartments is unclear as varied apartments rely solely on skylights for solar access, they have been included within the plan calculations as being compliant. Discrepancies also exist between Drawings A716 & A717 – Shadow Diagram – Existing Development and Drawings A729 & A730 – Shadow Diagram – Potential Development. Accordingly, only 69/102 apartments or (66.6%) receive a minimum of 2 hours of solar access during mid-winter.	No
	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm in midwinter	18/102 apartments (17.6%) receive no sunlight, so the proposal fails to satisfy this requirement.	No

4B- Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	A minimum of 55/95 (57.9%) of apartments in the first nine storeys have been designed to comply with minimum cross ventilation requirements.	No
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	No apartments exceed 18m in depth.	Yes
	The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	The building has a mixture of dual aspect, cross through and corner apartments.	Yes
4C-Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms = 2.7m Non-habitable rooms = 2.4m	A minimum 3.1m floor to floor height has been provided to enable a minimum 2.7m ceiling height to be achieved to the residential component of the development. The commercial tenancies have a floor to ceiling height of 4.8m.	Yes
	3.3m for ground floor and first floor in mixed use areas to promote flexibility of use	The site is zoned R4 – High Density Residential and the proposal is	No.

		for a shop top housing development and residential flat building development. Only the ground floor commercial tenancies that front the Princes Highway they have a floor to ceiling height of 4.8m so afford the required degree of flexibility. The first floor of the development does not achieve this criterion.	
4D- Apartment size and layout	<p>Apartments are required to have the following minimum internal areas:</p> <p>Studio = 35sqm</p> <p>1 bedroom = 50sqm</p> <p>2 bedroom = 70sqm</p> <p>3 bedroom = 90sqm</p>	<p>No studio apartments proposed.</p> <p>One bedroom units have minimum areas of between 47sqm -59sqm.</p> <p>Two bedroom units have a minimum area of between 68sqm -79sqm.</p> <p>Three bedroom units have minimum area of between</p>	<p>N/A</p> <p>No</p> <p>No</p> <p>Yes</p>

	<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>95sqm - 106.8sqm.</p> <p>Multiple units have second bathrooms but fail to incorporate the additional 5sqm of floor area to enable the additional sanitary facilities.</p> <p>Every habitable room has window openings larger than 10% of the room area.</p>	<p>No</p> <p>Yes</p>
<p>The following apartments were found to be below the minimum floor area criterion.</p> <p>Level 1 – 101, 102, 103 and 113.</p> <p>Level 2 – 201, 202, 203 and 213.</p> <p>Level 3 – 301, 302, 303 and 313.</p> <p>Level 4 – 411, 410 and 408.</p> <p>Level 5 – 501, 503, 504, 507 and 508.</p> <p>Level 6 – 601, 603, 604, 607 and 608.</p> <p>Level 7 – 701, 703, 704, 707, and 708.</p> <p>Level 8 – 803.</p> <p>Level 9 – 903.</p>			
4D-2 Apartment size and layout	<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum</p>	<p>Satisfactory.</p> <p>With the minimum floor to ceiling heights complying with the 2.7m minimum, all habitable room depths satisfy</p>	Complies

	habitable room depth is 8m from a window	the minimum requirements. The apartments have open plan living/dining room layouts.	
	<p>Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments</p> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>All master bedrooms have a minimum internal size of 10sqm.</p> <p>All bedrooms have minimum dimensions of 3m.</p> <p>All living rooms have minimum widths of 4m.</p> <p>Minimum 4m provided for cross-over or cross-through apartments is proposed.</p>	Complies
4E- Private Open space and balconies	<p>All apartments are required to have primary balconies as follows:</p> <p>Studio = 4sqm</p>	<p>Multiple proposed balconies and terraces for apartments fail to achieve the minimum required sizes consistent with</p>	No

	<p>-1 bedroom = 8sqm/2m depth</p> <p>-2 bedroom = 10sqm/2m depth</p> <p>-3+ bedroom = 12sqm/2.4m</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m</p>	the ADG requirements once the area for the planter boxes are excluded. The curved and triangular nature of the balconies also restricts the ability to comply and their functionality.	
4F- Common circulation areas	The maximum number of apartments off a circulation core on a single level is eight	Levels Ground to level 7 have a dual lift core off each residential lobby and levels 8 to the Roof have a single lift core off each residential lobby. The maximum number of units accessing from a single lift core is seven (7) units.	Complies
	For Buildings of 10 storeys and over, the maximum number of apartments	Four (4) residential lifts are proposed to service 102 apartments over 10 levels.	Yes

	sharing a single lift is 40.	However only a single lift in each tower services Levels 8 and above.	
4G- Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio = 4m³ 1 bedroom = 6m³ 2 bedroom – 8m³ 3 bedroom – 10m³</p> <p>At least 50% of storage is to be located within the apartment.</p>	<p>Each unit is provided with compliant storage spaces with at least 50% located in individual units. The remaining is located in dedicated secure storage cages located within the basement. Storage spaces within apartments are located as part of a holistic design approach and integrated into the overall layout.</p>	Yes
4H- Acoustic Privacy	<p>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses. Window and door openings are generally orientated away from noise sources</p> <p>Noisy areas within buildings including building entries and corridors should</p>	<p>Building separation, orientation, window size and placement are designed to mitigate noise pollution, with openings shielded through setbacks and other arrangements from noise sources. The building must comply with the specific requirements of the NCC which</p>	Complies

	<p>be located next to or above each other and quieter areas next to or above quieter areas.</p> <p>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources</p>	<p>will need to form part of the Construction Certificate design detailing.</p> <p>Internal layouts may necessitate further work to mitigate noise transfer.</p> <p>The application is accompanied by an acoustic report addressing potential noises sources from within the site and from the roadways, relating to traffic generation and vehicle movements, noise from commercial usage and from mechanical plant.</p> <p>If the application was to be supported than conditions would be imposed to ensure the recommendations of the acoustic report are incorporated into the development.</p>	
4J – Noise and Pollution	To minimise impacts the following design solutions may be used:	The site layout and floor plan design seeks to minimise acoustic disruption on	Yes

	<ul style="list-style-type: none"> • physical separation between buildings and the noise or pollution source • residential uses are located perpendicular to the noise source and where possible buffered by other uses • buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry 	<p>the enjoyment of the future residents/users of the development. The communal open space at both ground level and Level 9 is shielded from the Princes Highway by the design of the proposed building to create an inviting recreational space.</p> <p>The vehicular entry for the residents and commercial tenancies is from Stanley Street and is situated on the western side of the development adjacent to the office and number 7 Stanley Street.</p> <p>The design incorporates seals to prevent noise transfer through gaps, acoustic glazing, and other measures where necessary to attenuate noise impacts on apartments as recommended</p>	
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		in the acoustic assessment report.	
4K – Apartment Mix	A range of apartment types and sizes is provided to cater for different household types now and into the future. The apartment mix is distributed to suitable locations within the building	<p>The development provides a mix of apartments comprising the following:</p> <ul style="list-style-type: none"> - 25 x 1 bedroom apartments (24.5%). - 66 x 2 bedroom apartments (64.7%) - 11 x 3 bedroom apartments (10.7%) <p>The mix is acceptable and appropriate providing housing diversity.</p>	Complies
4L – Ground Floor Apartments	<p>Street frontage activity is maximised where ground floor apartments are located.</p> <p>Design of ground floor apartments delivers amenity and safety for residents.</p>	<p>There are three (3) individual ground floor units fronting Stanley Street with each having individual entries accessed from the common pedestrian entries via their courtyards. These entries allow access from the street and provide a small degree of activation, however these</p>	Yes

		are not considered the primary entry points of the units as in two of the three units the Stanley Street courtyard is only accessible from bedrooms.	
4M - Facades	<p>Facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.</p>	<p>The repetition of the solid white painted panels and face brick on the southern and eastern façades is considered to be too dominant and emphasises horizontality.</p> <p>The western façade is considered too bulky and the materiality referenced is considered cosmetic especially since the windows proposed are non-essential windows, which may be removed in the future if required for adjoining development. The façade lacks the required articulation that provides depth to the façade and not just a change of materiality.</p>	No

		<p>Concern is raised on the feasibility of the green wall once the site to the west is developed as it will likely cast a heavy shadow on the green wall impacting plant growth.</p> <p>The green wall does not provide massing variation for it to be defined as a base/podium with a tower above. For the proposal to achieve a podium tower typology to be consistent with the streetscape, the western façade should provide a minimum 6m setback for levels G-4 storeys and minimum 9m for the built form above 4 storeys to the western boundary. The western side setback would then provide an opportunity to incorporate meaningful windows and balconies, which will not only enhance</p>	
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		amenity for future residents but also minimise the building bulk presented and add interest to the façade and enhance sky views.	
4N – roof design	Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for residential accommodation and open space are maximised. Incorporates sustainability features.	The roof is a modern element that is generally consistent with new developments of this scale and form in the Kogarah North Precinct. It offers the ability to include a communal open space area which is a benefit for future occupants.	Complies
4O – Landscape Design	Landscape design is viable and sustainable, contributes to the streetscape and amenity	A detailed landscape design has been prepared, the details of the design require further resolution and detailing. Specific comments are referred in the referral section of this report.	No
4P- Planting on Structures	Planting on structures – appropriate soil profiles are provided, plant growth is optimised with appropriate selection and	The landscaping design and the proposed soil depths will not adequately support the species proposed and in some instances	No

	<p>maintenance, contributes to the quality and amenity of communal and public open spaces</p>	<p>the vegetation will not achieve optimum growth due to insufficient soil depths. The soil depths do not satisfy the ADG criterion. Specific comments are referred in the referral section of this report</p>	
4Q – Universal Design	<p>Universal design – design of apartments allow for flexible housing, adaptable designs, accommodate a range of lifestyle needs.</p>	<p>Satisfactory as 13 accessible car parking spaces are proposed for residents and visitors and 7 accessible apartments.</p>	Complies
4R – Adaptive reuse	<p>Adaptive reuse as apartment of existing buildings- new additions are contemporary and complementary, provide residential amenity while not precluding future adaptive reuse.</p>	<p>This is a new development.</p>	N/A
4S Mixed Use	<p>Mixed use development are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</p>	<p>The commercial tenancies fronting the Princes Highway and wrapping around the corner into Stanley Street will suitably activate the street frontage.</p>	Yes

4U – Energy Efficiency.	Development incorporates passive environmental design, passive solar design to optimise heat storage in winter and reduce heat transfer in summer, natural ventilation minimises need for mechanical ventilation	No BASIX Certificate was submitted with the amended application package. The proposed development fails to satisfy the requirements of BASIX in terms of energy efficiency, water saving and thermal comfort.	No
4V – Water management and conservation	Water management and conservation – potable water use is minimised, stormwater is treated on site before being discharged, flood management systems are integrated into the site design	The development incorporates appropriate stormwater measures, Council's Development Engineers are satisfied with the design subject to conditions.	Yes
4W – Waste Management	Waste management – storage facilities are appropriately designed, domestic waste is minimised by convenient source separation and recycling	Waste comments have been received detailing that the design before Council cannot accommodate a Council collection service. As a result, if the application was to be supported than the waste collection would need to be by a private waste contractor. The waste management details and	No, but could be conditioned to comply and would need to be serviced by a private contractor.

		design criterion in the development is not compliant present but can be conditioned to comply if the application was to be supported.	
4X – Building Maintenance	Building design provides protection from weathering. Enables ease of maintenance, material selection reduces ongoing maintenance cost	The design incorporates a mix of external finishes that require minimal maintenance.	Yes

101. The application has failed to demonstrate compliance with multiple provisions of the ADG and is not considered worthy of support in its current form.

Georges River Local Environmental Plan 2021 (GRLEP 2021)

102. The subject development site is zoned R4 High Density Residential under the GRLEP 2021 as shown in Figure18 below:

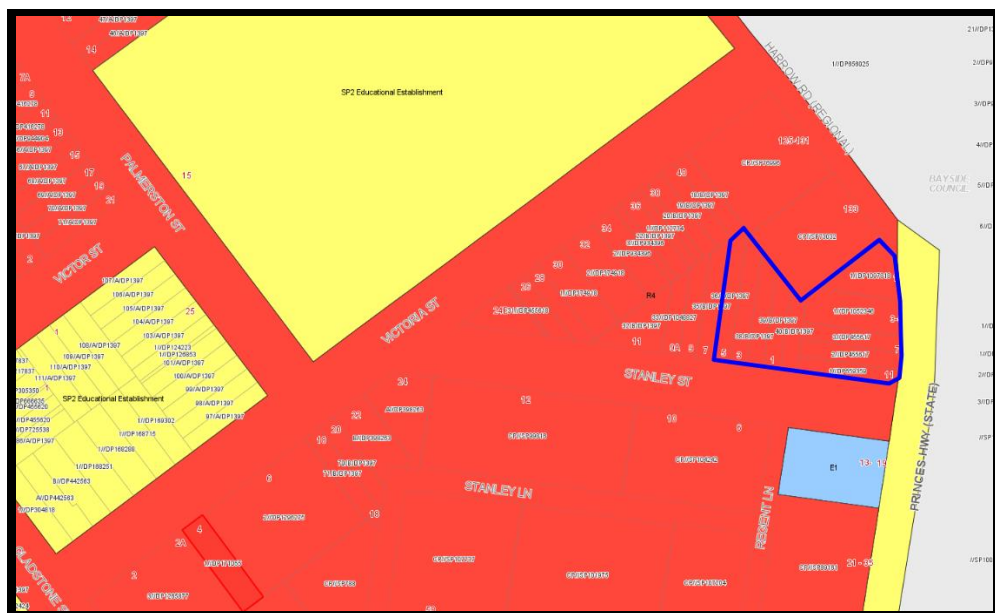


Figure 18: Zoning map (GRLEP 2021) - Subject site outlined in blue.

103. An assessment of the proposal against the relevant LEP clauses and development standards is as follows:

Clause	Standard	Proposal	Complies
Part 2: Permitted or Prohibited Development			
2.2 Zoning of Land to which Plan applies	R4 High Density Residential	The proposed application is for demolition, lot consolidation and the construction of a 10 storey mixed use development containing 102 residential apartments, 3 x commercial tenancies and one office space above two (2) levels of basement parking for 53 car parking spaces, tree removal, landscaping and site works which are permissible land uses in the R4 High Density Residential zone under GRLEP 2021.	Yes
2.3 Zone objectives and Land use table	Objectives of R4 zone to be satisfied	The proposal largely satisfies the objectives of the zone by providing commercial spaces and residential apartments, which are consistent with the zone objectives.	Yes
2.7 Demolition	Demolition requires development consent.	The demolition of all existing structures is proposed under this application.	Yes

Part 4: Principal Development Standards

4.3 Height of Buildings	Maximum permitted height as per height of building map: 33m	34.59m or 47.5m AHD to the top of lift overrun and the roof structure over communal open space amenities.	No
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Figure 19: 3D Height Plan showing the proposal exceeds the 33m height limit.

4.4 Floor Space Ratio	Maximum permitted is 4:1 or 10,218.4sqm	3.35:1 or 8,565.9sqm	Yes
Note: Based on a site area of 2,554.6sqm.			
4.5 Calculations of Floor space and Site area	Floor space to be calculated in accordance with Clause.	Floor space has been calculated in accordance with this clause.	Yes
4.6 Exceptions to Development Standards	Development consent must not be granted to development that contravenes a development	No Clause 4.6 Exception to the Height of Buildings development standard has been	No

	<p>standard unless the consent authority is satisfied the applicant has demonstrated that—</p> <p>(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and</p> <p>(b) there are sufficient environmental planning grounds to justify the contravention of the development standard</p>	<p>accompanied the amended application.</p>	
Part 5: Miscellaneous Provisions			
5.10 Heritage Conservation	<p>(1) Objectives</p> <p>The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of the Georges River local government area,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p>	<p>The subject site is not located within a heritage conservation area and does contain any heritage items.</p>	N/A

	(c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.		
Part 6: Additional Local Provisions			
6.1 Acid Sulfate Soils (ASS)	(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is not identified as being affected by acid sulfate soils.	N/A
6.2 Earthworks	(2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which	The proposal includes the provision of two (2) levels of basement car parking. This is a standard and acceptable amount of excavation and site works to accommodate a development of this scale and density. The proposed earthworks are not considered to be unreasonable for the proposed land use.	Yes

	development consent has been given.		
6.3 Stormwater Management	<p>(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—</p> <p>(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</p> <p>(b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater</p>	Stormwater drainage has been reviewed by Councils Development Engineer and was found to be satisfactory subject conditions if the application as to be supported.	Yes

	<p>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>		
6.7 Airspace Operations	<p>(2) Development consent must not be granted to development to which this clause applies unless—</p> <p>(a) the consent authority has consulted the relevant Commonwealth body, and</p> <p>(b) the relevant Commonwealth body advises the consent authority that—</p> <p>(i) the development will penetrate the Limitations or Operations Surface but it does not object to the development, or</p> <p>(ii) the development will not penetrate the Limitations or</p>	<p>The application has been reviewed by the relevant authorities. The subject building will not penetrate the Sydney Airport Obstacle Limitations Surface (OLS) which commences above 51m AHD. The maximum height of the building is RL47.5m to the lift overrun and RL46.5 to the roof top COS structures.</p>	Yes

	Operations Surface.		
6.9 Essential Services	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—		
	(a) the supply of water,	Water and electricity supply is available to the site and can be extended to service this new development.	Yes
	(b) the supply of electricity,		Yes
	(c) the supply of telecommunication facilities,	Telecommunication facilities can service the development site.	Yes
	(d) the disposal and management of sewage,	Sewage disposal is available from the site.	Yes
	(e) stormwater drainage or on-site conservation,	Stormwater disposal has been assessed by Council's Development Engineer and is supported	Yes

	(f) suitable vehicular access.	subject to conditions. The development has suitable vehicular access from Stanley Street.	Yes
6.10 Design Excellence	(1) The objective of this clause is to deliver the highest standard of sustainable architecture and urban design.	Noted – the development is not considered to achieve design excellence.	No
6.10 (3) (b)	(3) (b) land in the following zones if the building concerned is 3 or more storeys or has a height of 12 metres or greater above ground level (existing), or both, not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking— (i) Zone R4 High Density Residential, (ii) Zone E1 Local Centre, (iii) Zone E2 Commercial Centre,	The proposal is for a building greater than 3 storeys with a height greater than 12 metres in R4 High Density Residential Zone.	Yes

	(iv) Zone E4 General Industrial, (v) Zone MU1 Mixed Use.		
6.10 (4)	(4) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.	The proposal fails to demonstrate that design excellence has been achieved.	No
6.10 (5)	(5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and	The proposal has been assessed by Council's Urban Designer who has found the design to be deficient in multiple areas and therefore not supportable. The proposal fails to demonstrate a high standard of architectural design, therefore failing to demonstrate that design excellence has been achieved.	No

	<p>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>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p> <p>(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,</p> <p>(v) bulk, massing and modulation of buildings,</p> <p>(vi) street frontage heights,</p> <p>(vii) environmental impacts such as sustainable design, overshadowing</p>		
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	<p>and solar access, visual and acoustic privacy, noise, wind and reflectivity,</p> <p>(viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,</p> <p>(ix) the impact on, and proposed improvements to, the public domain,</p> <p>(x) achieving appropriate interfaces at ground level between the building and the public domain,</p> <p>(xi) excellence and integration of landscape design,</p> <p>(xii) the provision of communal spaces and meeting places,</p> <p>(xiii) the provision of public art in the public domain,</p> <p>(xiv) the provision of on-site integrated waste and recycling infrastructure,</p> <p>(xv) the promotion of</p>		
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	safety through the application of the principles of crime prevention through environmental design.		
6.11 Environmental sustainability	(1) The objective of this clause is to ensure that the development to which this clause applies is consistent with principles of best practice environmentally sensitive design.	The application has failed to demonstrate that the principles of best practice environmentally sensitive design has been incorporated into the development. The proposal has failed to provide a BASIX certificate certifying that the minimum required energy efficiency, water saving, and thermal comfort levels have been achieved.	No
	(2) This clause applies to development— (a) on land in the following zones— (i) Zone R4 High Density Residential, (ii) Zone E1 Local Centre, (iii) Zone E2 Commercial Centre, (iv) Zone E4 General Industrial,	The proposed development is for a new building on land zoned R4 High Density Residential so the provisions of this clause apply to this development.	Yes

	<p>(v) Zone MU1 Mixed Use.</p> <p>(b) that involves—</p> <p>(i) the erection of a new building, or</p> <p>(ii) the change of use of an existing building, or</p> <p>(iii) alterations or additions to an existing building that, in the opinion of the consent authority, are significant.</p>		
	<p>(3) Development consent must not be granted to development on land to which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building—</p> <p>(a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage,</p> <p>(b) energy demand reduction, including energy</p>	<p>The subject building exceeds 1,500sqm so this clause applies to the development.</p> <p>The applicant failed to submit a BASIX Certificate with the amended plans so has not demonstrated that the proposal meets the requirements of BASIX in terms of water efficiency, thermal comfort and energy usage.</p> <p>The Stormwater Drainage Plans submitted complies with</p>	No

	<p>generation, use of renewable energy and reduced reliance on mains power,</p> <p>(c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort,</p> <p>(d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible,</p> <p>(e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,</p> <p>(f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.</p>	<p>the respective provisions.</p> <p>Landscaped areas are proposed on site including roof top gardens which will minimise heat absorption.</p> <p>The proposal however fails to comply with the parking rates under the DCP. and does not satisfy the criterion of the ADG and adequate an certain solutions have not been</p>	
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		proposed or demonstrated.	
		The inclusion of bicycle parking spaces will encourage active transport options.	

Georges River Development Control Plan 2021 (GRDCP 2021)

104. The proposed development is subject to the provisions of Georges River Development Control Plan 2021 (GRDCP 2021).
105. The proposal needs to address and satisfy the relevant provisions of Part 3 General Planning Considerations, Part 6.3 High Density Residential Controls and Part 10 Precincts (Kogarah North Precinct) as part of the GRDCP. These provisions are addressed in detail below.

Part 3: General Planning Considerations

106. Part 3 of GRDCP provides general planning considerations and is discussed in the table below:

Part 3 General Planning Considerations		
3.6 Contaminated Land		
1. Each development application is to include information sufficient to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination.	The property has a lengthy history of residential usage and no known past land uses which are likely to cause contamination. Detailed discussion on contamination is referenced under the SEPP discussions earlier in this report.	Yes
2. Proposals for the development of contaminated land or potentially contaminated land will need to determine: i. The extent to which land is contaminated (including both soil and groundwater contamination); ii. Whether the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the	Noted.	N/A

development is proposed to be carried out; iii. Whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out; and iv. If the land has been previously investigated or remediated, development cannot be carried out until Council has considered the nature, distribution and levels of residues remaining on the land and Council has determined that the land is suitable for the intended use.		
3.10 Water Management		
Stormwater Management		
1. Development must comply with Council's Stormwater Management Policy 2020 which provides detail of drainage requirements for different development types. Consultation with Council is recommended.	The stormwater drainage plans have been reviewed by Council's Development Engineer and have been found to be satisfactory subject to conditions if the application was to be supported.	Yes.
3.11 Ecologically Sustainable Development		
Residential Buildings		
1. All BASIX affected development must comply with SEPP (Building Sustainability Index: BASIX) 2004.	The applicant failed to provide a BASIX certificate with the amended plans so has not demonstrated that the proposal satisfies the minimum requirements of BASIX in terms of water saving, thermal comfort and energy efficiency.	No
Non-Residential Buildings		
7. Development must comply with Clause 6.10 Design Excellence of Georges River LEP 2021.	The development is shop top housing and a residential flat building development and is not considered to demonstrate design excellence.	N/A
8. All development must comply with Section J	A NCC Report has been submitted with the	Yes

Energy Efficiency of the BCA/NCC	application and this report recommends an Energy Efficiency Consultant prepare a Section J Energy Efficiency Report as part of the Construction Certificate plans and documents if the application was to be supported.	
3.15 Public Domain		
3.15.1 Infrastructure 1. All proposed public domain works are to be undertaken in accordance with the relevant Council Public Domain Plan	The landscape package prepared by Canvas Landscape Architects illustrates new landscaping in the public domain, including new street trees in accordance with Figure 5 of Part 10.1 of the DCP for the Kogarah North Precinct. If the application was to be supported conditions in relation to public domain works would be applied.	Yes
3.15.2 Public Art		
1. Major developments (commercial, public administration, and retail development) and mixed-use developments with a capital investment value of \$5 million or more are to include an element of public art.	The proposal is for a shop top housing development and a residential flat building development with a capital investment value of more than \$5 million. A public art plan has been provided with the application and will be conditioned if the proposal was to be supported.	Yes
2. A minimum of 1% of the total cost of the development is to be allocated to the public art budget.	Noted – the application is not supported.	Yes
3. Details of the nature of the work, its approximate location and size are to accompany the development application	A Public Art Plan submitted.	Yes
4. Developers should consult the Georges River Council Public Art	The application has been accompanied by a Public Art Plan.	Yes

Guidelines, to determine any requirements for including public art in new developments, and to review what constitutes public art		
<p>5. The application must include a Public Art Plan which addresses how the proposed public art meets the following Design Selection Criteria:</p> <ul style="list-style-type: none"> i. Standards of excellence and innovation. ii. Relevance and appropriateness of the work in relation to its site. iii. Its contribution to creating sense of place, and integration into the built form. iv. Where possible, participation of local artists, local groups, youth or indigenous groups. v. Consideration for public safety and the public's use of and access to the public space. vi. Consideration of maintenance and durability requirements of materials, including potential for vandalism and graffiti. vii. Where applicable, consistency with current planning, heritage and environmental policies and plans of management. viii. Evidence of appropriate Public Liability Insurance to cover construction and installation of work. 	The application has been accompanied by a Public Art Plan.	Yes
3.17 Universal / Accessible Design	The building complies with accessibility provisions offering continuous paths of travel from the footpath and accessible car parking through building entries, corridors and lifts. Eleven	Yes

	<p>accessible car parking spaces are proposed to compliment the accessible units offered in the design. Commercial tenancies also achieve universal access requirements and incorporate an accessible bathroom.</p> <p>This will be further detailed as part of the construction certificate plans and documents if the application was to be supported.</p>	
3.19 Crime Prevention / Safety and Security	<p>The proposal provides activation and surveillance of Stanley Street building entries. The commercial tenancies fronting the Princes Highway also activates this frontage. The design incorporates access control at building entry points and clearly defines public and private parts of the building using territorial reinforcement and changes in surface treatments. Opportunities for offenders and perpetrators of antisocial behaviour to hide have been minimised.</p>	Yes
3.20 Noise and Vibration	<p>The proposal has been designed to minimise intrusive noise and vibration from aircraft and traffic to protect the amenity of future residents.</p>	Yes

Part 6.3 Residential Flat Buildings and residential components of shop top housing (High Density)

107. Part 6.3 provides specific planning controls for Residential Flat Buildings and residential components of shop top housing (High Density). If there is a discrepancy between Section 10.1 and other parts of the DCP the controls in Section 10.1 will always prevail. The following table summarises the proposal against the relevant controls:

Part 6 3 Residential Flat Buildings and residential components of shop top housing (High Density)		
6.3.13 Shops, Restaurants and Cafes, Small Bars in R4 Zones		
1. The maximum gross floor area of any single tenancy to be used as a shop, restaurant or café or small bar in the R4 High Density Residential zone is 120m ²	There are three (3) proposed commercial tenancies with sizes of 44.8sqm, 83.3sqm and 79.6sqm with an office space of 19.1sqm.	Yes
2. The car parking required for a non-residential land use must be provided on-site in accordance with the requirements of this DCP	The parking provision of five (5) commercial tenancy spaces is non-compliant.	No
3. Any application for a non-residential use in the R4 High Density Residential zone must be supported by a Plan of Management detailing the hours of operation, waste removal and goods delivery methods. For details refer to the DA Guide	No first uses are proposed for the tenancies under this application. If they cannot be established under the Exempt and Complying SEPP a separate development would need to be lodged if this development was to be supported.	N/A
4. The maximum hours of operation for non-residential uses in the R4 High Density Residential zone are 7.00am to 10.00pm seven days per week	No first uses are proposed for the tenancies under this application. If they cannot be established under the Exempt and Complying SEPP a separate development would need to be lodged if this development was to be supported.	N/A

Part 10 Precincts – Kogarah North Precinct

108. Part 10.1 provides specific planning controls for the Kogarah North Precinct. The following table summarises the proposal against the relevant controls:

Part 10 Precincts		
10.1 Kogarah North Precinct		
Required	Proposed	Complies
10.1.6 The Controls		
10.1.6 (1) – Siting and Consolidation of Development Sites		

<p>1. Sites must be of a sufficient width to accommodate development. For development sites to optimise yield and public domain amenity, a minimum site frontage of 60m is required. Where sites do not have a minimum site frontage of 60m, the development would need to ensure the design outcomes/built form takes into account the proportions of the building – the podium width compared to the width of the tower and the appearance from the public domain.</p>	<p>The site has a frontage of approximately 64.01metres to Stanley Street.</p> <p>The site has a length sufficient to achieve a development that is of a scale, form and design that is compatible with the vision and desired future character of the Kogarah North Precinct. The design however fails to provide a defined podium level through setbacks on the western side reducing the building articulation which is not supported by Council's Urban Designer as it is an unacceptable design outcome.</p>	<p>No</p>
<p>2. Development is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the Georges River LEP 2021, SEPP 65 and the ADG.</p>	<p>The proposal will lead to multiple sites being isolated, the proponents of the development have made attempts in the past to acquire these sites on Stanley Street, however the owner at number 7 Stanley Street was unwilling to sell.</p> <p>The SEE documents the proponents attempts to acquire the adjoining property and also includes concept plans indicating a residential apartment building may be possible on the isolated allotments in Stanley Street. In order for this development to proceed there would need to be multiple variations granted at the DA stage to the relevant planning provisions and any building will likely have compromised amenity outcomes for future</p>	<p>No</p>

	occupants. So, the isolation of these sites is undesirable as the streetscape will be compromised as the envisaged development form will not be able to be realised.	
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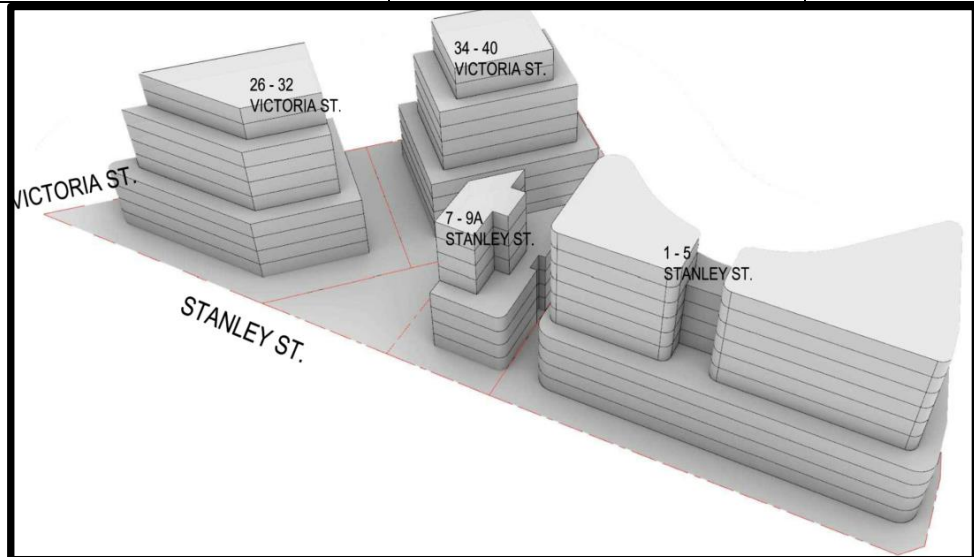


Figure 20: Indicative massing model for 7- 9A Stanley Street Kogarah showing a zero setback to the eastern side boundary for the first 4 levels.

4. If an application proposes a redevelopment that does not comply with the amalgamation pattern identified in Table 1 above, or where the proposal would result in an isolated site with a minimum site frontage of less than 60m, the applicant must submit to Council with the Development Application justification to vary the amalgamation pattern requirements.	There are no amalgamation pattern requirements.	N/A
	The isolated sites will have a frontage to Stanley Street of approximately 18m and a total land area of approximately 633sqm, whilst indicative floor plans and a massing model has been presented by the applicant to justify the viability of the redevelopment of the isolated sites. The plans presented rely upon multiple variations to planning controls and at this time it is uncertain given the small size of the remaining holdings if the sites can be redeveloped successfully.	No

<p>Council will require appropriate documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value. At least two independent valuations (reports and valuations must be undertaken within 3 months of the date of the DA lodgment) are to be submitted as part of that evidence and these are to account for reasonable expenses likely to be incurred by the owner of the isolated site in the sale of the property. The documentation must include copies of correspondence between parties and any formal financial offers and responses to offers.</p>	<p>The proponent of the development made several offers to the owners of 7 Stanley Street after successfully negotiating Options with the owners of 9 and 9A Stanley Street. The offers to 7 Stanley Street were included in the initial submission documentation but ultimately these offers were rejected by the owner.</p> <p>No independent valuation reports were submitted with the application. The SEE states that the offers were based on a comparable sales analysis prepare by Adam Charles Real Estate Agency, but this has not been supplied to Council.</p> <p>No documentation has been received concerning the response to these offers by the owners of 7 Stanley Street.</p>	No
<p>5. Where amalgamation of the isolated site is not possible, applicants will be required to demonstrate that an orderly and economic use and development of the separate sites can be achieved. In this regard, applicants will be required to submit with the DA a DA Concept Plan that provides the following:</p> <ul style="list-style-type: none"> • Details an envelope for the isolated site, indicating height, setbacks, resultant site coverage (building and 	<p>As mentioned above indicative floor plans and a massing model have been supplied in the form of seven (7) sheets of architectural drawings in an attempt to demonstrate that the isolated sites retain a degree of development potential. No detailed design and planning work has been supplied to Council demonstrating that any future redevelopment of the isolated site will be compliant with the ADG provisions as the narrowness and small lot</p>	No

<p>basement), sufficient to understand the relationship between the application and the isolated site.</p> <ul style="list-style-type: none"> • The likely impacts the developments will have on each other, such as solar access, visual and acoustic privacy and the impact of development of the isolated site on the streetscape must also be addressed. • An assessment against the ADG with respect to the impact of the proposed development on the isolated site. Any proposed development of a neighbouring isolated site should be compliant with ADG provisions. 	<p>size precludes a compliant development.</p> <p>Any building that resulted would likely have compromised amenity outcomes for future occupants.</p> <p>The proposal has not demonstrated the orderly and economic development of the isolated sites is possible.</p>	
10.1.6 (2) – Heritage		
<p>(i) Where development is proposed within the vicinity of a heritage item identified in the Georges River LEP 2021, the building height and setbacks must have regard to and respect the value of that heritage item and its setting.</p>	<p>The site is not located in a heritage conservation area and does not contain a heritage item.</p>	<p>Yes</p>
<p>2. Where a development incorporates or is within the vicinity of a heritage item, the new development is to provide an appropriate transition in scale, height and adequate curtilage and side setbacks from the heritage item.</p>	<p>The development does not impact upon any heritage item.</p>	<p>Yes</p>
<p>3. Development to the south of St Paul's Anglican Church and hall (196) is to be setback a minimum of 15m from the boundary of the site.</p>	<p>N/A – the site does not directly adjoin St Paul's Anglican Church.</p>	<p>N/A</p>

4. Side and rear setbacks to heritage buildings are to consider the need for an appropriate curtilage which is to be set by a heritage assessment.	N/A	N/A
5. Development to the south of Nos 53-57 Princes Highway, Kogarah (St Paul's Anglican Church and hall (1192) is to be setback a minimum of 15m from the side boundary of the site Note: A Heritage Impact Assessment is required to be lodged with a development application in accordance with Clause 5.10(5) of Georges River Local Environmental Plan 2021.	N/A – the site does not directly adjoin St Paul's Anglican Church.	N/A
10.1.6 (3) – Street Frontage Height		
1. Development is to establish a four storey street wall height to provide human scale and set back taller elements above the four storey street wall height. Exceptions to this podium height may be required where a site adjoins a low-scale heritage item.	The proposal provides a four-storey street wall which is consistent with nearby developments.	Yes
3. Council will request a Wind Analysis Report be submitted with the Development Application	A Wind Impact Assessment Report was provided and found to be acceptable.	Yes
4. The Kogarah North Precinct is affected by the Obstacle Limitation Surface and Clause 6.7 Airspace operations of Georges River LEP 2021. The maximum height of the inner horizontal surface is 51m AHD. • All applications within the Kogarah North	The application has been referred to the appropriate authority for approval and no issues were raised. The plans submitted with the application proposed a maximum height of 47.5m AHD which is under the 51m AHD Obstacle Limitations Surface (OLS).	Yes

<p>Precinct must provide information on the maximum RLs in AHD at all levels across the site.</p> <ul style="list-style-type: none"> • All applications for development within the Precinct will be referred to Civil Aviation Safety Authority and Airservices Australia for assessment. <p>Note: Developments must consider the operating heights of all construction cranes or machinery (short-term controlled activities) that may exceed the OLS height limits thereby penetrating the prescribed airspace. Approval to operate construction equipment (i.e. cranes) shall be obtained prior to any commencement of construction, where the prescribed airspace is affected.</p>	<p>In the event that cranes, or machinery need to exceed the OLS, a separate application will be made for a controlled activity to Civil Aviation Safety Authority and Airservices Australia.</p>	
10.1.6 (4) - Setbacks		
<p>1. Setbacks dimensions are to be increased where needed to maximise the retention of existing trees and their root systems (including those on adjoining properties and in the street).</p>	<p>There are no trees on the subject site or adjoining sites that require increased setbacks for protect.</p>	<p>Yes</p>
<p>2. Setbacks are to include the planting of canopy trees, both small and large varieties.</p>	<p>The proposed setback on the western side at ground level is 3m meters. In this space there is a 1.5m wide pedestrian pathway proposed to allow a future through site link, the reduced setback leaves little opportunity for the planting of canopy trees.</p>	<p>No</p>
<p>3. All property boundary front setbacks must be</p>	<p>The proposal has a basement level extending</p>	<p>No</p>

deep soil and landscaped and must not have any underground intrusions such as underground car parking or on site detention.	to within 3m of the front boundary which reduces the opportunity for deep soil planting within the front setback to just 3m. The OSD tank is located to the north-eastern part of the site preventing deep soil and landscaping in this location.	
4. No ground floor apartments are to be below the adjacent footpath level.	The proposed ground floor apartment G01 is approximately 0.8m below street level.	No
5. Ground floor residential units with a street frontage may provide some privatisation of the area within the setback from the street, but this shall be limited to a maximum depth of half the required setback, and must not occur across the whole frontage of the site. Any private courtyard areas must incorporate landscaping, to provide for privacy as well as for a consistent, attractive and well maintained landscape frontage.	The proposal has 3 ground floor units facing Stanley Street and their courtyards take up 50% of the front setback which is consistent with this control. Appropriate landscaping is proposed to provide privacy and an attractive landscape frontage.	Yes
6. The primary area of outdoor private open space must not be located on the street frontage.	The proposal has outdoor private open space for three ground level units fronting Stanley Street along the street frontage. This approach is consistent with what has been adopted in the locality. The front courtyards have been designed with a front fence and landscaped garden buffer to achieve some degree of privacy for these units. Each of these units also have courtyards to their northern side.	Yes, consistent with other approvals in the locality.

7. Blank walls are to be avoided from any location visible from the public domain	There are no blank walls facing Stanley Street or the Princes Highway, but the western elevation features a largely blank wall dressed up with some false windows and curved white painted concrete that Council's Urban Designer find unacceptable. The white painted concrete panels on the western façade are purely cosmetic and do not provide depth nor variation in the massing. The 10-storey blank wall does not enhance amenity or sky views and will be highly visible from the public domain.	No
8. Side or rear boundary fencing over 1.5m in height is not permitted fronting the public domain.	No details provided.	No
9. On sites with frontages to the Princes Highway, Harrow Road and Railway Parade North, the balconies on the lower levels may be wintergardens. The wintergarden will count as GFA for the purposes of the calculation of the FSR.	The subject site has frontage to the Princes Highway, but winter gardens are not proposed. Balconies are open to the air with louvers, some also include planter box landscaping.	N/A

Street Setback Controls

1. The required setbacks for the building to Stanley Street is shown below in Figure 21:

• Ground floor (street level):	5m, with the first 2m to be at grade with the footpath to provide landscaped edge
• Up to 12 m (4 storeys):	7m to the building – balconies/wintergardens may encroach up to 2m into the 7m setback
• Over 12m (5th storey and above):	8m to the building or balcony

Figure 21: Table - Front setbacks for sites

Proposed Setbacks

Levels	Setback	Complies
Stanley Street (south)		
Ground floor (street level)	5m	Yes.
Levels 2 - 4	5m to the balcony, 7m to glass/wall.	Yes
Levels 5 and above	8m	Yes

Proposed Setbacks

Levels	Setback	Complies
Princes Highway (east)		
Ground floor (street level)	2m	Yes
Levels 2 - 4	2m to the balcony, 4m to glass/wall.	Yes
Levels 5 and above	5m	Yes

Controls for Side and Rear Setbacks

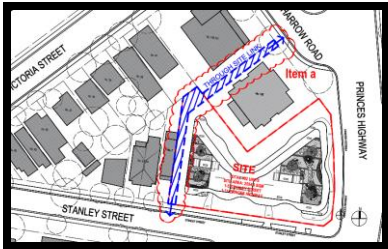
<p>4. Side and rear setbacks:</p> <p>a) Provides resident amenity, including landscaping and deep soil planting, protection of large established trees, privacy, solar access and ventilation;</p> <p>b) Responds to the local context and provides streetscape amenity, including providing adequate separation from existing and future development; and</p> <p>c) Does not prevent a neighbouring site</p>	<p>The side and rear setbacks of the proposed building are intended to provide a balanced approach to the setbacks identified in Objective 3F-1 of the Apartment Design Guide, as well as the need to avoid more than one step in the built form.</p> <p>The rear or northern boundary setbacks are: Levels G-3 – 6m, Levels 4-7 – 9m, Levels 8-9 - 12m.</p> <p>The western boundary setbacks are: Levels G – 3m, Levels 1-9 – 6m.</p> <p>The reduced setback on the western boundary fails to achieve a step in the western facade to define the podium.</p> <p>There are no windows other than sacrificial</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>
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from achieving its full development potential	<p>openings to the western façade to maintain privacy for future development on the adjoining sites.</p> <p>The reduced setback erodes the development potential of the adjoining property which is already compromised by the small site area of the remaining isolated properties.</p>	
5. Council may consider a request for zero side boundary setbacks up to four storeys to sites fronting the Princes Highway to maximise yield. Council may consider the reduction of the side boundary setbacks on other sites within the Precinct, where the proposed development complies with the principles of solar access and cross ventilation in SEPP 65 and where it can be demonstrated that there would be no additional impacts on adjoining properties and trees are retained. Council will require the submission of a schematic design for the redevelopment of neighbouring sites so that Council can undertake an assessment of the impact of adjoining developments and compliance with the ADG.	No zero setbacks are being proposed.	N/A
10.1.6 (5) Trees and Landscape		
1. All development is to be designed to eliminate the impact upon significant trees on site, street trees and trees on	The are no existing trees on site of any significance. There are several trees on adjoining properties that need to be protected and	No

adjoining land including public open space and educational establishments. Existing mature trees in good health and condition, are to be retained through the appropriate siting of buildings, car parks, basements, pools, ancillary buildings, driveways and hard stand areas.	the building is suitably setback to respect the root zone. The Council's Consultant Landscape Officer's assessment is that the detailing of the planting proposed throughout the site in the deep soil zones, streetscape interfaces, planters and the roof top areas remains unresolved with respect to the soil depths and growing conditions and associated impediments. Further resolution is considered necessary in this regard. Further detailed comments can be found in the referral section of this report.	
2. Landscaped areas must be effectively distributed on the site to minimise the dominance of buildings, structures and paving when viewed from the street, public places and surrounding properties.	There is a lack of deep soil planting along the western boundary due to the 3m ground floor setback and the protrusion of the basement and the paving of 1.5m for the pedestrian through site link. Landscaping is incorporated into the building design on the ground level and also the roof top.	No
3. Additional street trees are to be incorporated into the overall design of the development in locations identified in Figure 5.	Six (6) street trees are proposed for Stanley Street as part of the development. These will be subject to the public domain plan approval required to be submitted to Council as a s138 application prior to the issue of the Construction Certificate if the proposal is approved.	Yes
4. Common open space/courtyards are to	The landscaped communal open space proposed at	Yes

<p>be located, designed and landscaped to:</p> <ul style="list-style-type: none"> • Enhance views from dwellings and create recreational opportunities. • Be the focal point for residents and incorporate public art and water features where appropriate. • Achieve good amenity in terms of solar access and natural air flow 	<p>ground level on the northern side will provide an attractive outlook and recreational opportunities to residents. The landscaped roof top communal open space will also provide recreational opportunities for residents again affording good solar access coupled with distant views.</p>	
<p>5. Communal open space on roof tops is encouraged in locations where it does not adversely impact on the residential amenity of surrounding residents. A plan of management will be required for the use of large communal terraces that must be implemented through the Owners Corporation by-laws</p>	<p>Two roof top communal open space areas have been provided, the development if approved would contain a condition of consent restricting their hours and use subject to a detailed Plan of Management.</p>	Yes
<p>6. Deep soil zones are to be located within ground floor setbacks providing screening/interface to the street where large trees will benefit the maximum number of residents and are to be located where they will contribute to the public domain</p>	<p>A single large canopy tree is proposed in the eastern side of the front setback to Stanley Street. Other small canopy trees are also proposed in the front setback but no species list has been provided to determine if the proposed trees are acceptable in terms of size and species.</p>	No.
<p>7. Landscaping should give precedence to species with low water needs, include native plant species and select and position trees to maximise control of sun and winds</p>	<p>The landscaping plan provides species which are considered acceptable in the locality, however the details of the planting on structures, the deep soil zones, pots, roof top areas and planters remains unresolved with respect to soil depths and growing impediments therefore the</p>	No

	<p>vegetation will not achieve optimum growth.</p> <p>The private versus site landscaping to the Stanley Street elevation to soften the impact if the development from the streetscape presentation is imbalanced.</p> <p>Further details can be found in the referral section of this report.</p>	
<p>8. Landscape design is to be integrated with water and stormwater management. On-site detention tanks must not be located within deep soil zones.</p>	<p>An on-site detention tank is proposed in the north-east corner of the rear of the site. Where this structure is proposed has been excluded from the deep soil area. A complaint amount of deep soils area is proposed.</p>	Yes
<p>10.1.6 (7) Creation of Through Site Pedestrian Links and Additional Open Space</p>		
<p>1. A public through site pedestrian link, in the form of the creation of a public ROW is to be provided as part of the development sites identified in Table 3 below. This public through site connection is to form part of the development but is to allow public access through the site</p>	<div data-bbox="810 1041 1181 1359" data-label="Image"> </div> <p>DCP extract Georges River Development control Plan 2021.</p> <p>A public through site pedestrian link is nominated to extend through this development site as outlined above, connecting Stanley Street to Victoria Street Kogarah. Given the proposed amalgamation pattern of the sites the subject of this application the proposed site link was through the centre of the site. As a result, the applicant has proposed an alternate</p>	Yes on merit.

	<p>location for this through site link which is to extends along the western boundary of the site. If the application was to be supported this through site link would need to be nominated on any future DP/SP an 88B instrument.</p>  <p>Nominated through site link location on the architectural plans.</p>	
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10.1.6 (8) – Housing Choice

<p>1. Developments that propose more than 10 apartments are to provide a mix of dwellings consistent with the following percentage mix:</p> <p>(a) Studio and 1 bed apartments – Minimum of 20%</p> <p>(b) 2 bed apartments – Maximum of 30%</p> <p>(c) 3+ bed apartments – Minimum of 15%</p>	<p>102 Residential apartments comprised as follows:</p> <ul style="list-style-type: none"> • 25 x 1 bedroom (24.5%) – complies. • 66 x 2 bedroom apartments (64.7%) – non-compliance. • 11 x 3 bedroom apartment (10.8%) – non-compliance. 	<p>No, however considered acceptable to provide housing choice and affordability within this precinct.</p>
<p>2. Any variations to the apartment mix are to take into consideration:</p> <p>a. the distance to public transport, employment and education centres</p> <p>b. the current market demands and projected future demographic trends</p>	<p>The proposal provides an acceptable apartment mix considering its accessible location and access to education, retail and service opportunities.</p>	<p>Yes</p>

c. the demand for social and affordable housing d. different cultural and socioeconomic groups		
3. Apartment configurations are to support diverse household types and stages of life including single person households, families, multi-generational families and group households.	Whilst a majority of apartments are designed to cater for smaller households there are 11 x 3-bedroom units to cater for larger households and families. The apartment mix is considered acceptable as being an alternate choice of housing within this precinct.	Yes
10.1.6 (9) – Addressing the Street and Public Domain		
1. Landscaping in the public domain is to enhance, complement and reinforce existing streetscape planting themes and patterns. Council will require street tree planting, landscaping and paving of the public footway, for locations including those shown on Figure 5 and this must be included in the Landscape Plan.	Additional street tree plantings are to be provided as part of the public domain works.	Yes
4. Buildings must be sited to address the street and relate to neighbouring buildings. Developments on sites with two or more frontages are to address both frontages.	The building has been sited to address both street frontages. The residential pedestrian entry is from the Stanley Street frontage with the commercial/retail pedestrian accessed via Princes Highway and the corner of Stanley Street. All vehicular entry is from the Stanley Street frontage.	Yes
5. Buildings are to be designed to minimise the number of entries, visible internal uses at ground level, and include high quality finishes to enhance the public domain.	There are two (2) lobby entrances proposed to the residential apartments via Stanley Street. The retail/commercial premises also have their own separate access via the Princes Highway and the	Yes

	corner of Stanley Street. This configuration is considered acceptable.	
10.1.6 (10) Impact of Development on the Road/Pedestrian Network		
1. A Transport Impact Study (TIS) is required to address the potential impact of the development on surrounding movement systems where the proposed development is for 25 or more dwellings; or in the opinion of the consent authority, likely to generate significant traffic impacts	A Traffic Impact Assessment Report was submitted with the application.	Yes
3. A TIS is to be submitted with the Development Application and is to address: (a) The accessibility of the site by a range of transport modes including car, public transport, walking and cycling; (b) The ability of the public transport network to service the site in the peak and Off-peak and weekend periods; (c) Mode share targets; (d) Means of minimising travel demand by private car and maximising the share of travel by other modes including public transport, cycling, walking or car share; (e) Estimates of trip generation by the development and the impacts of trips generated by the development on the road network, including impacts on existing intersections and the level of service of these	A Traffic Impact Statement has been submitted with the application and reviewed by Councils Traffic Engineer who found the proposal unacceptable. The main issues relate to inadequate onsite car parking which will lead to an unacceptable impact on the on street carparking, lack of access to the site for removalist vehicles and garbage trucks.	No

<p>intersections and road network and other movement systems;</p> <p>(f) Means of accommodating and integrating trips generated by the development including necessary improvements to public transport services, pedestrian systems, bicycle routes, and the road network;</p> <p>(g) Means of mitigating adverse impacts of the development on movement systems;</p> <p>(h) Means of improving access to the site having regard to vehicular, pedestrian, cycle and public transport access;</p> <p>(i) Impacts on and means of improving pedestrian accessibility to public transport, shops, schools, open spaces, community centres and the like;</p> <p>(j) Impacts on and means of improving pedestrian safety;</p> <p>(k) Availability of on street parking and potential on street parking controls to discourage commuting and all day residential parking demand generated by the development.</p>		
10.1.6 (11) - Acoustic Impacts from Road and Rail		
<p>1. Applicants proposing development on busy roads or adjacent to the railway line are to refer to and comply with State Environment Planning Policy (Infrastructure) 2007 and the NSW Government's Development near Rail</p>	<p>An acoustic report has been provided and reviewed by Councils Environmental Health Officer. Appropriate conditions have been imposed for the recommendations to be implemented in the build if</p>	<p>Yes</p>

Corridors and Busy Roads – Interim Guidelines which includes design guidelines and requirements to manage the impacts from road and rail noise and vibration.	the application was to be supported.	
2. An Acoustic Assessment must be prepared with reference to NSW Government's Development near Rail Corridors and Busy Roads – Interim Guidelines	An Acoustic report provided and reviewed by Councils Environmental Health Officer was found to be appropriate subject to conditions being imposed if the application was to be supported.	Yes
10.1.6 (12) – Vehicular Access and Car parking		
1. As the Precinct is within 800m of Kogarah Railway Station, the residential parking rate that applies is in accordance with the Objective 3J-1 of the Apartment Design Guide, which references the RMS Guide to Traffic Generating Development. The applicable rates are those for a Sub-regional Centre.	The proposal fails to comply with the car parking provisions of the RMS Guide to Traffic Generating Development which in this case is the applicable controls relevant to the provision of car parking spaces onsite under the ADG.	No
2. In recognition that the Precinct was up-zoned based on its proximity to public transport, as an incentive to reduce the reliance on the private motor car, parking and access thereto in excess of the RMS requirement will be treated as GFA for the purposes of calculating the FSR of development. For the purposes of the definition of GFA in the Dictionary of Georges River LEP 2021, the "car parking to meet the requirements of	The proposal fails to provide adequate onsite carparking to meet the requirements of the RMS requirements as referenced in the Guide to Traffic Generating Development.	No

the consent authority” referred to in clause (g) of the definition is car parking that is in compliance with the minimum parking rate. Car parking that exceeds the calculated minimum rate is car parking that exceeds the requirement of the consent authority		
3. For commercial/retail development and other land uses parking is to be provided at the following rate: <ul style="list-style-type: none"> • 1 space per 40m² for any floor space at ground floor level • 1 space per 50m² for all other floor space above ground floor level 206.8sqm of retail/commercial space requires 5.17 spaces be provided	Five (5) spaces provided.	No
4. 1% of all car parking spaces are to be designated “accessible” spaces for people with mobility impairments	13 of 53 car parking spaces are accessible spaces which is 24.52% of all spaces.	Yes
5. For car parks between 10 to 99 spaces at least one “accessible” space must be provided.	Thirteen (13) accessible spaces have been provided.	Yes
6. Designated “accessible” car spaces are to be treated as resident car spaces in the calculation of the parking requirement	Twelve (12) of the thirteen (13) accessible spaces have been provided for the residents.	Yes
Bicycle parking		
7. Bicycle storage is to be provided at the rate of: b) 1 secure bicycle storage facility per 2 residential units 102 units proposed. 51 bicycle spaces required	51 bicycle spaces provided in basement.	Yes

<p>(a) 1 bike space per 10 car spaces for the first 200 spaces then 1 space per 20 car spaces thereafter, for commercial and retail land uses.</p> <p>5 Commercial car spaces provided</p> <p>1 bicycle space required</p>	1 retail/commercial bicycle spaces provided in basement.	Yes
8. Bicycle parking and facilities should be designed in accordance with the relevant Australian Standards	Generally acceptable.	Yes
Vehicular Access and Driveways		
9. Parking is to be located below ground and access from laneways and side streets.	Basement parking is provided for the residents and commercial tenancies accessed from Stanley Street (western side of the development site).	Yes
10.1.6 (13) – Architectural Articulation – Façade, Roof wall design and balconies		
Facades and Articulation		
1. Large areas of flat facade are to be avoided. Facades should be articulated into separate sections, using steps in the facade, expressed entries, panels, bay windows, balconies, pergolas and other architectural elements.	The proposed design is generally acceptable with articulation and modulation has been incorporated into the design of the building except along the western side which presents as a continuous 6m setback from Level 1-9.	No
2. Articulation elements must be integral with the building design and should consider the whole building- with the building having distinct façade elements being the podium, centre and upper storey/roof.	The design of the proposal includes a change in materiality to define the (4) storey podium façade elements below the towers above. Each element has a differing architectural expression which attempts unsuccessfully to separate each component of the development. The lack of clear definition created by the continuous non-	No

	complaint setback along the western side prevents the true articulation of the podium level from the towers on this side of the development and to the Stanley Street frontage, this element/form of the development is unacceptable.	
5. Façades must be articulated and employ materials and finishes to enhance and complement the character of the streetscape.	The materials and finishes are generally considered acceptable except for the lack of articulation and detail of the western facade.	No
6. Reinforce a desired pattern characterised by simple, rectilinear building forms, a consistent street wall height, and a balance of horizontal elements (parapet, central area, below-awning area) and vertical elements (subdivision patterns, building bays)	These design elements have generally been incorporated into the building design except along the western facade.	No
7. Retain the pedestrian scale and give continuity to the 'base' of the built form.	The development consists of a change in materiality between the four (4) storey podium with the upper level setback along the Stanley Street façade which assists in providing a pedestrian scale to the development.	Yes
9. Avoid large expanses of blank walls or glass curtain walls.	A large blank wall is proposed along the western façade with white painted concrete elements and sacrificial/false windows proposed in an attempt to make up for the loss of articulation and provide visual interest lost with the non-complaint side boundary setback.	No

	This is not considered to be an acceptable built form outcome.	
10. Conceal meter boxes, fire hydrant boosters, sprinkler valves and the like so that they are not visible from the street.	The substation is proposed at the corner of Princes Highway and Harrow Road. Similarly, the hydrant booster has been located on Princes Highway frontage near commercial tenancy 1 away from the prominent entries. Other services have been incorporated into the design to soften their impact where possible or located in the basement.	Yes
Roofs		
14. Conceal lift over-runs and plant equipment, including satellite dishes, within well designed roof forms.	Lift overruns, fire stairs and plant equipment are centrally located to reduce their visual impact.	Yes
16. The use of green roofs and green walls is encouraged particularly where this forms part of a communal open space arrangement in a residential/mixed use development.	The landscaping proposed requires further resolution with respect to soil depth and areas and the optimum growing conditions for the species.	No
17. Buildings greater than 9 storeys are to incorporate green facades or landscaped features (i.e. landscaped communal areas located on podiums and roofs).	Communal open space areas incorporating landscaping has been provided at Ground Level and on the Roof Top of the development. Landscaping on the building has been provided on various levels. The landscaping needs further resolution with respect to soil depths, the size and formation of planters and pots and impediments of growing condition of vegetation.	No
18. Roof top areas designed for use as recreation facilities are to	Communal open space has been provided at Ground Level and on the	No

have a high standard of finish and design. The design of exterior private open spaces such as roof top gardens must address visual and acoustic privacy, safety, and security and wind effects.	Roof Top of the development. Visual and acoustic privacy has been addressed through landscaping and hours of use. The landscaping however requires further resolution with respect to soil depths, planter sizing and shapes to achieve optimum growing conditions.	
20. Landscaping documentation should include details illustrating water-proofing, soil containment, filter fabric, drainage outlets, subsoil drainage methods, irrigation, and external finishes to the retaining wall / planter box	Some detailing provided, but further detailing is required in this regard.	No
Balconies		
23. Design building facades and apartment layout so that balconies are functional and responsive to environmental conditions.	Balconies are incorporated into the design and are generally functional, some are undersized and triangular in shape which is not desirable from a functionality perspective.	No
24. Integrate balconies into the overall building form and to enhance the articulation of facades.	Balconies assist in providing articulation for the building but the non-compliant setback to the west means balconies are not provided on this side due to overlooking of adjoining properties which seriously undermines the building presentation.	No
25. Design balustrades which allow for views into, and along the street but avoid all glass and all brick balustrades	The development incorporates a mixture of glass and masonry balustrades.	Yes
10.1.6 (14) – Awnings		
1. Awnings are to be sized to adequately accommodate street trees. In addition, ground	The awnings proposed are acceptable and still enable street tree planting. Six (6) street trees are proposed	Yes

floor street frontages must be recessed into the building to provide an ample undercover passage without impacting street tree planting	with the Stanley Street frontage.	
2. Provide under awning lighting to enhance safety	Can be provided and would be conditioned if the application was to be supported.	Yes
10.1.6 (15) – Active Street Frontages along Princes Highway and Railway Parade North		
1. Development is to provide for activation of the ground floor for frontages with neighbourhood shops and home offices along the Princes Highway and Railway Parade North.	Three (3) commercial tenancies are proposed on the ground floor along the Princes Highway frontage and wrapping around to the Stanley Street elevation.	Yes
2. Ground floor apartments are not permitted on the Princes Highway and are discouraged along Railway Parade	No ground floor apartments are proposed within the development fronting the Princes Highway.	Yes
10.1.6 (16) - Solar Access to public domain		
1. Maintain solar access to public open space	Solar access diagrams demonstrate the development will not unreasonably impact solar access to public open space, beyond that anticipated by the uplift in planning controls for the precinct.	Yes
2. New development shall maintain solar access to open space, including the open space (including the area currently used for car parking) bounded by Victoria Street, Gladstone Street, Victor Street and Palmerston Street. This open space is identified by Council as being a future Town Common, for	The building has been designed to maximize solar access to the proposed apartments and private open space areas.	Yes

shared use by the school and residents.		
10.1.6 (17) - Safety and Security		
1. The design of the development is to incorporate Crime Prevention Through Environmental Design (CPTD) principles	Noted.	Yes
2. Development is to be designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public areas. Note: Further Information refer to NSW Police Service 2001, Safer by Design NSW Department of Urban Affairs and Planning 1979, Crime Prevention and the Assessment of Development Applications, Guidelines under Section 4.15 of the Environmental Planning and Assessment Act, 1979	These elements have been incorporated into the proposal.	Yes
10.1.6 (18) - Waste Minimisation		
2. For buildings more than 3 storeys, provide a waste and recycling chute on each floor such that the total travel distance from any dwelling to a waste chute does not exceed 40m	The waste chutes proposed are considered satisfactory.	Yes
3. Where a waste and recycling chute system is used: (a) chute openings are to open only into a waste service compartment or	Acceptable, subject to conditions if the application was to be supported.	Yes

room for safety purposes; and (b) the waste service compartment or room on each floor must also include space for containers for the intermediate storage of recyclables.		
5. An additional room or caged area with a minimum volume of 8m ³ is to be allocated and designated with signs for the storage of discarded bulky items and recyclable electronic goods	A bulky waste room has been provided on Basement level 1 adjacent to the waste loading bay.	Yes
8. Basements are to be designed to allow for the on-site collection of waste. The body corporate must indemnify the Council's waste collection contractor in order for it to access the site. If it is elected to not design the basement with a clear height and space to allow for Council's waste and recycling trucks to wholly enter and manoeuvre in the basement, the applicant may nominate that the site is to be serviced by a private waste contractor.	Provision has been made for waste to be collected from the basement level 1 waste truck loading area. A secure bin holding area is provided within basement level 1. The truck size nominated can enter and exit in a forward direction.	Yes
9. It is preferable for waste trucks to enter the site in a forward direction, but it is permitted for waste trucks to reverse onto a site, where design and site conditions make it safe to do so. It is never acceptable for a truck to reverse out of a site	The waste truck loading and collection by private contractors using low height Small Rigid waste collection vehicles to enter and exit in a forward direction.	Yes
10.1.6 (19) – Site Facilities		
2. Mailboxes will be located indoors in	Mailboxes are located internally within the front	Yes

accordance with Australia Post's requirements.	entries of the area's leading to the residential lobbies.	
3. Adequate and appropriate unit numbering is to be provided. The name and address of the premises will be displayed in a position that is clearly visible from the street and / or service lane to assist identification and deliveries.	Will be conditioned if the application was to be supported.	Yes
6. The existing above ground electricity and telecommunication cables within the road reserve and within the site will be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines. The applicant will bear the cost of the new installation and the first 12 months of additional street light charges	This will be conditioned if the proposal was to be supported.	Yes
9. Any electrical kiosk, fire booster assembly or similar utilities will be in a location that is visible from the main entrance of the development, unable to be obstructed, and readily accessible to vehicles and service staff. Fire booster assemblies are to be a minimum of 10m distance to an electrical kiosk and housed within the external face of the building structure or in a built enclosure with	The electrical kiosk substation is located on the Princes Highway frontage to the north-eastern portion of the site, there are no windows to residential units within 3m. The fire hydrant booster is located near commercial tenancy 1 with the fire hydrant and sprinkler pump room being located on basement level 2 and the fire hydrant and sprinkler tank located on basement level 1.	Yes

screen doors. The enclosure is to be integrated with the architectural design of the development and compliant with AS2419. Applicants are encouraged to provide landscaping that will not impede access to, and effective use of, the utilities to reduce the visual impact of the utilities on the streetscape and public domain		
10.1.6 (20) – Maintenance		
2. Buildings must incorporate and integrate building maintenance systems into the design of the building form, roof and façade.	Maintenance systems have been integrated into the common circulation areas, basement levels and where applicable integrated into the design when fronting the street.	Yes
4. Appropriate landscape elements and vegetation must be chosen along with suitable irrigation systems	The landscape plan incorporates these elements. However further resolution of the planting throughout the development is required to achieve optimum growth given there are insufficient soil depth, constrained growing conditions which need to be resolved.	No
10.1.6 (21) – Acoustic Privacy		
1. The location of driveways, open space and recreation areas and ancillary facilities external to the dwelling must be carefully planned to ensure minimal noise impact on adjoining residential properties	The driveway access to the basement car park is situated on the western side of the Stanley Street frontage. An Acoustic report was provided and has been reviewed by Councils Environmental Health Officer. Appropriate conditions will be imposed if the application was to be supported to ensure compliance with EPA noise criteria and ensure that the	Yes

	operation of the development doesn't cause a noise disturbance to the adjoining neighbours or future residents residing within the development.	
2. Bedrooms of one dwelling should not share walls with living rooms or garages of adjacent dwellings. Bedrooms of one dwelling may share walls with living rooms of adjacent dwellings provided appropriate acoustic measures are documented	The floor layouts of the units are generally consistent with this requirement.	Yes
3. Where party walls are provided they must be carried to the underside of the roof	Noted.	Yes
4. All residential development except dwelling houses are to be insulated and to have an Impact Isolation between floors to achieve an Acoustical Star Rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC). An Acoustic Report is to be submitted at Development Application stage and post construction stage to ensure that the above standards have been achieved	An Acoustic Report has been submitted and reviewed by Councils Environmental Health Officer and considered satisfactory subject to conditions of the application was to be supported.	Yes

Impacts

Natural Environment

109. The proposed development is unlikely to result in any unreasonable adverse impacts on the natural environment in the locality. The site does not contain any significant vegetation worthy of retention and all existing vegetation is proposed to be removed. A total of six (6) street trees are proposed along the Stanley Street frontage.

110. A Landscape Plan prepared by a qualified landscape architect has been prepared for the development. This plan shows landscaping to the communal open space on the rooftop and on the level 4 communal open space area along the eastern side. A review of the details of this landscaping has resulted in the identification of insufficient soil depth, constrained growing conditions of vegetation which will not achieve the desired optimum growth of the species chosen. In addition, the planters are irregular in shape and therefore result in difficulties in the installation of adequate soil depths and appropriate irrigation to ensure the vegetation will achieve its optimum growth and desired visual outcomes. The private versus communal landscaping within the Stanley Street frontage requires further resolution as the communal landscaping is compromised and will not achieve the desired outcome of softening the built form of the development.
111. The proposed excavation of the site is for the purpose of providing two (2) levels of basement for car parking. The excavation is consistent with other new developments of this density and scale in the locality.

Built Environment

112. The proposed development is seeking to provide for the urban renewal of the subject sites within the Kogarah North Precinct. The proposed design is not supported as proposed, as it is not considered to positively contribute to the streetscape of the locality. The proposed design is not considered to be appropriate from an urban design perspective and fails to display the required design excellence. The proposal fails to make a positive contribution to the character of the area.

Social Environment

113. It is acknowledged that these sites have been upzoned to provide increased commercial and residential opportunities for the precinct. The development form is not considered to be supported in its proposed form as it results in an unacceptable impact onto the western adjoining lot.

Economic Environment

114. The proposed development will have no adverse economic impact, it will benefit in the longer term the sustainability of the Kogarah North Precinct and will in the immediate term contribute to maintaining jobs in the construction industry.
115. The proposed development will provide temporary employment through the construction of the development. In addition, the proposal will restore and increase employment associated with the use of the site through the operation of the proposed commercial tenancies.

Suitability of the Site

116. The application has not demonstrated that it is suitable for the subject site. It is considered that the proposed development is of a scale and design that has not been designed to reflect its context.

SUBMISSIONS, REFERRALS AND THE PUBLIC INTEREST

117. The application was initially advertised for a period of fourteen (14) days between 3 August 2023 and 17 August 2023 in accordance with the Georges River Development Control Plan and the Georges River Council Community Engagement Strategy notification criterion, twenty one (21) submission were received.
118. Amended Plans were submitted, the application was re-advertised between 31 July 2024 and 18 April 2024 in accordance with the Georges River Development Control Plan and the Georges River Council Community Engagement Strategy notification criterion, seven (7) submission were received.
119. A total of twenty eight (28) submissions were received during the two (2) notification periods.
120. The concerns raised are summarised below:

Submitter:

- *Driveway location will lead to noise impacts on 7 Stanley Street (traffic and operation of roller door 24/7).*

Officer Comment:

121. The driveway location will lead to increased activity and noise compared to the current situation, the expected noise is acceptable as it is consistent with what would be expected in this upzoned precinct.

Submitter:

- *Proposed development will have an excessive ecological footprint.*

Officer Comment

122. Residential apartment buildings are able to accommodate a greater number of occupants per land area than low density developments resulting in the ecological foot print of a residential flat building being less per capita than a detached dwelling. This was evaluated when the precinct was upzoned, this density was envisaged with the FSR and height controls set.

Submitter:

- *Overshadowing and loss of sunlight will cause negative mental health impacts for existing residents and cause global warming as they have to use their heaters more in winter.*

Officer Comment:

123. The extent of overshadowing is considered acceptable in the locality given the high density zoning and applicable height limit and floor space controls. The built form is generally consistent with what was the envisaged by the planning controls and consistent with higher density urban living. It is acknowledged that the setback to the western side does result in additional overshadowing impacts. However, there is no evidence to suggest that the proposed development will exacerbate

mental health of existing residents or have a significant impact on global warming.

Submitter:

- *Proposal will lead to too many people in a small space and will cause a loss of a sense of community.*

Officer Comment:

124. The North Kogarah area has undergone significant changes in response to the change in zoning and the increases in building height and density. The increased density has come at the expense of lower density freestanding dwellings.

This development is largely consistent with what is envisaged by development in this precinct.

Submitter:

- *Utilities in the locality will become overloaded*

Officer Comment:

125. There is no evidence to suggest that the existing utilities are inadequate to cope with the additional demand created by the proposed development.

The service providers will be consulted to provide the servicing requirements to be incorporated into the build if the application was to be supported.

Submitter:

- *Proposed development will change the character of the area*

Officer Comment:

126. The Kogarah North area has undergone significant changes in response to the change in zoning and the increases in building height and density. This development is one of many in the locality and is largely consistent with the envisaged character of the area resulting from the planning policy changes.

Submitter:

- Proposed development will negatively impact the aesthetic of Stanley Street

Officer Comment:

127. The proposed development is not supported by Council's Urban Designer noting the proposal will negatively impact the streetscape and fails to display design excellence in its current form, noting that the site is zoned R4 High Density Residential.

Submitter:

- *Setbacks to adjoining properties are inadequate.*

Officer Comment:

128. All setbacks other than the western side setback are complaint. The reduced setback to the western side is not supported as it provides a poor development outcome.

Submitter:

- *Stanley Street is too narrow and needs to be widened*
- *Excessive traffic on the local roads will make it unsafe*

Officer Comment:

129. Approval of the development would lead to an increase in local traffic, however, this increase will not result in the amount of traffic exceeding the safe carrying capacity of the local road network.

Submitter:

- *Will lead to flooding of the basement at 7 Stanley Street.*

Officer Comment:

130. There is no evidence to support the concern that the proposal will lead to any more flooding of the basement of 7 Stanley Street than what they currently experience. This site will control its own stormwater control and discharge.

Submitter:

- *Proposed development will lead to a decline in property values*

Officer Comment:

131. The comment is noted but it is not a matter for consideration under the provisions of the Environmental Planning and Assessment Act.

Submitter:

- *Driveway location is unsafe for pedestrians*

Officer Comment:

132. Council's Traffic Engineer did not find the proposed driveway location to be unsafe for pedestrians.

Submitter:

- *Insufficient on street carparking in the locality*
- *Insufficient on site carparking proposed for residents, visitors or commercial tenancies*
- *Too many apartments, too many construction projects and 2 x schools unacceptable cumulative impact on parking in locality.*

Officer Comment:

133. The proposal is providing an insufficient amount of car parking to cater for the needs of the development. The deficiency in car parking spaces would exacerbate the demand for on street parking which is not considered satisfactory.

Submitter:

- *Deep excavation will cause structure instability to adjoining properties.*

Officer Comment:

134. A condition would be applied to any development consent if approved requiring prior to excavation works commencing a Dilapidation Report be prepared for adjoining properties. A Geotechnical Investigation and would also be required to inform the excavation work methodology with shoring as required to ensure the protection of adjoining properties.

Submitter:

- *View Loss.*

Officer Comment:

135. The proposal will result in loss of views from surrounding development given the increased height and built form on this site. This is to be expected when there is a change from lower density development to a higher density with an increase in height and floor space.

Submitter:

- *Insufficient Public transport in Locality*
- *Buses and trains overcrowded.*
- *Public Transport Service level is too infrequent.*

Officer Comment:

136. This submission is noted but this is a site-specific development application and any deficiencies or shortages in public transport in the locality is beyond the scope of this application and would need to be considered in a regional sense by the State Government and private service providers.

Submitter:

- *Proposal leaves isolated lots which should have been acquired.*

Officer Comment:

137. This proposal leads to isolated lots adjoining the subject site to the west. The proponents of the development have documentary evidence that they made reasonable offers to acquire the adjoining properties in Stanley Street. The owners at 9 and 9A Stanley Street agreed to the offer but the owner of 7 Stanley Street refused the offers. The resulted in the applicant preparing an application without the lots they sought to acquire. The applicant has provided detail that these lots could be developed, the outcomes however would be of a lower density and scale than the development surrounding.

Submitter:

- *Overshadowing.*

Officer Comment:

138. The proposal will result in an increase in overshadowing to surrounding development, but this is to be expected when there is a change from lower density development to a higher density with an increase in height and floor space. The extend of overshadowing is considered acceptable in the circumstances.

Submitter:

- *Excessive Height*

Officer Comment:

139. Whilst the proposal exceeds the building height limit it is consistent with other approvals in the locality that have lift overruns and rooftop communal open space that exceeds the height limit. No Clause 4.6 Variation request to vary the height control was received to the height exceedance so the proposal cannot be approved as the jurisdictional matters have not been met.

Submitter:

- *Traffic and carparking management during demolition and construction will make roads unsafe and lead to lengthy delays.*

Officer Comment:

140. Some disturbance to normal parking and traffic circulation is unavoidable during demolition and construction. Appropriate conditions of consent will be imposed requiring a construction traffic and carparking management plan be prepared to manage traffic and carparking during the construction phase if the application was supported.

Submitter:

- *Excessive vacant apartments*

Officer Comment:

141. This is not a matter for consideration under the assessment of this application, however at present Sydney has a shortfall in housing and there is a very low vacancy rate.

Submitter:

- *Too many apartments not enough freestanding homes in the locality causing a lack of housing choice.*

Officer Comment:

142. The loss of freestanding homes and the increase in apartments is a direct result of the change in zoning and the increase in height and density. There are other localities in close proximity where lower density dwellings are common given the R2 low density zoning.

Submitter:

- *Amenity issues during construction phase*
- *Noise, vibration, and dust pollution during construction.*

Officer Comment:

143. Appropriate conditions of consent will be imposed requiring a construction traffic and carparking management plan to be prepared to manage the construction phase. Appropriate conditions will be imposed on the development consent if the proposal was supported requiring suitable noise, vibration and dust mitigation measures be employed to minimise impacts upon neighbouring properties during construction works.

Submitter:

- *Overlooking and loss of privacy for adjoining development.*

Officer Comment:

144. The development will give rise to some overlooking of adjoining/adjacent properties but given the separation distance between the subject site and the adjoining/adjacent properties the level of overlooking is not unreasonable. The separation distances between properties on the northern, eastern and southern sides is compliant with the ADG separation distances. The setback to the west fails to comply with the minimum separation distances.

Submitter:

- *Proposal is over development.*

Officer Comment:

145. Concerns have been raised that the proposed development is overdevelopment. This area has been up-zoned and permits a building of a height up to 33m and a FSR of 4:1. The bulk and scale of the building is consistent with the control for the R4 High Density Residential zoning, and the envelope and form envisaged by the up-zoning with the exception of the built form to the western setback. It is noted that various setbacks don't comply with the required setbacks and these non-compliances distort the built form.

The desired future character of the Kogarah North Precinct is intended to become a vibrant area with higher scaled developments. The transformation of this area is already occurring with many new taller and denser buildings being constructed, some currently being constructed, and others approved for redevelopment or currently under assessment. Whilst slightly over on height it complies with the FSR.

Submitter:

- *Insufficient green space.*
- *Inadequate community infrastructure*

Officer Comment:

146. This submission is noted but this is a site-specific development application that has provided greater than the minimum requirements for communal open space. Shortages in playing fields, parks and community infrastructure in the locality is beyond the scope of this application and would need to be considered in a regional sense. The proposal will not lead to the loss of any public open space or community infrastructure. Additional dwellings will increase both these needs in the locality but there is no evidence to suggest that open space and community infrastructure is critically low in the locality.

Submitter:

- *Fumes from car park exhaust will impact the neighbour at No. 7 Stanley Street.*

Officer Comment:

147. The proposed development will have air flow through the basement to dissipate vehicle exhaust fumes and it is not considered that it will cause undue impacts for adjoining neighbours.

Submitter:

- *Proposal leads to isolated sites.*
- *Proposal creates small and narrow isolated site that are not viable for redevelopment.*
- *Redevelopment of the isolated site will require many variations to planning controls.*
- *Residents of isolated site will have poor amenity.*
- *The proposal has not demonstrated the orderly and economic development of the isolated sites.*

Officer Comment:

- The proposed development will lead to isolated sites and insufficient information has been provided in the application to demonstrate that the requirements of the GRDCP have been satisfied. The commentary in the SEE concerning the acquisition of 7 Stanley Street doesn't include the 2 x valuations and responses from the owner to the developers' letters of offer as required by the GRDCP. The indicative floor plans and massing model indicate that extensive variations to relevant planning policy would be required at DA stage to redevelopment the isolated sites and the viability of their redevelopment has not been successfully demonstrated. The proposal has not demonstrated the orderly and economic development of the isolated sites is possible.

Application Referrals

148. The application was referred to a number of external agencies and internal officers for comment as follows:

Council Referrals

Traffic Engineer

149. Council's Traffic Engineer has reviewed the amended proposal and found it to be unsatisfactory. The assessment found that the proposal was deficient 62 residential car parking spaces resulting in 69 of the 102 proposed units having no onsite car parking spaces which is unacceptable in the locality given the areas existing high on street car parking demand. The assessment recommended refusal of the application for the following reasons:

1. There being an incorrect assessment by the applicant regarding the required number of onsite parking spaces for the resident and resident visitor components of the development.
2. There being a significant deficiency in the provision of onsite parking for the residents and resident visitor components resulting from the use of incorrect parking rates.
3. There being only 33 of the 102 units (32%) being provided with onsite parking.
4. There being provision of 4 GoGet car share spaces to cater for the parking shortfall of 69 of the 102 units which is inadequate and an unsatisfactory proposal.
5. There being only 11 of 20 required visitor parking spaces being provided onsite.
6. There being unsatisfactory arrangements for the removal of wastes and recyclables from the site.
7. There being a need to provide the required number of parking spaces onsite in accordance with Metropolitan Sub-Regional Centre parking rates to minimise the impact on street parking in an area already having a high on street parking demand on a 24/7 basis.
8. There being no provision made for access to the site for removalist vehicles which is considered will result in frequent and ongoing double parking of those vehicles in Stanley Street or illegally on the Princes Highway.

150. As a result the application is not supported from a traffic management perspective.

Development Engineer

151. The DA was referred to Council's Development Engineer who raised no objection to the proposal, subject to suitable conditions of development consent being imposed should the proposal be supported.

Assets and Infrastructure

152. Council's Assets and Infrastructure Section reviewed the proposed development in relation to public domain works and raised no objection to the proposal subject to suitable conditions of development consent being imposed should the proposal be supported.

Council's Consultant Landscape Officer

153. Council's Consultant Landscape Officer has reviewed the landscape plan and arborist report submitted with the application. The application cannot be supported in its current form for the following reasons:

- Inadequate and inconsistent information with regard to the proposed landscaping. The trees to be retained upon neighbouring properties identified in the Arborist Report and the Landscape Plan must be labelled for retention on the demolition plan.
- Trees proposed on the western boundary in the sites perimeter garden bed are not provided adequate room for optimal growth, due to their position flush against the neighbouring terrace property wall. Whilst within the deep soil zone, soil volumes for proposed tree planting either side of the western 'through site link' are inadequate and inconsistent with ADG requirements.
- The 3m landscape setback to Stanley Street is inadequate to provide appropriate soil volume for the trees proposed. The 3m landscape setback is further inhibited by stormwater infrastructure including pits and pipes and the footing for the retaining wall. Units G02, G03, G04 and G08's retaining wall and palisade fencing encroach by 500mm into the 3m wide communal landscape setback fronting Stanley street. POS landscaping should not be at the detriment of the setback dedicated for communal landscaping to establish the landscape setting.
- The remaining proposed 2.5m wide landscape setback to Stanley Street is inadequate in creating a landscape setting to soften the 10 storey building height which exceeds the prescribed height plane further exacerbating the issue of scale.
- The size and spread of the trees proposed will create an ongoing maintenance issue for those residents of Ground Floor Units G02, G03, G04 and G08. Trees would require extensive pruning so as not to conflict with the built form, this would produce unbalanced and potentially unstable trees at maturity.
- Inability to demonstrate viability of proposed planters and rooftop terracing.

- In accordance with the ADG requirements there is inadequate soil depth for the shrub planting proposed above the OSD vessel. Shrub planting requires 500-600mm where only 300mm is proposed.
- The planter boxes proposed on Levels 1-9 are not detailed upon the landscape plans. The curved nature of the building façade creates very narrow planter boxes which follow the edge form of the building. The curved planter boxes will be difficult to construct and install irrigation into, very limited in soil volume and very difficult to maintain. The planter boxes are an integral component of softening the built form as is demonstrated in the perspective montages however their practicality in construction and maintenance is questionable.
- There is insufficient detail provided in the landscape plans explain the strategy in achieving adequate soil depth for planting upon the rooftop terraces and within planter boxes proposed for Levels 1-9.
- Proposed 'Pots' on the rooftop are not detailed or specified nor is a product proposed so it is unknown whether these are a viable option or are able to be irrigated.
- Groundcover densities have not been accurately determined on the plans upon the western rooftop terrace.
- Lack of soil volume and space available for proposed tree planting and canopy development to adequately soften the built form.
- Green Wall - No details, plant species, product or performance specification have been provided for the proposed green wall to the western podium.
- Substation - The proposed substation location conflicts with Tree 15 – *Dyopsis lutescens* (Golden Cane Palm).

Urban Designer

154. Council's Urban Designer has reviewed the proposal and while some of the concerns raised in the initial assessment have been addressed via the amended plans the proposal was still found to be unsatisfactory for a variety of reasons as detailed below:

Setback/Pedestrian Site Through Link

- a. The setback to the western boundary is inconsistent with ADG requirements and crowds the pedestrian through link failing to provide appropriate transition and scale especially considering the potential 0m setback to the potential future development at No. 7 and 9 Stanley Street. A minimum 6m setback should be provided from the western boundary for the first 4 storeys, which will provide an appropriate transition, comply with the required side setback and will also provide adequate width to support growth of mature trees and provide separation between the public / private domain as well as provide to enhance pedestrian safety by potentially incorporating lighting.

Topography/ Public Private Interface

- b. The design fails to address the local topography in the northwest corner. The finished floor level (FFL) of apartment G01 still is around 0.8m below the existing natural ground. This does not comply with Part 3.5.1 (3) of GRDCP, which requires habitable rooms to be located above existing ground level. Sections through G01 have not been provided. The RIF Response letter dated 10 March 2024, states that given the large changes in levels across the site, some local variation is to be expected. This not supported as a more thoughtful design could easily address the topographical changes so that the FFL of G01 is above the existing natural ground level.

Site Isolation

- c. A site isolation study /conceptual drawings have been provided to illustrate the potential development opportunities at Nos. 7-9A Stanley Street to justify not consolidating the subject site with the adjoining sites leading to the creation of isolated sites. However, the information provided lacks details on building services (substation, fire hydrants, gas and electrical meters, letter boxes, fire stairs etc), waste storage and collection which will have a significant impact on the streetscape and street activation. The concept also lacks details on compliance with amenity requirements. The feasibility of constructing basement parking providing so few parking spaces per level is also of major concern. The 3D envelope massing diagrams provided proves that the massing of the potential development is inconsistent with the desired streetscape character and vision for the area. It is considered that amalgamating the subject sites with Nos. 7-9A will result in an overall better urban design outcome and which has the potential to achieve design excellence as required under Clause 6.10 of GRLEP 2021.

Setbacks / Building Separation

- d. The proposal fails to provide acceptable and complaint setbacks to the western side boundary. The proposal achieves visual privacy through the use of sacrificial non-essential windows to mask a blank wall but fails to achieve the required building separation. Building separation is not just about visual privacy but should contribute towards the urban form, streetscape rhythm, skyline and skyviews. SEPP 65 Principle 1- Context and Neighbourhood character requires new buildings to respond to and enhance the qualities and identity of an area including the adjacent sites, streetscape and neighbourhood. Appropriate building separation will enhance a sense of openness, preserve visual scale and access to sky views that will offer relief from the built form. It will also avoid loss of amenity and ensure building fits within the planned context of the neighbourhood.

The proposed western façade treatment is an improvement on the original design however it still is considered cosmetic. The white

painted concert panels on the western façade is purely cosmetic and does not provide depth or variation in the massing. The 10 storey blank wall does not enhance amenity or skyline / skyviews. The lack of adequate building separation in addition to the future development on 7-9A Stanley Street will further deteriorate the streetscape and amenity.

The amended design is not consistent with Clause 6.10 – Design Excellence of GRLEP 2021 or setbacks to Part 6.3.3 of GRDCP. It is considered that a 6m setback should be provided for the built form up to 4 storeys and a minimum 9m for the built form above 4 storeys from the western boundary. This will allow provision of meaningful windows on the western façade that will enhance amenity and add articulation on the façade.

Vehicular Access

- e. The amended design has increased the western side boundary setback to the vehicular access from 2.5m to 3.0m. The 3 levels above ground have 6m setback (5m to the green wall) to the western boundary resulting in partial integration of the vehicular access with the façade design. The partial protrusion of the vehicular access / rolling shutter still detracts from the streetscape and is not consistent with ADG Objective 3H-1, which requires developments to create high quality streetscapes. The blank western façade does not provide an appropriate transition to the through site link. In addition, extensive comments were also provided on the original design and the requirements for a 6m setback to the western boundary for 0-4 storeys.

Private Open Space and Privacy

- f. The unit breakdown schedule has multiple inconsistencies with the drawings and needs to be corrected to be of any use as a summary. Multiple units POS fail to achieve the minimum area or dimension requirement once the space taken up by planter boxes or narrow corners created by triangular shapes are excluded. Concern is raised that the below units POSs is noncompliant:

G06	<i>The minimum depth required dimension includes the planter, which is incorrect. The POS does not comply with the minimum required 2m depth.</i>
G07	<i>The minimum depth required dimension includes the planter, which is incorrect. The POS does not comply with the minimum required 2m depth. In addition, the usability of the POS is of concern given the triangular shape, which also includes access to the COS.</i>

103, 203 and 303	Area appears to be less than the required 8sqm (it is around 7sqm), while the maximum depth is 2.19m not the minimum
104, 204, and 304	Minimum depth – 1.4m - required 2m
105, 205 and 305	Area of the primary balcony appears to be less than the required 12sqm, while the minimum depth is 0.8m. These units have 2 balconies.
111, 211 and 311	Area appears to be less than the required 10sqm, while the minimum depth is 1m - required 2m.
404, 510, 610 and 710	Triangular shaped balcony with only the required 8sqm area.
410	Minimum depth 0.8m - required 2m.
502, 602 and 702	Area appears to be less than the required 8sqm.
803	Minimum depth 0.8m - required 2m.

Solar Access

- g. There are discrepancies between:
- Drawings A716 and A717 – Shadow Diagram – Existing Development and
 - Drawings A729 and A730 – Shadow Diagram – Potential Development

For example between 9am and 10am in Option a; some of the apartments only receive 1 hour direct sunlight; however, in spite of the potential development in Option b; some of the apartments are shown to now receive around 2 hours sunlight. Clarification is required on the accuracy of the shadow diagrams.

Based on Drawing Nos. A729 and A730, 74 of 102 receive minimum 2 hours direct sunlight or 72.5% of the proposed apartments receive minimum 2 hours sunlight. However, this is inaccurate for the following reasons:

- i. Unit 402, 404 will rely on skylights when the site to the north is developed in the future
- ii. Unit 801, 901, 904, 906 rely on skylights, which is inconsistent with the ADG Objective 4A-2, which recommends courtyards, skylights and high level windows to be used only as a secondary light source in habitable rooms.

Accordingly, only 69 of 102 (66.6%) have access to minimum 2 hours direct sunlight. This does not comply with the ADG required minimum 70%.

Cross Ventilation

- h. The information provided state that 62 out of the total 102 apartments (60.78%) proposed have access to natural ventilation. However, this is considered to be incorrect and concern is raised on the cross ventilation of the following single aspect apartments:
- 102, 202, 302, 103, 203, 303, 206, 306, 306, 404

Accordingly, only 52 of the total 102 (50.98%) apartments have access to natural cross ventilation. The proposal therefore does not comply with the minimum ADG requirement of 60%.

Apartment Layout

- i. ADG Objective 4D-1 - *The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.*

Concern is raised on the internal layout and functionality of the apartment G07 as it has a 0.9m wide x 8m long entrance corridor to get to the living room + from living room another 9.5m long corridor with 2 bedrooms off the corridor. This is not considered a well organised or efficient layout.

The design includes some unusual and impractical apartment layouts with linear layouts. This could be acceptable given the unusual shape of the site. However, given the amenity impacts especially the non-compliance with solar access and natural ventilation, an effort should be made to improve the apartment layout especially to enhance amenity.

Architectural Expression, Bulk and Scale

- j. Extensive comments on the bulk, emphasis on horizontality and bulk especially of the painted white concrete panels and repetition of architectural details and materiality were provided on the original design. An effort has been made to integrate the podium and tower and introduce verticality by incorporating the face brick vertical elements on the façade continued from the horizontal panels on the podium façade in addition to the vertical aluminium fins. This is encouraging.

However, the repetition of the solid white painted panels as well as the face brick especially on the southern and eastern façades is still dominate and emphasis horizontality.

The western façade is considered bulky and the materiality treatment considered cosmetic especially since the windows proposed are non-essential windows, which may be removed in the future if required. The façade lacks articulation that provides depth to the façade and not just a change of materiality.

Inclusion of on structure planning and the green wall is encouraging but concern is raised on its feasibility especially following the development of the site to the west, which is likely to cast a shadow on the green wall. Details on the green wall should be provided especially its materiality and maintenance, which have not been included on the Landscape Plans.

The green wall does not provide massing variation for it to be defined as a base / podium with a tower above. For the proposal to achieve a podium tower typology and for the proposal to be consistent with the streetscape, as stated before, the western façade should provide a minimum 6m setback for 0-4 storeys and minimum 9m for the built form above 4 storeys to the western boundary. The western side setback will provide opportunity to incorporate windows and balconies, which will not only enhance amenity but also minimise the building bulk and add interest to the façade and enhance sky views.

Conclusion

- k. The amended proposal is not supported in its current form. The proposal needs further amendments in order for it to be supportable from an urban design perspective. This referral provides recommendations for design amendments, for the proposal to be taken into consideration.

Waste Development Officer

155. The application was referred to a Waste Consultant for review of the proposal. The comments received detailed the following:

Waste Referral Notes

Regarding the subject development as it relates to waste management, the following issues are noted:

1. *I don't believe a Construction and Demo WMP was prepared for the proposed development. Requirement for one can be conditioned.*
2. *The OWMP is inconsistent with respect to the number of waste collections per week proposed. This should be reflected in a revised OWMP but appears to be a clerical error and would not impact the overall management strategy.*
3. *The OWMP slightly overestimates FOGO waste generation which will impact number of bins. Areas proposed can remain unchanged, Conditions on relevant rates and bin numbers are provided to be included in any consent if the application is to be supported.*
4. *FOGO bin room is accessible by roller door access only. It is unclear how the roller door access would be used to permit access to residents on a regular basis. There would need to be door access of at least 1.5m per Council standards.*

5. *The commercial bin room is small and inflexible for any changes to waste management in future. The OWMP also does not consider minimum requirement of commercial food waste per the DCP.*
6. *Based on waste referral previously provided, it appears Council has not signed off on private waste collection for this development. Has any effort been made on the part of the applicant to accommodate Council waste service criterion? It is noted a WOWB service would be acceptable if suitable ground floor storage conditions were met. At present only private collection can be accommodated and conditions suitable to address private collection could be imposed if the application was to be supported.*
7. *No area for bin washing has been identified – can be conditioned.*
8. *No consideration of waste management from use of communal open spaces has been nominated, this can be conditioned.*

Environmental Health Officer

156. Council's Environmental Health Officer has reviewed the proposal including the Acoustic Report prepared by Acouras Consultancy dated 15 May 2023, the Detailed Site Investigation and Preliminary Geotechnical Assessment both prepared by eiaustralia dated 18 May 2023. The assessment found the proposal to be satisfactory and no objection was raised to the proposal subject to conditions of consent being applied if the application was to be supported.

External Referrals

Ausgrid

157. The application was referred to Ausgrid in accordance with Clause 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Ausgrid responded on 28 July 2023 providing comments and raised no objection to the proposed development.

Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Flysafe, Sydney Airport, and CASA (Civil Aviation Safety Authority)

158. The application is supported subject to specific conditions relating to the height limitation for the building and any construction equipment (such as cranes). The subject building will not penetrate the Sydney Airport Obstacle Limitations Surface (OLS) which commences above 51m AHD. The maximum height of the building is 47.5m AHD at the lift overrun so the application does not exceed this criterion.

NSW Police

159. The proposal was referred to NSW Police for comment, but no response was received at the time this report was finalised.

Transport for NSW (TfNSW)

160. The application was referred to TfNSW (RMS) for concurrence under section 138 of the Roads Act 1993 and in accordance with clauses 2.119 and 2.122 of State Environmental Planning Policy (Transport and

Infrastructure) 2021. A formal response was provided granting concurrence subject to the imposition of conditions if the application was to be supported.

WaterNSW

161. The application was referred to WaterNSW as integrated development requiring approval under the Water Management Act 2000 for water supply work – basement dewatering. WaterNSW considered the proposal and issued General Terms of Approval to be included in a development consent if the proposal was to be supported.

Bayside Council

162. The application was referred to Bayside Council for comment, but no response was received at the time this report was finalised.

Developer Contributions

163. The proposed development if approved would require the payment of developer contributions under Section 7.11 of the Environmental Planning and Assessment Act 1979, as the proposal is increasing the density of the locality. Conditions of development consent would be recommended if the application was to be supported.

Conclusion

164. The proposal seeks consent the demolition of existing structures, lot consolidation and construction of a 10 storey mixed use development containing 102 residential apartments, 3 x commercial tenancies, once office space above two (2) levels of basement for 53 car parking spaces, tree removal, landscaping and site works.
165. The proposal has been assessed in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979. As discussed throughout this report, the proposal as presented is unsatisfactory and is inappropriate for the locality and inconsistent with the future desired character of the locality.
166. The proposal fails to satisfy a number of key planning controls in the Apartment Design Guide, the requirements of the BASIX SEPP and Georges River Local Environmental Plan Clause 4.3 Height of Buildings development standard. No Clause 4.6 Statement has been submitted with the application justifying that the variation to building height is considered to be reasonable and necessary in the circumstances and sufficient environmental planning grounds exist to contravene the control in this instance.
167. The application is recommended for refusal for the following reasons.

DETERMINATION AND STATEMENT OF REASONS

168. Statement of Reasons

- The proposed development fails to demonstrate compliance with the requirements State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004.
- The proposed development fails to demonstrate compliance with numerous requirements of Apartment Design Guide as required by State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings.
- The proposed development fails to demonstrate compliance with the requirements Georges River Local Environmental Plan 2021 clause 4.3 Height of Buildings and clause 6.10 Design Excellence.
- No Clause 4.6 – Exceptions to development standards statement has been submitted with the application justifying that the variation to building height development standard is reasonable and necessary in the circumstances and sufficient environmental planning grounds exist to contravene the control in this instance.
- The proposed development fails to demonstrate compliance with numerous Georges River Development Control Plan 2021 requirements.
- The proposed development is not considered compatible with the character of the locality and is not capable of existing harmoniously within its surroundings.
- The proposed development is located within the Kogarah North Precinct and has not demonstrated consistency with the desired future character of the precinct by providing a high quality shop top house and residential flat building development.

DETERMINATION

169. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) it is recommended that the Southern Sydney Planning Panel refuses DA2023/0222 the demolition of existing structures, lots consolidation, construction of a 10 storey shop top housing development and residential flat building development containing 102 residential apartments, 3 x commercial tenancies, one office suite above two (2) levels of basement containing 53 car parking spaces, tree removal, landscaping and site works at 1-5 Stanley Street and 1-11 Princes Highway, Kogarah for the reasons outlined below.

Reasons for Refusal

1. Refusal Reasons - Environmental Planning Instrument

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate compliance with the requirements of State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004. In particular:

- a) The application failed to provide an updated BASIX Certificate for the residential component of the development based on the amended design demonstrating that the proposal satisfies the minimum requirements of BASIX in terms of water, thermal comfort and energy efficiency as required.

2. Refusal Reasons - Environmental Planning Instrument

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate compliance with the requirements of State Environmental Policy No 65 – Design Quality of Residential Flat Buildings. In particular the following requirements of the Apartment Design Guide:

- a) 3H - Vehicle Access – The partial protrusion of the vehicular access proud of the western facade draws the eye to the roller shutter garage door detracting from the streetscape presentation and is not consistent with Objective 3H - 1, which requires developments to create high quality streetscapes.
- b) 3J - Bicycle and carparking - The proposal fails to demonstrate that:
 - i. An adequate number of car parking spaces have been provided to comply with the ADG/RMS car parking minimum requirements even factoring in the reduced rate afforded to location in close proximity to public transport. The proposal is deficient 62 car parking spaces.
 - ii. Adequate loading and waste collection arrangements have been made in the basement for the collection of commercial waste.
- c) 4A - Solar and daylight access - The proposal fails to demonstrate:
 - i. That 70% of living rooms and private open spaces of apartments will receive a minimum of 2 hours direct sunlight between 9am and 3pm during mid-winter.
 - ii. That a maximum of 15% apartments in a building receive no direct sunlight between 9am and 3pm in midwinter
- d) 4B - Natural Ventilation- The proposal fails to demonstrate that at least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.
- e) 4D - 2 Apartment size and layout - The proposal fails to demonstrate that all apartments satisfy the minimum internal area requirements.
- f) 4E - Private Open space and balconies - The proposal fails to demonstrate that all apartments achieve the minimum required private open space areas once the area for the planter boxes is excluded, some balconies are triangular in shape reducing their functionality.
- g) 4M – Facades - The proposal fails to demonstrate well resolved façade treatments with an appropriate scale and proportion to the streetscape and human scale appropriate for the setting.

- i. The repetition of the solid white painted panels and face brick especially on the southern and eastern façades is too dominant and emphasises horizontality.
 - ii. The western façade is considered too bulky, and the materiality treatment is considered cosmetic especially since the windows proposed are non-essential windows, which may be removed in the future if required. The façade lacks the required articulation that provides depth to the façade and not just a change of materiality.
 - iii. The feasibility of the green wall is questioned once the site to the west is developed as it will likely cast a heavy shadow on the green wall impacting plant growth.
 - iv. The green wall does not provide massing variation for it to be defined as a base/podium with a tower above.
 - v. The western façade lacks articulation and fails to provide the required 6m setback for levels G to 4 storeys and 9m for levels above 4 storeys to the western boundary setback.
- h) 4O – Landscape Design - The proposal fails to demonstrate an acceptable landscape design outcome for the site.
 - i) 4U – Energy Efficiency - The proposal fails to demonstrate compliance with the requirements of BASIX in terms of energy efficiency, water saving and thermal comfort.
 - j) 4W – Waste Management - The proposal fails to demonstrate an acceptable waste management plan and specific waste collection arrangements.

3. Refusal Reasons - Environmental Planning Instrument

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate compliance with the requirements of Georges River Local Environmental Plan 2021. In particular:

- a) 4.3 Height of Buildings - the application has not demonstrated compliance with the maximum building height of 33m for the subject site.
- b) 4.6 Exceptions to development standards - the application has not provided a 4.6 Variation request to the non-compliance with clause 4.3 Height of Buildings that demonstrates that:
 - i. compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - ii. there are sufficient environmental planning grounds to justify the contravention of the development standard.
- c) 6.10 Design Excellence - the proposal has numerous unresolved issues and is not supported from an urban design perspective as

it has not demonstrated design excellence as required by the clause.

- d) 6.11 Environmental sustainability – the proposal has not demonstrated that it has achieved the minimum level of environmental sustainability as the proposal does not include a BASIX certificate for the residential apartments.

4. Refusal Reasons – Development Control Plan

Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application fails to demonstrate compliance with the following requirements:

- a) 3.3 Landscaping - the proposal has not demonstrated a satisfactory landscape outcome for the site or the vegetation on adjoining properties.
- b) 3.11 Ecologically Sustainable Development – Residential Buildings - the proposal has not demonstrated compliance with the minimum requirements of SEPP (Building Sustainability Index: BASIX) 2004 in terms of water saving, thermal comfort and energy efficiency.
- c) 10.1.6(1) Kogarah North Precinct - Siting and Consolidation of Development Sites - The design fails to provide a defined podium level through setbacks on the western side reducing the building articulation which is not supported by Council's Urban Designer as an acceptable design outcome.
- d) 10.1.6(1) Kogarah North Precinct - Siting and Consolidation of Development Sites – The applicant fails to provide documentary evidence in the application of 2 written valuations and the written response by the owner of 7 Stanley Street to the written offers to purchase the site as required by the development control plan to demonstrate that appropriate measures have been undertaken to acquire the site.
- e) 10.1.6(1) Kogarah North Precinct - Siting and Consolidation of Development Sites – The application fails to demonstrate the viability of redeveloping the isolated sites (7,9, 9A Stanley Street) without relying upon significant variations to the relevant planning controls as required by the development control plan.
- d) 10.1.6(4)(2) Kogarah North Precinct – setbacks - the proposal has not provided an adequate setback to the western boundary leaving little opportunity for the planting of canopy trees.
- e) 10.1.6(4)(3) Kogarah North Precinct – setbacks - the proposal has not provided an adequate setback of the basement level to the

front boundary which reduces the opportunity for deep soil planting within the front setback.

- f) 10.1.6(4)(4) Kogarah North Precinct – setbacks – the proposal fails to demonstrate that all ground floor dwellings are equal to or above street level.
- g) 10.1.6(4)(4) Kogarah North Precinct – setbacks - the proposal fails to demonstrate that the western boundary setbacks are compliant with the relevant controls.
- h) 10.1.6(4)(7) Kogarah North Precinct – setbacks – the western elevation features a largely blank wall dressed up with some false windows and curved white painted concrete that Council's Urban Designer finds unacceptable.
- i) 10.1.6(10) Kogarah North Precinct - Impact of Development on the Road/Pedestrian Network - the proposal fails to demonstrate adequate onsite car parking and that the proposal will not have an unacceptable negative impact upon on street carparking availability in the locality.
- j) 10.1.6(12) Kogarah North Precinct - Vehicular Access and Car parking - the proposal fails to demonstrate adequate onsite car parking and that the proposal will not have an unacceptable negative impact upon on street carparking availability in the locality.
- k) 10.1.6(13) Kogarah North Precinct - Architectural Articulation – Façade – the proposal fails to demonstrate an acceptable level of articulation in the design of the building along the western façade.
- l) 10.1.6(23) Kogarah North Precinct - Architectural Articulation – Balconies – the proposal fails to incorporate balconies into the western façade and some of the balconies proposed on other facades are not functional due to their triangular shapes and planter boxes.

5. Refusal Reasons – Likely Environmental Impacts

Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application fails to demonstrate that it will not lead to adverse environmental impacts on both the natural and built environment in the locality.

- a) The proposal has not demonstrated that it will make a positive contribution to the streetscape and the character of the area as the siting, scale, bulk, massing, architectural language and design elements of the development is generally inconsistent from an urban design perspective. The proposal fails to accord with

multiple planning controls and represents an inappropriately designed development that is not supported.

6. Refusal Reasons – Suitability of the Site

Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the application fails to demonstrate that suitability of the site for the proposed development. In particular:

- a) The proposal fails to comply with multiple planning controls and represents an inappropriately designed development that is not suitable for the site.

7. Refusal Reasons – Public Interest

Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development has failed to demonstrate compliance with the relevant planning policies and that it will not cause an unacceptable negative impact in the locality. The proposed development is not considered to be in the public interest and is likely to set an undesirable precedent if approved.

NOTES/ADVICE

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

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

- 2. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
- 3. **Access to NSW Legislation (Acts, Regulations and Planning Instruments)** – NSW Legislation can be accessed free of charge at www.legislation.nsw.gov.au.