

AGENDA

Georges River Local Planning Panel

Thursday, 05 December 2024

4:00 PM

Blended Meeting

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

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GEORGES RIVER LOCAL PLANNING PANEL MEETING

ORDER OF BUSINESS

1. ON SITE INSPECTIONS

2. OPENING

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES / LEAVE OF ABSENCE

5. NOTICE OF WEBCASTING

6. DISCLOSURES OF INTEREST

7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

8. CLOSED SESSION – DELIBERATION OF REPORTS

LPP051-24	Directors Comments on Planning Proposal PP2024/0001 - 193-199 Rocky Point Road, 66-68 Ramsgate Road and 2-4 Targo Road Ramsgate – PP2024/0001 (Report by Director Environment and Planning)	3
LPP052-24	Planning Proposal PP2024/0001 - 193-199 Rocky Point Road, 66-68 Ramsgate Road and 2-4 Targo Road, Ramsgate – PP2024/0001 (Report by Strategic Planner)	7
LPP053-24	12-14 Bembridge Street CARLTON – DA2024/0032 (Report by Consultant Planner)	61
LPP054-24	South of 293 Belmore Road, Riverwood. On the road reserve of Morotai Avenue Riverwood. – DA2023/0418 (Report by Coordinator Development Assessment)	141
LPP055-24	No. 3 Lily Street, Hurstville and within the road reserve of Roberts Lane – DA2023/0419 (Report by Coordinator Development Assessment)	177
LPP056-24	East of 31 Regent Street Kogarah. Located on the road reserve of Premier Street – DA2023/0420 (Report by Coordinator Development Assessment)	218

9. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 05 December 2024

REPORTS AND LPP DELIBERATIONS**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 DECEMBER 2024****LPP051-24 DIRECTORS COMMENTS ON PLANNING PROPOSAL PP2024/0001 - 193-199 ROCKY POINT ROAD, 66-68 RAMSGATE ROAD AND 2-4 TARGO ROAD RAMSGATE****LPP051-24**

RECOMMENDATION	That the Georges River Local Planning Panel Report note the contents of the report.
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EXECUTIVE SUMMARY

1. PP2024/0001 (PP) seeks to amend the Georges River Local Environmental Plan 2021 (GRLEP 2021) to allow partial rezoning and an increase in the maximum building heights and Floor Space Ratios (FSR) at 193-199 Rocky Point Road, 66-68 Ramsgate Road and 2-4 Targo Road, Ramsgate ("subject site"). The PP is a proponent-initiated PP by Fabcot Pty Ltd (Woolworths Group).
2. Council owns Lot 301 DP 1142822 which is part of the subject site. The PP seeks to reclassify Lot 301 from 'community land' to 'operational land' to enable future acquisition by the Proponent.
3. Given that part of the subject site is in Council's ownership an independent assessment of the merits of the Planning Proposal was required and Council subsequently engaged Gyde Consulting as Council's independent assessment planners for PP2024/0001.
4. Gyde have completed their report and is on this agenda of the Georges River Local Planning Panel (LPP) Meeting for 5 December 2024.
5. The Direction dated 27 September 2018 from the Minister for Planning under Section 9.1 of the Environmental Planning and Assessment Act 1979 and the charter of the Georges River Council Local Planning Panel 2018 both specify that a Planning Proposal is to be referred to the LPP before it is forwarded for Gateway Determination.
6. Gyde's independent assessment report recommends that the LPP recommend to Council to:
 - (a) Support the proposed amendments to GRLEP 2021 contained in PP2024/0001, as amended by the conditions specified at Section 8 of their Report; and
 - (b) forward the PP (as amended) to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.
7. This Report places a compliance timing on the conditions proposed by Gyde. This is to ensure that when the PP is placed on community consultation all the required information is lodged for review by the community.

8. In reviewing Gyde's report it is clear that traffic is still a matter that has inconsistencies and issues to be resolved; including those raised by Transport for NSW. Council officers have proposed additional conditions to those in Section 8 of Gyde's report to address the remaining traffic inconsistencies.

CONDITIONS

9. Gyde have recommended a number of conditions (see Section 8 of PP Report). Council officers have reviewed the conditions and added additional (see below) and request that the LPP consider the following timing with respect to compliance with all conditions:

Prior to Gateway Request being lodged by Council

10. The Planning Proposal Justification Report to be updated as follows:
- (a) reflect a maximum FSR of 2.64:1
 - (b) delete the Part 6 Additional local provision setting out exceptions to the maximum building height to allow flexibility for future development to provide roof top communal open space and associated built form elements, including lifts, lift overruns, lift lobbies, plant and services at the site.
11. Clarification on the below traffic issues with TfNSW prior to Gateway:
- (a) Further clarification from TfNSW if the existing Right Turn from Rocky Point Road into Targo Road can be supported with further review or additional conditions (i.e., reduced on-street parking or the like) with the supported new traffic signals at this intersection.
Note: If the existing right-hand turn from Rocky Point Road to Targo Road is not supported by TfNSW new traffic signals at Rocky Point Road /Torwood Street to become a DA condition.
 - (b) The HRV exit route from loading dock to be provided as queued vehicles will impact the movement on Ramsgate Road.
 - (c) Further consultation between TfNSW and Council regarding clarification of traffic mitigation measures required for loading dock access for HRV on Ramsgate Road, including Council's proposed slip lane/localised road widening.

Prior to Community Consultation if Gateway issued (these will be requested as Conditions of Gateway)

12. The lodgement of an updated VPA offer to address the public benefit. The VPA is to include the roundabout for Targo Road/Burgess Street and any other road networks required. Discussions to occur with Council officers before the lodgement of the revised offer.
13. The Planning Agreement to be executed by the owner.
14. Amend the Site Specific DCP to:
- (a) include urban design principles and provisions, which seek to:
 - (i) protect the amenity and privacy of residents, including adequate separation of commercial activity and residential uses, and appropriate interface treatment to neighbours
 - (ii) enhance activation of the Rocky Point Road retail frontage
 - (iii) improve pedestrian amenity and safety on all street frontages
 - (b) include all proposed ground level setbacks in the written controls and relevant setback diagrams and section drawings.
 - (c) delete the existing control for a through-site link and replace with a new provision of publicly accessible open space that will:
 - (i) compliment and connect with ground floor commercial uses,
 - (ii) not disrupt the amenity of neighbouring residential properties, and
 - (iii) provide safe zones for refuge and improve public amenity.

- (d) delete all residential, pedestrian and vehicular access points, except for the proposed 6m wide loading access adjacent to the existing 3.66m ROW at the rear of No. 201-209 Rocky Point Road from Ramsgate Road and supermarket main entry at the north-eastern portion of the site. All other site access points may be determined as part of a future DA and should not be included in the Site-Specific DCP.
 - (e) include vehicular access objectives and provisions that ensure vehicular access points minimise potential conflicts with pedestrians and minimise the disruption of the surrounding local road network.
 - (f) include provisions to enable an easement access agreement for shared vehicular access from the 6m Ramsgate Road driveway to accommodate MRVs required for back of house functions or Council's garbage collection vehicles for the future development of No. 201-209 Rocky Point Road.
 - (g) include a requirement for a future DA to prepare a Plan of Management for the management of the loading dock area between commercial and residential uses, and any controls to form part of the strata plan for the future development.
 - (h) include objectives and provisions to protect the amenity of the adjacent heritage item known as 'Roma'. This includes controls that:
 - (i) address the acoustic and visual impacts and amenity of the loading dock / delivery area.
 - (ii) ensure a high-quality architectural expression and palette of materials and finishes to the façade to the utilities area.
15. To address outstanding matters TfNSW require the following:
- (a) Separate the residential (80/20) and retail split (50/50).
 - (b) Right Turn Ban into Targo Road for southbound traffic on Rocky Point Road in AM and PM peak.
 - (c) Eastern driveway to be Left in Left out.
 - (d) The SIDRA model to be updated addressing issues raised in Attachment 17 Appendix B of the letter dated 17 October 2024.
 - (e) The Traffic and Transport Assessment is to be updated as per TfNSW recommendations
 - (f) Engage with TfNSW to clarify if further investigations or potential additional conditions will alter its current recommendation to ban the existing Righthand Turn from Rocky Point Road into Targo Road.
16. Update all other PP supporting documents, including the Traffic and Transport Assessment, to resolve outstanding matters or inconsistencies before public exhibition.

During community consultation

- 17. Undertake all the required statutory requirements and consultation for the reclassification of Council-owned Lot 301 DP 114822 from 'community land' under the Local Government Act to 'operational land as a condition of Gateway.
- 18. Undertake consultation with relevant State agencies, including TfNSW particularly regarding all proposed road network upgrades to be included in the VPA request lodged by the Proponent and conditioned for any future development consent.
- 19. Undertake community consultation with Bayside Council in regard to the removal of parking spaces on the eastern side of Rocky Point Road / Targo Road.
- 20. Publicly exhibit the PP, including draft site-specific DCP and draft planning agreement, for a minimum of 28 days (unless an alternate period is prescribed in the Gateway Determination).

CONCLUSION

21. This Report places a compliance timing on the conditions proposed by Gyde. This is to ensure that when the PP is placed on community consultation all the required information is lodged for review by the community.
22. In reviewing Gyde's report it is clear that traffic is still a matter that has inconsistencies and issues to be resolved; including those raised by Transport for NSW. Council officers have also proposed additional conditions to those in Section 8 of Gyde's report to address the remaining traffic inconsistencies.

ATTACHMENTS

Nil

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LPP051-24

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 DECEMBER 2024

LPP052-24 PLANNING PROPOSAL PP2024/0001 - 193-199 ROCKY POINT ROAD, 66-68 RAMSGATE ROAD AND 2-4 TARGO ROAD, RAMSGATE

LPP052-24

LPP Report No	LPP052-24	Development Application No	PP2024/0001
Site Address & Ward Locality	Planning Proposal PP2024/0001 - 193-199 Rocky Point Road, 66-68 Ramsgate Road and 2-4 Targo Road, Ramsgate Kogarah Bay Ward		
Proposal	Amend the <i>Georges River Local Environmental Plan 2021</i> (GRLEP) to: <ul style="list-style-type: none"> • Rezone the land to E1 Local Centre • Increase the building height to part 16m and part 29m • Increase the Floor Space Ratio (FSR) to 2.64:1 across the whole site • Include a new Part 6 Additional local provision to allow flexibility for future development to exceed the height limit to provide roof top communal open space and associated built form elements • Amend schedule 4 to reclassify Council-owned land (Lot 301 DP 114822) from 'community land' under the <i>Local Government Act</i> to 'operational land' 		
Owners	Fabcot PTY LTD		
Applicant	Fabcot Pty Ltd (Woolworths Group)		
Planner/Architect	Ethos Urban		
Date Of Lodgement	20/12/2023		
Submissions	N/A		
Cost of Works	N/A		
Local Planning Panel Criteria	Direction from the Minister of Planning under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> Charter of the Georges River Council Local Planning Panel 2018		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	N/A		
List all documents submitted with this report for the Panel's consideration	Refer to list below		
Report prepared by	Consultant Planner		

RECOMMENDATION	<p>That the Georges River Local Planning Panel recommend Council:</p> <ul style="list-style-type: none">• Support the proposed amendments to GRLEP 2021 contained in PP2024/0001, as amended by the conditions specified at Section 8 of this Report;• Forward the PP (as amended) to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i>.																																																																																				
ATTACHMENTS	<p>Attachments are linked on Council's Planning Proposal website</p> <table><tr><th>No.</th><th>Description</th><th>Prepared by</th><th>Dated</th></tr><tr><td>1</td><td>Planning Proposal Justification Report</td><td>Ethos Urban</td><td>20 December 2023</td></tr><tr><td>1a</td><td>Response to RFI</td><td>Ethos Urban</td><td>31 May 2024</td></tr><tr><td>2</td><td>Urban Design Report</td><td>Clark Hopkins Clarke (CHC)</td><td>December 2023</td></tr><tr><td>3</td><td>Architectural Plans</td><td>CHC</td><td>15 December 2023</td></tr><tr><td>3a</td><td>Revised Reference Scheme</td><td>CHC</td><td>21 May 2024</td></tr><tr><td>3b</td><td>Concept Supermarket Plan</td><td>CHC</td><td>21 May 2024</td></tr><tr><td>4</td><td>Architectural Report Rev A</td><td>CHC</td><td>December 2023</td></tr><tr><td>4a</td><td>Updated Architectural Design Report Rev B</td><td>CHC</td><td>May 2024</td></tr><tr><td>5</td><td>Site-Specific DCP Version 1</td><td>–</td><td>20 December 2023</td></tr><tr><td>5a</td><td>Site Specific DCP Version 2</td><td>–</td><td>7 February 2024</td></tr><tr><td>5b</td><td>Revised Draft DCP - 3 June 2024</td><td>–</td><td>3 June 2024</td></tr><tr><td>6</td><td>Survey Plan</td><td>RGM</td><td>11 April 2016</td></tr><tr><td>7</td><td>Concept Landscape and Public Domain Report</td><td>SQ1</td><td>15 December 2023</td></tr><tr><td>8</td><td>Social and Economic Impact Assessment</td><td>Ethos Urban</td><td>19 December 2023</td></tr><tr><td>9</td><td>Traffic Report</td><td>Colston Budd Rogers & Kafes (CBR&K)</td><td>December 2023</td></tr><tr><td>9a</td><td>Traffic Advice</td><td>CBR&K</td><td>30 May 2024</td></tr><tr><td>10</td><td>Statement of Heritage Impact</td><td>NBRS</td><td>18 December 2023</td></tr><tr><td>10a</td><td>Heritage Impact Advice</td><td>NBRS</td><td>30 May 2024</td></tr><tr><td>11</td><td>Public Benefit offer</td><td>Woolworths Group</td><td>19 December 2023</td></tr><tr><td>12</td><td>Environmental Wind Assessment</td><td>MEL Consultants J. Tan and J. Kostas</td><td>8 December 2023</td></tr></table>	No.	Description	Prepared by	Dated	1	Planning Proposal Justification Report	Ethos Urban	20 December 2023	1a	Response to RFI	Ethos Urban	31 May 2024	2	Urban Design Report	Clark Hopkins Clarke (CHC)	December 2023	3	Architectural Plans	CHC	15 December 2023	3a	Revised Reference Scheme	CHC	21 May 2024	3b	Concept Supermarket Plan	CHC	21 May 2024	4	Architectural Report Rev A	CHC	December 2023	4a	Updated Architectural Design Report Rev B	CHC	May 2024	5	Site-Specific DCP Version 1	–	20 December 2023	5a	Site Specific DCP Version 2	–	7 February 2024	5b	Revised Draft DCP - 3 June 2024	–	3 June 2024	6	Survey Plan	RGM	11 April 2016	7	Concept Landscape and Public Domain Report	SQ1	15 December 2023	8	Social and Economic Impact Assessment	Ethos Urban	19 December 2023	9	Traffic Report	Colston Budd Rogers & Kafes (CBR&K)	December 2023	9a	Traffic Advice	CBR&K	30 May 2024	10	Statement of Heritage Impact	NBRS	18 December 2023	10a	Heritage Impact Advice	NBRS	30 May 2024	11	Public Benefit offer	Woolworths Group	19 December 2023	12	Environmental Wind Assessment	MEL Consultants J. Tan and J. Kostas	8 December 2023
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	12a	Wind Impact Advice	MEL Consultants	16 May 2024
	13	Engagement Report	Struber	–
	14	Overview of Planning Proposal History	Ethos Urban	2023
	15	Map of Applicable Land Area	Ethos Urban	–
Agency referral comments				
	No.	Description	Prepared by	Dated
	16	Transport for New South Wales (TfNSW)	Carina Gregory Senior Manager Strategic Land Use (Eastern) Land Use, Network & Place Planning	15 April 2024
	17	TfNSW	Carina Gregory Senior Manager Strategic Land Use (Eastern) Transport Planning Branch	17 October 2024

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SITE PLAN

Figure 1 – Site Locality (Six Maps 2024)

Figure 1 - Site Locality (Six Maps 2024)

EXECUTIVE SUMMARY

1. Planning Proposal 2024/0001 ("PP") aims to facilitate a mixed-use development including in-fill housing and a full-line supermarket through a partial rezoning and amendment to the maximum building height and Floor Space Ratio (FSR) as detailed in Section 4.3 of this report.
2. The PP is supported by a draft site-specific Development Control Plan to provide greater certainty regarding the future design outcome for the site.
3. Gyde Consulting was appointed to undertake an independent assessment as the PP includes reclassification of Council owned land from 'community land' to 'operational land' to enable future acquisition by the Proponent.
4. The PP has been referred internally and to Transport for New South Wales (TfNSW).

5. Section 5 of this report identifies the strategic and site-specific merit of the PP. The PP demonstrates consistency with the relevant strategic framework, including the applicable regional, district and local strategies, and has resolved the key site-specific issues identified relating to:
 - (a) Exclusion of No 6 Targo Road from the site area
 - (b) Location of the commercial loading dock and access driveway
 - (c) Justification, safety and public benefit of the through-site link
 - (d) Traffic impacts and road network upgrades
 - (e) Inclusion of 201-209 Rocky Point Road in the PP.
6. The PP is recommended to proceed to a Gateway Determination subject to the recommendations in **Section 8** of this report.

REPORT IN FULL

SECTION 1 - BACKGROUND

7. The site has been subject to a number of previous PPs since December 2015 put forward by previous landowners and the Proponent in a Joint Venture with Australian developer Time and Place.
8. A timeline of the previous PP's lodged is provided below:
 - (a) December 2015: PP lodged with the former Kogarah City Council (Proponent: Capital Hill Group Pty Ltd). The PP was withdrawn on 14 March 2019.
 - (b) 18 January 2019: Revised PP lodged with Council.
 - (c) September 2019: Amended PP (PP-2020-854) was lodged for consideration and assessment to proceed to rezoning review process.
 - (d) 19 December 2019: A request for a rezoning review by the Sydney South Planning Panel (SSPP) was sought for PP-2020-854.
 - (e) 19 May 2020: SSPP determined to not support the PP.
 - (f) October 2021: A new PP (PP-2021-6179) was lodged with Georges River Council (Proponent: Point Gate Developments Pty Ltd).
 - (g) 14 June 2022: A revised PP was submitted to Council.
 - (h) 23 June 2022: A Rezoning Review request was submitted to the Department of Planning and Environment seeking a review of the strategic and site-specific merits of the PP by the SSPP.
 - (i) 16 August 2022: SSPP determined to not support the PP, citing the proposal had strategic merit, but was lacking site-specific merit.
9. The site's previous planning history is further detailed by the Proponent at **Attachment 14**.
10. A history of current PP (PP2024/0001) is summarised at **Table 2** at **Section 4** of this report.

SECTION 2 – SITE AND SURROUNDS

2.1 - Overview of the Site

11. The site is located at 193-199 Rocky Point Road, 66-68 Ramsgate Road and 2-4 Targo Road, Ramsgate. The site is located within the Georges River Local Government Area (LGA).
12. The site comprises a total of 14 lots which are sought to be amalgamated to facilitate future redevelopment of the site.
13. The legal description of the lots on the site are provided below at **Table 1**.

Table 1 Site address, legal description and ownership

Address	Legal Description	Area (sqm)	Ownership
193 Rocky Point Road	Lot 8 DP 653883	695.5	Fabcot Pty Ltd
	Lot A DP 311887	347.7	Fabcot Pty Ltd
	Lot B DP 311887	347.7	Fabcot Pty Ltd
197 Rocky Point Road	SP 83814	620.37	Fabcot Pty Ltd
	Lot 301 DP 1142822	76.1	Georges River Council
199 Rocky Point Road	SP 77494	927.2	Fabcot Pty Ltd
66 Ramsgate Road	Lot B DP 371250	841.0	Fabcot Pty Ltd
68 Ramsgate Road	Lot 12 DP 455810	232.0	Fabcot Pty Ltd
	Lot 13 DP 455810	231.0	Fabcot Pty Ltd
	Lot 14 DP 455810	231.0	Fabcot Pty Ltd
2 Targo Road	Lot 1 DP 1338117	233.9	Fabcot Pty Ltd
	Lot 2 DP 1338117	233.9	Fabcot Pty Ltd
	Lot 1 DP 970582	227.6	Fabcot Pty Ltd
4 Targo Road	Lot B DP 347589	1,132.0	Fabcot Pty Ltd

14. Lot 301 DP 114822 (outlined in yellow at **Figure 2**) is Council owned land that is classified as “community land” under the Local Government Act 1993 (LG Act). The PP seeks to reclassify this land as “operational” land to enable it to be purchased by the Proponent for redevelopment.
15. The site has an area of approximately 6,376.27sqm and comprises three street frontages of:
 - (a) 60m to Rocky Point Road;
 - (b) 82.5m to Targo Road; and
 - (c) 30m to Ramsgate Road.
16. The site is generally flat, with a slight slope from west to east, and irregular in shape due to the exclusion of No 201-209 Rocky Point Road (refer to **Figure 2**).
17. The site is located on the eastern edge of the Georges River LGA, being located on the west of Rocky Point Road.
18. Rocky Point Road is a State classified road and the primary road connecting the Princes Highway to the north through to the Sutherland Shire via the Captain Cook Bridge to the south.
19. The closest railway station to the site is Carlton, 2km to the northwest. There are bus stops immediately adjacent the site on both Ramsgate Road and Rocky Point Road which service the following routes:
 - (a) 476: Rockdale to Dolls Point (loop service);
 - (b) 477: Miranda to Rockdale; and
 - (c) 947: Kogarah to Hurstville via Dolls Point.



Figure 2 - Land parcels pertaining to the site outlined in red. Council owned land Lot 301 DP114822 outlined in yellow (Source: Six maps)

20. **Figure 3** shows the site in context of the broader locality.

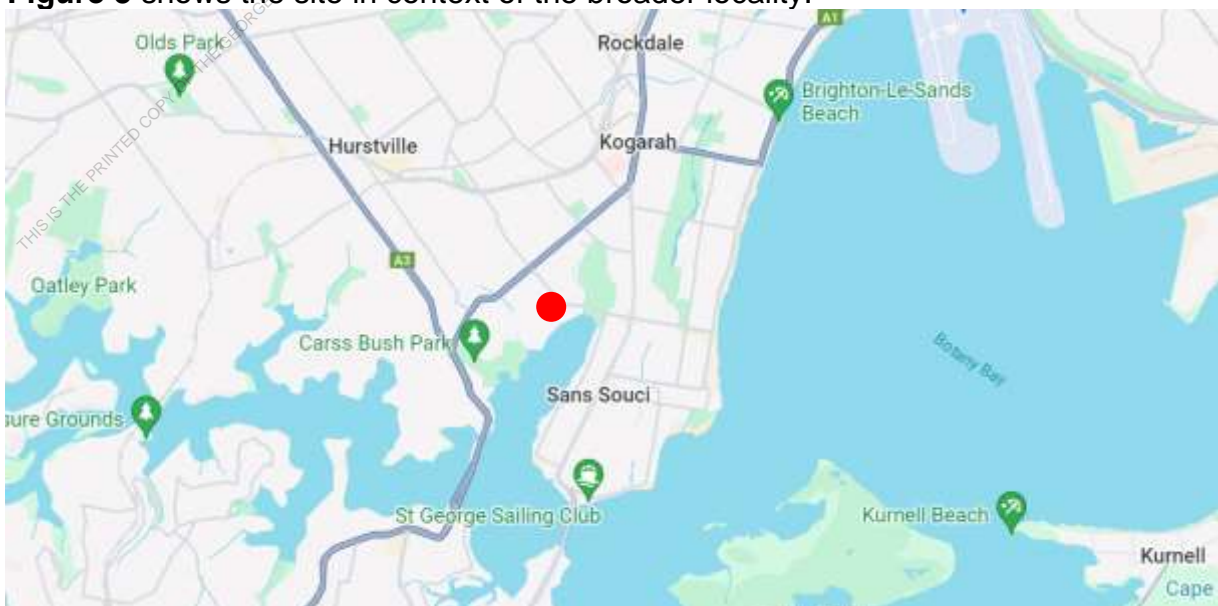


Figure 3 - Site shown as red circle (Source Google Maps)

2.2 - Surrounding Land

21. Surrounding development is characterised by retail and mixed-use development along the north/south alignment of Rocky Point Road, with residential areas further to the east and west.
22. Across Targo Road to the site's north, a six-storey mixed-use development occupies the site between the corner of Targo Road and Rocky Point Road and Ramsgate Community Church further to the north.
23. Immediately to the south of the site are the properties that comprise the remaining south-eastern corner of the block, being properties at 201-209 Rocky Point Road, and including the heritage items at 211-219 Rocky Point Road and 70 Ramsgate Road. The properties include one-two storey retail developments, and a two-storey heritage listed residential block at 70 Ramsgate Road. Vehicular access and at grade parking is provided from an existing 3.66m ROW at the rear of 201-209 Rocky Point Road.
24. Further south across Ramsgate Road is primarily comprised of a pub known as the 'Intersection Tavern' with an at-grade carpark and standalone TAB and post office. Retail developments continue along the length of Rocky Point Road, with detached residential buildings behind.
25. Development to the east of the site is located on land in Bayside Council. The development fronting Rocky Point Road (opposite the site) comprise of 1-2 storey retail and commercial developments. There is a 4-storey mixed use residential development opposite 197 Rocky Point Road, with detached residential dwellings further to the east.
26. Immediately to the west of the site are a number of one-two storey semi-detached and detached residential dwellings. A golf course is located approximately 300m to the west of the site. **Figures 4 to 15** show the surrounding development.



Figure 4 - Heritage listed Residential Flat Building at 70 Ramsgate Road (Source: Gyde Consulting)



Figure 5 – Existing 3.66m ROW (shown at yellow arrow) at the rear of 201-209 Rocky Point Road and western side of 70 Ramsgate Road, accessed from Ramsgate Road. Subject site adjoining the ROW outlined in red (source: Gyde Consulting)



Figure 6 - Heritage listed shop top housing at 211-219 Rocky Point Road, immediately adjacent to the site (Source: Gyde Consulting)



Figure 7: Six (6) storey shop top housing development immediately north of the site (source: Gyde Consulting)

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Figure 8 - View of Rocky Point Road looking south towards the site and six (6) storey shop top housing development immediately north of the site at the corner of Rocky Point Road and Targo Road (source: Gyde Consulting)



Figure 9 - Five (5) storey shop top housing development on the eastern side of Rocky Point Road, north of the site (source: Gyde Consulting)



Figure 10 - Shop top housing located opposite the site on the eastern side of Rocky Point Road (source: Gyde Consulting)



Figure 11 - Two (2) storey commercial development fronting eastern side of Rocky Point Road, south of the site (source: Google Street View)



Figure 12 - No 6 Targo Road, located immediately west of the site (source: Gyde Consulting)



Figure 13 - Other typical residential development along Targo Road, west of the site (source: Gyde Consulting)



Figure 14 - Seniors housing development immediately west of the site fronting Ramsgate Road (source: Gyde Consulting)



Figure 15 - Tavern located south of the site at the corner of Rocky Point Road and Ramsgate Road (source: Gyde Consulting)

SECTION 3 - PLANNING STRATEGIES, POLICIES AND CONTROLS

3.1 - Existing Planning Controls

27. The existing planning controls applicable to the site are shown at **Table 3** at Section 4.3 of this report.
28. The site is partially zoned as R4 – High Density Residential (No 66-68 Ramsgate Road and No 2-4 Targo Road) and E1 – Local Centre (No 193-199 Rocky Point Road).
29. The R4 zoned portion of the site has a maximum building height limit of 15m. The E1 zoned portion of the site has a maximum building height limit of 21m.
30. The R4 zoned portion of the site has a FSR of 1.5:1. The E1 zoned portion has a FSR of 2.5:1.
31. Located immediately adjacent to the site are local heritage items I145: Residential flat building, “Roma”, 70 Ramsgate Road and I146: Shops, 211-219 Rocky Point Road, as listed under Schedule 5 of the GRLEP 2021.

SECTION 4 - PLANNING PROPOSAL

4.1 - Background to Planning Proposal

32. PP2024/0001 was submitted on 20 December 2023. A history of the current PP is summarised at **Table 2** below.

Table 2 History of current PP2024/0001

Date	Milestone
20 December 2023	<p>PP2024/0001 for 193-199 Rocky Point Road, 66-68 Ramsgate Road and 2-4 Targo Road, Ramsgate was submitted to Council in December 2023.</p> <p>The site area of the PP excluded No 6. Targo Road, which was included in the site area for the previous PP.</p> <p>The PP was referred internally for comments on Traffic, Stormwater, Heritage, Urban Design, Trees and Landscaping and Waste.</p> <p>Refer to Section 4.3 of this report for details of the PP request.</p>
13 March 2024	<p>Council engaged Gyde Consulting as Council’s independent assessment planners for PP2024/0001 for 193-199 Rocky Point Road, 66-68 Ramsgate Road and 2-4 Targo Road, Ramsgate.</p> <p>The PP was referred to Transport for NSW on 13 March 2024.</p>
5 April 2024	<p>A preliminary review of the PP2024/0001 and referrals received from Council was undertaken by the independent assessment planners, dated 5 April 2024, and was issued to Council and the Proponent. The preliminary review noted that the PP generally provides strategic merit, however raised certain site-specific issues requiring further consideration by Council and the Proponent to progress the PP as summarised below:</p> <p>Concern over the exclusion of No. 6 Targo Road from the PP’s site area on the basis that future development potential of No 6. Targo Road may be limited despite its current R4 zoning due to the following reasons:</p>

Date	Milestone
	<p>the existing multi dwelling housing development adjoining the site to the west which is unlikely to redevelop in the near future; the site (in isolation) does not comply within the minimum 1,000sqm site area for RFBs under the DCP, or the minimum site area of 800sqm for medium density developments under the LEP.</p> <p>Location on the Commercial Loading Dock and Access Driveway due to:</p> <p>potential safety concerns and rear end crashes; potential visual and noise impacts to the adjacent “Roma” residential flat building (RFB) and heritage item located at No 70 Ramsgate Road; exclusion of shared access for adjacent properties at No 201-209 Rocky Point Road that can provide vehicular access to accommodate MRVs required for back of house functions or Council’s garbage collection vehicles for the future development; and consistency with Part 7 Business Precincts of the Georges River DCP requiring a 5m laneway to be provided between Targo Road and Ramsgate Road for properties fronting Rocky Point Road and vehicle access for any redevelopment of a site fronting Rocky Point Road to be consolidated.</p> <p>Safety issues and adequacy of the public benefit provided by the proposed through-site link, noting the following main concerns:</p> <p>lack of space for social interaction and nil access to retail, thereby not providing an activated ‘laneway’ or arcade experience with a pedestrian refuge, shopping, and alfresco seating away from the noise of Rocky Point Road, as intended in the DCP; poor usability as a pedestrian and bicycle pathway, noting it is less than 70 metres, or approximately a 1 minute walk, from Rocky Point Road and the provision of deep soil significantly reduces the pathway width required for efficient pedestrian and cycling traffic flow; through-site link does not connect to any existing bicycle paths and there are significant potential safety issues for cyclists emerging from the link to Ramsgate Road other potentially more legitimate opportunities to provide public benefit by enhancing the existing public domain along the main street frontages.</p> <p>Proposed vehicular access, potential traffic impacts and road network upgrades requiring further coordination between Council’s Traffic Engineer, the Proponent and TfNSW.</p> <p>The following requests were also made in the preliminary advice: The Proponent should justify why the other properties (No 6 Targo Road and No 201-209 Rocky Point Road) are not included in the PP, noting inclusion of No 201-209 Rocky Point Road may provide a more holistic and robust redevelopment outcome for these sites and for the local centre.</p> <p>Document revisions by the Proponent to address the key four (4) matters raised to justify the site-specific merit and to progress the PP.</p>

Date	Milestone
	Despite the matters raised above, the preliminary review found that these matters were manageable based on further discussion with Council's Traffic, Heritage, and Urban Design teams and the Proponent and, once agreed, that site-specific merit can be determined with appropriate site-specific DCP controls or otherwise overcome with a future DA.
15 April 2024	A TfNSW referral was issued on 15 April 2024 to the Proponent which raised traffic matters that needed to be addressed in the PP.
19 April 2024	At the request of the Proponent, a meeting was held to discuss the matters raised in the preliminary review. Representatives from Council, Gyde and the Proponent's project team were in attendance. At this meeting, the Proponent agreed to amend their proposed design and relevant reports to address the key site-specific matters raised in the Gyde preliminary assessment of the PP and in Council's internal referrals.
1 May 2024	A meeting was held with the Proponent, TfNSW, Gyde and Council on Wednesday 1 May 2024 to discuss the key traffic matters raised by TfNSW. The Proponent resolved to amend their PP and provide updated plans and Traffic Impact Assessment as part of a revised PP package.
3 June 2024	The Proponent submitted a revised PP for PP2024/0001 on 3 June 2024 comprising the following documentation: Response to RFI Revised Reference Scheme Updated Architectural Design Report Revised Draft DCP Traffic Advice Heritage Impact Advice Wind Impact Advice Concept Supermarket Plan Council internally referred the revised PP for comments in relation to Urban Design, Traffic, Heritage and Waste.
20 June 2024	Council issued comments in relation to revised PP for PP2024/0001 regarding urban design and traffic matters.
26 June 2024	Council issued comments in relation to revised PP for PP2024/0001 regarding heritage matters.
27 June 2024	Council issued comments in relation to revised PP for PP2024/0001 regarding waste matters.
11 September 2024	Bayside Council's Traffic & Road Safety and Public Domain & Referrals teams provided internal advice noting: traffic signals on Rocky Point Road would impact parking and traffic flow on Rocky Point Road; which is the responsibility of TfNSW; that the loss of on-street parking is on a State classified road and a matter for TfNSW; however, could be replaced by additional parking within basement car park for the proposed development; there is no objection to the proposal in principle. However, Council would comment further once a formal application is lodged, and more detail has been provided.
19 September 2024	A meeting was held between TfNSW and the proponent on 19 September 2024.

Date	Milestone
17 October 2024	<p>TfNSW reviewed the revised reference scheme and updated Traffic Impact Assessment referred to TfNSW on 7 August 2024, and electronic copy of SIDRA model referred on 20 August 2024. Further, following the 19 September meeting, TfNSW requested updated information in relation to the TCS warrants, which was submitted to TfNSW.</p> <p>TfNSW's letter, dated 17 October 2024, confirms that the TCS warrants are met and TfNSW provides in-principal support for the proposed signals at this intersection subject to the following:</p> <p>The proponent can demonstrate that both Targo Road / Rocky Point Road and The Promenade / Ramsgate Road / Targo Road intersections can be operated safely and efficiently with proposed TCS.</p> <p>Both Bayside Council and Georges River Council do not object to the loss of parking and access restrictions on Rocky Point Road.</p> <p>Consultation is undertaken with the community / businesses on the eastern side of Rocky Point Road regarding restricting the existing driveway opposite Targo Road (272 Rocky Point Road) and the development site access at 266 Rocky Point Road to left in/left out (LILO) only.</p> <p>Sidra modelling is amended addressing the issues raised in Appendix B of the letter and submitted to TfNSW for review post exhibition and before finalisation of any planning proposal.</p> <p>It was noted that the operation/support for signals is strictly based on removal of parking and restricting access to Left in Left out (LILLO) only to the property on the eastern side of Rocky Point Road. Transport for NSW reserves the right to withdraw its support for signals should community and Bayside Council have objections to the proposed signals.</p>
28 October 2024	<p>Council's independent assessment planners reviewed the revised PP, Council's internal referral comments, received 1 July 2024, and TfNSW advice received on 17 October 2024, and advised Council that a recommendation would be made for the PP to progress to DPHI for a Gateway Determination, subject to recommended Conditions of Gateway.</p>

4.2 – Reasons for the Planning Proposal




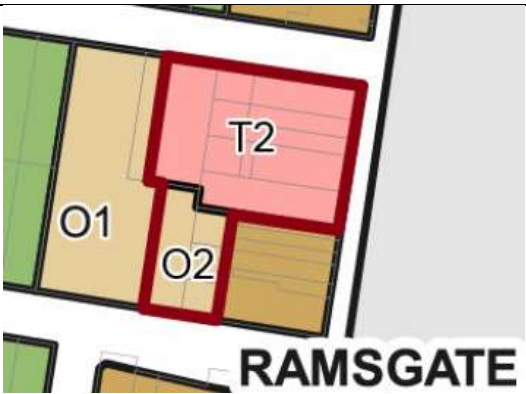

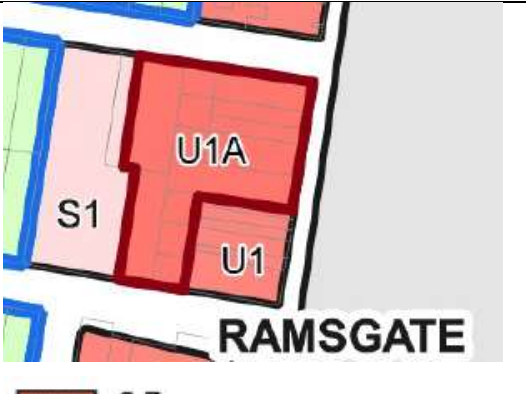
33. A Planning Proposal Justification Report (PP Report), prepared by Ethos Urban on behalf of the Proponent, was submitted with the original PP application lodged with Council in December 2023. The PP Report summarises the reason for the PP as follows:
- *“The broad intent of the Planning Proposal is to achieve a mixed-use development outcome including a major full-line supermarket to match locally identified retail demand and additional housing supply to address identified need for more housing choice and diversity, which facilitates a suitable urban form to support the strengthening of the Ramsgate local centre.”*
 - *The PP will achieve “the objectives and intended outcomes identified for the local area. To achieve the realisation of a major full-line supermarket optimised to serve demonstrable local demand, the zoning and height and FSR development standards under the GRLEP 2021 are required to be amended to facilitate the comprehensive renewal of the site in a manner that will achieve the objectives and intended outcomes of key strategic planning policy documents.”*

34. To achieve the strategic vision and indicative reference scheme accompanying the PP, amendments are sought for the GRLEP 2021 and *Georges River Development Control Plan 2021* (GRDCP) outlined in the sections below.

4.3 - Summary Of Planning Proposal

35. PP2024/0001 seeks to amend the GRLEP 2021 as summarised at **Table 3**:

Table 3 Existing and proposed relevant planning controls

GRLEP 2021 Clause	Existing	Proposed
2.2 – Land use (zoning)	 <p>R4 – High Density Residential 66-68 Ramsgate Road 2-4 Targo Road E1 – Local Centre 193-199 Rocky Point Road</p>	 <p>E1 – Local Centre Entire site</p>
4.3 – Height of buildings	 <p>15m 66-68 Ramsgate Road 2-4 Targo Road 21m 193-199 Rocky Point Road</p>	 <p>Part 16m and Part 29m</p>
4.4 Floor space ratio		 <p>U1A 2.7</p>

GRLEP 2021 Clause	Existing	Proposed
	FSR 1.5:1 66-68 Ramsgate Road 2-4 Targo Road FSR 2.5:1 193-199 Rocky Point Road	FSR 2.7:1 Entire site

LPP052-24

36. The following amendments are also proposed to the written provisions of the GRLEP:
- Insert a new Part 6 Additional local provision setting out exceptions to the maximum building height applying to 193-199 Rocky Point Road and 2-4 Targo Road, to allow flexibility for future development to provide roof top communal open space and associated built form elements, including lifts, lift overruns, lift lobbies, plant and services
 - Council-owned Lot 301 DP 114822 is to be reclassified from 'community land' under the LG Act to 'operational land' to enable future acquisition from Council and eventual redevelopment of the land. These details are proposed to be inserted into 'Schedule 4 Classification and reclassification of public land' of the GRLEP 2021.
37. Site-specific amendments to the GRDCP 2021 are also proposed to support the PP and the proposed future redevelopment. A Site-Specific DCP has been submitted with the PP that includes objectives and controls relating to the following:
- Site Layout and Land Use, including the location of the through-site link
 - Urban Character
 - Built Form and Design, including building separation and setback controls, building heights and façade articulation
 - Active Frontages
 - Vehicular and Pedestrian Access, including location of residential, vehicular and pedestrian access
 - Residential and Retail Parking Rates
 - Public Domain, including pedestrian through-site link and landscaping
 - Ecologically Sustainable Development (ESD)

4.4 - Proposed GRLEP 2021 Amendments Requiring Further Consideration

Part 6 Additional local provision

38. PP2024/0001 seeks to insert a new Part 6 Additional local provision to allow exceptions to the proposed part 16m and part 29m maximum building heights for the site. The exceptions would apply to roof top communal open space and associated built form elements, including lifts, lift overruns, lift lobbies, plant and services which may exceed the maximum building heights proposed in the PP.
39. This proposed amendment to GRLEP 2021 is not supported for the following reasons:
- As defined under the GRLEP 2021, building height includes plant and lift overruns. The definition of building height under GRLEP 2021 is provided below:
building height (or height of building) means—
 - (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
 - (b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,**including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

- PP2024/0001 includes a reference scheme which shows 3.6m high lift lobby areas on the roof level that are above the part 29m maximum building heights proposed in the PP.
- The proposed new GRLEP 2021 Part 6 Additional local provision does not include numerical limits for roof top elements above the maximum building heights. It is noted that the Site-Specific DCP is the only document which nominates a numerical limit, being 4m, for the additional rooftop plant provision. This would result in maximum building heights of up to 33m for the site.
- There is no relevant precedent in the GRLEP 2021 where a site-specific provision permits an exceedance to the maximum building height for rooftop communal open space access and built form structures, or plant and services.
- Clause 5.6 Architectural roof features is not adopted under the GRLEP. It is noted that when adopted, Clause 5.6 may allow an exceedance to the maximum building height where development has decorative elements on the uppermost portion of the building, and equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) are contained in or supported by the roof feature.
- Clause 4.6 of the GRLEP 2021 already allows flexibility in applying certain development standards to achieve better outcomes for particular development. If additional height above the maximum permitted building height is sought in a future development application, Clause 4.6 is considered the appropriate mechanism to justify variations to the building height due to roof top communal open space related structures and services and plant areas.
- In our opinion, a new Part 6 Additional local provision to allow flexibility beyond the proposed part 16m and part 29m maximum building heights for the site should not be adopted. Roof top elements that contribute to the building height should have been considered in the maximum building height amendments sought to Clause 4.3 in the proposal.

Clause 4.4 Floor space ratio

40. PP2024/0001 seeks to amend the FSR of the site from part 1.5:1 and 2.5:1 to 2.7:1.
41. The PP's original reference scheme submitted in December 2023 had a FSR of 2.66:1. However, a revised reference scheme was submitted for the PP on 3 June 2024 which has a FSR of 2.64:1.
42. The reduced FSR is a result of a reduction in the reference scheme's overall bulk and compliance with the ADG's building separation requirements to provide suitable amenity to neighbouring properties.
43. It is therefore considered appropriate that the PP reduces the FSR sought for the site from 2.7:1 to 2.64:1 to better reflect the FSR achieved in the revised reference scheme submitted on 3 June 2024.

SECTION 5 -ASSESSMENT OF THE PLANNING PROPOSAL

44. Division 3.4 of the Environmental Planning and Assessment Act (1979) (EP&A Act) prescribes the LEP making process. The then NSW Department of Planning and Environment's Local Environmental Plan Making Guideline (the "Guideline") sets out specific requirements for the preparation of a PP as issued by the Planning Secretary under section 3.33(3) of the EP&A Act. The assessment of the PP has been undertaken in accordance with the Guideline.

5.1 - Strategic Merit Assessment

Greater Sydney Region Plan – A Metropolis of Three Cities

45. The Greater Sydney Region Plan (GSRP) is the overarching strategy for growing and shaping the Greater Sydney Area. It sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The Plan was adopted in March 2018 and seeks to reposition Sydney as a metropolis of three cities – the western parkland city, central river city, and the eastern harbour city. The Plan provides 10 high level policy directions supported by 40 objectives that inform the District Plans, Local Plans and Planning Proposals.
46. The Proponent's PP Report (**Attachment 1**) provides an explanation of the proposal's consistency with the Directions and Objectives of the GSRP.
47. The proposal will revitalise the local centre in accordance with the planning priorities and objectives of the GSRP by facilitating a mixed-use development that increases housing supply and diversity and improves streetscape activation within the local centre, and enables people to live close to jobs and services, which is a desirable liveability outcome.
48. The proposal also gives effect to the GSRP and is considered to be generally consistent with the Directions and Objectives of the GSRP, specifically:
 - *Direction 3: A city for people*
 - *Objective 7 – Communities are healthy, resilient and socially connected*
 - *Direction 4: Housing the city*
 - *Objective 10 – Greater housing supply*
 - *Objective 11 – Housing is more diverse and affordable*
 - *Direction 5: A city of great places*
 - *Objective 12 – Great places that bring people together*
 - *Objective 13 – Environmental heritage is identified, conserved and enhanced*
 - *Direction 6: A well-connected city*
 - *Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities*
 - *Direction 7: Jobs and skills for the city*
 - *Objective 22 – Investment and business activity in centres.*

South District Plan and Eastern City District Plan

49. The South District Plan (2018) and Eastern City District Plan (2018) are a statutory consideration under the Strategic Planning provisions of Part 3 Division 3.1 of the EP&A Act. Section 3.8 of the EP&A Act requires that a PP authority give effect to the relevant district strategic plan for the local government area. The District Plans underpin the GSRP and set the 20-year vision for the District through 'Planning Priorities' that are consistent with the GSRP.
50. The site is located on the immediate boundary of the Eastern City and South Districts and is identified as a local centre. The District Plans set a 5-year housing target (2016-2021) of 4,800 dwellings for the Georges River LGA. It is noted that Bayside LGA, which is located immediately across Rocky Point Road, has a 5-year housing target for the same period of 10,150 dwellings.
51. In October 2022, the National Housing Accord was announced to address housing supply and affordability. In August 2023, National Cabinet endorsed a national target to build 1.2 million homes to align with supply and expected demand over the next five years.

52. The NSW Government has committed to delivering at least 314,000 new homes by 2029 (with a maximum goal of 377,000 homes). The housing target set for Georges River Council is 6,300 new completed homes by 2029.
53. The revised reference scheme submitted in June 2024 achieves a total of 141 apartments ranging from 1, 2 and 3 bedroom apartments to increase housing supply and choice in a local centre within the Georges River LGA.
54. The proposal gives effect to the District Plans and is considered to be consistent with the following Local Priorities:
- *Planning Priority S4 – Fostering healthy, creative, culturally rich and socially connected communities.*
 - *Planning Priority S5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport.*
 - *Planning Priority S6 – Creating and renewing great places and local centres, and respecting the District's heritage*
 - *Planning Priority S12 – Delivering integrated land use and transport planning and a 30-minute city.*
- It is noted that in addition to the existing bus services available to the site, the site is located on an identified corridor for a 'Train Link/Mass Transit Visionary', 'Road Investigation 0-10 years' and 'Road Visionary', and that these infrastructure plans remain visionary at this stage. However, the proposal is consistent with the District Plan's infrastructure planning and proposes road network upgrades to manage the quantum of traffic volume generated by the proposal.
- *Planning Priority S15 – Increasing urban tree canopy cover and delivering Green Grid connections.*

Georges River Local Strategic Planning Statement

55. The Georges River Local Strategic Planning Statement (LSPS) was adopted in 2020 and represents Council's 20-year vision and strategy for the LGA's future direction for infrastructure, liveability, productivity and sustainability.
56. Ramsgate is designated as a 'Local Centre' with opportunities to 'explore Centre expansion for jobs and/or housing'. The new mass transit / train link and F6 extension (Stage 1) identified within the District Plan have been replicated in the LSPS in addition to a road visionary corridor (Central City Strategic Road Corridor).
57. While the site is not located close to existing major transport links, the PP would increase the provision of residential development within walking distance of centres with a supermarket and existing frequent bus services and cycling infrastructure.
58. The LSPS forecasts that between 2016-2036 employment generated within the LGA's centres is to increase by around 13,000 jobs. This requires the LGA's centres to accommodate this growth by remaining economically viable and by providing an additional 25% of employment floor space (187,000sqm) increase by 2036 (Baseline of 730,000sqm in 2018). Council seeks to facilitate this additional floor space not only through development controls, but also through the growth of the commercial centres, including Ramsgate.
59. The PP will activate Ramsgate local centre by providing a mixed-use 'shop top housing' development comprising retail floor space in the form of a new full-line supermarket (3,996sqm retail space, as per the revised scheme submitted on 3 June 2024), estimated to support 130 full-time equivalent (FTE) jobs.

60. The proposal (as revised in June 2024) increases the provision of housing within the locality by providing 141 new dwellings and provides public domain outcomes to improve pedestrian amenity, accessibility and safety for the locality by providing a wider footpath along Rocky Point Road and setback zones at the corner of Targo Road and Rocky Point Road.
61. The proposal has considered cumulative impacts on the local road network and proposes road network upgrades to accommodate the anticipated increase in traffic generated from future development. It is noted that further consultation is required with Council and Transport for NSW (TfNSW) as recommended by this report – refer to Section 7.
62. The proposal gives effect to the LSPS and is considered to be consistent with the following Local Priorities:
 - *Local Priority P2 – Everyone can navigate and experience the LGA in safety*
 - *Local Priority P3 – Roads, footpaths and cycleways are safe, accessible and free of congestion*
 - *Local Priority P8 – Place-based development, quality building design and public art deliver liveable places*
 - *Local Priority P9 – A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes*
 - *Local Priority P10 – Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces*
 - *Local Priority P12 – Land is appropriately zoned for ongoing employment growth*
 - *Local Priority P13 – Planning, collaboration and investment delivers employment growth and attractive, lively, accessible and productive centres*
 - *Local Priority P15 – All local centres are supported to evolve for long-term viability*
63. The proposed amendments are deemed to have strategic merit as outlined within the PP (**Attachment 1**), and is aligned with the Council's strategic vision for the site.

Georges River Local Housing Strategy

64. The *Georges River Local Housing Strategy* (LHS) was adopted in August 2020 and sets out the strategic direction to deliver housing in the LGA over the next 20 years. The LHS identifies the housing demand, gaps and issues as well as establishing housing objectives to manage future growth.
65. Consistent with the *South District Plan*, the LHS states that Council is to supply 4,800 new dwellings by 2021. The 6-10 year target (2021 to 2026) is an additional 3,450 dwellings and 10-20 year target (2026 to 2036) is an additional 5,750 dwellings.
66. The NSW Government has set a new housing target for Georges River Council which is 6,300 new completed homes by 2029. This new 5 year housing target is 1,500 more dwellings than the District Plan's previous 0-5 year targets, and 2,850 more dwellings than the 6-10 year target (2021 to 2026).
67. The PP will assist in the delivery of new housing to meet the LHS targets and new State-led housing targets for the next five years by providing apartments ranging from 1, 2 and 3 bedroom apartments.
68. The PP gives effect to Council's *Local Housing Strategy*, as it increases housing supply and choice.

Georges River Commercial Centres Strategy

69. Part 1 of the *Georges River Council Commercial Centres Strategy* (CCS) was adopted in February 2020. The primary purpose of the CCS was to inform the preparation of the Georges River LEP 2020 (gazetted as the GRLEP 2021) and GRDCP 2021.
70. Stage 1 of the Strategy recommended the following be undertaken for LEP 2022 and 2025 and beyond to achieve the Strategy objectives:
 - Review the minimum non-residential FSR requirement in the centre with the aim of providing sufficient non-residential floor space to meet the 2036 demand
 - Conduct place-based analysis to activate the centre and ensure its ongoing viability – including investigating the existing height and FSR development standards, infrastructure provisions and public domain outcomes
 - Conduct further investigation to determine the suitability of the possible promotion to “local centre” classification in the centres hierarchy
 - Introduce design excellence mechanisms to facilitate good design
 - Review development standards as required
 - Investigate expansion of the centre’s boundary to meet the demand for additional employment floor space.
71. The CCS is informed by the findings of the *Commercial Centres Economic Study* (2019) (the ‘Study’), which are to be read in conjunction with the CCS, and identifies the existing centres hierarchy based on existing economic activity and performance of each centre, where all the LGA’s 48 centres are classified based on the existing amount of retail floor space and facilities. The classification considers the number and size of supermarkets and the essential retail and services provided.
72. The CCS addresses the provision of employment floor space to support the growth of local jobs and businesses. The CCS outlines key findings of the economic trends and drivers influencing the Georges River LGA, which include:
 - Mid-sized to full line supermarkets are increasingly anchoring smaller centres
 - Continued strong growth in the demand for supermarket and grocery stores, especially the provision of neighbourhood supermarkets of around 1,000 to 1,500sqm in local centres where smaller supermarkets or convenience stores may have prevailed previously
 - Protect the existing supply of commercial floor space to maintain the affordability of existing rents
73. The CCS highlights that a reduction in existing non-residential floor space, particularly in the LGA’s strategic and local centres, via recent planning proposals and development applications, and that if this trend is to continue, the ability of centres to provide essential services and employment opportunities for their surrounding communities will be compromised.
74. Based on the existing amount of retail floor space and facilities in Ramsgate, the CCS identifies local centre as a ‘village’. A village is defined as a centre that currently supports a local resident and worker population with 3,000 to 5,000sqm of retail floor space and typically includes a small supermarket or convenience store.
75. According to the CCS, a ‘local centre’ provides essential access to day to day goods and services close to where people live with over 5,000sqm of retail floor space and anchored by at least one supermarket larger than 1,000sqm.

76. The classification of Ramsgate as a 'village' under the CCS differs from the classification system of Ramsgate as a 'local centre' under the LSPS and its E1 local centre zoning under the GRLEP. The CCS village classification is a representation of its existing economic offering, rather than its local centre classification under the LSPS and zoning under the GRLEP.
77. The CCS acknowledges that the existing centres hierarchy does not correlate to the existing land use zones and development standards prescribed for all centres due to the consideration of classification based on the existing retail floor space provided in each centre.
78. The CCS does not propose any changes to zoning or development standards as part of LEP 2020; however, notes that there are opportunities to review the existing centres hierarchy based on the recommendations of the Study and place-based analysis is required in Part 2 of this Strategy to inform LEP 2022 and beyond. No rezoning or changes to the built form controls will occur until this work is complete.
79. The Study identifies that an additional 187,450sqm of employment floor space is required by 2036 for the LGA.
80. The CCS identifies certain villages, small villages and neighbourhood as centres that are 'suitable for a greater share of increase in employment floor space' than the average increased demand of an additional 15% or 21,310sqm across 39 centres. Ramsgate is identified as such a centre.
81. Specifically, Appendix 2 of the CCS specifies employment floor space demand for the Ramsgate local centre to be:

Table 4: Employment floor space demand (source: CCS, Georges River Council)

	Floor space (sqm)	FSR (x:1)
Current supply*	12,592	0.68:1
Average 15% increase	1,889	0.10:1
Min. demand in 2036	14,481	0.78:1

82. The greater share of non-residential floor space is required to be provided due to a greater demand generated by:
 - The "village" classification in the centres hierarchy
 - Location within an area of high forecast population growth
 - Having good visibility from passing trade
 - Having access to car parking provisions
 - Evenly distributed spatially from similar and higher ordered centres
83. However, the CCS provides recommendations for Ramsgate for the LEP 2025 and beyond, which include:
 - Conduct further investigation to determine the suitability of the possible promotion to "local centre" classification in the centres hierarchy
 - Introduce design excellence mechanisms to facilitate good design
 - Review development standards as required
 - Investigate expansion of the centre's boundary to meet the demand for additional employment floor space.

84. Part 2 of the CCS is currently underway. It will guide the LEP 2023 (Jobs and Activation) amendment to the GRLEP 2020 and its development control plan. Part 2 will review the roles and functions of all 48 commercial centres and provide centre-specific objectives, building controls and guidelines. As well as explore the potential expansion of appropriate centres.
85. The PP is considered to provide a suitable place-based approach to activating Ramsgate in accordance with the objectives of the CCS and is consistent with the identified need for additional employment floor space and opportunities for potential expansion of the centre.
86. The PP proposes the expansion of the centre's boundary to meet demand for additional employment space and allows the centre to transition into a local centre as envisaged in the CSS and the supporting Georges River Economic Study, consistent with its classification under the LSPS.
87. There is no existing supermarket, small or full line, in the Ramsgate local centre. A future addition of a full-line supermarket will anchor the centre and address the shortfall of a full-line supermarkets within a 800m-1km+ radius, therefore providing access to day to day goods and services close to where people live, and supporting projected growth in Ramsgate.
88. The CCS encourages a variety of office sizes to fulfil demand for flexible office spaces in suburban locations that can accommodate a range of businesses and services. However, this recommendation particularly responds to the mismatch between the high proportion of residents with a university degree and lower resident containment rate especially in strategic centres of Hurstville and Kogarah. There is no specific requirement for Ramsgate to deliver offices rather than supermarket employment space, nor is there any evidence presented which specifies that a supermarket will not facilitate the quantum of new employment envisaged under the strategy, compared to offices.
89. This PP does not propose a reduction in non-residential floor space.
90. The PP's proposed quantum of employment floor space will assist Ramsgate centre to emerge from a 'Village' and into a functional local centre consistent with the opportunities identified in the CCS, the Georges River Council Economic Development Strategy, LSPS and GRLEP zoning.

Other Local Strategies

91. The PP is generally consistent with the following other local strategies:

Georges River Community Strategic Plan 2022-2032

92. The *Georges River Community Strategic Plan 2022-2032* is Council's second community strategic plan which aims to represent the community's ambitions and expectations for the LGA for the next ten years. The six pillars which underpin the Plan are Our community; Our green environment; Our economy; Our built environment; Our place in Sydney; and Our governance.
93. The PP gives effect to the following Goals and Strategies:
 - 2.3.1 Increase and promote our tree canopy, shrubs and bushland coverage.
 - 3.1.3 Target economic development in key locations and sectors within the LGA
 - 3.2.3 Implement greening and planting strategies in town centres.
 - 3.2.4 Protect employment growth and services during land rezoning processes.

- 4.1 New development should make Georges River more liveable, vibrant and sustainable
- 4.2 Affordable and quality housing options are available.
- 4.3.2 Plan for, improve and maintain safe and connected footpaths and cycleways.

94. The key priorities from community feedback include activating the town centres and providing jobs for local people, and planting trees and greening the local area, including greening town centres. There is an identified shift to stay local and a continued desire to shop locally.
95. The proposal provides integrated landscaping and planting in the local centre and will enable local residents to shop locally and provide additional local employment opportunities through the delivery of a full-line supermarket.

Georges River Council Economic Development Strategy 2018-2022

96. The *Georges River Council Economic Development Strategy 2018-2022* (2018) identifies Ramsgate-Beverley Park as an emerging centre with the potential, if encouraged and managed well, to develop into a key centre providing additional employment and lifestyle opportunities.
97. The proposal is located within the identified Ramsgate-Beverley Park emerging centre and will support local employment growth and services through the provision of a new supermarket.
98. The PP's proposed quantum of retail/commercial space will assist Ramsgate centre to emerge into a key local centre consistent with the Georges River Council Economic Development Strategy.

NSW Housing Strategy 2041

99. The NSW Housing Strategy was released in March 2021 and sets a 20-year vision for NSW to have housing that supports security, comfort, independence and choice for all people at all stages of their lives.
100. The vision is reflected in the four pillars of supply, diversity, affordability and resilience of housing.
 - supply—housing supply delivered in the right location at the right time
 - diversity—housing is diverse, meeting varied and changing needs of people across their life
 - affordability—housing that is affordable and secure
 - resilience—housing that is enduring and resilient to natural and social change
101. The PP is consistent with the NSW Housing Strategy by providing a range of dwelling sizes to accommodate a variety of households, enabling people to live in homes of the right size in a well-serviced location.

Future Transport Strategy 2056, South East Sydney Transport Strategy and State Infrastructure Strategy

102. The *Future Transport Strategy* (FTS) 2056 sets out the NSW government's vision for transport in a growing and changing State. It guides the community on strategic directions for future planning integrated with evolving transport networks throughout the Sydney metropolitan area and the State. The FTS provides a framework that informs place-based planning and policy decisions to achieve successful outcomes, aiming to connect community to the city and State shaping infrastructure and services pipeline.

103. Guided by the Future Transport 2056, the South East Sydney Transport Strategy is a more detailed place-based plan for South East Sydney, exploring different options to meet future demand on city-shaping, city-serving, centre-serving and dedicated freight corridors. The vision for the South East Sydney Transport Strategy is for seamless end to end journeys based on the Liveable, Productive, Equitable and Sustainable objectives. The Strategy sets out the medium and long term (2026-56) integrated transport and land use plan for South East Sydney.
104. The State Infrastructure Strategy 2018 was released in March 2018 by Infrastructure NSW. It contains Infrastructure NSW's independent advice to Government on the infrastructure challenges and priorities facing NSW. It aligns with the Greater Sydney Region Plan and Future Transport 2056.
105. The proposal is considered consistent with the FTS by seeking to deliver housing and retail premises within a local centre with access to frequent bus services and cycling infrastructure to promote a 15-minute neighbourhood in Ramsgate.

Better Placed and Greener Places

106. The Better Placed design policy creates a clear approach to ensure we get the good design that will deliver the architecture, public places and environments we want to inhabit now and those we make for the future.
107. The PP is generally consistent with the following Better Placed objectives for good design:
- *Better Fit – Contextual, local, and of its place*
 - *Better for Community – Inclusive, connected, and diverse*
 - *Better for People – Safe, comfortable, and liveable*
 - *Better Value – Creating and adding value*
 - *Better Look and Feel – Engaging, inviting, and attractive*
 - *The Greener Places framework aims to help create a healthier, more liveable NSW.*
108. The PP is generally consistent with the following Greener Places Principles:
- *Integration – Combine green infrastructure with urban development and grey infrastructure*
 - *Multifunctionality – Deliver multiple ecosystem services simultaneously.*

5.2 - State And Regional Statutory Framework

Is the planning proposal consistent with applicable SEPPs?

109. The PP is consistent with applicable State Environment Planning Policies (SEPPs), as summarised in the following table:

Table 5 State Environmental Planning Policy

SEPP	Consistency
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	Not applicable to the proposed GRLEP amendments.
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	Not considered applicable to the proposed GRLEP amendments but may apply to a future development application for the site.

SEPP	Consistency
<i>State Environmental Planning Policy (Housing) 2021</i>	The PP is consistent with development for the purposes of shop top housing whereby Chapter 4 Design of residential apartment development applies. The PP's reference scheme's residential component has been designed to meet the requirements of the ADG.
<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	Not considered applicable to the proposed GRLEP amendments but may apply to a future development application for the site.
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Not considered applicable to the proposed GRLEP amendments but may apply to a future development application for the site.
<i>State Environmental Planning Policy (Precincts—Central River City) 2021</i>	The PP is not inconsistent with the SEPP as it is not the subject of a Precinct identified by the SEPP.
<i>State Environmental Planning Policy (Precincts—Regional) 2021</i>	The PP is not inconsistent with the SEPP as it is not the subject of a Precinct identified by the SEPP.
<i>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</i>	The PP is not inconsistent with the SEPP as it is not the subject of a Precinct identified by the SEPP.
<i>State Environmental Planning Policy (Primary Production) 2021</i>	The PP is not inconsistent with the SEPP as the PP does not impact on primary production.
<i>SEPP (Resilience and Hazards) 2021</i>	Chapter 4 of the SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment, particularly by specifying certain considerations that are relevant in rezoning land. The site has a history of commercial and residential uses and therefore low likelihood of contamination. Notwithstanding, a future development application at the site will be required to demonstrate that the land is suitable, or can be made suitable, for the purpose for which the development is proposed to be carried out.
<i>State Environmental Planning Policy (Resources and Energy) 2021</i>	Not applicable to the proposed GRLEP amendments.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	The PP is consistent with the SEPP as it comprises residential uses that would be required to comply with BASIX standards for energy, water and thermal performance in a future development application for the site. There is nothing in the PP which would preclude a future development application from complying with the relevant SEPP requirements for residential uses. The reference scheme includes 3,978sqm of retail space including a concept supermarket. Standards for non-residential development under the SEPP do not apply to BASIX development. Notwithstanding, the PP does not preclude a future development application from complying with any relevant SEPP requirements for non-residential development, if applicable.

SEPP	Consistency
<i>SEPP (Transport and Infrastructure) 2021</i>	The PP is consistent with the SEPP as a future development application for the site (consistent with the reference scheme) may be considered traffic generating development requiring referral to TfNSW. It is noted that TfNSW have been consulted pre-Gateway with respect to traffic and parking. Post-Gateway consultation will be required should the PP proceed to Gateway.

110. It is noted that the PP Report (**Attachment 1**) refers to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as not being applicable to the proposed LEP amendment, and states that the PP is consistent with *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65). SEPP 65 was repealed on 14 December 2023 and inserted into the Housing SEPP under a new Chapter 4 titled 'Design of residential apartment development'.
111. The Proponent has acknowledged that the PP is now subject to an assessment of the relevant provisions of the Housing SEPP rather than SEPP 65, which has been repealed. Notwithstanding this, the assessment of the proposed reference scheme against the *Apartment Design Guide* (ADG) and the design principles relating to residential flat buildings remains the same, despite its enforcement pursuant to the Housing SEPP rather than SEPP 65.

5.3 - Local Planning Directions

112. Consideration has been given to the relevant list of Directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the EP&A Act 1979 to confirm consistency.

Table 6 Local Planning Directions

Local Planning Directions	Consistency	Comment
Focus area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	The PP is considered to be consistent with the objectives and strategies of the Greater Sydney Region Plan as outlined in Section 5.1 above. The PP is consistent with the priorities of the South District Plan and Eastern City District Plan as it provides a renewal opportunity within the local centre with new housing supply and choice with access to jobs, services and public transport, to foster a healthy and connected community as discussed in Section 5.1 above.
1.2 Development of Aboriginal Land Council land	N/A	
1.3 Approval and Referral Requirements	N/A	
1.4 Site Specific Provisions	Yes	The PP does propose site-specific provisions. The proposed LEP amendments are considered to not impose unnecessarily restrictive planning controls on the site.

Local Planning Directions		Consistency	Comment
1.4A Exclusion of Development Standards from Variation	N/A		The PP does not seek to introduce or alter an existing exclusion to clause 4.6 of the LEP or an equivalent provision.
Focus area 1: Planning Systems – Place-based			
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A		
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A		
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A		
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A		
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A		
1.10 Implementation of Western Sydney Aerotropolis Plan	N/A		
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A		
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A		
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A		
1.14 Implementation of Greater Macarthur 2040	N/A		
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A		
1.16 North West Rail Link Corridor Strategy	N/A		
1.17 Implementation of the Bays West Place Strategy	N/A		
1.18 Implementation of the Macquarie Park Innovation Precinct	N/A		
1.19 Implementation of the Westmead Place Strategy	N/A		
1.20 Implementation of the Camellia- Rosehill Place Strategy	N/A		
1.21 Implementation of South West Growth Area Structure Plan	N/A		
1.22 Implementation of the Cherrybrook Station Place Strategy	N/A		

Local Planning Directions		Consistency	Comment
Focus Area 3: Biodiversity and Conservation			
3.1 Conservation Zone	N/A		
3.2 Heritage Conservation	Yes		The site adjoins two heritage items in Schedule 5 of the LEP: I294: Residential flat building, "Roma", 70 Ramsgate Road; and I295: Shops, 211-219 Rocky Point Road. The proposal does not result in adverse heritage impacts on these items.
3.3 Sydney Drinking Water catchments	N/A		
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A		
3.5 Recreation Vehicle Areas	N/A		
3.6 Strategic Conservation Planning	N/A		
3.7 Public Bushland	N/A		
3.8 Willandra Lakes Region	N/A		
3.9 Sydney Harbour Foreshores and Waterways Area	N/A		
3.10 Water Catchment Protection	N/A		
Focus Area 4: Resilience and Hazards			
4.1 Flooding	N/A		
4.2 Coastal Management	N/A		
4.3 Planning for Bushfire Protection	N/A		
4.4 Remediation of Contaminated Land	N/A		
4.5 Acid Sulfate Soils	Yes		The site is located in land classified as Class 5 on the LEP Acid Sulfate Soils Map. A future development application is capable of addressing this requirement.
4.6 Mine Subsidence and Unstable Land	N/A		
Focus Area 5: Transport and Infrastructure			
5.1 Integrating Land Use and Transport	Yes		The PP will enable improved access to housing, jobs, and services with access to public transport based on the existing location of the site.
5.2 Reserving Land for Public Purposes	N/A		
5.3 Development Near Regulated Airports and Defence Airfields	N/A		
5.4 Shooting Ranges	N/A		
Focus area 6: Housing			
6.1 Residential Zones	Yes		The proposal will encourage a variety and choice of housing to provide for existing and future housing needs, efficiently utilise existing infrastructure and services, and minimise environmental impacts.

Local Planning Directions		Consistency	Comment
6.2 Caravan Parks and Manufactured Home Estates		N/A	
Focus area 7: Industry and Employment			
7.1 Employment Zones		Yes	The PP will maintain and enhance the employment zone by generating uses on the site to support the viability of Ramsgate as a Local Centre.
7.2 Reduction in non-hosted short-term rental accommodation period		N/A	
7.3 Commercial and Retail Development along the Pacific Highway, North Coast		N/A	
Focus area 8: Resources and Energy			
8.1 Mining, Petroleum Production and Extractive Industries		N/A	
Focus area 9: Primary Production			
9.1 Rural Zones		N/A	
9.2 Rural Lands		N/A	
9.3 Oyster Aquaculture		N/A	
9.4 Farmland of State and Regional Significance on the NSW Far North Coast		N/A	

Georges River Council PP No. 2024/0004 (Additional and Diverse Housing Planning Proposal)

113. The Additional and Diverse Housing Planning Proposal seeks to increase capacity for additional and diverse housing through changes to local planning controls and implement the adopted Hurstville City Centre Urban Design Strategy (2018).
114. These amendments are being proposed in conjunction with the Biodiversity, Character and FSPA Planning Proposal (PP2024/0002) to ensure development is balanced with the protection of the LGA's biodiversity and local character, such as the natural environment, local heritage and tree canopy cover.
115. Council resolved at its meeting held on 25 March 2024 (refer item CCL017-24) to request a deferral from the application of the proposed Low and Mid-Rise Housing proposal on the basis that it is committed to the provision of capacity for additional and diverse housing through immediate and midterm changes to local planning controls.
116. The Hurstville City Centre Urban Design Strategy recommends increases to residential height and FSR to support the creation of approximately 190 additional dwellings. A block-by-block analysis was conducted to identify opportunity sites based on the following criteria:
- Not heritage items
 - Not part of a development application or planning proposal
 - Has 8 or less lots (i.e., not an existing RFB development)
117. A summary of the proposed Additional and Diverse Housing PP amendments to the GRLEP are:
- Amendment to the Land Use Table to introduce RFBs as a permissible land use within the R3 zone.

- Amendments to Clause 4.1A Minimum subdivision lot size for dual occupancies and Clause 4.1B Minimum lot sizes and special provisions for certain dwellings, including amendments to the Minimum Lot Size for Dual Occupancy Map.
- Amend the existing 5m height control for multi dwelling housing under Clause 4.3A Exceptions of height of buildings so this restriction is only applied to the R2 zone.
- Apply a bonus of 0.2:1 FSR (equating to 1:1 total FSR) for multi dwelling housing and terrace developments on land in the Zone R3 Medium Density Residential.
- Introduce multi dwelling housing and terraces as permissible land uses within the R2 zone excluding the areas located in the existing Heritage Conservation Areas (HCAs), existing Foreshore Scenic Protection Area (FSPA), proposed FSPA and proposed Unique Character Area (UCA).
- Request the DPHI to continue the prohibition of manor houses within the R2 zone despite the proposed introduction of multi dwelling housing and terraces.
- Amend the Height of Buildings Map to increase the height from 9m to 10.5m for all land within the R3 zone. To amend the Floor Space Ratio Map to increase the FSR from 0.7:1 to 0.8:1 for land within the R3 zone.
- To identify all R3 zoned land as “Area 8” to allow a bonus FSR to be applied for multi dwelling housing and terrace developments.
- Amendments to implement the Additional Capacity Areas as recommended by the HCCUDS.
- Amendments to the *Height of Buildings Map* and the *Floor Space Ratio Map* to update the existing planning controls for Hurstville City Centre by rectifying the mismatch between the existing height and FSR development standards

118. PP No. 2024/0004 does not include any GRLEP amendments which pertain to the site which is the subject of this PP and therefore there is no overlap or inconsistency between the PPs.

5.4 - Information Checklist For Reclassification Of Public Land

119. Part of the proposed amendments to the LEP include the reclassification of Lot 301 DP 1142822 to operational land.
120. It is noted as part of the previous PP for the site (PP-2021-6179), Council previously resolved the sale of Lot 301 in their Finance and Governance Committee meeting on 25 October 2021. A resolution was passed approving the sale of Lot 301, contingent upon the making of the LEP amendment via the previous PP. Therefore, the previous resolution of the sale Lot 301 can be considered void, given it was tied to the previous PP.
121. As set out in the LEP Practice Note (PN 16-001), all PPs classifying or reclassifying public land must address the following matters for Gateway consideration:

Table 7 PPs classifying or reclassifying public requirements

Requirement	Comment
The current and proposed classification of the land.	The subject land is currently classified as community land and is proposed to be reclassified to operational land under the provisions of the LG Act 1993.
Whether the land is a ‘public reserve’ (defined in the LG Act).	The site is not defined as ‘public reserve’ under the LG Act 1993.
The strategic and site specific merits of the reclassification and evidence to support this.	The reclassification of Council-owned Lot 301 DP 114822 will enable future acquisition from Council and eventual redevelopment sought by the PP.

Requirement	Comment
Whether the PP is the result of a strategic study or report.	The strategic merit of the proposal is addressed in Section 5.
Whether the PP is consistent with council's community plan or other local strategic plan.	Consistency with local strategic plans is addressed in Section 5.1.
A summary of council's interests in the land, including: - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) - if council does not own the land, the land owner's consent; - the nature of any trusts, dedications etc.	Lot 301 was created when 197 Rocky Point Road was developed pursuant to DA 46/2007 and is the first, and currently only, lot owned by Council on the site intended for future dedication to enable a rear lane access between Targo Road and Ramsgate Road (as envisaged in the GRDCP 2021).
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.	<p>A conditional contract was executed between the Proponent and Council via the previous PP. Contract for Sale was rescinded in September 2022.</p> <p>A new contract is required. Settlement of the contract is contingent on a positive planning outcome, successful reclassification of the land and the removal of any caveats.</p>
The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged.	Lot 301 is subject to a right of access easement on title which allows the owners of Lot 300 use of Lot 301 for the provision of vehicle manoeuvring, subject to adequate maintenance of the lot.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents).	Lot 301 does not have any public reserve status or relevant interests on the land.
Current use(s) of the land, and whether uses are authorised or unauthorised.	As stated above, Lot 301 is subject to a right of access easement on title which allows the owners of Lot 300 use of Lot 301 for the provision of vehicle manoeuvring, subject to adequate maintenance of the lot.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.	As above.
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).	A new contract is required between the Proponent and Council. Settlement should again be contingent on a positive planning outcome, successful reclassification of the land and the removal of any caveats.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).	<p>The lot is currently zoned E1 Local Centre. No change to the zoning of the site is proposed as part of the PP.</p> <p>Changes to the site's height and FSR standards are proposed, which will also affect Lot 301, as set out in Section 4.3.</p>

Requirement	Comment
How council may or will benefit financially, and how these funds will be used.	Council's resolution from the meeting on 25 October 2021 for the previous PP concluded that Council intends the income from the proceeds of any disposal of Lot 301 be placed in Council's Commercial Property Reserve for investment in future income generating commercial property assets. Any disposal of public land is in principle only and subject to a formal resolution of Council.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.	Not relevant.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.	Not relevant – the proposed reclassification applies to the whole of Lot 301.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Not relevant.

122. Council must hold a public hearing in respect of the PP for reclassifying public land from community to operational (EP&A Act s.57 and Local Government Act 1993 (LG Act) s.29). The public hearing provides the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum. After the exhibition period has ended, at least 21 days public notice is to be given before the hearing.

5.5 - Site Specific Merit Assessment

123. An assessment of the proposal against the Site-Specific Merit tests specified in the then Department of Planning and Environment's *Local Environmental Plan Making Guideline* (August 2023) has been undertaken.
124. The proposal must have regard to the potential environmental, social, and economic impacts of the proposal and proposed mitigation measures and justification. The PP must demonstrate that the proposal is suitable for the site and that the site is (or can be made) suitable for the resultant development.
125. The assessment criteria for site-specific merit asks whether the proposal gives regard and assesses the impacts to:
- the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources, or hazards)
 - existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates
 - services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Natural Environment

126. The site is already developed and is located in the Ramsgate town centre. As such, the site does not contain any significant values.
127. The proposed use of the site does not introduce an activity that is more sensitive to potential environmental constraints of the site than the currently permitted uses within the E1 Local Centre zone and R4 High Density Residential zone.

Surrounding Development

128. The site is to be zoned E1 Local Centre. Redevelopment of this site provides the opportunity to deliver a full-line supermarket and residential uses on a corner “marker” site in the Ramsgate local centre. The proposed uses are consistent with surrounding retail and commercial development and would assist in activating the subject site and revitalising Ramsgate Town Centre.
129. Resulting building envelopes achieved in the reference scheme provide a considered interface with adjoining properties and appropriate transition of scale from the site to the surrounding area, including the adjoining heritage item, and within the context of the future redevelopment opportunities.
130. The PP would facilitate a future redevelopment opportunity for a shop top housing development with varied building heights ranging from 4 storeys up to 8 storeys (29m). The greatest height and bulk are located at the north-eastern portion of the site, away from existing lower scale residential development.
131. The proposed podium and 6m street wall heights respect and integrate with the surrounding built form to ensure a contextual response which is commensurate with the character of a local centre.
132. The proposed maximum building heights would be the tallest in the Town Centre and within the broader locality.
133. The recently constructed 6 storey mixed use development located opposite the site on the northern side of Targo Road (1A Targo Road and 187 Rocky Point Road), and the “Alara Apartments” mixed use development (currently under construction) located at 262-270 Rocky Point Road, Ramsgate (diagonally opposite the site) do not provide a setback from the street wall.
134. The PP provides a minimum 5m setback for residential levels above the podium from level 1 to level 6, and an 8m setback for level 7 for buildings A and B located along Rocky Point Road and Targo Road.
135. Building C has a reduced scale and massing compared to Buildings A and B. Building C has a lower building height, 6m podium setbacks and upper-level setbacks which will enable appropriate levels of amenity for neighbouring residential properties where future redevelopment is realised for the site.
136. These setbacks respect the existing built form character of the locality, specifically the lower-density residential to the west and heritage buildings, whilst maintaining a scale that is appropriate for a key gateway site within the Ramsgate centre.
137. The PP has regard for shared access to not preclude future redevelopment opportunities with neighbouring properties.

138. The PP has suitably demonstrated that the scale of development will not result in any adverse overshadowing impacts of surrounding development, and ADG complying building separation can be achieved to provide an appropriate level of amenity for neighbours.

Services and Infrastructure

139. The proposed development would result in population growth (141 new dwellings), additional retail services in the form of a full-line supermarket, therefore increasing pedestrian and vehicular traffic volume and movement within the surrounding street network.
140. Redevelopment of this site provides the opportunity to provide increased setbacks and public domain enhancements.
141. An existing bus network provides public transport services to the site, with stops along both Ramsgate Road and Rocky Point Road.
142. There is existing utility infrastructure, including electrical, water, sewer, telecommunications and NBN, to support the redevelopment of this site.
143. There is some opportunity for a VPA to improve the functioning of the surrounding road network. The Public Benefit Offer dated 19 December 2023 was submitted with the PP and forms the basis upon which to enter into a planning agreement with Council. The Public Benefit Offer identifies a number of public benefits and is being assessed separately to the PP.

5.6 - Preliminary Assessment Advice And Internal Referrals

144. A preliminary assessment of the PP submitted in December 2023 was undertaken by Gyde Consulting in the form of a request for information (RFI) letter to the Proponent, dated 5 April 2024. Additionally, internal referrals were received from the following Council departments which were addressed in the preliminary assessment and forwarded to the Proponent:
- Heritage
 - Stormwater
 - Traffic
 - Trees and Landscape
 - Waste Management
 - Urban Design
145. The preliminary review of the PP raised certain site-specific issues raised by the referrals provided by Council and through the independent assessment of those referrals and the PP documentation submitted by the Proponent.
146. The matters raised in the preliminary assessment requiring further consideration by the Proponent are listed below.
- Exclusion of No 6 Targo Road from the site area
 - Location of the commercial loading dock and access driveway
 - Justification, safety and public benefit of the through-site link
 - Traffic impacts and road network upgrades
 - Inclusion of 201-209 Rocky Point Road in the PP.

147. The preliminary assessment specified that the PP must respond to the matters raised to support site-specific merit and that all relevant PP documents were to be updated as part of a revised PP or addressed at Gateway, prior to public exhibition.

5.7 - Revised Planning Proposal

148. A response to the RFI dated 31 May 2024, (**Attachment 1a**) was prepared by Ethos Urban on behalf of the Proponent, as part of the revised PP, dated 3 June 2024.
149. The revised PP responded to the 4 key matters raised in the preliminary assessment. The matters raised in the preliminary assessment requiring further consideration by the Proponent are listed below:
- Exclusion of No 6 Targo Road from the site area
 - Location of the commercial loading dock and access driveway
 - Justification, safety and public benefit of the through-site link
 - Traffic impacts and road network upgrades
 - Inclusion of 201-209 Rocky Point Road in the PP.
150. The revised PP responded to the 5 key matters raised in the preliminary assessment. Details of these matters raised, the Proponent's response, and our comments are provided in the table below.

Table 8 - Key matters raised in the PP preliminary assessment

Key matters for the Planning Proposal	
Issue 1 - Exclusion of No 6 Targo Road from the site area	
<p>Concern was raised with the Proponent over the exclusion of No. 6 Targo Road from the PP's site area. No.6 is a small site with 480sqm site area and has a 9m frontage. This small and narrow lot was included in the previous PPs.</p> <p>Concern was that future development potential of No 6. will be limited despite its current R4 zoning due to the following reasons:</p> <ul style="list-style-type: none"> The existing multi dwelling housing development adjoining the site to the west which is unlikely to redevelop in the near future; the site (in isolation) does not comply within the minimum 1,000sqm site area for RFBs under the DCP, or the minimum site area of 800sqm for medium density developments under the LEP; in combination with the proposed development adjoining the site to the east. <p>Inclusion of No 6 Targo Road would have also provided additional site area and frontage along Targo Road to potentially relocate the loading access driveway to the northern boundary; therefore, removing the traffic and heritage issues raised with the scheme.</p>	
Proponents Response	
<p>Despite No. 6 Targo Road being included in the site of previous PPs; the landowner no longer wishes to be part of the proposed development. Whilst landowner's consent is not required for a site to be included in a PP, a PP is based on a reference scheme with an intended future built form to justify the proposed amendments to the development standards. In this regard, landowner's consent would be required for a development application to be lodged.</p> <p>The Proponent has made best endeavours to acquire No. 6 Targo Road to no avail, as follows:</p> <ul style="list-style-type: none"> The Proponent has attempted to acquire 6 Targo Road, and has previously agreed to a purchase price with the vendor, on numerous occasions over the course of approximately 6 months. Despite attempts to exchange contracts, including issuing a signed contract and deposit to the vendor's solicitor, this exchange was not possible. On multiple occasions, the vendor changed their mind and ultimately decided not to proceed. 	

Key matters for the Planning Proposal

- Due to the vendor's circumstances, the Proponent attempted to use the vendor's solicitor to assist with communication with the vendor.
- Given the vendor had decided not to sell, the Proponent formally requested the vendor's consent to be part of the PP. However, the vendor did not provide their consent.
- Due to the vendor's change in personal circumstances, the Proponent elected not to include 6 Targo Road in the PP subject site without landowner's consent.
- To include No. 6 Targo Road in the site would introduce a risk that the proposed scheme would not be developed in the future.

The Proponent has also stated that No. 6 Targo Road is not at risk of experiencing site isolation in its true definition, as it is not a corner site and is capable of future development through amalgamation with adjoining sites. Both No. 6 and No. 8 Targo Road are zoned R4 High Density Residential and there is potential for these sites to be developed together in the future.

To alleviate concerns relating to site isolation, architectural modelling has been prepared by the Proponent to demonstrate a potential future development scheme for No. 6 and No. 8 Targo Road which would be able to coexist with the proposed development scheme on the subject site to the east. At plan view from a zoning and lot configuration perspective, redeveloping No.6 and No.8 Targo Road together presents a more rational and logical approach to redevelopment, as the development sizes and shapes are regularised.

Assessment of response

The Proponent's response to this matter is supported for the following reasons:

- Based on the documentation provided to Council by the Proponent on 21 August 2024, in respect of the attempts made to acquire or include No. 6 Targo Road in the PP, it is accepted that the Proponent has made reasonable effort to include No. 6 Targo Road in the PP by attempting to acquire the site and seek landowner's consent. It is acknowledged that whilst a PP may include land that is not under the Proponent's ownership, that the Proponent did not wish to include No. 6 Targo Road in the PP, to respect the wishes on the landowner and as a future development application would require landowner's consent.
- It is also accepted that No. 6 Targo Road is capable of future development through amalgamation with adjoining No. 8 Targo Road, and the exclusion of No. 6 Targo Road from the PP results in a more regularised site area.

Issue 2 - Location of the Commercial Loading Dock and Access Driveway

The proposed 6m wide "Loading Access Driveway" located along the east of Building C from Ramsgate Road for heavy rigid vehicle (HRV) access was originally not supported by Council's Traffic Officers. Concern was raised over locating the loading dock driveway off Ramsgate Road (higher order road) due to potential safety concerns and rear end crashes. It is noted that the driveway requires a minimum width of 6.5m. The traffic advice is for all vehicular access including commercial loading dock to be provided off Targo Road (from lower order road), if possible.

The heritage advice also recommended relocating the proposed loading access driveway away from the east of Building C, which is adjacent to the "Roma" residential flat building (RFB) and heritage item located at No 70 Ramsgate Road, due to the potential visual and noise impacts to the residents of the Heritage item.

However, the urban design/strategic planning advice received requires the driveway to be retained as proposed to provide future vehicular shared access to the rear of No 201-209 Rocky Point Road. The advice recommends that the concept scheme include an easement over the proposed 6m wide driveway to allow shared vehicular access to accommodate MRVs required for back of house functions or Council's garbage collection vehicles for the future development of 201-209 Rocky Point Road. The advice also requests shared access for No 201-209 Rocky Point Road through its basement for any future development.

Key matters for the Planning Proposal

It is noted that there is an existing 3.66m ROW at the rear of 201-209 Rocky Point Road which would only require an additional 1.34m to achieve the 5m laneway width required.

Part 7 Business Precincts of the DCP includes controls which relate to Ramsgate Centre Local Centre and require new lanes to be introduced where appropriate and potential for a 5m laneway to be provided between Targo Road and Ramsgate Road for properties fronting Rocky Point Road and vehicle access for any redevelopment of a site fronting Rocky Point Road to be consolidated.

Proponent's Response

The location of the loading dock and access driveway is proposed to remain at Ramsgate Road, as this has always been the preferred location and has not been raised as a concern in previous PPs on the site.

The primary reasons for this being the preferred location are:

- It enables access to be provided to the site but also maintains the current arrangement for service access to the businesses fronting Rocky Point Road, specifically 201-209 Rocky Point Road. If the commercial loading dock was relocated to Targo Road, there would be insufficient width provided to facilitate vehicle access to the properties along Rocky Point Road.
- The proposed access arrangement provides an outcome that is consistent with the existing Right of Way.
- It will ensure a better safety outcome in that vehicles and trucks will be able to enter/exit in a forward direction.
- It achieves an outcome that will not impact existing properties along Rocky Point Road and will not disturb residents on Targo Road, which would occur under a scenario where loading vehicles are using Targo Road as the point of access and servicing.

To address Council's Heritage team concern with regard to potential noise impacts to residents of the heritage item, a loading dock management plan will be prepared and submitted as part of any future development application, which will require the closure of the loading dock service door once vehicles have entered the loading area. Additionally, Woolworths is a large operator and have the ability to schedule deliveries during times that would have the least amount of disruption to residents.

Targo Road has never been the preferred location for the commercial loading, feedback relating to previous PPs applying to the site indicated that it would be an undesirable scenario for large service trucks to access the site from Targo Road, given it is a lower order residential street and would have a significant amenity impact.

A concept supermarket plan has been prepared that demonstrates the functionality of the supermarket within the context of the site. The front of house of the store addressing both Rocky Point Road and partially to Targo Road allows for direct connection and activation to the street and internally, linear aisles and direct connection to relevant behind counter prep areas. The introduction of a Targo Road accessed loading dock would severely disrupt the functionality of the supermarket, and it would result in the development of the supermarket being unfeasible and economically prohibitive, and therefore the redevelopment of the site would not be realised.

In any case, relocating the loading dock to Targo Road will not remove the operation of the rear lane as a loading dock in accordance with the Right of Way registered on the title. By reinforcing this accessway from Ramsgate Road, the commercial premises at 201-209 Rocky Point Road will benefit from the redevelopment of the subject site where the opportunity for this rear loading dock and accessway location would otherwise fail to be realised. In this regard, the subject PP creates a future opportunity for the sites at 201-209 Rocky Point Road to be redeveloped where that opportunity would otherwise not exist.

Key matters for the Planning Proposal

Assessment of Response

The Proponent's response is supported as the proposed access arrangement provides an outcome that is consistent with the existing Right of Way, and will not impact residents on Targo Road, (which would occur under an alternate scenario).

Internal heritage advice received 26 June 2024, relating to the revised PP (26 June 2024), provides in-principle support for the PP, subject to conditions, and acknowledges retention of the loading dock / delivery area for traffic management and safety.

The heritage advice notes the acoustic and visual impacts can be in part, mitigated through the future implementation of a Plan of Management that controls the frequency and management of the delivery / loading dock area, it is also anticipated that conditions of consent would restrict the hours of operation for the use of the delivery and loading dock area. In addition, prescriptive development controls are recommended for inclusion in a site-specific DCP.

Internal traffic comments were received on 20 June 2024 confirming the commercial loading dock swept path shows design vehicle In/Out turning path can achieve using kerbside lane in Ramsgate Road which is considered acceptable. The traffic comments also recommend that the PP be amended to indicate if the HRV will be turning to the left or to the right onto Rocky Point Road from Loading Dock Area.

It is recommended that the PP update its Traffic and Transport Assessment to include the direction of travel for HRV's from the loading dock area.

Further consultation was undertaken between the Proponent and TfNSW (Refer to **Attachment 17** - TfNSW's letter dated 17 October 2024). TfNSW's comments on this issue are summarised below:

- The turning path assessment shown on Page-10 of the report indicates that an 8.8m vehicle would be straddling across lanes of Ramsgate Rd and would not be able to turn left into the site if another vehicle is waiting to turn out of the driveway.
- This driveway is proposed to be a shared driveway between the Woolworths and the residential component of the development site therefore there is unlikely any coordination on when vehicles use this driveway. The layout as shown would result in Ramsgate Road traffic flows being impacted when simultaneous entry/exit movements are triggered.

Recommendation:

1. The site specific DCP is to include a requirement for Plan of Management for the management of the loading dock area between commercial and residential uses, and any controls to form part of the strata plan for the future development.
2. The site specific DCP is to include provisions to enable an easement access agreement for shared vehicular access from the 6m Ramsgate Road driveway to accommodate MRVs required for back of house functions or Council's garbage collection vehicles for the future development of No. 201-209 Rocky Point Road.
3. The site specific DCP is to delete all residential, pedestrian and vehicular access points, except for the proposed 6m wide loading access adjacent to the existing 3.66m ROW at the rear of No. 201-209 Rocky Point Road from Ramsgate Road and supermarket main entry at the north-eastern portion of the site. All other site access points may be determined as part of a future DA and should not be included in the Site-Specific DCP.
4. The site-specific DCP include objectives and provisions to protect the amenity of the adjacent heritage item known as 'Roma'. This includes controls that:
 - address the acoustic and visual impacts and amenity of the loading dock / delivery area.
 - ensure a high-quality architectural expression and palette of materials and finishes to the façade to the utilities area.

Key matters for the Planning Proposal

5. The Planning Proposal Report be updated prior to lodgement of Gateway Determination Request to DPHI to include the direction of travel for HRV's from the loading dock area.

Issue 3 - Justification, safety and public benefit of the through-site link

A site through link was suggested by Council officers to the proponent prior to the lodgement of the PP. However, when the PP was assessed by Gyde and Council's Urban Designer a number of amenity and safety issues were raised due to the lack of adequate passive surveillance and its non-linear path resulting in obstructed sight lines, and the solid walls to the east and a solid metal fence to the west which create an enclosed space. The long corridor and dog leg in the laneway will be at risk of vandalism and antisocial behaviour. It was recommended that the through-site link be re-located and redesigned as a linear path with clear sight lines from Ramsgate Road to Targo Road, and that this *may* include a partial arcade towards Targo Road end.

There was further discussion on a linear path between Council and Gyde but that also raised a number of issues:

- it does not provide any space for social interaction, noting that most of the width must be deep soil, nor will it provide access to retail, as retail frontage is only provided from Rocky Point Road. It therefore misses an opportunity to provide an activated 'laneway' or arcade experience with a pedestrian refuge, shopping, and alfresco seating away from the noise of Rocky Point Road, as intended in the DCP.
- The VPA proposes Works in Kind relating to the through-site link to be formalised as publicly accessible via a public access easement on title for public benefit. However, there is little public benefit provided by way of the through-site link that runs in a north to south direction along the western boundary or more centrally through the site that does not provide an activated 'laneway' or arcade experience.
- At its basic function, it acts as a secondary pedestrian pathway that connects Ramsgate Road to Targo Road, avoiding the vehicular dominated experience of Rocky Point Road. However, its usability as a pedestrian and bicycle pathway is questioned as it is less than 70 metres, or approximately a 1 minute walk, from Rocky Point Road and the provision of deep soil significantly reduces the pathway width required for efficient pedestrian and cycling traffic flow.
- The through-site link does not connect to any existing bicycle paths and there are significant potential safety issues for cyclists emerging from the link to Ramsgate Road.
- With the retail frontage to remain along Rocky Point Road, there is a more legitimate opportunity to provide public benefit by enhancing the existing public domain along the main street frontages. The proposal will result in increased pedestrian traffic on the existing narrow (approx. 2.5m wide) footpath along Rocky Point Road, particularly at the entry point of the supermarket, which will result in poor pedestrian movement and potential safety issues.

It was therefore also recommended that a recessed ground floor entry to the supermarket at the corner of Rocky Point Road and Targo Road is considered to increase the provision of public domain at the main pedestrian street entry of the supermarket. This will provide greater space for pedestrian movement, places to dwell and refuge, including seating/benches, and opportunities for landscaping in the form of planters at ground level that cannot be achieved within the existing footpath widths along Rock Point Road.

This was forwarded to the Proponent for review.

Key matters for the Planning Proposal

Response by Proponent

The through-site link was included in the proposal in response to Council's request relating to the previous PP. However, based on Gyde's feedback on the merit and safety of the through-site link, the reference scheme is proposed to be updated to remove the through-site link along the western boundary and replace it with a deep soil landscaped setback that will help with facilitating a vegetated interface with the residential properties to the west. Removal of the through-site link is also a result of the fact that it has limited value, given the site's proximity to Rocky Point Road, meaning that a pedestrian path would only benefit a select number of local residents in the locality. The width and design of the link, with the kink in the middle, is also likely to be a deterrent for residents to use the link due to safety concerns.

Relocation to a more central within the site would significantly compromise the supermarket floorplate to the point that the scheme would not be possible. Accordingly, there is no viable alternative location for a through-site link.

As a result of the above, the revised reference scheme prepared by CHC (see Appendix A, Sheets CP02, CP12) removes the through-site link and instead provides the following:

- Increased footpath width (approximately 3.5m) along Rocky Point Road, by setting back the Woolworths façade by 1m.
- A new public seating area and additional planting at the corner of Rocky Point Road and Targo Road by recessing the ground floor entry.
- A public seating area/ gathering space to the north of the deep soil planting zone on Targo Road. This area allows for a small inlet into the designed to be given back to the public and is intended to be a local residential space with some seating to be provided along with a pergola structure to integrate with the surrounding planting, and a drinking fountain with pet bowl facilities.
- Landscaped area located south of the deep soil planting zone on Ramsgate Road, to replace the previously proposed hard paving. Additional seating will be provided in this node and will provide local residents a waiting area for the nearby bus stop in front of the 'Roma' apartment, which is currently only serviced by a park bench.
- Landscaped setback at the site's interface with residential dwellings to the west, improving the deep soil provision on the site.
- The removal of the through-site link from the proposed development is also reflected in an amended site-specific DCP (see Appendix C).

Assessment of the Response

The deletion of the through-site link is **supported** for the following reasons:

- Impracticability of use by pedestrians due to its close proximity to Rocky Point Road.
- Safety concerns for cyclists emerging from the through-site link onto Ramsgate Road.
- Conflict between the envisaged internal retail frontage/arcade along the through-site link (as per the existing DCP) with the Rocky Point Road primary retail frontage if diverting pedestrian traffic away from existing retail on Rocky Point Road.
- Privacy and noise impacts of an activated internal retail frontage on future residents and existing neighbours.
- If inactivated, the potential safety issues due to the lack of adequate passive surveillance.
- more legitimate opportunity to provide public benefit by revitalising the existing retail edge and ensuring the economic viability of existing retail floor space in the local centre by focusing on the improvement of pedestrian access and amenity of the existing retail frontages.

It is considered that the revised reference scheme offers good public domain outcomes in terms of:

- the recessed ground level setback along the Rocky Point Road frontage
 - the proposed new public seating area and additional planting along the street retail frontages
 - the provision of deep soil along the western boundary is supported.
- Note: It is recommended that this area is privately accessible to minimise CPTED issues and conflicts with the neighbouring residential properties.*

Key matters for the Planning Proposal

It is noted that urban design internal referral comments (dated 20 June 2024) on the revised scheme raised issues regarding safety and maintenance in relation to the conversion of the through-site link at the western boundary into a deep soil zone. Concern is also raised in relation to the safety and usability of the proposed social gathering 'inlet', as well as privacy and amenity concerns for No. 6 Targo under the revised scheme.

The revised scheme's proposed deep soil planting buffer along the western boundary is supported to minimise potential visual and acoustic impacts to neighbouring dwellings. The CPTED and maintenance matters raised in relation to this deep soil zone may be dealt with at a future DA stage. The proposed inlets are not considered acceptable in their current form; however, the principle to improve pedestrian amenity with places for refuge and planting along the street frontages is supported.

Urban design principles to improve pedestrian amenity on all street frontages is encouraged and recommended for inclusion in the site-specific DCP.

Recommendation:

1. Delete the existing control for a through-site link in the Site Specific DCP and replace with a new provision of publicly accessible open space that will:
 - a. compliment and connect with ground floor commercial uses,
 - b. not disrupt the amenity of neighbouring residential properties, and
 - c. provide safe zones for refuge and improve public amenity.

Issue 4 - Inclusion of 201-209 Rocky Point Road in the PP

Whilst assessing the PP the question of No 201-209 Rocky Point Road, and how redevelopment of these remaining local centre zoned sites fronting Rocky Point Road can redevelop and if it is beneficial for these lots to be part of the PP.

The combined site area of 201-209 Rocky Point Road is approximately 1,600sqm and should enable mixed use development to be built to the full potential of the existing HOB and FSR controls under the Georges River LEP 2021. Any future development at this site would need to respond to the adjacent heritage items to the immediate south, particularly in relation to overshadowing, visual and noise impacts, which may limit opportunities for the site to take advantage of increased height and FSR.

Notwithstanding, exclusion of this site area may impede future development potential for this site in relation to shared vehicular access to accommodate MRVs required for back of house functions or Council's garbage collection vehicles to the site.

Rather than addressing these sites in parts, inclusion of No 201-209 Rocky Point Road may provide a more holistic and robust redevelopment outcome for these sites and for the local centre.

The Proponent was asked to justify why No 201-209 Rocky Point Road was not included in the PP.

Proponents Response

The sites comprising 201-209 Rocky Point Road are not intended to form part of the PP's subject site due to a lack of commercial viability. It has not been the subject of previous PPs and is not intended for any combined future redevelopment.

Design testing has been undertaken for No. 201-209 Rocky Point Road, demonstrating that they are able to be redeveloped as a collective. The site is of a sufficient size that will enable future development to step down and create an appropriate interface with the adjacent heritage items. A potential development option has been prepared by CHC (see Drawing CP25 in Appendix A) to demonstrate that these sites can be redeveloped in the future whilst accommodating the building separation requirements of the ADG.

Key matters for the Planning Proposal

The existing Right of Way will continue to provide access to these properties, and any future DA will make provision for development at this site to have access provided by the proposed accessway to their own dedicated loading dock, as shown in Drawing CP12 in Appendix A.

Assessment of the response

The Proponent's response to this matter is supported for the following reasons:

- It is accepted that No. 201-209 Rocky Point Road is capable of future development on the basis that shared vehicular access from Ramsgate Road is provided as part of the PP to accommodate MRVs required for back of house functions or Council's garbage collection vehicles to the site.
- The site is of a sufficient size to enable future mixed use development to be built to the full potential of the existing HOB and FSR controls under the Georges River LEP 2021 and with consideration of the adjacent heritage item.

It is recommended that the proposed 6m wide access driveway from Ramsgate Road adjoining the existing Right of Way be included in a site-specific DCP to provide certainty for shared vehicular access to 201-209 Rocky Point Road in any future development.

Recommendation:

1. The site specific DCP is to include provisions to enable an easement access agreement for shared vehicular access from the 6m Ramsgate Road driveway to accommodate MRVs required for back of house functions or Council's garbage collection vehicles for the future development of No. 201-209 Rocky Point Road.

Issue 5 - Traffic impacts and Road Network Upgrades

Traffic impacts and road upgrade requirements were raised as matters to be addressed in the PP. These matters specifically pertained to the location of access driveways for residential, commercial and delivery vehicles, as well as impacts on local and regional road networks. The parking provision in the reference scheme did not satisfy the carparking controls in the Georges River DCP and no bicycle parking was provided.

Concern was also raised with the service vehicle access at Ramsgate Road, as this access was not wide enough and near a bus zone, increasing the chance of accidents and use as a drop off zone.

Council issued additional traffic comments on 20 June 2024 in relation to the revised PP which requested that the Proponent further consider the installation of a roundabout at Targo Road and Burgess Street (to assist with additional traffic volume at this intersection).

Council has also recommended traffic signals at Rocky Point Road and Torwood St to allow southbound right turn vehicle access site via Torwood Street, The Promenade and Targo Road.

The Proponent has proposed a right turn (RT) into Targo Road from Rocky Point Road. Council confirm that the new signal at Rocky Point Road and Torwood St is not required if TfNSW support the RT proposal.

TfNSW provided further advice on 17 October 2024 on traffic, access and parking matters, specifically in relation to proposed signals Targo Road / Rocky Point Road. TfNSW provides in-principle support for the proposed signals at this intersection subject to the conditions raised in its letter (refer to **Attachment 17**).

However, (at this stage) TfNSW does not support retaining the existing right turn into Targo Road from Rocky Point Road (south bound) to limit/mitigate the network impacts associated with combined

impact of right turn vehicles overflowing in lane 2 of Rocky Point Road and the kerbside lane being blocked by parked cars. TfNSW state that the combined impact would mean there is a high likelihood of detrimental impacts to southbound traffic movements along Rocky Point Road.

Key matters for the Planning Proposal

Further traffic comments were received from Council on 13 November 2024 in response of TfNSW's advice dated 17 October 2024. Council recommends:

- Consideration of a slip lane/localised road widening on Ramsgate Road for service vehicles to turn left into the loading dock area to avoid straddling/occupying more than one lane on Ramsgate Road. This may require an additional setback to the Building C.
- Additional separation measures between pedestrians entering/existing Building C and traffic on Ramsgate Road.
- Retaining the RT ban from Targo Road onto Rocky point Road, even with signalisation.

Proponents Response

Plans have been amended to provide 3 levels of basement parking with a total of 422 parking spaces which will satisfy the DCP requirements and plans have been updated to include bicycle parking.

The service access was relocated from Targo Road to Ramsgate Road in response to concerns raised by Council with heavy vehicles using Targo Road in the previous planning proposal.

The access can accommodate a 12.5m truck and turns are limited to low frequency left turns and will be clearly sign posed. The access should have no impact on the current bus stop.

Roundabout at Targo Road/Burgess Street not required to accommodate development as the existing priority-controlled intersection would operate at a satisfactory level of service (LOS A/B) with development traffic in place.

No nexus between proposed development and new traffic signals at Rocky Point Road /Torwood Street. Therefore, not proposed.

Assessment of the response

The Proponent's response to this matter is supported for the following reasons:

- New roundabout at Targo Road/Burgess Street can be included in a VPA request.
- If signals are required at Rocky Point Road /Torwood Street, it can become a DA condition.
- Heavy Rigid Vehicle (HRV) exit route from loading dock to be provided as queued vehicles will impact the movement on Ramsgate Road.

Recommendation

1. That the roundabout for Targo Road/Burgess Street be included in the VPA request lodged by the Proponent
2. Further clarification from TfNSW if the existing RT from Rocky Point Road into Targo Road can be supported with further review or additional conditions (i.e., reduced on-street parking or the like) with the supported new traffic signals at this intersection.
3. If the existing right-hand turn from Rocky Point Road to Targo Road is not supported by TfNSW new traffic signals at Rocky Point Road /Torwood Street to become a DA condition.
4. Clarification on which traffic signals (either at Rocky Point Road /Targo Road or Rocky Point Road /Torwood Street) to be included in the VPA request lodged by the Proponent.
5. HRV exit route from loading dock to be provided as queued vehicles will impact the movement on Ramsgate Road.
6. Further consultation between TfNSW and Council regarding clarification of traffic mitigation measures required for loading dock access for HRV on Ramsgate Road, including Council's proposed slip lane/localised road widening.
7. All required road network upgrades to be included in the VPA request lodged by the Proponent and conditioned for any future development consent.

5.8 – Agency Referrals

Transport for NSW (TfNSW)

151. The PP was referred to TfNSW on 13 March 2024, following which detailed comments were received on 15 April 2024. A copy is provided at **Attachment 16**. These comments related to the following matters:
 - (a) Rocky Point Road / Targo Road Intersection
 - (i) Warrants Assessment for Traffic Signals
 - (ii) Safety at the Intersection
 - (iii) Distance to Existing Signals:
 - (b) The Promenade/Ramsgate Road/Targo Road Intersection
 - (i) Loss of Parking
 - (ii) Loading Dock / Access Driveway
 - (iii) General
152. Colston Budd Rogers & Kafes Pty Ltd (CBRK) prepared the Traffic and Transport Assessment report for the PP (**Attachment 9**) and provided responses to the traffic matters raised on behalf of the Proponent, as part of the revised PP package. The responses were included as Appendix D - Traffic Advice - 30 May 2024 of the revised PP (**Attachment 9a**).
153. TfNSW provided comments on the revised reference scheme and updated Traffic Impact Assessment referred to TfNSW on 7 August 2024 and electronic copy of SIDRA model referred on 20 August 2024. A copy is provided at **Attachment 17**.
154. A meeting between TfNSW and the proponent was held on 19 September 2024, following which updated information was submitted to TfNSW in relation to the TCS warrants for further review.
155. By letter dated 17 October 2024, TfNSW have advised that they have “reviewed the submitted documentation and updated information in relation to Traffic Control Signal (TCS) warrants and confirm that the TCS warrants are met and TfNSW provides in-principle support for the proposed signals at this intersection subject to the following:
 - The proponent can demonstrate that both Targo Road / Rocky Point Road and The Promenade / Ramsgate Road / Targo Road intersections can be operated safely and efficiently with proposed TCS.
 - Both Bayside Council and Georges River Council do not object to the loss of parking and access restrictions on Rocky Point Road.
 - Consultation is undertaken with the community / businesses on the eastern side of Rocky Point Road regarding restricting the existing driveway opposite Targo Road (272 Rocky Point Road) and the development site access at 266 Rocky Point Road to left in/left out (LILO) only.
 - Sidra modelling is amended addressing the issues raised in Appendix B (of TfNSW letter dated 17 October 2024) and submitted to TfNSW for review post exhibition and before finalisation of any planning proposal.
 - The operation/support for signals is based strictly on the removal of parking and restricting access to LILO only to the property on the eastern side of Rocky Point Road. Transport for NSW reserves the right to withdraw its support for signals should the community and Bayside Council have objections to the proposed signals.”
156. TfNSW’s comprehensive response to comments provided to traffic matters raised in TfNSW submission (15 April 2024), updated information submitted on 27 September 2024 and the SIDRA model review comments are provided in Attachment A and Attachment B of its letter dated 17 October 2024 (**Attachment 17**).

157. In summary TfNSW:

- (a) provides in-principle support for the proposed signals at the Targo Road / Rocky Point Road intersection,
- (b) does not support (at this stage) retaining the existing right turn into Targo Road as the future development will generate additional right turning traffic which will likely increase queueing and delays southbound on Rocky Point Road, and
- (c) provides in-principle support for the proposed signals at the Promenade / Ramsgate Road / Targo Road Intersection.

158. TfNSW require the Traffic Impact Assessment to be updated to provide:

- (i) Separate residential (80/20) and Retail split (50/50),
- (ii) SIDRA outputs,
- (iii) Right Turn Ban into Targo Road for Southbound traffic on Rocky Point Road in AM and PM peak, and
- (iv) Eastern driveway to be LILO.

159. Recommendation:

- (a) The Traffic and Transport Assessment is to be updated as per TfNSW recommendations, prior to exhibition as a condition of the Gateway determination.
- (b) Engage with TfNSW to clarify if further investigations or potential additional conditions will alter its current recommendation to ban the existing RT from Rocky Point Road into Targo Road.

5.9 – Key Improvements from the previous Planning Proposals

160. A PP (PP-2021-6179) was lodged with Council in 2021 by a previous applicant (Point Gate Developments Pty Ltd) for 66-68 Ramsgate Road and 2-6 Targo Road, Ramsgate. The PP sought to amend the GRLEP 2021 in the following ways:

- (a) Amend the zoning of the site from part R4 High Density Residential and part B2 Local Centre to B2 Local Centre across the site;
- (b) Amend the building height standard on the site from part 15m and part 21m to variable height limits including 9m, 15m, 24m, 29m and 32m; and
- (c) Amend the FSR standard on the site from part 2.5:1 and part 1.5:1 to 2.84:1 above ground and 0.84:1 below ground (supermarket incentive floorspace), resulting in a total FSR standard of 3.68:1.

161. PP-2021-6179 also sought to introduce site-specific provisions under Part 6 of the GRLEP 2021 to allow flexibility in maximum permitted height and FSR controls, and to reclassify Council owned Lot 301 DP 1142822 from 'community land' to 'operational land'.

162. In November 2021, preliminary feedback was provided to the Proponent which however raised site-specific merit issues pertaining to the proposed height, public square, vehicle access, deep soil landscaping, western boundary interface and neighbouring amenity impact, traffic, and affordable housing.

163. A revised PP was subsequently submitted to Council on 14 June 2022. The revised PP reduced the FSR from 3.68:1 to 3.6:1 and overall maximum height from 32m to 29m.

164. A Rezoning Review request was submitted to the Department of Planning and Environment on 23 June 2022. The PP was refused by the Regional Planning Panel in 2022 on the grounds that the proposal did not have site-specific merit.

165. The current PP (PP2024/0001) lodged on 20 December 2023 has made some design improvements compared to the previously submitted PP (PP-2021-6179) lodged in 2021. The key improvements are listed below:
- (a) **Reduced overall bulk and scale** which is reflected in the lower FSR proposed for the site (2.66:1), which is 0.94 less than the previous scheme's FSR (3.6:1)
 - (b) **Reduced street wall heights and greater podium setbacks.** The previous scheme had podiums ranging between 4 to 7 storeys. The current scheme proposes a single storey retail podium equivalent to 6m in height with a pedestrian-scale built form.
 - (c) **Reduced building heights.** Whilst the overall maximum height of current scheme remains the same as the previous scheme (29m), the current scheme has reduced the number of storeys proposed for Building C (4 storeys from 6 storeys) for a more appropriate interface with the adjacent heritage items.
 - (d) **Relocation of the supermarket** to street level, providing street activation at the podium ground plane and a key retail "anchor" at the northern gateway to the local centre.
 - (e) **Reduced traffic intensity.** The previous scheme proposed eight (8) driveway crossovers and four (4) levels of basement, comprising 668 car spaces. The current scheme has reduced the number of driveway crossovers and decreased the provision of parking to 348 car spaces.
 - (f) **Increased western boundary setback** has increased from 3m to 6m. The increased setback zone has increased the provision of deep soil planting from nil in the previous PP to 7.2%, and then a further increase to 9% with the deletion of the through-site link.
 - (g) **Increased upper level setbacks.** The residential tower forms have been set back from the podium frontages to create limited street wall heights and a pedestrian-scale built form experience from the ground plane.
 - (h) **Improved heritage interface** and amenity outcomes for neighbouring properties due to increased setbacks for podiums and upper levels.

SECTION 6 - PLANNING AGREEMENT

166. Council received a Public Benefit Offer dated 19 December 2023, in conjunction with the PP (see **Attachment 11**).
167. The Public Benefit Offer is intended to form the basis upon which to enter into a Planning Agreement (VPA) with Council pursuant to Section 7.7(3) of the Environmental Planning and Assessment Act 1979 (EPA Act).
168. The proposed terms of the Public Benefit Offer identifies a number of works-in-kind or alternatively a monetary contribution that is proportionate, subject to gazettal of a satisfactory LEP amendment. These are proposed to better the immediate precinct environment and support additional road network demands generated by the proposal.
169. The assessment and negotiation of a PA is undertaken separately to the PP. A preliminary assessment of the proposed public benefits has been undertaken by Council staff. It is noted that some of the proposed public benefits have been removed in the current PP and some of the proposed road works will be required as a condition on any future development consent. Council sent a letter to the Woolworths Group on 4 July 2024 providing comments on the public benefits and a preliminary list of proposed infrastructure works and facilities.

170. As the PP is supported, and to ensure that the VPA is progressed in conjunction with the PP, negotiation of the PA offer and proposed public benefits and preparation of a formal VPA offer under Council's Policy on Planning Agreements 2016 should be undertaken. As per Council's Policy of Planning Agreements, the VPA offer and a draft VPA are to be reported to Council in conjunction with the PP prior to Gateway Determination.

SECTION 7 - CONCLUSION

171. It is recommended that the PP proceeds to a Gateway Determination, as the PP has demonstrated strategic and site-specific merit.
172. This recommendation is subject to two (2) key changes to the LEP amendments sought by the PP, including the deletion of the proposed new Part 6 Additional local provision and a reduction in the FSR sought for the site, from 2.7:1 to 2.64:1 as per the amended plans dated 3 June 2024.
173. Other recommended conditions of Gateway are provided below.

SECTION 8 - RECOMMENDATION

174. That the LPP consider PP2024/0001 and recommend that:
- (a) Council supports the proposed amendments to GRLEP 2021, as follows:
 - (i) Rezone the land from part R4 High Density Residential and part E1 Local Centre to E1 Local Centre
 - (ii) Increase the building height from part 15 metres (R4 zone) and part 21 metres (E1 zone) to part 16m and part 29m
 - (iii) Increase the Floor Space Ratio (FSR) from part 2.5:1 (E1 zone) and part 1.5:1 (R4 zone) to 2.64:1
 - (iv) Reclassify Council-owned Lot 301 DP 114822 from 'community land' under the LG Act to 'operational land' to enable future acquisition from Council and eventual redevelopment of the land. These details are proposed to be inserted into 'Schedule 4 Classification and reclassification of public land' of the GRLEP 2021.
 - (b) Council endorse the forwarding of the PP (as amended by the conditions specified at Section 8.1 of this Report) to DPHI to request a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.

Section 8.1 – Recommended Conditions of Gateway

175. It is recommended the LPP consider the following conditions as part of any future Gateway Determination:
- (a) Amend the PP documentation to:
 - (i) reflect a maximum FSR of 2.64:1
 - (ii) delete the Part 6 Additional local provision setting out exceptions to the maximum building height to allow flexibility for future development to provide roof top communal open space and associated built form elements, including lifts, lift overruns, lift lobbies, plant and services at the site.
 - (b) Amend the Site-Specific DCP to:
 - (i) include urban design principles and provisions, which seek to:
 - a) protect the amenity and privacy of residents, including adequate separation of commercial activity and residential uses, and appropriate interface treatment to neighbours
 - b) enhance activation of the Rocky Point Road retail frontage
 - c) improve pedestrian amenity and safety on all street frontages
 - (ii) include all proposed ground level setbacks in the written controls and relevant setback diagrams and section drawings.

- (iii) delete the existing control for a through-site link and replace with a new provision of publicly accessible open space that will:
 - a) compliment and connect with ground floor commercial uses,
 - b) not disrupt the amenity of neighbouring residential properties, and
 - c) provide safe zones for refuge and improve public amenity.
- (iv) delete all residential, pedestrian and vehicular access points, except for the proposed 6m wide loading access adjacent to the existing 3.66m ROW at the rear of No. 201-209 Rocky Point Road from Ramsgate Road and supermarket main entry at the north-eastern portion of the site. All other site access points may be determined as part of a future DA and should not be included in the Site-Specific DCP.
- (v) include vehicular access objectives and provisions that ensure vehicular access points minimise potential conflicts with pedestrians and minimise the disruption of the surrounding local road network.
- (vi) include provisions to enable an easement access agreement for shared vehicular access from the 6m Ramsgate Road driveway to accommodate MRVs required for back of house functions or Council's garbage collection vehicles for the future development of No. 201-209 Rocky Point Road.
- (vii) include a requirement for a future DA to prepare a Plan of Management for the management of the loading dock area between commercial and residential uses, and any controls to form part of the strata plan for the future development.
- (viii) include objectives and provisions to protect the amenity of the adjacent heritage item known as 'Roma'. This includes controls that:
 - a) address the acoustic and visual impacts and amenity of the loading dock / delivery area.
 - b) ensure a high-quality architectural expression and palette of materials and finishes to the façade to the utilities area.
- (c) Update all other PP supporting documents, including the Traffic and Transport Assessment, to resolve outstanding matters or inconsistencies before public exhibition.
- (d) Undertake all the required statutory requirements and consultation for the reclassification of Council-owned Lot 301 DP 114822 from 'community land' under the Local Government Act to 'operational land as a condition of Gateway.
- (e) Undertake consultation with relevant State agencies, including TfNSW particularly regarding all proposed road network upgrades to be included in the VPA request lodged by the Proponent and conditioned for any future development consent.
- (f) Publicly exhibit the PP, including draft site-specific DCP and draft planning agreement, for a minimum of 28 days (unless an alternate period is prescribed in the Gateway Determination).

SECTION 9 - COMMUNITY CONSULTATION

176. Should the PP proceed through Gateway, the draft PP will be subject to community consultation in accordance with Section 3.34(2)(c) of the Environmental Planning Assessment Act 1979. The specific requirements for community consultation will be listed in the Gateway Determination, including any government agencies that are to be consulted in relation to the PP.

SECTION 10 - NEXT STEPS

177. The PP will be considered at a future Georges River Council Environment and Planning Committee meeting, including the LPP recommendations. The minutes of the Environment and Planning Committee meeting will subsequently be considered at a future Georges River Council Meeting.

178. If the PP is endorsed by Council, it will be forwarded to the Minister for a Gateway Determination under section 3.34(1) of the Environmental Planning and Assessment Act 1979.

File Reference

15/793 - D18/89912

ATTACHMENTS

Nil

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LPP052-24

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 DECEMBER 2024

LPP053-24 12-14 BEMBRIDGE STREET CARLTON

LPP053-24

LPP Report No	LPP053-24	Development Application No	DA2024/0032
Site Address & Ward Locality	12-14 Bembridge Street CARLTON Kogarah Bay Ward		
Proposed Development	Demolition of Existing Structures and Construction of a 5 Storey, 15 Unit Residential Flat Building with Basement Carparking, Landscaping and Site Works		
Owners	Gaelmu Pty Ltd		
Applicant	M Murr		
Planner/Architect	Emperio		
Date Of Lodgement	13/03/2024		
Submissions	Six		
Cost of Works	\$5,776,000		
Local Planning Panel Criteria	Chapter 4 (Design of residential apartment development) - State Environmental Planning Policy (Housing) 2021 and contravention of the height of building development standard in excess of 10%		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, State Environmental Planning Policy (Housing) 2021, Draft State Environmental Planning Policy – Environment, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Landscaping Plans, Drainage Plans, Reports and Supporting Documents		
Report prepared by	Consultant Planner		
RECOMMENDATION	REFUSAL		

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes - Variation to Clause 4.3 Height of Building
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, the application is recommended for refusal.

SITE PLAN



1. Aerial photo of the subject site in red

EXECUTIVE SUMMARY PROPOSAL

1. Council received development application DA2024/0032 seeking development consent for the Demolition of all Existing Structures and the Construction of a Five (5) Storey residential apartment building containing 15 residential apartments with basement carparking, landscaping and site works.
2. The applicant has amended the original scheme, in response to the issues raised by Council, as part of the assessment process. This planning report is based on the most recent set of amended architectural plans lodged on the Planning Portal on 10 October 2024.

SITE AND LOCALITY

3. The subject development site is known as 12-14 Bembridge Street, Carlton.

The allotments and their legal description are noted below:

- Lot 166 and 167 in DP 1916

4. The development site is a regular shaped allotment with a 24.38 metre frontage to Bembridge Street, and a depth of 39.7m. The development site once consolidated will have a total area of 968.54sqm by Deposited Plan. The land falls from the north west to the south east corner.
5. The site is currently occupied by two single storey dwellings with trees at the rear.
6. The subject site is located on the southern side of Bembridge Street within the R4 High Density Residential zone. The subject site is located among established residential development, set within a regularised subdivision pattern. The surrounding building stock is a combination of low- and high-density development. Adjoining the site to the east is an established three storey residential flat building and to the west is an attached single storey dwelling.

ZONING AND PERMISSIBILITY

7. The site is zoned R4 High Density Residential under the provisions of the Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal satisfies the R4 zone objectives. The proposed application is for a residential flat building which is a permitted land use in the R4 High Density Residential zone under GRLEP 2021. The application seeks an increase to the statutory height limit being the lift over run which exceeds the maximum permitted height of 15m by 4.1m (27.33%)

SUBMISSIONS

8. The application was advertised for a period of fourteen (14) days in accordance with the Georges River Development Control Plan and the Georges River Council Community Engagement Strategy notification criterion. Six (6) submissions were received in relation to site isolation of adjoining properties, undervaluing of adjoining properties as part of acquisition attempts, height of building issues, overshadowing, parking, damage to adjoining properties, privacy impacts and stormwater issues. The issues raised will be discussed in detail below.

CONCLUSION

9. 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 DA2024/0032 is recommended for refusal for the reasons listed at the end of this report.
10. On 28 October 2024, Council received a Class 1 Land and Environmental Court Appeal application from the applicant based on deemed refusal of the application.

REPORT IN FULL PROPOSAL

11. Council received development application DA2024/0032 seeking development consent for the Demolition of all Existing Structures and the Construction of a Five (5) Storey residential apartment building containing 15 residential apartments with basement carparking, landscaping and site works.
12. The applicant has amended the original scheme, in response to the issues raised by Council, as part of the assessment process. This planning report is based on the most recent set of amended architectural plans lodged on the Planning Portal on 10 October 2024.

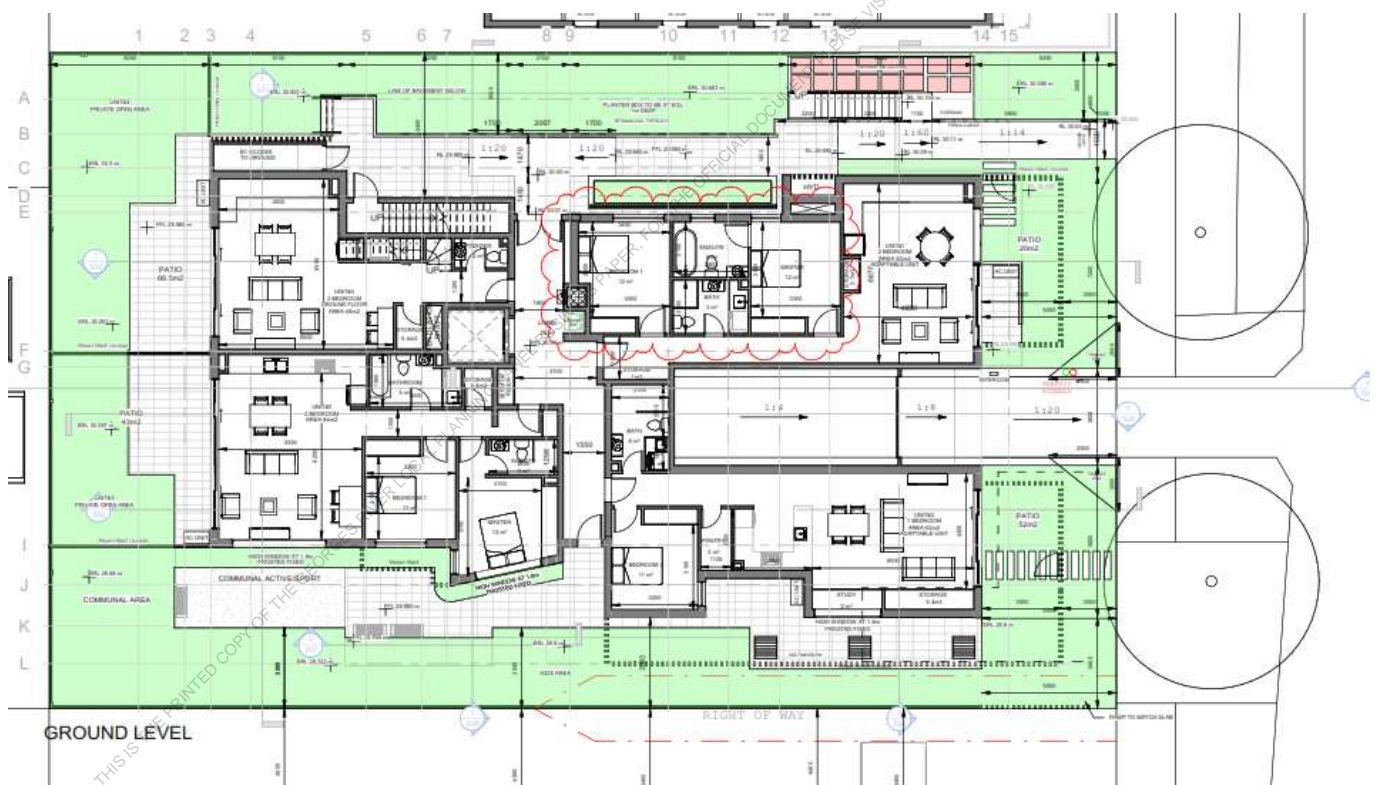


Figure 2: Site Plan



Figure 3: Perspective of proposal as viewed from Bembridge Street.

13. A breakdown of the proposed development is as follows:
- Demolition of all existing structures on the development site;
 - Removal of all existing vegetation within the boundaries of the development site;
 - Earthworks and excavation to create the basement levels;

Development Summary

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

Element	Proposal
Height	19.1m at 49.37RL Variation of 27.33% or 4.1m
Floor area	1436sqm
Levels	Five storeys including two basement levels
Apartments	15 Residential apartments comprising of: <ul style="list-style-type: none"> • 1 x 1 bedroom unit • 10 x 2-bedroom unit • 3 x 3-bedroom unit • 1 x dual-key (3 bedroom + Studio)
Basement car parking spaces	22 car parking spaces comprising the following: <ul style="list-style-type: none"> • Basement 2 (16 spaces inc. 2 visitor spaces and 1 x adaptable) • Basement 1 (6 spaces inc. 1 x visitor spaces and 1 x adaptable)
Bicycle parking spaces	7 spaces proposed

Common open space	Insufficient information has been provided to detail as to which areas were included as communal open space. Areas of the front setback and landscaping areas are also included as communal open space.
Deep soil Area	192.5sqm (19.87%)
Solar access for apartments	An amended solar access diagram has not been provided and as such assessment was not able to be carried out.

LPP053-24

THE SITE AND LOCALITY

15. The subject development site is known as 12-14 Bembridge Street, Carlton.

The allotments and their legal description are noted below:

- 12 Bembridge Street - Lot 167 in DP 1916 – 479.745sqm.
- 14 Bembridge Street – Lot 166 in DP 1916 – 476.59sqm



Figure 4: Aerial view of the subject site showing the subject site

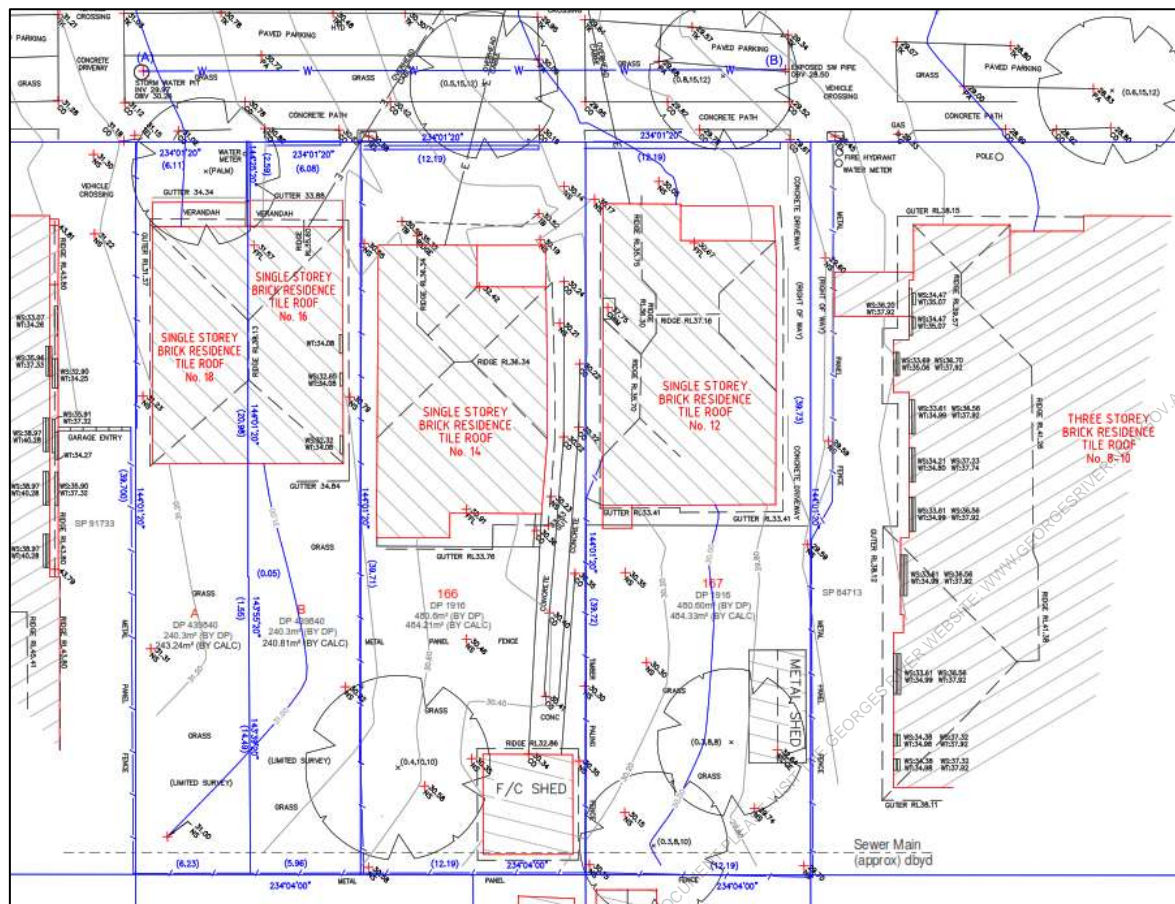


Figure 5: Survey Plan of the subject properties showing boundary dimensions, spot levels and existing structures

16. The development site is a regular shaped allotment with a 24.38m frontage to Bembridge Street and a depth of 39.71m. The development site once consolidated will have a total area of 961.2sqm by Deposited Plan. The site slopes slightly towards the rear. Vehicular and pedestrian access is via Bembridge Street.
17. The site is currently occupied by two single level masonry and clad dwellings each with a tile roof.
18. The site is currently occupied by two masonry and clad dwellings each with a tile roof.
19. Adjoining the site to the east is an established three storey residential flat building and to the west is an attached single storey semi-attached dwelling. Given the minimal lot width (12.19m) of 16-18 Bembridge Street, the site is likely to be isolated in the event that the it is not consolidated.



Figure 6: Existing dwellings at 12-14 Bembridge Street

Surrounding Development

20. The subject site is located on the southern side of Bembridge Street within the R4 High Density Residential zone. The subject site is located among established residential development, set within a regularised subdivision pattern. The surrounding building stock is primarily 3-4 storey established residential flat buildings with a number of remanent low density residential housing stock comprising of smaller cottages and semi-attached dwellings.
21. Immediately adjoining the site to the east at 8-10 Bembridge Street is a four storey and to the west is a semi-attached dwelling. The wider vicinity of the area surrounding the development site is zoned R4 High Density Residential.

BACKGROUND

22. A history of the development and related applications is as follows:
 - DA2021/0400 for Construction of a five-storey residential flat building and two basement levels was lodged on 14 October 2021.
 - A deemed refusal appeal was lodged by the applicant with the Land and Environmental Court on 7 March 2022.
 - The appeal was discontinued on 7 October 2022 by the applicant.
 - The subject development application was lodged on 12 February 2024.
 - The application was advertised for a period of fourteen (14) days from 14 March 2024 in accordance with the Georges River Development Control Plan and the Georges River Council Community Engagement Strategy notification criterion. In response, six (6) submissions were received which raised concerns including site isolation of adjoining properties, undervaluing adjoining properties as part of acquisition attempts, height of building issues, overshadowing, parking, damage to adjoining properties, privacy impacts and stormwater issues.

- On 28 October 2024, Council received a Class 1 Land and Environmental Court Appeal application from the applicant based on deemed refusal of the application.
23. A request for further information was sent to the applicant on 26 June 2024, the following issues were requested to be addressed and are still outstanding:

General

- There are insufficient environmental planning grounds to justify the height variation sought.

Urban Design

- Not all habitable rooms are above the existing natural ground level and the proposal does not address the existing topography.
- The proposal does not retain the three existing trees within the rear setback.
- The proposed building separation should be increased to be compliant with ADG building separation between rooms.
- The basement should be designed such that existing trees are retained.
- The side and front setbacks should comply with the GRDCP 2012 basement setback requirements to provide the opportunity to include deep soil areas for tree planting.
- The building entry and lift lobby needs to be located to be clearly visible from the public domain. Direct street access should be provided to all ground floor units with street frontage. The communal and individual building entries should be clearly distinguishable.
- 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 proposed basement setbacks does not allow for planting of mature trees along the side boundaries.
- Balconies do not comply with the minimum ADG sizes given that the 3 bedroom units along Bembridge Street have a minimum 1m depth while the requirement is 2.4m.
- The proposed 3.05m ceiling heights (floor to floor) to achieve 2.75m (floor to ceiling) is considered unachievable.
- There is a lack of information about building services and how they are to be lactated to minimise impact on the streetscape.
- The street façade is dominated by the vehicular entry.
- The privacy screen along the street frontage is inconsistent with ADG recommended 1m height.
- The overall proposed public/private interface treatment results in compromising safety and security.
- The facades are dominated by repetitious architectural detailing and materials enhancing the perceived bulk and scale.
- The public/private interface treatment along Bembridge Street does not contribute to the public domain.
- The ground floor and built form above do not present an integrated façade.
- The proposed varying building setback has resulted in an awkward and undesirable built form which disrupts and compromises the clarity of the skyline, sky views and detracts from the visual corrido of Bembridge Street.

Site Isolation

- The Statement of Environment Effects indicates that the applicant has attempted to procure the neighbouring sites at No. 16 and 18 Bembridge Street to avoid these sites being isolated because of the redevelopment of 12-14 Bembridge Street.

Notwithstanding the above, it is noted that the principles usually adopted in consolidation negotiations such as *Karavellas v Sutherland Shire Council* have not been sufficiently demonstrated.

- Insufficient information has been provided to demonstrate that 12-14 Bembridge Street will not be isolated despite an indicative 'potential accessway' being shown on the architectural plans.

Communal Open Space

- Part 3D of the Apartment Design Guide requires that a minimum of 25% (242.14sqm) of the site area be provided as communal open space. As noted above, the proposed rooftop communal open space is not supported as it results in a significant breach of the height of buildings development standard. The rooftop space is also poorly designed and results in an unacceptable amenity impact to neighbouring properties. The space is solely reliant on planter boxes to mitigate overlooking which is an unacceptable solution. The equivalent area of the rooftop communal space must be redistributed elsewhere on the site. The ADG defines communal open space as "outdoor space located within the site at ground level or on a structure that is within common ownership and for the recreational use of residents of the development. Communal open space may be accessible to residents only, or to the public. The proposed communal open space located on the ground floor is heavily vegetated therefore does not comply with this definition as it cannot be used for recreation purposes.

Adaptable Units

- Under the ADG, developments must achieve a benchmark of 20% of total apartments within a development that incorporates the Liveable Housing Guideline's silver level universal design features. The Liveable Housing Guidelines provide a set of technical provisions that if complied with, enable dwellings to better meet the needs of the community, including older people and people with mobility limitation. To achieve 20% of the development, 3 units need to be designated adaptable units. The proposed development does not comply with this, as only 2 units are adaptable.

Waste Storage Area

- The applicant has provided a waste management plan, however the plan does not comply with the Georges River DCP 2021 which require that:
 - The chute room will include (in addition to space for recycling mobile garbage bins as required)
 - The chute inlet hopper
 - Space for spare mobile garbage bins in case of chute failure) allowing for at least one 240L mobile garbage bin per waste stream for every six residences serviced by that chute – which in the event of a chute failure would be required to be rotated up to twice daily by the managing body; and
 - Space for large cardboard and/or kerbside clean-up materials to reduce the likelihood of blockages in chutes.
 - The first and second floor plans show the organics bin located directly adjacent to the entry to the apartment entry, this is not acceptable as it will create unacceptable nuisances due to potential odour issues. Organic bins are not stored within appropriately designed bin storage areas.
 - Third and fourth floor plans show organic bins sitting outside of any bin storage area which is not acceptable.

Location of Accessible Parking Spaces

- The accessible parking spaces should be located as close to the lift as possible. Their current location requires users to walk across the entry way of the basement parking which is not acceptable for those requiring accessible parking space.

Solar Access

- Adequate demonstration of solar access within the proposed units has not been provided. The Solar Access Report dated 20 December 2023 does not indicate that calculations have been properly made to ensure solar access and '1.0 solar access certification table' does not contain any table.

Arboriculture Assessment

- The stormwater plans have not been prepared in conjunction with the landscape architect, whereby currently, stormwater piping is conflicting with the proposed tree locations.
- The sediment control plan with reference to stockpiling and sediment basin excavations within the TPZ of Council's Street trees cannot be supported.

PLANNING ASSESSMENT

24. The site has been inspected and the proposed development has been assessed under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

ENVIRONMENTAL PLANNING INSTRUMENTS**Environmental Planning and Assessment Act 1979**

25. The proposal is considered to be consistent with the Objectives of the Act.

STATE ENVIRONMENTAL PLANNING POLICIES**State Environmental Planning Instruments**

26. 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	No
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
State Environmental Planning Policy (Sustainable Buildings) 2022	No
State Environmental Planning Policy (Housing) 2021	No
State Environmental Planning Policy (Industry and Employment) 2021	N/A

State Environmental Planning Policy (Resilience and Hazards)2021**Chapter 4 Remediation of Land**

27. 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.
28. 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.

29. Given the lengthy history of residential use and 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

30. 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.

Chapter 2 – Vegetation in Non-Rural Areas

31. Chapter 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.
32. Chapter 2 regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.
33. 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 (Development Control Plan).
34. The objectives of the Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 2.3 of the SEPP as the site is within both Georges River Council and the R4 High Density Residential zone.
35. The proposal seeks to remove 3 trees considered to be of low landscape significance and retention value from the subject site. The proponents of the development provided an initial Arborists Report evaluating the existing trees onsite.
36. Council's Tree Officer raises concern in relation to the proposal in particular the proposed construction measures and its impact on protected trees, lack of basement setbacks to allow for adequate tree growth and the landscape concept which lack details in relation to RLs and feasibility of rooftop plantings.
37. Insufficient information has been provided to allow Council's Engineer to carry out a stormwater design review noting that the provided stormwater plan lacks essential details with respect to site discharge connection and survey detail information of the road reserve.

State Environmental Planning Policy (Sustainable Buildings) 2022

38. 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.
39. A BASIX certificate was provided with the original development application, however does not reflect the latest amendment.

State Environmental Planning Policy (Industry and Employment) 2021

40. Chapter 4 of State Environmental Planning Policy (Industry and Employment) 2021 relates to Advertising and Signage. The application does not propose any retail tenancies or advertising signage so the requirements of the SEPP are not relevant to this application.

State Environmental Planning Policy (Housing) 2021

41. Chapter 4 - State Environmental Planning Policy (Housing) 2021 applies to the assessment of DAs for residential flat developments of three (3) or more storeys in height and containing at least four (4) dwellings.
42. Clause 147 of Chapter 4 of State Environmental Planning Policy (Industry and Employment) 2021 requires that the consent authority take into consideration the following as part of the determination of DAs to which applies:
- the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
 - the Apartment Design Guide,
 - any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.
43. 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.</p> <p>- 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: <ul style="list-style-type: none"> provide communal spaces elsewhere such as a landscaped roof top terrace or a common room 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 	<p>Site area 968.42sqm.</p> <p>Required 25% of site area or 242.135sqm.</p> <p>The total area of the communal open space is unable to be determined due to the lack of clarity in the plans and inclusion of landscaped areas. Requested plans providing calculations of the communal open space in accordance with the Apartment Design Guide requirements (minimum 3m dimension and 40% on ground level) were not forthcoming.</p>	No

	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)	Unable to be determined noting the lack of information.	No
3E – Deep Soil zones	<p>1. Deep soil zones are to meet the following minimum requirements:</p> <p>Where the site has an area between 650sqm and 1,500sqm</p> <p>Minimum dimension 3m.</p> <p>Minimum deep soil area of 7%</p> <p>Achieving the design criteria may not be 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>	<p>Site area 968.42sqm.</p> <p>Required 7% of site area or 67.79sqm.</p> <p>Total area of deep soil zones provided is approximately 190sqm or 19% of the site area.</p>	Yes
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>The proposed building separations are inconsistent with the Apartment Design Guide.</p> <p>The proposal attempts to address visual privacy concerns through the use of high sill windows and is not considered acceptable in this instance.</p>	No

	<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>		
3G – Pedestrian Access and entries	<p>Building entries and pedestrian access connects to and addresses the public domain</p> <p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge</p>	<p>The main pedestrian entry to the building is located on the southwest (side) façade and well inset (around 21m from the footpath). Access to the building entry is from the pedestrian path located at a setback of between 2.5m to 3m from the southwest boundary.</p> <p>The building entry and the lift lobby are not visible from the street and do not contribute to the identity of the building or the character of the streetscape.</p> <p>Until No. 1 does not have direct street access which is inconsistent with ADG Objective 4L-1. In addition, the ground floor street frontage is dominated by the vehicular access and the lack of building entrance at street frontage compromises street activation. This is inconsistent with ADG objectives 3G-1 and 3G-2 and hence not supported.</p>	No
3H-Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Council's Traffic Engineer raises concern in relation to the proposal noting that the proposal fails to demonstrate compliance with AS2890.1 requiring a vehicle passing bay and there is a lack of information in relation to the proposed right of carriageway with No. 10-12 Bembridge Street.	No
3J-Bicycle and carparking	For development in locations that satisfy Objective 3J-1 proximity to public transport then reduced carparking rates 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 apply.	<p>Proposal requires the following car parking provisions.</p> <ul style="list-style-type: none"> 1x 1 bedroom units = 1 x 1 = 1 spaces 10 x 2 bedroom units = 1 x 10 = 10 spaces 4 x 3 bedroom units = 2 x 4 = 8 spaces <p>Residential spaces required = 19</p>	Yes

	<p>The proposal fails to satisfy the location requirements so and the following DCP car parking provisions apply:</p> <p>1 space per 1 and 2 bedroom units, 2 spaces per 3 bedroom unit or greater and 1 space per 5 units (visitor parking) with 1 designated vehicle wash bays which maybe in a visitor space.</p> <p>1 space per Adaptable unit as per AS2890.6.</p>	<p>Resident Spaces are being provided = 19</p> <p>Visitor spaces = $15/5 = 3$</p> <p>Spaces are being provided = 3.</p> <p>Total spaces required = 22. Total spaces provided = 22.</p> <p>The proposal provides a total of 22 off-street car parking spaces for residents and visitors.</p> <p>1 wash bay provided doubling as a visitor's space.</p> <p>1 adaptable unit proposed with one (1) accessible parking spaces provided.</p> <p>A total of 7 bicycle spaces are proposed on a vertical rack within basement level 1.</p>	
4A- Solar and daylight access	<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area</p> <p>A maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm in midwinter</p>	<p>While the Statement of Environmental Effects outlines that 12 of 15 units private open space will receive a minimum 2 hours of direct sunlight, it is considered that only 9 units will receive the required 2 hours direct sunlight. Notwithstanding the inconsistency, it still complies.</p>	Yes
4B- Natural Ventilation	<p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths</p>	<p>A natural ventilation plan has not been provided. Insufficient information has been provided to demonstrate compliance.</p>	No

4C-Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Habitable rooms = 2.7m</p> <p>Non-habitable rooms = 2.4m</p> <p>2 storey apartments = 2.7m for main living area floor and 2.4m for second floor where it does not exceed 50% of the apartment area</p>	<p>Based on a review of the elevation plans, a floor-to-floor height of 3.05m is proposed. Given the thickness of the slab and associated services required, it is considered that the minimum ceiling height of 2.7m is unable to be achieved.</p>	No
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>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm 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>All apartments exceed the minimum requirement.</p> <p>Every habitable room has window openings larger than 10% of the room area.</p>	Yes
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 habitable room depth is 8m from a window</p>	<p>All apartments have open plan living/dining room layouts.</p> <p>Compliant.</p>	Yes
	<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>All master bedrooms have a minimum internal size of 10sqm.</p> <p>All bedrooms have minimum dimensions of 3m.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> -3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>The combined living/dining rooms of apartments achieves the minimum required width of 4m.</p> <p>Minimum 4m provided for cross-over or cross-through apartments is proposed.</p>	Yes
4E- Private Open space and balconies	<p>All apartments are required to have primary balconies as follows:</p> <p>Studio = 4sqm</p> <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>	<p>The private open space of the 3-bedroom units along the Bembridge Street elevation have a minimum depth of 1 metre and maximum of 2.4m which is inconsistent with the minimum requirement of 2.4 metre depth.</p> <p>The private open space of the 2-bedroom units along the Bembridge Street elevation have a minimum depth of 1m and a maximum of 2 metres which is inconsistent with the minimum requirement of 2 metre depth.</p> <p>The private open space of the ground floor units at the Bembridge Street elevation impinges into the front setback and is not considered acceptable.</p>	No

4F- Common circulation areas	The maximum number of apartments off a circulation core on a single level is eight	No more than five (5) units are provided to any one core on a single level. Notwithstanding, with only window and numerous services occupying the lobby, it is considered that it does not have good amenity and not consistent with ADG objective 4F-1. Further, bins are proposed within the common circulation area, which restricts access and is wholly inconsistent with waste storage requirements.	No
	For Buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A	N/A
4G- Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio = 4m ³ 1 bedroom = 6m ³ 2 bedroom – 8m ³ 3 bedroom – 10m ³ At least 50% of storage is to be located within the apartment.	All apartments have sufficient storage totals.	Yes
4H- Acoustic Privacy	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. Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources	Council's Environmental Health Officer has reviewed the proposal and raises no concerns subject to conditions.	Yes
4J – Noise and Pollution	To minimise impacts the following design solutions may be used:	Council's Environmental Health Officer has reviewed the proposal and raises no concerns subject to conditions.	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 		
4K – Apartment Mix	<p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p> <p>The apartment mix is distributed to suitable locations within the building.</p>	<p>The development offers a mix of accommodation offering 1 bedroom apartments, 2 bedroom apartments and 3 bedroom apartments.</p> <ul style="list-style-type: none"> 1 x 1 bedroom apartments (5.5%) 10 x 2 bedroom apartments (66.67%) 4x 3 bedroom apartments (22.2%) <p>The mix is acceptable and appropriate providing housing diversity.</p>	Yes
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>The ground floor apartments are below the existing ground level and are not considered an acceptable outcome for an habitable area.</p>	No
4M - Facades	<p>Facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.</p>	<p>The architectural expression of the elevations and overall built form fails to enhance the streetscape and is not sympathetic to the adjacent heritage item.</p> <p>The facades are dominated by repetitious architectural detailing and materials enhancing the perceived bulk and scale. The side elevations have large unarticulated building spans with high sill windows, which appears</p>	No

		<p>disproportionate and add to the building bulk. The night sky (black) Colourbond cladding on the side facades of the fifth and sixth storey (level 4 and 5 on the plans) will dominate the skyline and enhance the building bulk. The rear elevation is dominated by black cladding, lacks a balanced composition of the various building materials and fails to present an integrated built form.</p> <p>The public and private domain interface treatment along Bembridge Street does not contribute to the public domain. While the ground floor and the built form above do not present an integrated façade, the central vertical white wave like feature walls and the fin walls adjacent the AC units draws attention to the vehicular entry which is a dead entry.</p>	
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.	A roof plan was not submitted.	No
4O – Landscape Design	Landscape design is viable and sustainable, contributes to the streetscape and amenity	A landscape plan was not submitted as part of the latest amended documentation.	No
4P- Planting on Structures	Planting on structures – appropriate soil profiles are provided, plant growth is optimised with appropriate selection and maintenance, contributes to the quality and amenity of communal and public open spaces	<p>As part of the original assessment of the proposal, Council's Tree Officer raises concern in relation to the proposed roof top tree plantings noting that no elevation depict podium beds, depths or soil volumes.</p> <p>Significant plantings on roof structures in lieu of landscaping at ground level are also not supported noting the lack of longevity of species and associated maintenance issues.</p>	No

4Q – Universal Design	Universal design – design of apartments allow for flexible housing, adaptable designs, accommodate a range of lifestyle needs.	In accordance with the ADG, 20% of total apartments within a development must incorporate the Liveable Housing Guideline's silver level universal design features. As such, 4 adaptable units are required. Noting that only 2 adaptable units are proposed, it is considered unacceptable.	No
4R – Adaptive reuse	Adaptive reuse as apartment of existing buildings- new additions are contemporary and complementary, provide residential amenity while not precluding future adaptive reuse.	N/A - A new development.	N/A
4S Mixed Use	Mixed use development are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The site is located within the R4 High Density Residential zone, mixed use is not proposed.	N/A
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	A compliant BASIX Certificate has not been provided with the revised design.	Yes
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 has failed to demonstrate appropriate stormwater management measures and Council's Development Engineer is not satisfied with the design proposed.	No
4W – Waste Management	Waste management – storage facilities are appropriately designed, domestic waste is minimised by convenient source separation and recycling	The amended design has failed to meet Council's waste management requirements which require that a chute to be located within an enclosed garbage room on each floor which includes the chute inlet hopper, space for space bins and space for large cardboard and kerbside cleanup material.	No
4X – Building Maintenance	Building design provides protection from weathering and enables ease of maintenance, material selection reduces ongoing maintenance cost	Insufficient information has been provided in relation to the proposed façade materials.	No

44. The application has not demonstrated that it will satisfy all the relevant provisions of the Apartment Design Guide and is not considered able to be supported in its current form.

Georges River Local Environmental Plan 2021 (GRLEP 2021)

45. The subject development site is zoned R4 High Density Residential under the GRLEP 2021 as shown in Figure 12 below:



Figure 12: Zoning map (GRLEP 2021) - Subject site outlined in yellow.

46. 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 a residential flat building in the R4 High Density Residential zone under GRLEP 2021.	Yes
2.3 Zone objectives and Land use table	Objectives of zone to be satisfied	The proposal satisfies objectives 1, 2 and 5 of the zone objectives by providing a mixture of residential apartments that are located to maximise public transport patronage and promote walking and cycling as viable transport options.	Yes
2.7 Demolition	Demolition requires development consent.	Consent for demolition of existing structures is sought.	Yes
Part 4: Principal Development Standards			

4.3 Height of Buildings	Maximum permitted height as per height of building map: 15m	Based on the submitted elevations and Clause 4.6 Variation, submitted by the applicant, the height of building is 19.1 metres. A variation of 4.1m or 27.33% is proposed.	No, see clause 4.6 submitted.
Note: Clause 4.6 objection has been submitted requesting a variation to the development standards for the maximum building height. The non- compliance relates to the lift over run and a small section of the roof. This is discussed in greater detail below.			
4.4 Floor Space Ratio	Maximum permitted 1.5:1 or 1452.63sqm	A total of 1436sqm floor space is proposed (1.48:1)	Yes
Note: Based on a site area of 1452.63sqm.			
4.5 Calculations of Floor space and Site area	Floor space to be calculated in accordance with this Clause.	Insufficient information has been provided in relation to areas included as GFA.	No
4.6 Exceptions to Development Standards	A Clause 4.6 variation request has been submitted in relation to the proposed building height breach. This is discussed in greater detail below.		
Part 5: Miscellaneous Provisions			
5.10 Heritage Conservation	(1) Objectives The objectives of this clause are as follows— (a) to conserve the environmental of the Georges River local government area, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The subject site is not a heritage item or in a heritage conservation area.	N/A
5.21 Flood Planning	(1) Objectives The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into	This clause applies to development on land that the consent authority considers to be within the ‘flood planning area’. The site is not mapped as being part of a flood planning area.	N/A

	account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.		
Part 6: Additional Local Provisions			
6.1 Acid Sulfate Soils (ASS)	(1) Objectives 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 identified as being affected by acid sulfate soils – Class 5. Development consent must not be granted under this clause for the carrying out of certain works, unless an acid sulfate soils management plan has been prepared for those works in accordance with the Acid Sulfate Soils Manual. Development consent is not required for the carrying out of these works pursuant to this clause, as the works are sited above 5m Australian Height Datum and are not likely to lower the water table on the adjacent class 2 & 3 mapped land. On this basis, an acid sulfate soils management plan is not required but in this instance an acid sulfate soils assessment report has been prepared by Coleman & Adams Environmental which demonstrates that there will be no adverse impacts or risks associated with acid sulfate soils.	Yes
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	The proposal includes the provision of two (2) levels of basement car parking. The proposed earthworks are not considered to be unreasonable for the use sought.	Yes

	Plan or to development for which 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 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>	<p>Council's Development Engineer raises concern with the stormwater design and does not support the proposal.</p> <p>Insufficient information has been provided to determine the application.</p>	No
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</p>	N/A	N/A

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	<p>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 Operations Surface.</p>		
6.8 Development in areas subject to aircraft noise	<p>(1) Objectives The objectives of this clause are as follows:</p> <p>(a) to prevent certain noise sensitive developments from being located near the Sydney (Kingsford Smith) Airport and its flight paths,</p> <p>(b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,</p> <p>(c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.</p>	The proposed development is not on land that is in an ANEF contour of 20 or greater and therefore the matters for consideration under this clause are not triggered.	N/A
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		

	<p>development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the supply of telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.</p>	<p>Water and electricity supply is available to the site and can be extended to service this new development.</p> <p>Sewage disposal is available from the site.</p> <p>Stormwater disposal plan has been assessment by Council's Development Engineer and found to be unsatisfactory.</p> <p>Council's Traffic Engineer raises concern in relation to the internal vehicular access due to inadequate passing arrangements.</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>
6.10 Design Excellence	(1) The objective of this clause is to deliver the highest standard of sustainable architecture and urban design.	Council's Urban Designer has reviewed the proposal and raises significant concern with the proposal.	No
6.10 (3) (b)	<p>(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—</p> <p>(i) Zone R4 High Density Residential, (ii) Zone E1 Local Centre, (iii) Zone E2 Commercial Centre, (iv) Zone E4 General Industrial,</p>	<p>The proposal is for a building greater than 3 storeys with a height greater than 12 metres in R4 High Density Residential Zone.</p> <p>The proposal fails to deliver a high standard of sustainable architecture and urban design. It is also noted that habitable areas are also proposed below the existing ground level.</p>	No

	(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 amended plans still have multiple unresolved issues and the design is not supported by Council's Urban Designer. The application has failed to demonstrate that the development exhibits design excellence to satisfy the requirements of this clause.	No
6.10 (5)	<p>(5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(d) how the development addresses the following matters—</p> <p>(i) the suitability of the land for development,</p> <p>(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</p>	<p>The architectural plans fail to demonstrate a high standard of architectural design is proposed incorporating modern and complementary materials and finishes.</p> <p>The application fails to demonstrate that the external appearance of the building will improve the quality and amenity of the public domain.</p> <p>The application fails to demonstrate compliant separation distances, setbacks and massing, impacting the view corridors through the site.</p> <p>The application fails to demonstrate suitable ground level communal open space in accordance with ADG requirements.</p>	No

	<p>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 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 safety through the application of the principles of crime prevention through environmental design.</p>		
6.11 Environmental sustainability	(1) The objective of this clause is to ensure that the development to which	The application has failed to demonstrate that the development will not lead to a negative impact upon a significant tree within the	No

	this clause applies is consistent with principles of best practice environmentally sensitive design.	adjoining property due to the works proposed impacting the TPZ and potential structural roots.	
	<p>(2) This clause applies to development—</p> <p>(a) on land in the following zones—</p> <p>(i) Zone R4 High Density Residential,</p> <p>(ii) Zone E1 Local Centre,</p> <p>(iii) Zone E2 Commercial Centre,</p> <p>(iv) Zone E4 General Industrial,</p> <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>This clause applies to the proposed development as it is a new building on land zoned R4 High Density Residential.</p>	Yes
	<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 generation, use of renewable energy and reduced</p>	<p>The subject building exceeds 1,500sqm so the clause applies to this development.</p> <p>The applicant has failed to submit a revised BASIX Certificate to address the revised architectural plans.</p> <p>Landscaped areas are proposed on site which will minimise urban heat.</p> <p>The site is accessible by public transport with a bus stop being within walking distance to the site.</p> <p>The inclusion of bicycle parking spaces will also encourage active transport options.</p>	Yes

	<p>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>		
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Clause 4.6 Exceptions to development standards

Detailed assessment of variation to Clause 4.3 Height of Buildings

47. Clause 4.3 of the Georges River Local Environmental Plan 2021 (GRLEP) relates to the maximum permitted building height for a site and refers to the Height of Buildings Map. The relevant map identifies the subject site as having a maximum height of 21m. Building Height is defined as:

“Building height (or height of building) means:

- *In relation to the height of a building in metres – the vertical distance from ground level (existing) to the highest point of the building, or*
- *In relation to the RL of a building the vertical distance from the Australian Height Datum to the highest point of the building*
- *Including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”*

The maximum height zones within the immediate area are shown below:

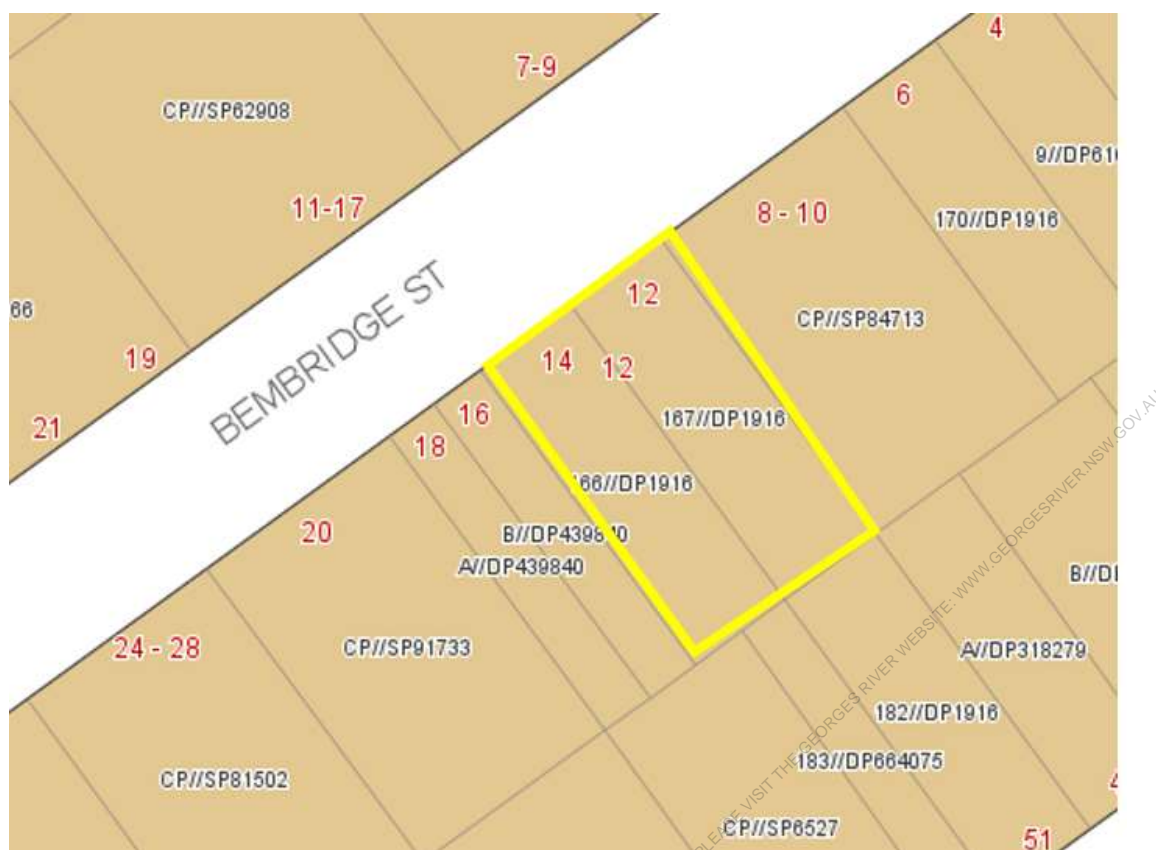


Figure 14: Map showing maximum heights under GRLEP 2021 for the site and surrounding sites

48. The location and extent of the height non-compliance is provided in the image below.



Figure 15: Height plan drawing which illustrates the components which are above the height control



Figure 5: Section (Sheet No. 503)

Figure 16: Section Plan

49. The proposed development seeks a variation to the development standard relating to height (Clause 4.3). The GRLEP identifies a maximum height control of 15m across this development site. The proposed development will exceed the height limit by 4.1m. The height breach relates primarily to the lift over run, a bathroom and part of the roof which has a maximum RL of 49.37m AHD resulting in a 27.33% variation of the height control.
50. Any variation to a statutory control can only be considered under Clause 4.6 – Exceptions to Development Standards of the GRLEP.
51. Clause 4.6(1) outlines the objectives of the standard which are to “provide an appropriate degree of flexibility in applying certain development standards to particular development” and “to achieve better outcomes for and from development by allowing flexibility in particular circumstances”.
52. Clause 4.6(3) states that:
“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard”
53. To support the non-compliance, the applicant has provided a request for a variation to Clause 4.3 in accordance with Clause 4.6 of GRLEP 2021. It is noted that the height of building of the original plans and the latest plans are consistent therefore, the originally submitted Clause 4.6 variation is assessed. The Clause 4.6 request for variation is assessed as follows:

Is the planning control in question a development standard?

54. The Height of Buildings control under Clause 4.3 of the Georges River Local Environment Plan 2021 is a development standard.

What are the underlying objectives of the development standard?

55. The objectives of the Height of Buildings development standard under Clause 4.3 of GRLEP 2021 are:
- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
 - (b) *to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,*
 - (c) *to ensure an appropriate height transition between new buildings and—*
 - (i) *adjoining land uses, or*
 - (ii) *heritage items, heritage conservation areas or Aboriginal places of heritage significance.*

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

56. There have been several Court cases that have established provisions to assist in the assessment of Clause 4.6 statements to ensure they are well founded and address the provisions of Clause 4.6.
57. In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

"An objection under State Environmental Planning Policy 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

58. The judgment goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

59. Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on the first method for the purposes of this Clause 4.6 variation):
- 1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
 - 2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
 - 3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone."*

60. The Clause 4.6 statement was prepared having regard to the recent court cases and their judgements.

61. Applicants comment:

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827* are considered.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation: "...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While *Wehbe* concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five tests are as set out below:

TEST	METHOD	APPLICABLE
First	<p><i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i></p> <p><i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development offers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.</i></p>	✓
Second	<i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary</i>	N/A


Third	<i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.</i>	<i>N/A</i>
Fourth	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.</i>	<i>N/A</i>
Fifth	<i>A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.</i>	<i>N/A</i>

A discussion against the 'tests' in determining whether the standard is unreasonable or unnecessary in the circumstance of the case is provided below under the applicable test/methods:

First Method: Objectives of the Development Standard

Assessing Officer comment in respect to the first test:

62. Whilst the submitted Clause 4.6 request does not accurately reflect the architectural plans, assessment of the proposed variation (as indicated on the architectural plans) has been carried out against the objectives of Clause 4.3 of the GRLEP as outlined in the table below:

Clause 4.3 Objectives	Comments
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	<p>The proposal is wholly incompatible with the bulk and scale of the locality noting the lack of appropriate building separations and the finished floor level being below the existing natural ground level. The building in particular the rooftop structure is an unacceptable appendage that impacts on the rhythm of the streetscape as seen in the figure below.</p> 
(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	<p>The shadow diagrams indicate significant additional overshadowing on No. 51 and 53 Hampton Court Road.</p> <p>Design measures to minimise the visual impact is not evident. The proposal demonstrates a six-storey built form that is incompatible with the residential context of the locality.</p>

	<p>The proposed Level 6 roof top terraces, which is located above the maximum building height line, will introduce additional opportunities to overlook into adjoining private open spaces. Insufficient information has been provided to illustrate the distance between the usable area and the edge of the roof.</p> <p>Design measures to minimise the impacts of the proposal is not sufficiently demonstrated.</p>
<p>(c) to ensure an appropriate height transition between new buildings and—</p> <p>(i) adjoining land uses, or</p> <p>(ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.</p>	<p>The proposed height of building is significantly higher than that of adjoining buildings. As the proposed building bulk and scale is not compatible to the locality, the proposal does not represent an appropriate height transition to adjoining land uses.</p> <p>The proposal has no heritage impact given no heritage item is identified adjoining the subject site.</p>

63. The proposal achieves none of the three Clause 4.3 objectives.

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

Applicant comment in respect to the second test:

64. No comment provided by applicant.

Assessing Officer comment in respect to the second test:

65. The underlying purposes of Clause 4.3 is to ensure new developments are of a scale that is compatible to the locality and that new developments do not cause adverse amenity impacts on adjoining properties. The underlying purposes of Clause 4.3 do not conflict with the objectives of Zone R4 and other relevant GRLEP objectives. As such the underlying purposes is relevant to the development, and compliance is therefore necessary.

66. There is also no site-specific reason as to why the variation sought might be justified in respect of the objectives of the control.

67. As indicated in the first test above, the proposal is not considered to be appropriate with respect to the local context, and therefore offend the underlying intent of Clause 4.3. The standard is relevant and the application of it is necessary in the circumstances at hand.

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

Applicants comment in respect to the third test:

68. No comment provided by applicant.

Assessing Officer comment in respect to the third test:

69. There are no physical restrictions on the site. An appropriate bulk and scale are required to be provided with all new developments. The proposed height variation is not considered to be in the public interest due to incompatible built form and visual privacy intrusion. Moreover, it is considered that an alternative design approach can be implemented to minimise or remove non-compliance with the maximum building height development standard.

Fourth Test: The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

Applicant comment in respect to the fourth test:

70. No comment provided by applicant.

Assessing Officer comment in respect to the fourth test:

71. A review of the Development Standards register reviews that there are no variations approved to maximum building height for any sites in the locality. The standard has not been abandoned and therefore applies. It is acknowledged that the Statement of Environmental Effects make reference to approved Development Application No. DA78/2016 – 19-23 Bembridge Street with regards to street frontage height and context. It is noted that particular development application was approved by the Land and Environmental Court in 2017 under a former Kogarah Local Environmental Plan and Development Control Plan. Under the current Georges River Local Environmental Plan 2021 which was gazetted in October 2021, Council has not supported any variations to controls. Regarding context, it should be noted that 19-23 Bembridge Street has more than the minimum required setbacks and include side and rear setbacks (6-6.7m for the first four storeys and predominately 9m above ground, minimum 5m front setback for 0-4 storeys and 7.5m for the fifth storey). It is noted that the subject proposal bears minimum building separation, compromises the development potential of an adjoining property and is not consistent with the Apartment Design Guide.

Fifth Test: The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone;

Applicant comment in respect to the fifth test:

72. No comment provided by applicant.

73. The R4 High Density Residential zoning of the subject site is considered appropriate given the locality consists predominantly of established residential flat buildings. The subject site and all similar neighbourhood sites share this zoning and it consistent with the prevailing land uses.

Assessing officer conclusion

74. As discussed above, the variation request submitted by the applicant is not considered to have satisfactorily justified that compliance with the maximum building height is unreasonable or unnecessary in the circumstances of this site and Development Application.

75. The proposal is not consistent with the objectives of Clause 4.3 – Height of Building due to excessive bulk and scale, adverse impacts with regards to visual amenity and visual privacy. In addition, the submitted Clause 4.6 request is inaccurate as it does not reflect the submitted architectural plans.

76. It is considered that alternative design solutions are available to achieve compliance or sufficiently mitigate the adverse impacts, however such changes will require substantial change to the proposal. Council assesses applications on the basis that all Development Applications are assessment-ready, and as such substantial amendments to the proposal cannot be entertained under this Development Application.

Clause 4.6(3)(b) - There are sufficient environmental planning grounds to justify the contravention of the development standard.

77. The applicant provided the following comments in response to Clause 4.6(3)(b):

Applicant Comment:

The assessment above demonstrates that the resultant environmental impacts of the proposal will be satisfactory for the circumstances of the case.

As detailed above, the primary function of the contravention is to seek a rooftop communal open space. The rooftop communal open space is the best location to maximise solar access to communal space throughout the year.

A ground level communal open space has been provided that achieves 2 hours of solar access. However, in isolation it does not achieve 25% of the site area. Further communal open space at ground level could only be in the rear and southwestern side setback, both of which would be overshadowed due to the site orientation and adjoining three storey residential flat building at 8-10 Bembridge Street. The rooftop communal open space is therefore the most logical and optimal location to achieve a communal space of high amenity.

The communal open space is designed with stairs and a lift, a BBQ and seating, to create an attractive and useable area. An accessible bathroom is also proposed for resident amenity. A pergola structure is integrated into the lift core to provide shading to the space. All structural elements have been integrated into a single structure set in from each boundary to minimise visibility and by consequence bulk and scale, and in turn overshadowing.

Were the communal open space not located on the roof, it would not achieve 2 hours of solar access due to the circumstances of the site. A positive environmental benefit is achieved by the contravention of the building height for the future residents and occurs without notable impact to adjoining properties.

The remaining elements above the height are the roof slab. The impact of this is limited and will not be readily perceived as contravening the building height.

All habitable floor area is contained within the maximum 15m height prescribed to the land. No FSR variation is being sought.

Overall, the development exhibits a high quality architectural and built form outcome that will contribute positively to the streetscape.

Given the above, it is submitted that there are sufficient environmental planning grounds to support the contravention. Furthermore, it is important to also consider the objectives of the R4 High Density Residential zone in relation to the development, which are as follows:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity.

- To encourage development that maximises public transport patronage and promotes walking and cycling.

In response to the above, the following is provided:

- The proposed residential flat building will provide for the housing needs of the community at a high density residential scale.
- The proposal provides for 1, 2 and 3 bedroom units and a 4 bedroom dual key unit, increase the variety of housing types within a high density residential environment.
- No other land is sought. No other land use is precluded from being sought on adjoining or neighbour land.
- As above.
- The site is located within walking distance of bus stops and Carlton Train Station which will contribute to the maximisation of public transport patronage and promotion of walking and cycling.

The height contravention has not compromised the ability of the development to achieve the zone objectives. In this case, strict compliance with the height of buildings development standard of the GRLEP 21 is unnecessary and unreasonable and there are sufficient environmental planning grounds to allow the contravention of the development standard.

Assessing Officer Comment

78. It is considered that the proposal does not have sufficient planning grounds to justify the variation request. The proposal is not of a scale that is compatible within the neighbourhood. Furthermore, the exceedance of maximum height development standard will result in adverse visual privacy impacts and unreasonable bulk and scale impacts on neighbouring properties.

Clause 4.6(4)(a)(ii) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,

79. As discussed in the Clause 4.6(3)(a) above, the proposal is not fully consistent with the objectives of Clause 4.3.
80. The Clause 4.6 variation request submitted by the applicant does not demonstrate how the proposed development is consistent with the objectives of R2 Low Density Zone. Below is an assessment of the proposal against the objective of the zone:

Zone R2 Objectives	Comments
To provide for the housing needs of the community within a low density residential environment.	Whilst the proposal will provide additional housing the proposal does not respond to low density residential environment.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposal will not hinder the functioning of other facilities or services within the locality.
To promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity.	Design excellence is not sufficiently demonstrated. The proposal is of a scale that is not compatible within the surrounding context of the site. The proposal will result in adverse impacts regarding visual privacy, streetscape amenity, and tree canopy.

To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.	The proposed development will diminish the environmental character of the Carlton South locality. Insufficient evidence has been provided to ensure that the mature trees that characterised Bembridge Street will be protected.
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81. The proposal is not considered to be consistent with the objectives of Clause 4.3 and the objectives of Zone R2 due to adverse impacts to the neighbouring properties and the wider neighbourhood. The approval of this Clause 4.6 variation request is not in the public interest, and will set an adverse precedence within the Georges River Local Government Area.

Clause 4.6(4)(b) - The concurrence of the Planning Secretary has been obtained.

82. The Planning Circular PS20-002 issued on 5 May 2020 outlines the conditions which concurrence of the Planning Secretary is assumed. For variations of development standards (which includes maximum building height), Secretary's concurrence is not required for decisions made by local planning panels.

Conclusion

83. Having reviewed the Clause 4.6 request to vary the maximum building height, it is considered that the proposed variation is not well-founded for the following reasons:
- The proposal will result in adverse impacts on visual amenity, visual privacy, and view corridors. The proposal demonstrates excessive bulk and scale that is incompatible with the existing and desired character of Connells Point,
 - The applicant's written submission does not sufficiently demonstrate that compliance with the maximum height standard is unreasonable or unnecessary in the circumstances of the case,
 - The applicant's written submission does not demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard given the adverse impacts of the proposed development on public amenity,
 - The proposal is an overdevelopment of the site given that:
 - Habitable units are proposed below the existing ground level.
 - The building impinges the height of building control significant.
 - The proposal does not provide a satisfactory interface between the private and public domain, noting that proposed private open space impinges into the required landscape setback.
 - The communal open space is primarily located on the rooftop as there is insufficient area for it to be accommodated naturally at grade.
 - The proposed development is not in the public interest due to adverse impacts on visual amenity and view corridors. The proposal is not consistent with the objectives regarding Clause 4.3 Height of Buildings and the R4 High Density Residential zone. The approval of the proposed variation to the maximum building height development standard will set an adverse precedent, and

Georges River Development Control Plan 2021 (GRDCP 2021)

84. The proposed development is subject to the provisions of Georges River Development Control Plan 2021 (GRDCP 2021).
85. The proposal needs to address and satisfy the following relevant provisions of GRDCP:
- Part 3 General Planning Considerations,
 - Part 5 Residential Locality Statements (Carlton South),
 - Part 6.3 High Density Residential Controls.

86. These provisions are addressed in detail below.

Part 3: General Planning Considerations

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

Part 3 General Planning Considerations			
3.3 Landscaping			
1. Landscaping on site should be incorporated into the site planning of a development to (where appropriate): i. Reinforce the desired future character of the locality; ii. Maintain significant landscape features; iii. Be consistent with any dominant species in the adjoining area of ecological significance; iv. Incorporate fire resistant species in areas susceptible to bushfire hazard; v. Provide planting within setback zones (setbacks identified within the relevant applicable parts of the DCP); vi. Soften the visual impact of buildings, carparks and roads; vii. Cater for outdoor recreation areas; viii. Separate conflicting uses; ix. Screen undesirable elements; x. Provide opportunities for on-site stormwater infiltration, in particular around existing trees and vegetation; xi. Consider the future maintenance requirements of landscaped areas; xii. Protect the effective functioning of overhead, surface level or underground utilities; and xiii. Improve the aesthetic quality of the development.	The Landscape Plan as submitted is not supported by Council's Landscape & Arboricultural Officer. The proposal fails to demonstrate that it will not cause a negative impact on a significant tree within the road reserve.	No	
2. Landscape planting should achieve a mature height in scale with the structures on the site.	The Landscape Plan as submitted is not supported by Council's Landscape & Arboricultural Officer.	No	
3. Where canopy trees, shrubs and groundcovers are required, preference should be given to incorporating locally indigenous plants listed in GRDCP 2021 Backyard Biodiversity Guide on Council's website and Council's Tree Management Policy (and its Appendix 1 – Tree Planting).	The Landscape Plan as submitted is not supported by Council's Landscape & Arboricultural Officer.	No	
4. Hydrological issues should be considered at the early stages of design for development around and close to trees on development sites.	The Landscape Plan as submitted is not supported by Council's Landscape & Arboricultural Officer.	No	
5. Public domain works including street tree planting should comply with Council's relevant policies including: i. Kogarah North Public Domain Plan ii. Kogarah Street Tree Management Strategy and	The Landscape Plan as submitted is not supported by Council's Landscape & Arboricultural Officer.	No	

Masterplan 2009; iii. Hurstville Street Tree Management Study 2015; and iv. Georges River Public Domain Streetscape works specifications 2019.			LPP053-24
6. Topsoil and mulch should be included in landscape areas and should contain organic matter to support plant growth.	Noted.	N/A	
<u>Planting on Structures</u> 7. Where landscaping is provided in a structured environment such as a raised planter box or 'on slab' they should include waterproofing, drainage and automatic irrigation. The minimum plant material pot container sizes for trees should be 75 litres and minimum soil depth for shrubs 200mm and groundcovers 150mm.	Planting on the rooftop structure is proposed but, however the Landscape Plan as submitted is not supported by Council's Landscape & Arboricultural Officer given that insufficient details have been provided to demonstrate longevity of the landscaping.	No	
8. Green roofs and walls must be provided in higher density urban environments where opportunities for deep soil landscaping are limited and/or where large walls face active areas of the public domain.	Adequate opportunities exist for deep soil planting at ground level.	N/A	
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 use, no known past land uses are likely to cause contamination.	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 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.	Noted. The site is not a known contaminated site.	N/A	
3.7 Heritage			
Any application for a property identified in the Georges River LEP 2021 as a heritage item or in the vicinity of a heritage item or heritage conservation area, must be accompanied by a Heritage Impact Statement.	N/A	N/A	

Development in the vicinity of a Heritage Item or Heritage Conservation Area		
Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item or heritage conservation area in the design and siting of new work.	N/A	N/A
Maintain significant public domain views to and from the heritage item or heritage conservation area.	N/A	N/A
Ensure compatibility with the orientation and alignment of the heritage item.	N/A	N/A
Provide an adequate area around the heritage item to allow for its interpretation.	N/A	N/A
Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.	N/A	N/A
Protect and allow interpretation of archaeological features as appropriate.	N/A	N/A
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 unsatisfactory.	No
3.11 Ecologically Sustainable Development		
Residential Buildings		
1. All BASIX affected development must comply with SEPP (Sustainable Buildings) 2022.	The applicant has failed to submit a revised BASIX Certificate to address the revised architectural plans.	No
3.12 Waste Management		
1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials	Council's Waste Officer has reviewed the architectural plans and the waste management plan and raises concern with the proposal noting it's non-compliance with Council's controls.	No
3.13 Parking Access and Transport		
<p>1. The car parking rate for development types are outlined in Table 1 – Parking Requirements. In the event of a discrepancy between the parking rates specified in this Part of the DCP and any another, the specific requirements identified within the detailed controls for a locality/area shall prevail.</p> <p>Table 1: Off-street Car Parking requirements:</p> <p>Residential Flat Building</p> <ul style="list-style-type: none"> 1 space per 1 and 2 beds 2 spaces per 3 beds or more 1 visitor space per 5 units or part thereof and 1 designated car wash bay which may also be a visitor space 	<p>Resident Spaces are being provided = 19</p> <p>Visitor spaces = $15/5 = 3$</p> <p>Spaces are being provided = 3.</p> <p>Total spaces required = 22. Total spaces provided = 22.</p> <p>The proposal provides a total of 22 off-street car parking spaces for residents and visitors.</p> <p>1 wash bay provided doubling as a visitor's space.</p> <p>1 adaptable unit proposed with one (1) accessible parking spaces provided.</p> <p>A total of 7 bicycle spaces are proposed on a vertical rack within basement level 1.</p>	Yes

3.15 Public Domain		
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 application is not for a mixed-use development.	N/A
2. A minimum of 1% of the total cost of the development is to be allocated to the public art budget.	N/A.	N/A
3. Details of the nature of the work, its approximate location and size are to accompany the development application	N/A	N/A
4. Developers should consult the Georges River Council Public Art Guidelines, to determine any requirements for including public art in new developments, and to review what constitutes public art	N/A	N/A
5. The application must include a Public Art Plan which addresses how the proposed public art meets the following Design Selection Criteria: 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.	N/A	N/A
3.17 Universal / Accessible Design		
1. All new building work should comply with the accessibility provisions of the Building Code of Australia (BCA) and the Disability (Access to Premises - Buildings) Standards 2010 where required.	Capable of complying.	Yes
2. Continuous unobstructed paths of travel should be provided from public footpaths, accessible car parking, and set down areas to public building entrances. Paths of travel should be designed in accordance with the Disability (Access to Premises - Buildings) Standards 2010.		Yes

3. Accessways for pedestrians and for vehicles are to be separated.		
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Part 5 Residential Locality Statements

88. Part 5 provides locality statements for development within all residential areas of Georges River, except for Hurstville City Centre and Kogarah North. The statements are locality specific and identify the unique qualities that make up the local character and provide future desired character guidelines. The localities are generally based on suburb boundaries and character and include location, built form, setting, subdivision pattern, heritage and streetscape.
89. The statements build on the existing character of the neighbourhood and important elements that contribute to the existing character. These statements aim to reinforce and enhance the character of each locality. Development is required to consider the future character statement for the locality, in addition to the other requirements within other parts of this DCP.
90. The following table summarises the proposal against the relevant controls:

Part 5 Residential Locality Statements		
5.14.2 Carlton South Locality Statement		
Future Desired Character		
Required	Proposed	Complies
Retain and enhance the existing low density suburban residential character through articulated contemporary developments that respond to the human scale.	The subject site is zoned R4 High Density Residential.	N/A
Encourage well-designed high density residential development where applicable.	The proposal is for a residential flat building that is inconsistent with the Apartment Design Guide and the Georges River DCP 2021. In this regard, it is considered to be an unacceptable form of development.	No
Encourage tree planting and landscaping within the front setback space to create a treelined streetscape character.	Council's Tree and Landscape Officer has reviewed the proposal and raised concern given that insufficient information has been provided to detail adequate protection of the existing street trees.	No
Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback with uniform front fence heights.	The plans lack sufficient details delineating the private open space of ground floor units with the required landscape setbacks.	No

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

91. Part 6.3 provides objectives and specific planning controls for Residential Flat Buildings and the residential components of shop top housing and mixed use developments in the R4 High Density Residential Zone. 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)		
6.3.1 Minimum Site Requirements		
1. Minimum lot width is 24m.	The development site has a width of 24.38m	Yes
6.3.2 - Site Isolation & Amalgamation		
1. Development for the purpose of residential flat buildings or residential components of shop top housing is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the GRLEP 2021 and this DCP.	<p>The proposal will result in the isolation of the existing semi-attached dwelling to the west known as No. 16 and 18 Bembridge Street as the overall width and the area being 12.19m and 484.05sqm is not sufficient in meeting the controls of a residential flat building under the ADG.</p> <p>Insufficient information has been provided to demonstrate that the sites will not be isolated and sterilised from development if the current proposal at No. 12-14 Bembridge Street were to be developed.</p>	No
6.3.3 Building Setbacks and Street Interface		
Building setbacks establish the minimum separation distances between buildings, site boundaries and the public domain. The setbacks provide opportunities for the provision of private and communal areas of open space, landscaping, view sharing and opportunities to manage visual and acoustic privacy. The building setbacks are important requirements which contribute to the streetscape and control the footprint and bulk of a building as well as the impact the building will have on the environment, neighbouring properties and the public domain. Setbacks define the overall footprint of a building and the outer extremities of that building in relation to the location and orientation of balconies, windows/doors and solid elements. The separation between buildings is also important and determines the urban form of the building, the rhythm of buildings in the streetscape and the character. Appropriate building setback controls can contribute to the public domain by enhancing the streetscape character and the continuity of street facades. Building setbacks can also be used to enhance the setting of the building. Building setbacks are measured from the site boundaries to the facade of the building.	Overridden by ADG controls. See the assessment in the table above.	N/A

6.3.4 Basement Setbacks		
1. Basements are to be: i. Located within the building footprint (refer to Figure 5), or ii. Set back a minimum of 6m from the front and rear boundaries and 3m from the side boundaries (refer to Figure 6).	The proposed basement fails to comply with the 6m front and rear setback requirements.	No
2. The basement setback areas are to be deep soil zones as defined in the Apartment Design Guide.	The proposed accessway to 16-18 Bembridge Street is located within the side setback deep soil zone.	No
3. Driveways and driveway crossings are to be located a minimum of 1.5m from a side boundary.	The proposed accessway to 16-18 Bembridge Street is located within the side setback deep soil zone.	No
5. The 6m basement setback at a zone boundary is to be planted to provide a vegetated landscape buffer between the development and adjoining lower density development. Planting is to include trees that achieve a minimum mature height of 6.0m. Under canopy planting is to include lower scale planting that provides a visual buffer between developments and creates the desired landscape buffer.	The proposal is not situated on a zone boundary.	N/A
6. Basements fronting the primary street address are not to project above ground level (existing) at the street setback alignment.	The basement levels are wholly below ground level.	Yes

Impacts

Natural Environment

92. The proposed development has not demonstrated that it will not have an unacceptable impact on significant trees within the road reserve. The proposal has not demonstrated satisfactory stormwater disposal or waste management arrangements. On this basis the proposal has not demonstrated that it will not give rise to a negative impact on the natural environment of the locality.

Built Environment

93. 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.

Social Environment

94. The assessment demonstrates that the proposal in its current form will have adverse impacts on privacy, and visual amenity within the locality. As a result of the bulk and scale, the proposal impinges on the established street character of Bembridge Street.

Economic Environment

95. The proposal is unlikely to result in any unreasonable economic impacts upon future residents.

Suitability of the Site

96. The proposed development has not demonstrated that it is suitable for the subject site.

The proposal will have an unacceptable impact on trees in the vicinity of the site.

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

SUBMISSIONS, REFERRALS AND THE PUBLIC INTEREST

97. The application was advertised, and adjoining residents were notified by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. Six (6) submissions were received during the notification period.
98. Concerns raised in the submissions are summarised and addressed below.

Submission	Officer Comment
Site Isolation to adjoining property and lack of good faith by the developer in their attempts to purchase adjoining property	This is acknowledged as being a significant issue. The Karavellas planning principle for site isolation has not been demonstrated.
Height of Building and impact on character	This is acknowledged as being a significant issue.
Overshadowing	This is acknowledged as being a significant issue.
Parking	This is acknowledged as being a significant issue.
Potential for construction to damage the adjoining semi-attached dwellings	In the event that the development proposal was supported, condition would be required to ensure adequate shoring and preparation of dilapidation surveys prior to commencement of works.
Non-compliance with side setbacks	This is acknowledged as being a significant issue.
Driveway impacts on trees	This is acknowledged as being a significant issue.
Bulk and scale	This is acknowledged as being a significant issue.
Privacy Impacts	This is acknowledged as being a significant issue.
Ground level is below existing ground level	This is acknowledged as being a significant issue.
Request for quality builders to construct if approved	This is not a matter of consideration during the development application stage.

Application Referrals

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

Council Referrals

Development Engineer

100. Council's Development Engineer has reviewed the amended proposal and found the proposal to be unsatisfactory for the following reasons:

- The submitted stormwater drainage plan in its current form is inadequate in its essential details of site discharge connection and is not comprehensively prepared with sufficient information to enable proper assessment.

- Proposed nature strip frontage 900 SQ junction pit peg-out locational survey is required prepared by a Registered Surveyor with signature and registration number, which will include the existing underground Council pipe size, depth to pipe obvert & invert from existing ground survey level with the pot hole to accurately identify exact pipe location for proposed junction pit to be installed on top. The peg-out survey information and DBYD utility information to document proposed junction pit in the drainage plan ensuring the pit can be finally constructed and be connected satisfactorily without having any locational issues whatsoever. The above information is critical and shall be prepared and duly signed by both John Romanous & Associates stormwater drainage design engineer and the registered surveyor.
- Once the abovementioned pipe detail information is available then an appropriate hydraulic assessment of the existing pipe must be undertaken whether the existing pipe can satisfactorily convey upstream flow and subject developed site discharge of 18.5 lit/sec to downstream pit without overflowing from proposed junction pit (refer to snapshot below). Council internal information shows that the existing nature strip pipe size 225mm which appears to be insufficient to convey such amount of flow effectively to downstream and in that instance and an upgraded pipe is warranted.

Traffic Engineer

101. Council's Senior Traffic & Parking Assessment Officer has reviewed the amended proposal and found the proposal to be unsatisfactory for the following reasons.
- The application not be approved having regard to the layout and design of the vehicle ramp between Basement Level 1 and Bembridge Street not satisfying the requirements of **GRDCP 2021- Part 6.3 High Density Residential Controls - 6.3.9 Vehicular Access, Parking and Circulation-Control-3 as it relates to driveway width and provision of a vehicle passing facility.**

Senior Landscape & Arboriculture Assessment Officer

102. Council's Senior Landscape & Arboriculture Assessment Officer has reviewed the landscape plan and arborist report submitted with the amended application and provide the below summary of issues.
- Insufficient protection of the trees within the road reserve has been provided given that it obstructs access to large vehicles that are required to enter the site during construction works. Further, it is noted that excavations and stock piling is proposed within the tree protection zone of Council's trees.
 - The landscape plans do not provide any elevations to illustrate root depths and it's location within deep soil zones. The basement widths of 1.6m at the side elevations do not enable adequate deep soils widths in accordance with the ADG.
 - The stormwater design conflicts with the landscape design with stormwater piping impacting tree locations.
 - The rooftop plan noted as communal open space proposes 45 pots of *Murraya paniculata* which is an unacceptable landscape solution. There are no elevations depicting podium beds, depths or soil volumes.
 - The proposal seeks to remove 17 small/medium sized trees and shrubs considered to be of low landscape significance and retention value from the subject site. The proponents of the development provided an initial Arborists Report evaluating the existing trees.

Urban Design

103. Council's Urban Designer has reviewed the amended proposal and found the proposal to be unsatisfactory for the following reasons:

- Not all habitable rooms are above the existing natural ground level and the proposal does not address the existing topography.
- The proposal does not retain the three existing trees within the rear setback.
- The proposed building separation should be increased to be compliant with ADG building separation between rooms.
- The basement should be designed such that existing trees are retained.
- The side and front setbacks should comply with the GRDCP 2012 basement setback requirements to provide the opportunity to include deep soil areas for tree plantings.
- The building entry and lift lobby needs to be located to be clearly visible from the public domain. Direct street access should be provided to all ground floor units with street frontage. The communal and individual building entries should be clearly distinguishable.
- 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 proposed basement setbacks does not allow for planting of mature trees along the side boundaries.
- Balconies do not comply with the minimum ADG sizes.
- The proposed 3.05m ceiling heights (floor to floor) to achieve 2.75m (floor to ceiling) is considered unachievable.
- There is a lack of information about building services and how they are to be lactated to minimise impact on the streetscape.
- The street façade is dominated by the vehicular entry.
- The privacy screen along the street frontage is inconsistent with ADG recommended 1m height.
- The overall proposed public/private interface treatment results in compromising safety and security.
- The facades are dominated by repetitious architectural detailing and materials enhancing the perceived bulk and scale.
- The public/private interface treatment along Bembridge Street does not contribute to the public domain.
- The ground floor and built form above do not present an integrated façade.
- The proposed varying building setback has resulted in an awkward and undesirable built form which disrupts and compromises the clarity of the skyline, sky views and detracts from the visual corrido of Bembridge Street.
- The Statement of Environment Effects indicates that the applicant has attempted to procure the neighbouring sites at No. 16 and 18 Bembridge Street to avoid these sites being isolated because of the redevelopment of 12-14 Bembridge Street. Notwithstanding it is noted that principles usually adopted in consolidation negotiations such as Karavellas v Sutherland Shire Council have not been sufficiently demonstrated.
- Insufficient information has been provided to demonstrate that 12-14 Bembridge Street will not be isolated despite an indicative 'potential accessway' being shown on the architectural plans.

- Part 3D of the Apartment Design Guide requires that a minimum of 25% (242.14sqm) of the site area be provided as communal open space. As noted above, the proposed rooftop communal open space is not supported as it results in a significant breach of the height of buildings development standard. The rooftop space is also poorly designed and results in an unacceptable amenity impact to neighbouring properties. The space is solely reliant on planter boxes to mitigate overlooking which is an unacceptable solution. The equivalent area of the rooftop communal space must be redistributed elsewhere on the site. The ADG defines communal open space as “outdoor space located within the site at ground level or on a structure that is within common ownership and for the recreational use of residents of the development. Communal open space may be accessible to residents only, or to the public. The proposed communal open space located on the ground floor is heavily vegetated therefore does not comply with this definition as it cannot be used for recreation purposes.
- Under the ADG, developments must achieve a benchmark of 20% of total apartments within a development that incorporates the Liveable Housing Guideline’s silver level universal design features. The Liveable Housing Guidelines provide a set of technical provisions that if complied with, enable dwellings to better meet the needs of the community, including older people and people with mobility limitation. To achieve 20% of the development, 3 units need to be designated adaptable units. The proposed development does not comply with this, as only 2 units are adaptable.
- The accessible parking spaces should be located as close to the lift as possible. Their current location requires users to walk across the entry way of the basement parking which is not acceptable for those requiring accessible parking space.
- Adequate demonstration of solar access within the proposed units has not been provided. The Solar Access Report dated 20 December 2023 does not indicate that calculations have been properly made to ensure solar access and ‘1.0 solar access certification table’ does not contain any table.

Waste Officer

104. The applicant has provided a waste management plan, however does not comply with the Georges River DCP 2021 which require that:
- The chute room will include (in addition to space for recycling mobile garbage bins as required)
 - The chute inlet hopper
 - Space for spare mobile garbage bins in case of chute failure) allowing for at least one 240L mobile garbage bin per waste stream for every six residences serviced by that chute – which in the event of a chute failure would be required to be rotated up to twice daily by the managing body; and
 - Space for large cardboard and/or kerbside clean-up materials to reduce the likelihood of blockages in chutes.
 - The first and second floor plans show the organics bin located directly adjacent to the entry to the apartment entry, this is not acceptable as it will create unacceptable nuisances due to potential odour issues. Organic bins are not stored within appropriately designed bin storage areas.
 - Third and fourth floor plans show organic bins sitting outside of any bin storage area which is not acceptable.

Environmental Health Officer

105. Council’s Environmental Health Officer has reviewed the proposal including the Acoustic Report and raises no concerns subject to conditions.

Building Officer

106. Council's Building Officer raised no objection subject to conditions of development consent being imposed if the application was to be supported.

Developer Contributions

107. 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 should the application be supported.

CONCLUSION

108. The proposal seeks consent for the demolition of all Existing Structures and the Construction of a Five (5) Storey, 15-unit Residential Flat Building with Basement Carparking, Landscaping and Site Works
109. 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 has not demonstrated that it is a suitable development for the subject site.
110. The proposal seeks a variation to Clause 4.3 Height of Buildings development standard in the Georges River Local Environmental Plan. A Clause 4.6 Statement has been submitted with the application and is assessed in detail earlier in this report. The written request to vary the development standard is unfounded and it is not satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances nor are there sufficient environmental planning grounds to justify the contravention of the development standard.
111. The proposed development is inconsistent with the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
112. The proposed development fails to demonstrate compliance with the requirements of the Apartment Design Guide:
- a) 3D - Communal open space – The proposal fails to demonstrate that a suitable amount of communal open space has been provided. The proposal fails to demonstrate that the proposed communal open space receives a minimum of 2 hours (or more) of solar access throughout the day in midwinter. The proposal also fails to differentiate areas included as communal open space, private open space or landscaped setbacks.
 - b) 3F- Visual Privacy - The proposal fails to demonstrate adequate building separation.
 - c) 3H-Vehicle Access - The proposal fails to demonstrate access that would allow vehicles to safely enter and exit the site.
 - d) 4E- Private Open space and balconies - The proposal fails to demonstrate that all apartments achieve the minimum required private open space areas.
 - e) 4F – Common Circulation – The proposal fails to demonstrate that the common circulation spaces are designed in accordance with the objectives in particular due to the lack of amenity and obstruction by waste containers.
 - f) 4M – Facades – The proposal
 - 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.
 - h) 4O – Landscape Design - The proposal fails to demonstrate an acceptable landscape design.

- i) 4V – Water management and conservation - The proposal fails to demonstrate an acceptable stormwater management plan.
 - j) 4W – Waste Management - The proposal fails to demonstrate an acceptable waste management plan.
113. The proposal fails to satisfy the following requirements of Georges River Local Environmental Plan 2021:
- a) 6.3 Stormwater Management - the proposal has not demonstrated a satisfactory design for stormwater disposal.
 - b) 6.9 Essential Services
 - i. Stormwater - the proposal has not demonstrated a satisfactory design for stormwater disposal which is an essential service.
 - ii. Vehicular access - the proposal has not demonstrated a satisfactory design for vehicular access to the premises which is an essential service.
 - c) 6.10 Design Excellence - the proposal has numerous unresolved issues and is not supported from an urban design perspective so 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 environmental sustainability as the proposal will lead an unacceptable impact on a significant tree on an adjoining property.
114. Operationally the proposal will result in unreasonable impacts in the locality as stormwater disposal and waste management have not been resolved.
115. The proposal fails to satisfy the following requirements of Georges River Development Control Plan 2021:
- a) 3.3 Landscaping – Insufficient information has been provided to demonstrate the landscaping design is satisfactory.
 - b) 3.10 Stormwater Management – the proposal has not demonstrated a satisfactory design for stormwater disposal.
 - c) 3.10 Stormwater Management – the proposal has not demonstrated a satisfactory design for stormwater disposal.
 - d) 3.11 Ecological Sustainable Development - the proposal has not demonstrated that it has achieved the environmental sustainability as the proposal will lead an unacceptable impact on a significant tree on an adjoining property.
 - e) 3.12 Waste Management - The proposal fails to demonstrate an acceptable waste management plan.
 - f) 3.13 Parking Access and Transport - the proposal has not demonstrated a satisfactory design for vehicular access to the premises which is an essential service.
 - g) Part 5 – The proposal has not demonstrated that the development is consistent with the character of the Carlton South Locality.
 - h) 6.3.4 Basement Setback – The proposal has not demonstrated it is consistent with the required setbacks.
116. The application is recommended for refusal.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

117. The reasons for this recommendation are that:

- The proposed development fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- The proposed development fails to demonstrate compliance with the requirements of the Apartment Design Guide as required by State Environmental Policy No 65 – Design Quality of Residential Flat Buildings.
- The proposed development fails to demonstrate compliance with the requirements of Georges River Local Environmental Plan 2021 – 6.3 Stormwater Management, 6.9 Essential Services, 6.10 Design Excellence and 6.11 Environmental sustainability.
- The proposed development fails to demonstrate compliance with several relevant requirements of Georges River Development Control Plan 2021.
- The proposed development fails to demonstrate that it will not result in any unreasonable impact on the natural and built environment.
- The proposed development has not demonstrated that it is compatible with the streetscape and character of the locality.
- The proposed development has not demonstrated that it is in the public interest and that it will not set an undesirable precedent if approved.

Recommendation

118. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) the Georges River Local Planning Panel refuses Development Application DA2024/0032 for the Demolition of all Existing Structures and the Construction of a Five (5) Storey, 15 Unit Residential Flat Building with Basement Carparking, Landscaping and Site Works on land at No. 12-14 Bembridge Street Carlton, for the reasons outlined below:

Reasons for Refusal

1. 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 (Biodiversity and Conservation) 2021.

- a) The amended arborist report submitted was found to be unsatisfactory and failed to demonstrate appropriate mitigation measures to protect a significant tree on an adjoining property. If the development proceeded, it would result in an unacceptable level of impact to a significant tree which is contrary to the requirements of Chapter 2.
- b) The amended drainage plans and documentation submitted was found to be unsatisfactory and the impacts arising were not appropriately mitigated, as a consequence the proposal may give rise to an undue impact upon the Georges River catchment which is contrary to the requirements of Chapter 6.

2. 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) 3D - Communal open space – The proposal fails to demonstrate that a suitable amount of communal open space has been provided. The proposal fails to demonstrate that the proposed communal open space receives a minimum of 2 hours (or more) of solar access throughout the day in midwinter.
- b) 3F- Visual Privacy - The proposal fails to demonstrate that the location of the ground level communal open space directly adjacent to Ground Floor Unit 05 will not lead to an unacceptable loss of privacy for the occupants of the unit.
- c) 3H-Vehicle Access - The proposal fails to demonstrate a vehicle entry that is suitable integrated into the design of the building leading to a sub-optimal streetscape outcome.
- d) 4D-2 Apartment size and layout - The proposal fails to demonstrate that all apartments open plan living area achieve the maximum required habitable room depth of 8m from a window.
- e) 4D-2 Apartment size and layout - The proposal fails to demonstrate that all apartments open plan living area achieve the minimum required room width of 4m.
- f) 4E- Private Open space and balconies - The proposal fails to demonstrate that all apartments achieve the minimum required private open space areas.
- g) 4G- Storage - The proposal fails to demonstrate that all apartments achieve the minimum requirement of 50% of the required storage within the apartments.
- h) 4J – Noise and Pollution - The proposal fails to demonstrate that the location of the ground level communal open space will not lead to an unacceptable noise impact upon the occupants of unit G05.
- i) 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.
- j) 4O – Landscape Design - The proposal fails to demonstrate an acceptable landscape design.
- k) 4V – Water management and conservation - The proposal fails to demonstrate an acceptable stormwater management plan.
- l) 4W – Waste Management - The proposal fails to demonstrate an acceptable waste management plan.

3. 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 proposed height of building is not compliant and not compatible with the height, bulk, and scale of the existing and desired future character of the locality.

- b) 4.6 Exception to Development Standards – It is not considered the applicant's Clause 4.6 written request to vary the development standard is not worthy of support and unfounded.
- c) 6.3 Stormwater Management - the proposal has not demonstrated a satisfactory design for stormwater disposal.
- d) 6.9 Essential Services
 - i. Stormwater - the proposal has not demonstrated a satisfactory design for stormwater disposal which is an essential service.
 - ii. Vehicular access - the proposal has not demonstrated a satisfactory design for vehicular access to the premises which is an essential service.
- e) 6.10 Design Excellence - the proposal has numerous unresolved issues and is not supported from an urban design perspective so has not demonstrated design excellence as required by the clause.
- f) 6.11 Environmental sustainability – the proposal has not demonstrated that it has achieved the environmental sustainability as the proposal will lead an unacceptable impact on a significant tree on an adjoining property.

4. 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 provided a satisfactory landscape plan or a suitable arborists report that protects a significant tree on an adjoining property.
- b) 3.10 Stormwater Management - the proposal has not demonstrated a satisfactory design for stormwater disposal.
- c) 3.12 Waste Management - the proposal has not demonstrated satisfactory arrangements for the management and collection of waste.
- d) 3.13 Parking Access and Transport - the proposal has not demonstrated a satisfactory access and car parking design.
- e) 6.3.4 Basement Setbacks - the proposal has not demonstrated a complaint design for basement setback and is unable to provided deep soils zones on all sides of the building.

5. 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 proposed development has failed to demonstrated that it will not have an unacceptable impact on a significant tree on adjoining site. The proposal has not demonstrated satisfactory stormwater disposal or waste management arrangements. On this basis the proposal has not demonstrated that it will not give rise to a negative impact on the natural environment of the locality.

- b) 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. 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 will have an unacceptable impact on a significant tree on an adjoining site. The proposal fails to comply with multiple planning controls and represents an inappropriately designed development that is not suitable for the site.

7. Public Interest

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

ATTACHMENTS

Attachment [1](#) Architectural Plans



THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU



Sheet List			
Sheet Name	Sheet Number	Current Revision	Current Revision Date
COVER PAGE	000	E	07.10.2024
GENERAL NOTES	001	E	07.10.2024
BASEMENT 2	106	E	07.10.2024
BASEMENT	107	E	07.10.2024
GROUND FLOOR PLAN	108	E	07.10.2024
FIRST LEVEL FLOOR PLAN	109	E	07.10.2024
SECOND LEVEL FLOOR PLAN	110	E	07.10.2024
THIRD LEVEL FLOOR PLAN	111	E	07.10.2024
FOURTH LEVEL FLOOR PLAN	112	E	07.10.2024
ADAPTABLE UNITS	201	E	07.10.2024



W: WWW.EMPERIO.COM.AU
E: INFO@EMPERIO.COM.AU
A: PO BOX 752 CONCORD NSW 2137

NOMINATED REGISTERED ARCHITECT:
STEFANO BONFANTE NO. 11618

PROJECT NO: EMP17
REVISION: E
STATUS: DEVELOPMENT APPLICATION
ADDRESS: 12-14 BEMBRIDGE STREET CARLTON
CLIENT: MMAI PTY LTD
DATE: 07.10.2024
SHEET NAME: COVER PAGE

NOTES:
DRAWING NO. 000
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GENERAL NOTES OF COMPLIANCE

CHECK ALL MEASUREMENTS BEFORE CONSTRUCTION.

ALL CONSULTANTS AND CONTRACTORS ARE TO COMPLY WITH AUSTRALIAN STANDARDS AND BUILDING CODE OF AUSTRALIA REQUIRING LEVEL OF PLAN COMPLIANCE

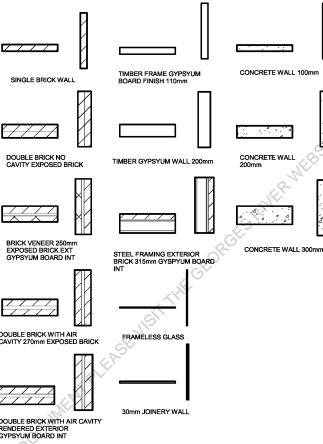
AUSTRALIAN STANDARDS (NOT LIMITED TO)

- AS 1170.3: Structural Design Actions - Part 0: General Principles: Provides guidelines for calculating loads and forces acting on structures.
- AS 1688.1: The Use of Ventilation and Air Conditioning in Buildings - Part 1: Fire and Smoke Control in Buildings: Covers requirements for ventilation and smoke control systems to ensure safety in case of fire.
- AS 1688.2: Residential Timber-Framed Construction - Part 2: Non-Cyclonic Areas: Specifies construction requirements and design considerations for timber-framed houses in non-cyclonic areas.
- AS 3699: Construction of Buildings in Bushfire-Prone Areas: Provides guidelines for designing and constructing buildings in areas prone to bushfire, including requirements for building materials and construction methods.
- AS/NZS 3000: 1: Plumbing and Drainage - Part 1: Water Services: Covers requirements for water supply systems in buildings, including plumbing fixtures, pipe sizes, and water quality.
- AS 1428.1: Design for Access and Mobility - Part 1: General Requirements for Access - New Building Work: Provides accessibility requirements for buildings, including entrances, ramps, stairways, and circulation spaces.
- AS 3698.1: Ceramic Tiles - Part 1: Guide to the Installation of Ceramic Tiles: Offers guidelines for the installation of ceramic tile tiles, including substrate preparation, adhesive selection, and the tiling process.
- AS 2463: Waterproofing of Walls within Residential Buildings: Covers requirements for waterproofing systems in walls such as bathrooms, kitchens, and laundry.
- AS/NZS 3000: Electrical Installations (Known as the Wiring Rules): Provides guidelines for electrical installations in buildings, covering safety, wiring methods, and equipment selection.
- AS 3745: Planning for Emergencies in Facilities: Outlines requirements for emergency planning and procedures, including emergency procedures, evacuation plans, and emergency lighting in buildings.
- AS 3698: Construction of Buildings in Bushfire-Prone Areas: Specifies construction requirements for buildings located in bushfire-prone areas, including materials, construction methods, and landscaping considerations.
- AS 1428.4: Design for Access and Mobility - Part 4: Means to Assist the Circulation of People with Vision Impairment: Provides guidelines for designing features that aid the orientation and navigation of individuals with vision impairment.
- AS 4026.1: Stand-alone Power Systems - Part 1: Safety and Installation: Covers requirements for the design and installation of stand-alone power systems, including renewable energy sources and battery storage systems.
- AS 1428.2: Design for Access and Mobility - Part 2: General and Additional Requirements - Buildings and Facilities: Specifies additional accessibility requirements for buildings and facilities beyond the general requirements in AS 1428.
- AS 1505.1: Swimming Pool Safety - Part 1: Safety Barriers for Swimming Pools: Provides guidelines for the design and construction of safety barriers for swimming pools, including fences, gates, and locking mechanisms.
- AS 2745: Protective Security - Risk Management of Protective Security: Outlines principles and guidelines for risk management in protective security, including assessing security risks and implementing appropriate measures.
- AS 3698.2: Ceramic Tiles - Part 2: Guide to the Selection and Installation of Ceramic Tiles: Provides guidelines on the selection, installation, and maintenance of ceramic tiles, including grouting, expansion joints, and surface finishes.
- AS 1170.2: Structural Design Actions - Part 2: Wind Actions: Provides guidelines for calculating wind loads on buildings and structures to ensure structural integrity.
- AS 3698.3: Construction of Buildings in Bushfire-Prone Areas - Part 3: Bushfire Attack Level (BAL) - Risk Assessment: Offers guidance on assessing the bushfire attack level (BAL) for a building site, which determines the level of protection required.
- AS 2865.1: Parking Facilities - Part 1: Off-street Car Parking: Specifies requirements for the design and layout of off-street parking facilities, including parking space dimensions, access ways, and circulation areas.
- AS 4296: Adaptive Housing: Provides guidelines for designing residential buildings with adaptable features that cater to the changing needs of occupants, including accessibility requirements.
- AS 3698.4: Construction of Buildings in Bushfire-Prone Areas - Part 4: Australian Standard Requirements for External Wall Construction: Outlines specific requirements for external wall construction in bushfire-prone areas, including material selection and the resistance.
- AS 4062.3: Waterproofing Membranes for External Above-Ground Use - Part 2: Design and Installation: Offers guidelines for the design and installation of waterproofing membranes in external above-ground areas, such as balconies and terraces.
- AS 3698.7: Construction of Buildings in Bushfire-Prone Areas - Part 7: Bushfire Attack Level (BAL) - Construction Requirements: Specifies construction requirements based on the bushfire attack level (BAL) to enhance building safety and resilience.
- AS 1688.4: Residential Timber-Framed Construction - Part 4: Strengthened - Non-cyclonic Areas: Provides strengthened design and construction requirements for timber-framed houses in non-cyclonic areas.
- AS 1688.3: Residential Timber-Framed Construction - Part 3: Cyclonic Areas: Specifies design and construction requirements for timber-framed houses located in cyclonic areas, ensuring structural integrity during high wind events.
- AS/NZS 1170.3: Structural Design Actions - Part 3: Snow and Ice Actions: Provides guidelines for designing structures to withstand snow and ice loads in areas prone to winter conditions.
- AS 1735.1: Lifts, Escalators, and Moving Walks - Part 1: General Requirements: Covers general requirements for the design, installation, and maintenance of lifts, escalators, and moving walks in buildings.
- AS 3698.5: Construction of Buildings in Bushfire-Prone Areas - Part 5: Australian Standard Requirements for External Wall Construction: Outlines specific requirements for external wall construction in bushfire-prone areas that use a steel-framed system.
- AS 3700: Masonry Structures: Specifies requirements for the design and construction of masonry structures, including walls, chimneys, and other masonry elements.
- AS 1428.3: Design for Access and Mobility - Part 3: Requirements for Children and Adolescents with Physical Disabilities: Provides accessibility requirements for children and adolescents with physical disabilities in buildings and facilities.
- AS 3740-2018 (R1): Waterproofing of Walls within Residential Buildings - Amendment 1: The amendment to AS 3740 addresses update and changes to waterproofing requirements in wall areas of residential buildings.
- AS/NZS 2311: Guide to the Parting of Buildings: Offers guidance on the parting process, including surface preparation, joint selection, and application methods for buildings.
- AS 3700.3: Construction of Buildings in Bushfire-Prone Areas - Part 3: Construction of Buildings in Bushfire-Prone Areas using Lightweight Construction: Provides construction requirements for buildings in bushfire-prone areas that use lightweight construction methods.
- AS 1688.5: Residential Timber-Framed Construction - Part 5: Design Criteria: Outlines the design criteria for timber-framed houses, including structural, fire, and other requirements.
- AS 1428.3: Design for Access and Mobility - Part 3: Communication for People Who Are Deaf or Hearing Impaired: Provides guidelines for incorporating communication features to enable individuals who are deaf or hearing impaired, including visual alarm systems and accessible listening devices.

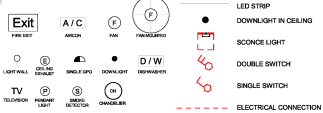
- AS 1670.1: Fire Detection, Warning, Control and Intercom Systems - System Design, Installation, and Commissioning - Part 1: Fire: Specifies requirements for the design, installation, and commissioning of fire detection, warning, and control systems in buildings.
- AS 4044: Inspection of Buildings - Part 1: The Professional Inspector - Residential Buildings: Outlines the requirements for professional inspectors, including training, experience, and ethical standards.
- AS 4044.2: Inspection of Buildings - Part 2: The Professional Inspector - Commercial Buildings: Outlines the requirements for professional inspectors, including training, experience, and ethical standards.
- AS 4044.3: Inspection of Buildings - Part 3: The Professional Inspector - Industrial Buildings: Outlines the requirements for professional inspectors, including training, experience, and ethical standards.
- AS 4044.4: Inspection of Buildings - Part 4: The Professional Inspector - Agricultural Buildings: Outlines the requirements for professional inspectors, including training, experience, and ethical standards.
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- AS 4044.100: Inspection of Buildings - Part 100: The Professional Inspector - Other Buildings: Outlines the requirements for professional inspectors, including training, experience, and ethical standards.

- AS 3698.12: Construction of Buildings in Bushfire-Prone Areas - Part 12: Construction of Buildings in BAL-29 Zones: Specifies construction requirements for buildings located in BAL-29 (Bushfire Attack Level 29) zones, which are subject to moderate bushfire risk.
- AS 3778: Concrete for Concrete: Covers requirements for the design, construction, and use of concrete, including general principles, material properties, and inspection criteria.
- AS 2698.1: Bushed Flexible Pipelines - Structural Design: Provides guidelines for the structural design of buried flexible pipelines, including design loads, material properties, and inspection criteria.
- AS/NZS 1546.4: Structural Steel Design - Part 8: Welding Stainless Steels for Structural Purposes: Specifies requirements for the welding of stainless steel structures, including welding procedures, qualification of welders, and inspection criteria.
- AS 743.2: Illumination of Road Tunnels and Underpasses: Outlines requirements for the illumination of road tunnels and underpasses, ensuring adequate lighting levels for safety and visibility.
- AS 3743.1: Guide to Residential Paving: Provides guidance on the design, construction, and maintenance of pavements in residential areas, including driveways, footpaths, and outdoor areas.
- AS 4032.1: Podiatry - Part 1: Safety Barriers for Swimming Pools: Specifies requirements for the design, construction, and installation of safety barriers for swimming pools, ensuring compliance with safety standards and ensuring pool safety.
- AS 3910: Concrete for Concrete: Covers requirements for the design, construction, and use of concrete, including general principles, material properties, and inspection criteria.
- AS 2028: Safety Cladding Materials in Buildings: Specifies requirements for safety cladding materials used in buildings, ensuring impact resistance and minimizing the risk of injury.
- AS 4686: Slip Resistance of New Pedestrian Surfaces: Provides guidelines for assessing the slip resistance of pedestrian surfaces, relating to ensure safe walking environments.
- AS 1003.207: Technical Drawings - Architectural Drawing: Provides guidelines for the preparation of architectural drawings, including symbols, the weights, scales, and conventions for presenting architectural information.
- AS/NZS 3000: 1: Plumbing and Drainage - Part 1: Water Services: Specifies requirements for the design and installation of water supply systems in buildings, including piping, fittings, and fixtures.
- AS 4773.3: Masonry in Small Buildings - Part 3: Construction: Covers construction requirements for masonry elements in small buildings, including brick and blockwork walls, intels, and ties.
- AS 3902.3: Terrace Management - Part 2: In and Around Existing Buildings and Structures: Outlines requirements for terrace management in existing buildings, including inspection, treatment, and preventive measures.
- AS/NZS 3000: Electrical Installations (Known as the Wiring Rules): Provides requirements for electrical installations in buildings, covering aspects such as wiring, switchboards, outlets, and safety procedures.
- AS 1657.2: Field Platforms, Walkways, Stairways, and Ladders - Design, Construction, and Installation: Specifies design and construction requirements for field platforms, walkways, stairways, and ladders to ensure safety and accessibility.
- AS 3700: Concrete Structures: Provides guidelines for the design and construction of concrete structures, including reinforced and prestressed concrete elements.
- AS 1170.3: Structural Design Actions - Part 3: Wind Actions: Specifies design loads and loadings due to wind for structural design of buildings and structures.
- AS 3698.3: Construction of Buildings in Bushfire-Prone Areas - Part 3: Bushfire Attack Level (BAL) - Risk Assessment: Offers guidance on assessing the bushfire attack level (BAL) for a building site, which determines the level of protection required.
- AS 1505.1: Swimming Pool Safety - Part 1: Safety Barriers for Swimming Pools: Provides guidelines for the design and construction of safety barriers for swimming pools, including fences, gates, and locking mechanisms.
- AS 2745: Protective Security - Risk Management of Protective Security: Outlines principles and guidelines for risk management in protective security, including assessing security risks and implementing appropriate measures.
- AS 3698.2: Ceramic Tiles - Part 2: Guide to the Selection and Installation of Ceramic Tiles: Provides guidelines on the selection, installation, and maintenance of ceramic tiles, including grouting, expansion joints, and surface finishes.
- AS 1428.3: Design for Access and Mobility - Part 3: Requirements for Children and Adolescents with Physical Disabilities: Provides accessibility requirements for children and adolescents with physical disabilities in buildings and facilities.
- AS 3740-2018 (R1): Waterproofing of Walls within Residential Buildings - Amendment 1: The amendment to AS 3740 addresses update and changes to waterproofing requirements in wall areas of residential buildings.
- AS/NZS 2311: Guide to the Parting of Buildings: Offers guidance on the parting process, including surface preparation, joint selection, and application methods for buildings.
- AS 3700.3: Construction of Buildings in Bushfire-Prone Areas - Part 3: Construction of Buildings in Bushfire-Prone Areas using Lightweight Construction: Provides construction requirements for buildings in bushfire-prone areas that use lightweight construction methods.
- AS 1688.5: Residential Timber-Framed Construction - Part 5: Design Criteria: Outlines the design criteria for timber-framed houses, including structural, fire, and other requirements.
- AS 1428.3: Design for Access and Mobility - Part 3: Communication for People Who Are Deaf or Hearing Impaired: Provides guidelines for incorporating communication features to enable individuals who are deaf or hearing impaired, including visual alarm systems and accessible listening devices.

GENERAL WALL TYPES



GENERAL ANNOTATIONS



W: WWW.EMPERIO.COM.AU

E: INFO@EMPERIO.COM.AU

A: PO BOX 782 DUNDROD NSW 2137

NOMINATED REGISTERED ARCHITECT:
ESTEFANO BONFANTE NO. 1161 B

PROJECT NO: EMP17

REVISION: E

STATUS: DEVELOPMENT APPLICATION

ADDRESS: 12-14 BEMBRIDGE STREET CARLTON

CLIENT: MMA PTY LTD

DATE: 07.10.2024

SHEET NAME: GENERAL NOTES

NOTES:

PLEASE READ THE FOLLOWING NOTES BEFORE COMMENCING WORK. ADVISE ANY DISCREPANCY TO CONSULTANT FOR CLARIFICATION.

PLANNED CONSTRUCTION SHALL BE TAKEN IN PREFERENCE TO LOCAL BYLAW. THIS DRAWING SHALL BE IN CONSULTATION WITH ALL RELEVANT AGENCIES, INDUSTRY, AUSTRALIAN STANDARDS AND MANUFACTURER INSTITUTIONS.

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W: WWW.EMPERIO.COM.AU
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A: PO BOX 752 CONCORD NSW 2137

NOMINATED REGISTERED ARCHITECT:
ESTEFANO BONFANTE NO. 11618


PROJECT NO:	EMP17	REVISION:	E
STATUS:	DEVELOPMENT APPLICATION		
ADDRESS:	12-14 BEMBRIDGE STREET CARLTON		
CLIENT:	MMAI PTY LTD		
DATE:	07.10.2024		
SHEET NAME:	BASEMENT 2		

SCALE BAR SCALE 1:100



0m 1m 2m 3m 5m

SCALE BAR SCALE 1:250



0m 5m 10m



NORTH POINT

NOTES:

1. CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. REPORT ANY DISCREPANCIES TO CONSULTANT FOR CLARIFICATION.

2. FIGURED DIMENSIONS SHALL BE TAKEN IN PREFERENCE TO SCALE DRAWINGS. THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL SPECIFICATIONS, SCHEDULES AND ALL ENGINEERING DRAWINGS AND REPORTS.

3. ALL WORKMANSHIP AND MATERIALS SHALL COMPLY WITH ALL RELEVANT CODES, ORDINANCES, AUSTRALIAN STANDARDS AND MANUFACTURER INSTRUCTIONS.


DO NOT SCALE FROM THE DRAWINGS.

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SCALE: 1 : 100




SCALE BAR SCALE 1:100



0m 1m 2m 3m 5m

SCALE BAR SCALE 1:250



0m 5m 10m



NORTH POINT

NOTES:
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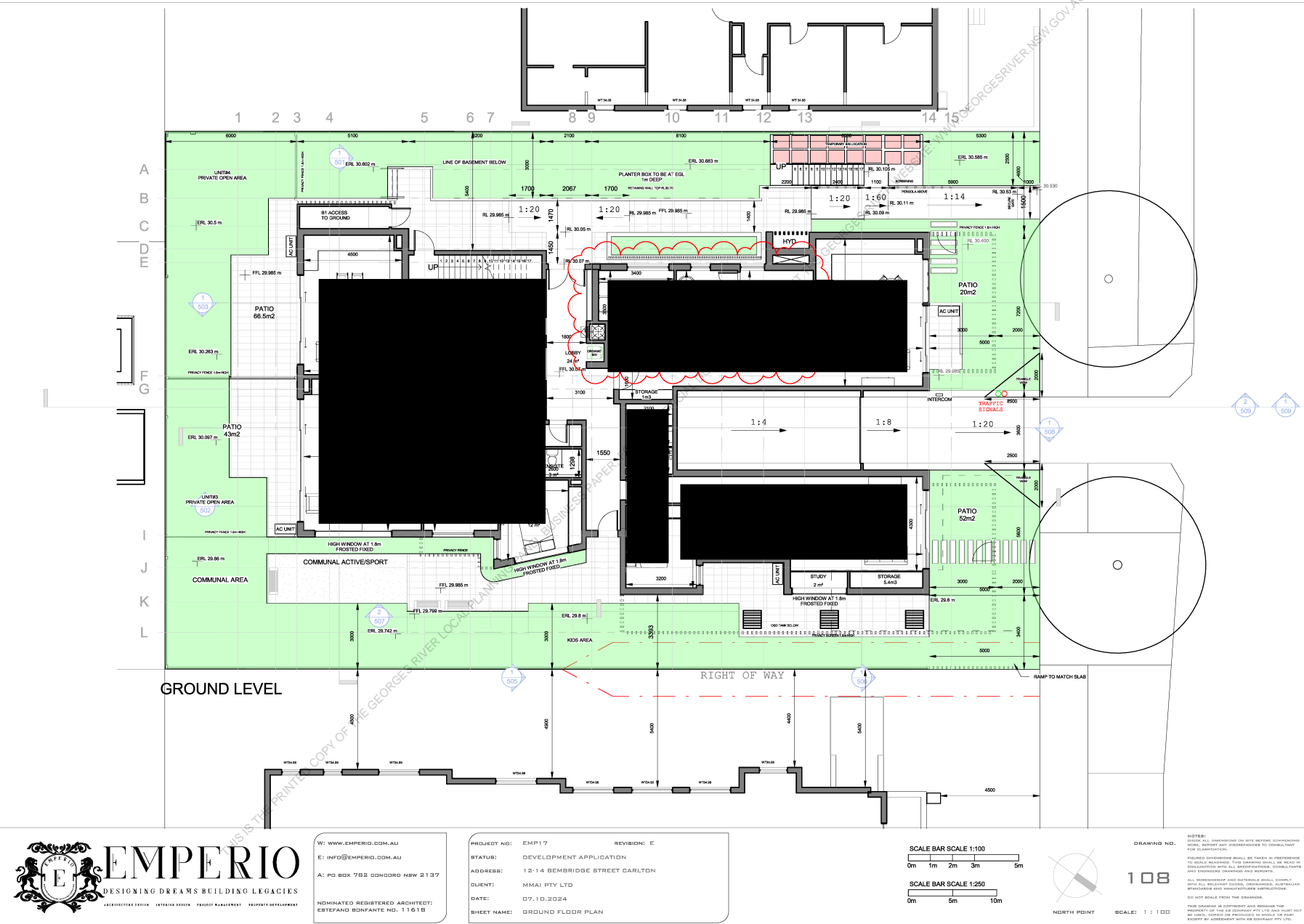
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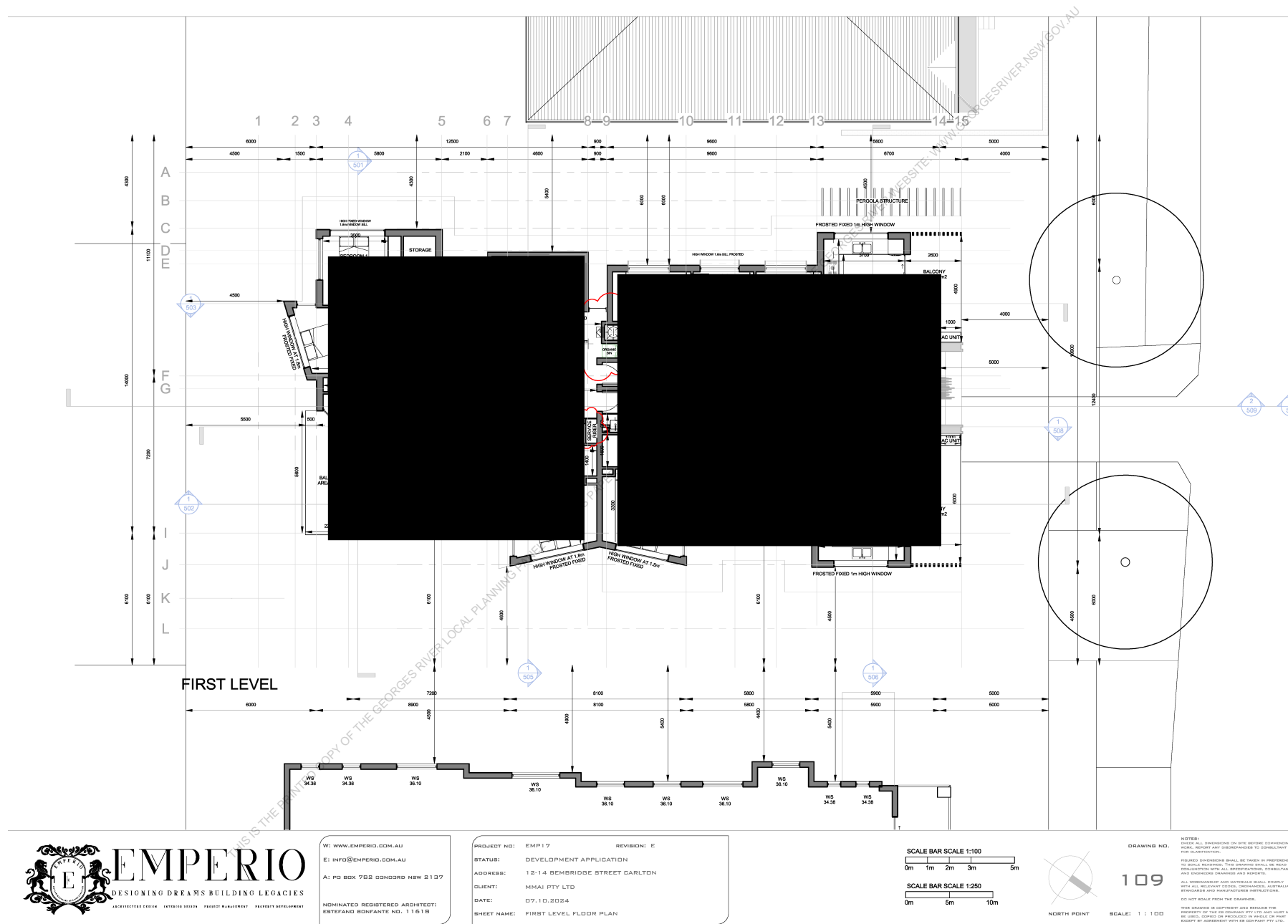
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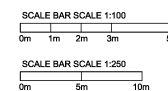
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STATUS:	DEVELOPMENT APPLICATION		
ADDRESS:	12-14 BEMBRIDGE STREET CARLTON		
CLIENT:	MMAI PTY LTD		
DATE:	07.10.2024		
SHEET NAME:	SECOND LEVEL FLOOR PLAN		



DRAWING NO.

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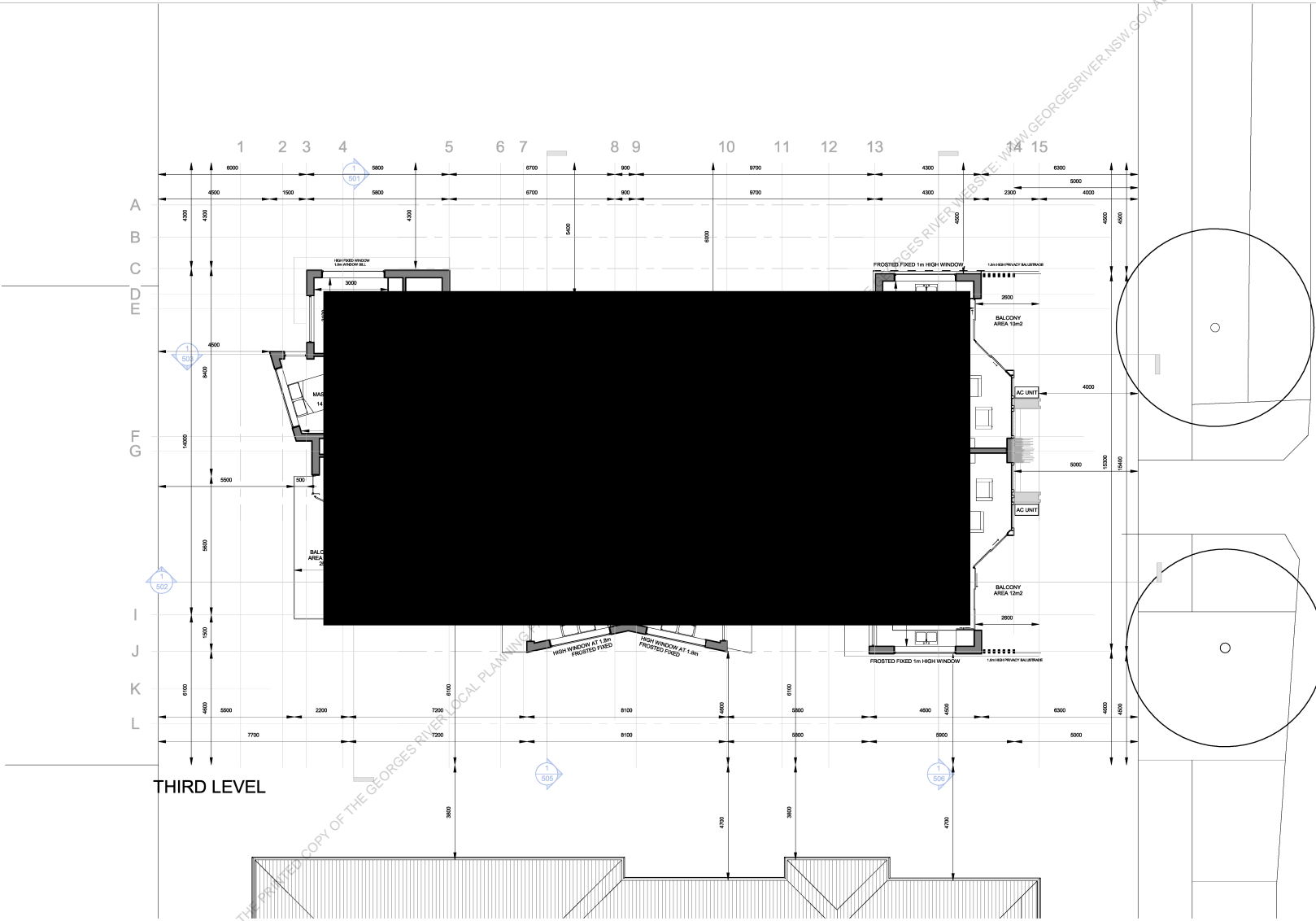
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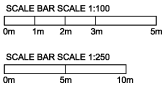
THIRD LEVEL



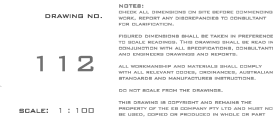
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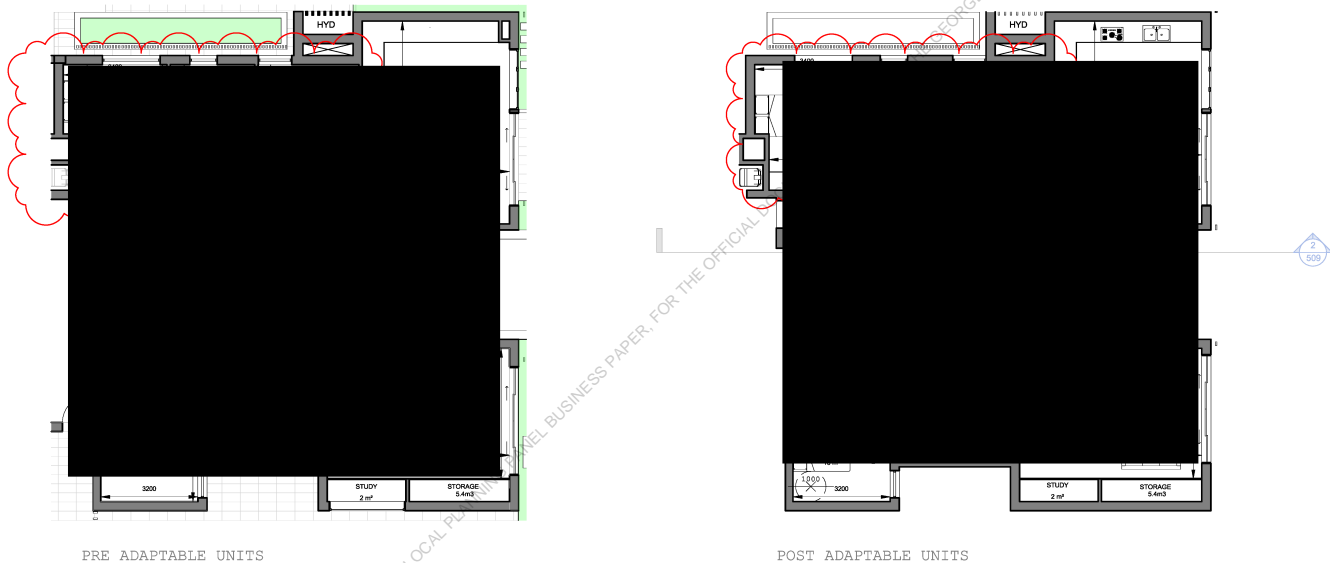
NOMINATED REGISTERED ARCHITECT:
ESTEFANO BONFANTE NO. 11618

PROJECT NO: EMP17
REVISION: E
STATUS: DEVELOPMENT APPLICATION
ADDRESS: 12-14 BEMBRIDGE STREET CARLTON
CLIENT: MMAI PTY LTD
DATE: 07.10.2024
SHEET NAME: THIRD LEVEL FLOOR PLAN



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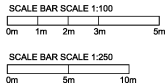




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PROJECT NO: EMP17
REVISION: E
STATUS: DEVELOPMENT APPLICATION
ADDRESS: 12-14 BEMBRIDGE STREET CARLTON
CLIENT: MMAI PTY LTD
DATE: 07.10.2024
SHEET NAME: ADAPTABLE UNITS



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Sheet List			
Sheet Name	Sheet Number	Current Revision	Current Revision Date
EAST ELEVATION	401	D	15.08.2024
NORTH WEST ELEVATION	403	D	15.08.2024
SOUTH EAST ELEVATION	405	D	15.08.2024
WEST ELEVATION	407	D	15.08.2024
CROSS SECTION	501	D	15.08.2024
LONGITUDINAL SECTION	502	D	15.08.2024
LONGITUDINAL SECTION	503	D	15.08.2024
BUILDING SECTION	505	D	15.08.2024
BUILDING SECTION	506	D	15.08.2024



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NOMINATED REGISTERED ARCHITECT:
MR JAMES EMERSON AIA 11018

PROJECT NO: EMP17

STATUS: DEVELOPMENT APPLICATION

ADDRESS: 12/14 BEMBERGUE STREET CARLTON

CLIENT: KNAI PTY LTD

DATE: 15.08.2024

SHEET NAME: COVER PAGE

REVISION: D

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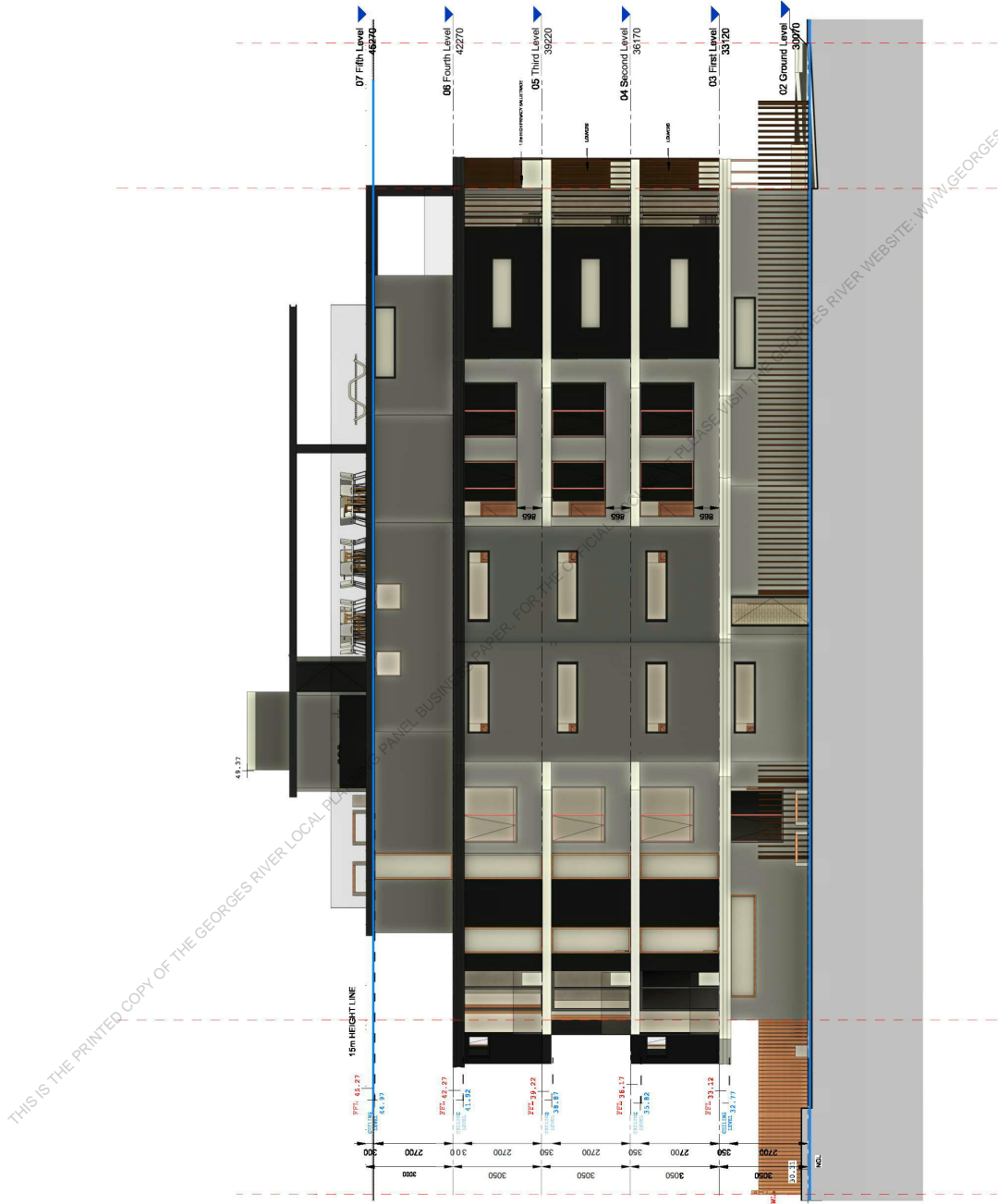
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STEPHAN BOWMAN (NO. 11018)

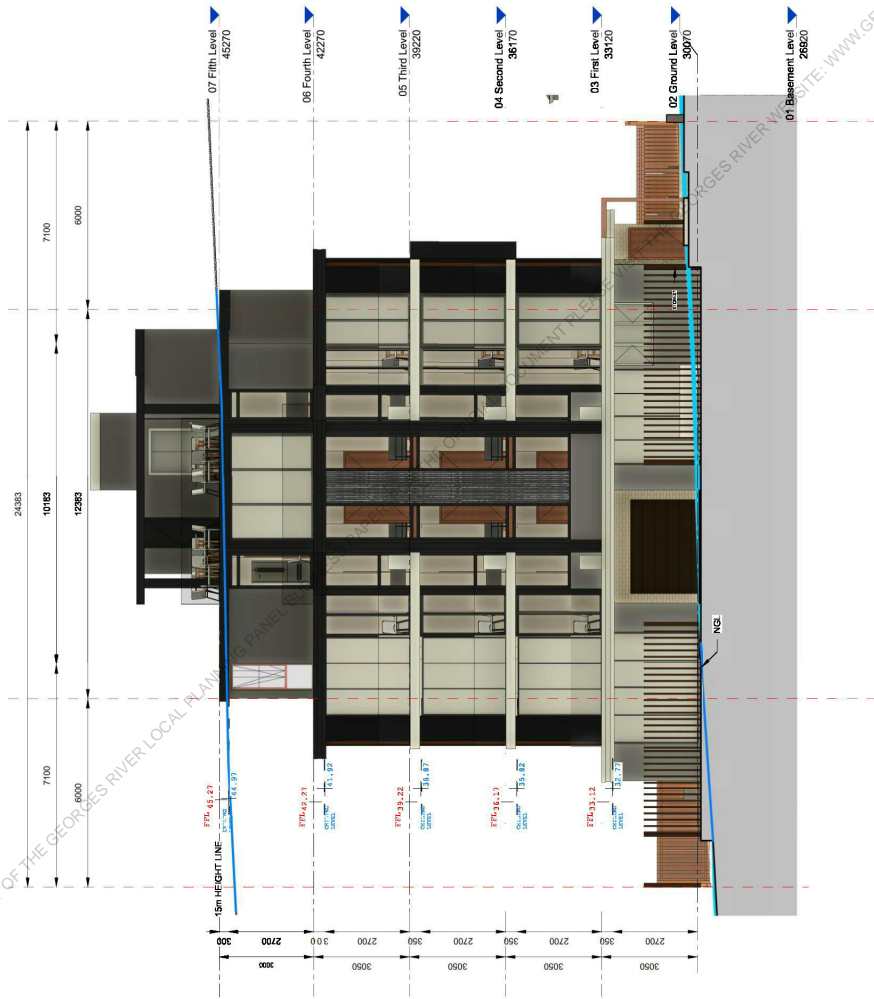
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REVISION: D
STATUS: DEVELOPMENT APPLICATION
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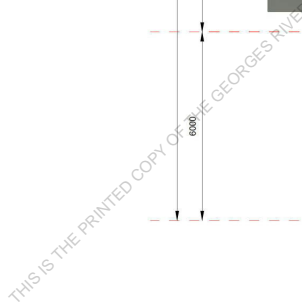
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STEPHAN BARNARD (NO. 11618)

PROJECT NO: EMP17
STATE: DEVELOPMENT APPLICATION
ADDRESS: 12-14 BEMBRIDGE STREET CARLTON
CLIENT: MHAI PTY LTD
DATE: 15.08.2024
SHEET NAME: NORTH WEST ELEVATION

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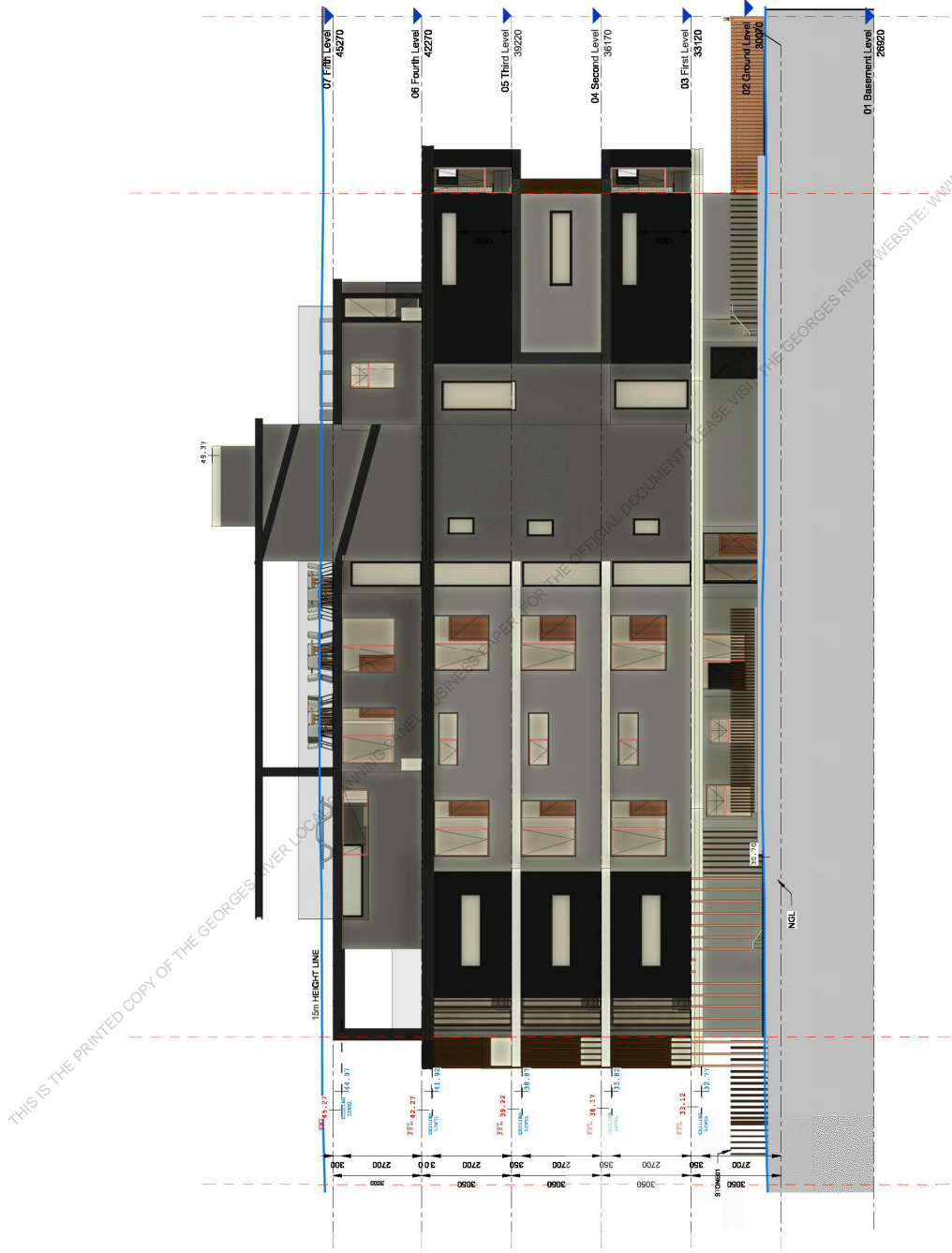
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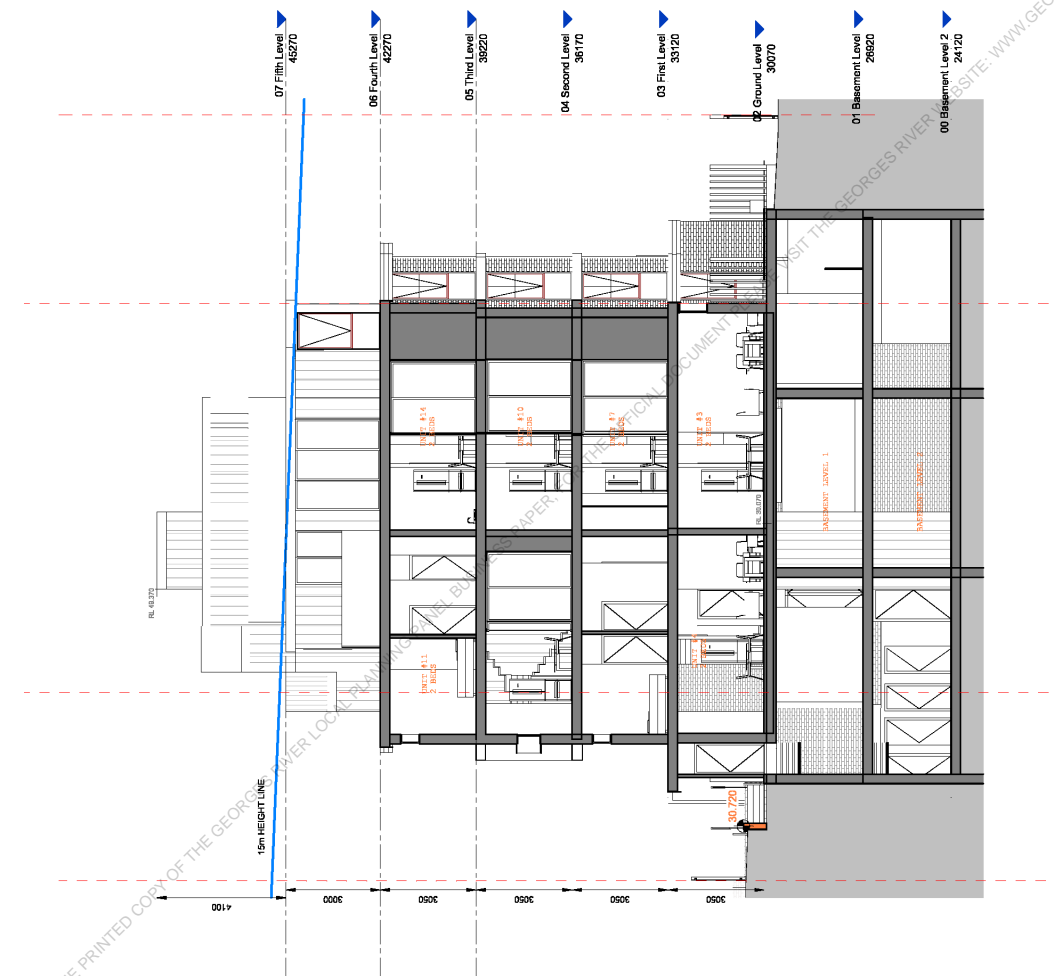
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CLIENT: MMAL PTY LTD
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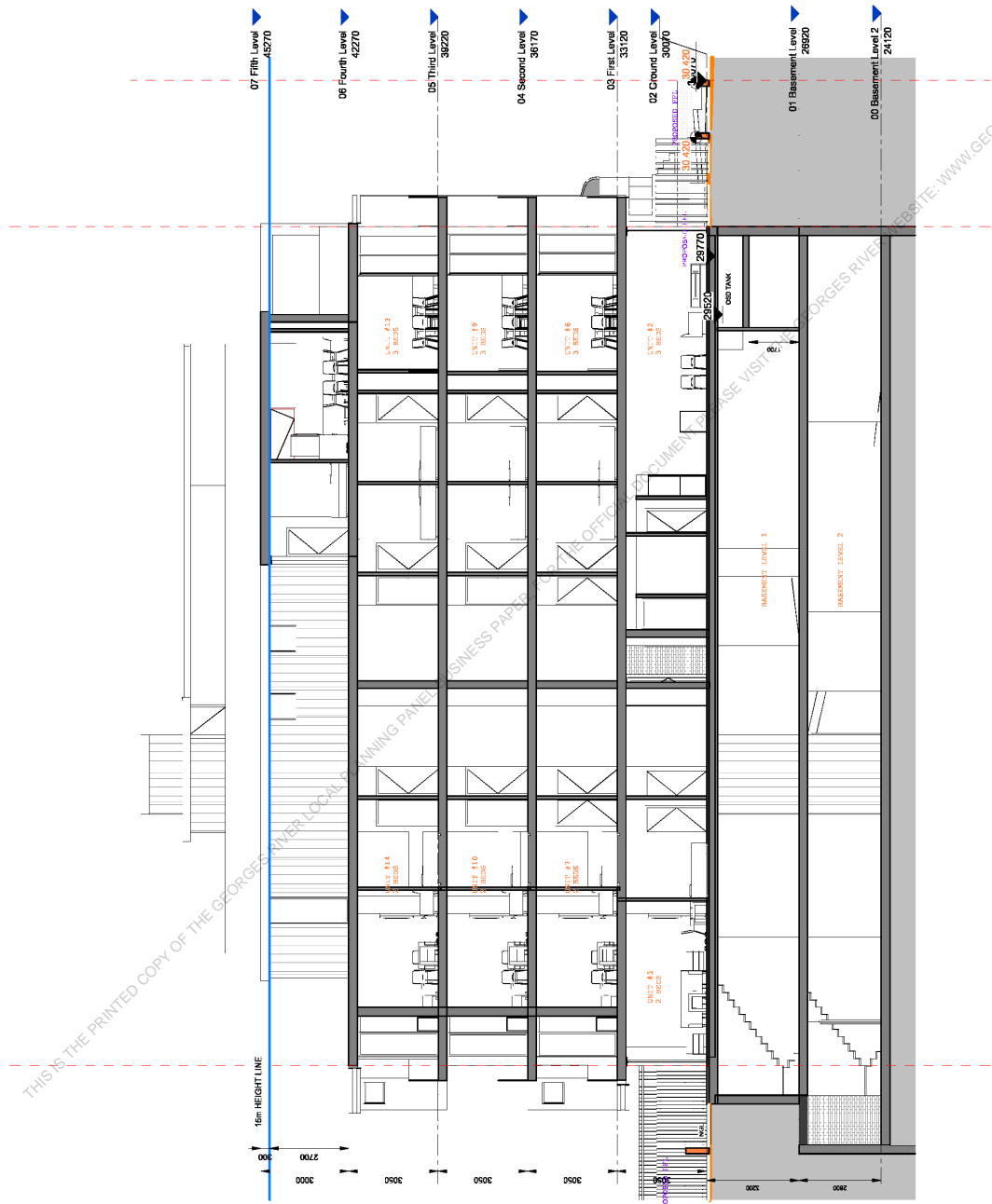
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CLIENT:	MVAI PTY LTD	
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ESTEFANO BONFANTE NO. 11618



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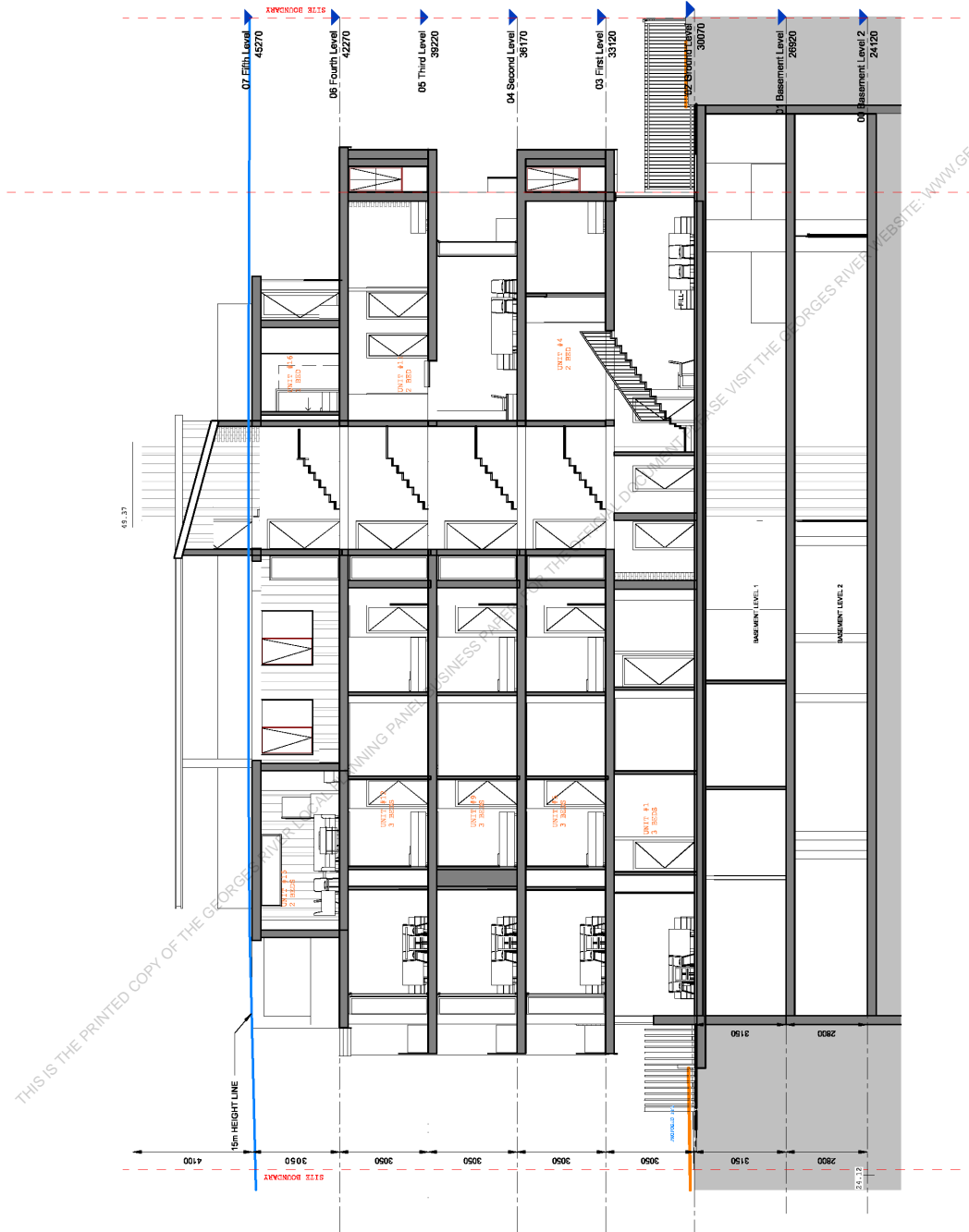
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CLIENT: KHAU PTY LTD
DATE: 15.08.2024
SHEET NAME: CONSTRUCTIONAL SECTION


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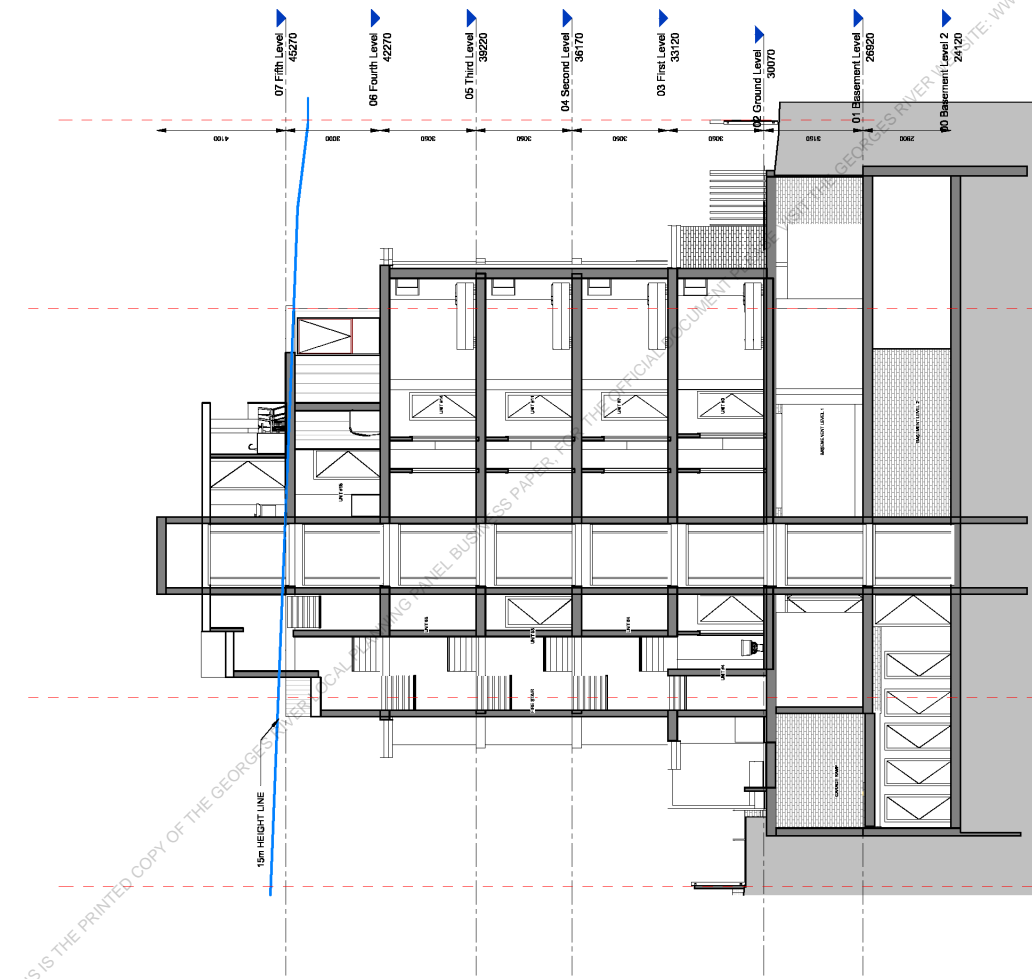
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CLIENT: KHAU PTY LTD
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 MR DAVID BARNARD, NO. 11018

PROJECT NO: EMP17
 STATUS: DEVELOPMENT APPLICATION
 ADDRESS: 12/14 BEMBRIDGE STREET CARLTON
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 SHEET NAME: BUILDING SECTION

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STATUS:	DEVELOPMENT APPLICATION		
ADDRESS:	12-14 BEVERIDGE STREET CARLTON		
CLIENT:	MMALITY LTD		
DATE:	15.08.2024		
SHEET NAME:	BUILDING SECTION		

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 DECEMBER 2024

LPP054-24 SOUTH OF 293 BELMORE ROAD, RIVERWOOD. ON THE ROAD RESERVE OF MOROTAI AVENUE RIVERWOOD.

LPP054-24

LPP Report No	LPP054-24	Development Application No	DA2023/0418
Site Address & Ward Locality	South of 293 Belmore Road, Riverwood. On the road reserve of Morotai Avenue Riverwood. Peakhurst Ward		
Proposed Development	The installation of a Jolt EV charging station (advertising enabled EV charging unit), over an existing Ausgrid kiosk substation situated within the road reserve adjacent to 293 Belmore Road Riverwood		
Owners	Georges River Council (Road Reserve) Ausgrid (Electricity substation)		
Applicant	Mecone Group Pty Ltd (on behalf of Jolt Charge Pty Limited)		
Planner/Architect	Planner: Mecone Group Pty Ltd Architect: JOLT CHARGE PTY LTD		
Date Of Lodgement	17/10/2023		
Submissions	Nil		
Cost of Works	\$46,500.00		
Local Planning Panel Criteria	<p><i>Ministerial Direction 6 March 2024. – Schedule 1 Development for which the applicant or land owner is: (a) the council. The location of proposed works falls on Council Land (Road Reserve). In relation to the Ministerial Directions and the Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 this development is not considered to be a ‘council related development application’ as defined by the Environmental Planning and Assessment Act 1979. This is defined within Schedule 1 Community participation requirements, 9B Council-related development applications (2) (b) for development on land, other than a public road within the meaning of the Local Government Act 1993 - (i) of which the council is an owner, a lessee or a licensee, or (ii) otherwise vested in or under the control of the council.</i></p>		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 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	Statement of Environmental Effects, Architectural Plans and Specifications, Maintenance Plan of Management, Ausgrid Letter of Concurrence, Cost Summary Report and RFI Response Letter
Report prepared by	Coordinator Development Assessment

RECOMMENDATION	Approval, subject to conditions
-----------------------	---------------------------------

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, can be reviewed when the report is published.

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SITE PLAN

Figure 1: Aerial image of the subject site (red arrow) and the surrounding properties.

EXECUTIVE SUMMARY PROPOSAL

1. The development application seeks approval for the installation of a Jolt electric vehicle (EV) charging station (advertising enabled EV charging unit), at an existing Ausgrid kiosk substation situated within the road reserve adjacent to 293 Belmore Road, Riverwood. Specifically, the proposed involves:
 - a. A metal casing over the existing Ausgrid kiosk substation with EV charging and integrated third party and business signage.
 - b. The third-party advertising signage component comprises two (2) LED signage screens, facing east and west along Morotai Avenue Riverwood, each measuring 928mm x 1650mm.
 - c. The LED advertising signage screens can display images at a rate of up to six per minute with a minimum dwell time of 10 seconds per image.
 - d. Business identification signage containing the word "JOLT" and company logo spanning approximately 600mm in width is integrated into the EV charging unit. The white business identification logo is located on each elevation.

The designation of the car park for exclusive EV vehicle use, and associated line marking, and road signage is subject to separate Georges River Local Traffic Committee approval prior to the charging station being installed and the public road being modified to support the charging station.

Site and Locality

2. The site accommodates an existing Ausgrid electrical kiosk of a dark green colour which is visible from the streets and surrounding footpath.

3. The proposed Jolt charging station is to be installed over the existing Ausgrid kiosk within the road reserve along Morotai Avenue, Riverwood, directly to the south of 293 Belmore Road within Council's Road reserve. 293 Belmore Road is on the corner of Belmore Road and Morotai Avenue, Riverwood.
4. The adjoining site to the north at 293 Belmore Road contains a restaurant and ground level and a commercial premises above which faces Morotai Avenue.
5. Opposite the site, to the southern side of Morotai Avenue is an aged and disability care office which offer support services and in home care.
6. To the east of the site is local centre shopping and commercial premises. The local centre precinct contains various business identification and advertising signage, including illuminated and non-illuminated signage. The site is approximately 80m north of the Riverwood Train Station entry.
7. To the west are residential apartment buildings. Further west along Morotai Avenue are one (1) to two (2) storey detached dwellings. Morotai Avenue contains unrestricted on street parking.
8. The existing substation site located on a paved Council footpath. The footpath has a clearance for pedestrians of 3390mm between the Ausgrid kiosk and the building to the north known as 293 Belmore Road.

ZONING AND PERMISSIBILITY

9. The site is located in the E1 Local Centre zone pursuant to the *Georges River Local Environmental Plan 2021* ('GRLEP 2021'). The proposed development is permissible with consent under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP) as discussed under Item 32 of this report. The proposed development is generally consistent with the *GRLEP2021* and the *Georges River Development Control Plan 2021* ('GRDCP 2021').

SUBMISSIONS

10. The proposal was notified between 19 October 2023 to 9 November 2023 in accordance with the provisions of Council's Notification Policy. No submissions were received within this time period.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

11. The application is referred to the Georges River Local Planning Panel for determination under the Ministerial Direction of 6 March 2024. – *Schedule 1 - Development for which the applicant or land owner is: (a) the council.*

12. The location of proposed works falls on Council Land (Road Reserve) and land to which council has care and control. In relation to the Ministerial Directions and the Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 this development is not considered to be a 'council related development application' as defined by the Environmental Planning and Assessment Act 1979. This is defined within Schedule 1 Community participation requirements, 9B Council-related development applications (2) (b) for development on land, other than a public road within the meaning of the Local Government Act 1993 - (i) of which the council is an owner, a lessee or a licensee, or (ii) otherwise vested in or under the control of the council.

CONCLUSION

13. The development application can be supported subject to recommended conditions of consent for the following reasons:
- a. The proposed development forms a permissible use, being an advertising enabled EV charging unit, within the E1 Local Centre zone in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the State Environmental Planning Policy (Industry and Employment) 2021.
 - b. The signage component of the proposal complies with the assessment criteria for signage within the State Environmental Planning Policy (Industry and Employment) 2021.
 - c. The proposal is not a Council-related development application as defined in 9B(2) (b) of the Environmental Planning and Assessment Act 1979.
 - d. The proposal is suitable for the subject site as it is consistent with the provisions of the Georges River Local Environmental Plan 2021.
 - e. The proposal complies with the relevant controls of GRDCP 2021.
 - f. The development will not create adverse impacts onto the locality and will remain compatible with the existing area.
 - g. The proposed development incorporates sufficient measures to safeguard parking amenity.
 - h. The development will provide a use that accommodates the needs of the existing and future residents, workers, and visitors of Georges River.
 - i. For the reasons given above, approval of the application is in the public interest.

REPORT IN FULL PROPOSAL

14. The development application seeks approval for the installation of a Jolt EV charging station (advertising enabled EV charging unit), in agreement with Ausgrid, at an existing Ausgrid kiosk substation situated within the road reserve adjacent to 293 Belmore Road, Riverwood. Specifically, the proposed application involves:
- a. A metal casing over the existing Ausgrid kiosk substation with EV charging and integrated third party and business signage.
 - b. The third-party advertising signage component comprises two (2) LED signage screens, facing east and west along Morotai Avenue Riverwood, each measuring 928mm x 1650mm.
 - c. The LED advertising signage screens can display images at a rate of up to six per minute with a minimum dwell time of 10 seconds per image.

- d. Business identification signage containing the word “JOLT” and company logo spanning approximately 600mm in width is integrated into the EV charging unit. The white business identification logo is located on each elevation.

The designation of the car park for exclusive EV vehicle use, and associated line marking and road signage is subject to separate Georges River Local Traffic Committee approval prior to the charging station being installed and the public road being modified to support the charging station.

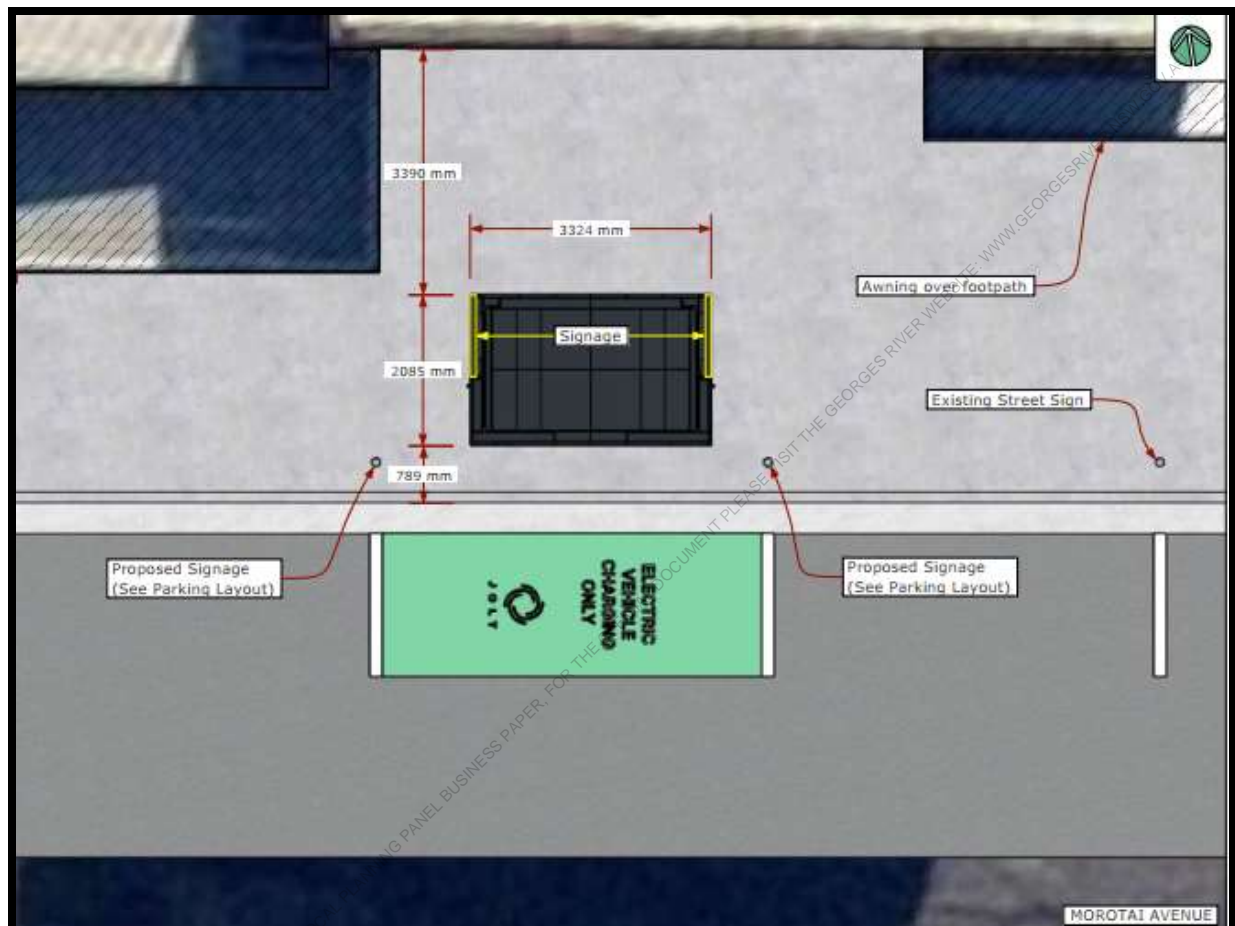


Figure 2: Proposed EV charger location and dimensions



Figure 3: Proposed advertising enabled EV charging unit

15. The luminance levels of the signage will be monitored via electronic location based screen optimisation via programmes known as 'GeoVu' and 'WeatherVu' which utilise the following:
 - GPS location and weather data algorithm used to modify luminance parameters.
 - Historical and real-time data to modify decision parameters (i.e. weather, time, sun angle etc).
16. The use of 4G connectivity enables the signage to be monitored remotely.
17. The proposed digital signage panels have a number of purposes including:
 - Visual identification of the EV charging unit for users.
 - Provision of public information and emergency messaging on behalf of Ausgrid.
 - Funding to deliver the EV charging service to the public.

THE SITE AND LOCALITY

18. The site accommodates an existing Ausgrid electrical kiosk of a dark green colour which is visible from the streets and surrounding footpath.
19. The proposed Jolt charging station is to be installed over the existing Ausgrid kiosk within the road reserve along Morotai Avenue, Riverwood, directly to the south of 293 Belmore Road within Council's road reserve. 293 Belmore Road is on the corner of Belmore Road and Morotai Avenue, Riverwood.

20. The adjoining site to the north at 293 Belmore Road contains a restaurant and ground level and a commercial premises above which faces Morotai Avenue Riverwood.
21. Opposite the site, to the southern side of Morotai Avenue, Riverwood is an aged and disability care office which offer support services and in home care.
22. To the east of the site is local centre shopping and commercial premises. The local centre precinct contains various business identification and advertising signage, including illuminated and non-illuminated signage. The site is approximately 80m north of Riverwood Train Station entry.
23. To the west are residential apartment buildings. Further west along Morotai Avenue are one (1) to two (2) storey detached dwellings. Morotai Avenue contains unrestricted on street parking.
24. The existing substation site located on a paved Council footpath. The footpath has a clearance for pedestrians of 3390mm between the Ausgrid kiosk and the building to the north known as 293 Belmore Road.

BACKGROUND

25. A pre-lodgement meeting (PRE2023/0031) was held in relation to 3 Lily Street, Hurstville and 293 Belmore Road, Riverwood on 26 July 2023 for the proposal, being the installation of JOLT charging stations on existing Ausgrid kiosk sites with associated signage.
26. On 18 August 2023 Pre-lodgement Advice was provided for PRE2023/0031.
27. Council's pre-lodgement advice letter questioned the permissibility if the proposed advertising-enabled EV charging units under Section 2.124(2) of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
28. Section 2.124(2) of the T&I SEPP was repealed on 18 August 2023 which removed the exclusion of advertising enabled EV charging units from this provision. Clause 2.124A of SEPP T&I was amended as follows as marked in red:

Section 2.124(2) as of 17 August 2023	Section 2.124(2) to date
<p>2.124A Development permitted with consent—electricity supply authorities and public authorities</p> <p>(1) Development for the purposes of installing an EV charging unit may be carried out by or on behalf of an electricity supply authority or public authority with consent if—</p> <p>(a) the unit does not obstruct the following—</p> <ul style="list-style-type: none"> (i) vehicular, cyclist or pedestrian access to or from, or entry into, a building, (ii) cyclist or pedestrian movement along a cycleway or footpath, and 	<p>2.124A Development permitted with consent—<i>generally</i></p> <p>(1) <i>Development for the purposes of installing an EV charging unit may be carried out with consent if—</i></p> <p>(a) the unit does not obstruct the following—</p> <ul style="list-style-type: none"> (i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,

(ii) cyclist or pedestrian movement along a cycleway or footpath, and	
(b) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant.	(b) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant.
(2) This section does not apply to an advertising-enabled EV charging unit.	(2) <i>(Repealed)</i>

Table 1: Amendments to Clause 2.124A of SEPP T&I (shown in red)

29. The development application was lodged on the 12 October 2023.
30. An external planning consultancy was engaged on 25 June 2024 to undertake the development assessment.
31. Additional information was requested from Council on the 29 August 2024, regarding the following:
- Permissibility in relation to the ambiguity of the interpretation of Clause 2.124A of the State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - Internal referrals in relation to a Memorandum of Understanding between Council, the Traffic Committee and JOLT; and
 - Design considerations relating to parking dimensions, signage and site-specific conditions.
32. Additional information, including amended Architectural Drawings was provided by the Applicant on the 13 September 2024, which addressed the above concerns.

Section 4.15 Evaluation

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

4.15(1) Matters for consideration – general

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

- (a) *the provisions of:*
- (i) *any environmental planning instrument*

34. The relevant environmental planning instruments, proposed instruments, development control plans and planning agreements include the following:
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
 - *State Environmental Planning Policy (Industry and Employment) 2021;*
 - *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
 - *Georges River Local Environmental Plan 2021; and*
 - *Georges River Development Control Plan 2021.*

State Environmental Planning Policy (Transport and Infrastructure) 2021

35. The proposal for an EV charger and advertising ancillary to an existing electricity generating kiosk (advertising enabled EV charging unit) is development permitted with consent pursuant to Clause 2.124A of the T&I SEPP.
36. Former Section 2.124(2) of the T&I SEPP excluded advertising-enabled EV charging units from the provisions of Section 2.124. Subsection (2) was repealed on 18 August 2024.
37. As of 18 August 2023, Advertising-enabled EV charging units are permissible under Section 2.124, as amended (see item 24).
38. This interpretation of the Clause 2.124A amendment which removed the exclusion EV charging units to create a permissible pathway for advertising enabled EV charging units is supported by the Electric Vehicles fact sheet issued by Department of Planning and Environment.
39. The proposal consists of advertising signage which is enabled by the EV charging unit and does not impede vehicular, pedestrian or cyclist movement nor obstruct any access required for fire safety.
40. Land affected or in proximity to electricity transmission or distribution infrastructure (including powerlines) is covered under Division 5 Electricity transmission or distribution networks.

Division 5 Electricity transmission or distribution		
Subdivision 2 Development likely to affect an electricity transmission or distribution network		
Clause 2.48 Determination of development applications – other development		
Standard	Proposal	Compliance
<p>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <p>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</p> <p>(b) development carried out—</p> <p>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</p> <p>(ii) immediately adjacent to an electricity substation, or</p>	<p>Notice was sent to the electricity supply authority, being Ausgrid, with a response received.</p> <p>The matters identified in that response detailed that the development was supported subject to the implementation of conditions.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>

<p>(iii) within 5m of an exposed overhead electricity power line,</p> <p>(c) installation of a swimming pool any part of which is—</p> <p>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</p> <p>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</p> <p>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</p>		
Division 17 Roads and Traffic		
Subdivision 2 Development in or adjacent to road corridors and road reservations		
Clause 2.119 Development with frontage to classified road		
Standard	Proposal	Compliance
<p>(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 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.</p>	<p>The proposed structure is to the south of 293 Belmore Road. The structure is located in the road reserve of Morotai Avenue, Riverwood.</p> <p>The proposed development is not sensitive to traffic noise or vehicle emissions.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>
Subdivision 3 Electric vehicle charging units		
Clause 2.124A Development permitted with consent—generally		
Standard	Proposal	Compliance
<p>(1) Development for the purposes of installing an EV charging unit may be carried out with consent if—</p> <p>(a) the unit does not obstruct the following—</p>	<p>The proposed development does not obstruct vehicular, cyclist or pedestrian access and does not obstruct access to equipment used for fire protection.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>

(i) vehicular, cyclist or pedestrian access to or from, or entry into, a building, (ii) cyclist or pedestrian movement along a cycleway or footpath, and (b) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant.	The development is considered to be consistent standards of Clause 2.214A.	
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State Environmental Planning Policy (Industry and Employment) 2021

41. The application has had due regard to this SEPP, specifically Chapter 3 and Schedule 5. The proposal includes two digital signage panels measuring at 1650mm x 928mm. The proposed signage satisfies the assessment criteria of schedule 5 of the SEPP as considered in the following table.

Consideration	Compliance
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The proposed signage is located in a Local Centre zone.</p> <p>The view from the adjoining residential area towards the proposed site in the local centre contains various signage including illuminated signage from the Anytime Fitness sign. The proposed signage consists of two 928mm x 1650mm signage panels which will be limited in luminosity as per the Australian Standards. The advertising signage will not be a visually intrusive element in the backdrop of the Local Centre Zone.</p> <p>The proposed advertising structures are consistent with the commercial streetscape.</p>
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>Several business identification and other commercially related signage can be found along shopfront facades within the immediate locality. The implementation of the proposed digital signage screens are not deemed to detract from existing themes found within the locality.</p>
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage does not detract from the amenity or visual quality of any of the mentioned aspects.

3 Views and vistas	
Does the proposal obscure or compromise important views?	The proposed signage is integrated into the metal casing over the existing kiosk substation and will not obscure or compromise views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is positioned below the proposed casing which is 2176mm in height. The proposed signage panels will not dominate the skyline or reduce the quality of vistas.
Does the proposal respect the viewing rights of other advertisers?	<p>The proposed advertising screens have a dimension of 1650mm x 928mm and are attached to the proposed casing over an existing electricity kiosk.</p> <p>The signage screens are proposed within the side (east & west) panels which are not taken to obscure the viewing rights of signage contained on the buildings further South behind the substation.</p> <p>One other existing sign is located nearby, being the restaurant awning signage at 293 Belmore Road, Riverwood. This is positioned higher than the kiosk and views to this signage will not be obscured. There is no signage in the immediate vicinity of the proposed location.</p>
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposal is appropriate given the proposal utilises an existing substation within a local centre.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal acts as an opportunity to add visual interest through appropriate third-party advertising, public notices, and identification of the EV charging unit. The proposed EV charging unit effectively screens the existing substation. It is considered that the use of metal materials and integrated signage will result in a positive contribution to the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no existing advertising. The proposal features a modern panelled design, consistent with other JOLT EV charging units. The signage proposed will be made of non-reflective finish, comprised of non-weathering materials, high resolution digital display integrated within the JOLT charging unit. This is not considered to constitute 'clutter.'
Does the proposal screen unsightliness?	The proposed signage screens an existing standard green Ausgrid electricity generation kiosk which currently contains some graffiti. The proposed signage which is required to be maintained from graffiti and damage will add visual interest.

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs are integrated into the proposed casing of the existing Ausgrid substation kiosk and will not protrude above existing nearby buildings.
Does the proposal require ongoing vegetation management?	The proposal does not require any ongoing management of vegetation.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The advertising screens are of a scale with the encasing structure over the substation. The proposal is considered to be compatible within the public domain and the broader local centre locality.
Does the proposal respect important features of the site or building, or both?	The proposal is considered compatible within the public domain and the broader local centre locality noting the utilisation of an existing substation.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The use of advertising to finance free (time limited) electric vehicle charging is innovative and provides a public benefit with the increasing number of electric vehicles being purchased in Australia (Electric Vehicle Council, State of Electric Vehicles – October 2022).
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	<p>The proposed signage and JOLT logo will be integrated into the JOLT EV charging unit. Safety and the method and control of illumination have been considered as part of the design.</p> <p>Multi-layered, laminated cover glass with high transmission and a vandal resistance finish is proposed.</p>
7 Illumination	
Would illumination result in unacceptable glare?	The proposed signage has a non-reflective finish. The level of illumination is conditioned comply with AS4282.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The signage features automatic brightness adjustment to ambient light. The illumination intensity of the signage will not affect the safety of pedestrians, motorists, trains or aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination intensity of the signage is to be compliant with AS 4282 - 2019 – Control of Obtrusive Effects of Outdoor Lighting. It will not detract from the residential amenity noting the existing signage from commercial premises in the wider locality including the Anytime Fitness further east.

Can the intensity of the illumination be adjusted, if necessary?	The screen brightness will be regulated in response to ambient lighting levels and time of day. Lower brightness settings will be used during lower ambient light periods including the night which will manage glare and prevent harm to residential or other amenity.
Is the illumination subject to a curfew?	The illumination is not subject to a curfew.
8 Safety	
Would the proposal reduce the safety for any public road?	<p>The size, shape, location and illumination of the signage does not affect the safety of pedestrians, motorists, aircraft or adjoining residents.</p> <p>The proposed signage is integrated into the JOLT EV charging unit. The proposed signage will not obstruct sightlines, cause unacceptable glare or distraction for drivers and therefore will not reduce road safety.</p>
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not obstruct, interfere with or reduce the safety of movement for pedestrians or bicyclists. The proposed signage ensures an appropriate level of road safety and thereby does not reduce safety for pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed digital signage is integrated into the JOLT EV charging unit which encases an existing Ausgrid electricity generating kiosk. As such, it will not obstruct sightlines from public areas by virtue of not substantially adding to the existing Ausgrid kiosk substation envelope.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

42. The proposal, being an EV charger and advertising ancillary to an existing electricity generating kiosk only, is considered satisfactory and does not compromise the criterion of the Biodiversity and Conservation SEPP, specifically *Chapter 2 Vegetation in non-rural area* and *Chapter 6 Water Catchments*. No tree is proposed to be removed as part of this application, and no earthwork is required for this proposal.

Georges River Local Environmental Plan 2021

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

Part 1 – Preliminary		
Clause 1.2 – Aims of the Plan		
Standard	Proposal	Compliance
In accordance with Clause 1.2 (2)	The development is considered to be consistent with the aims of the plan.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Part 2 – Permitted or prohibited development		
Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
<p>The subject site is zoned E1 – Local Centre</p> <p>The objectives of the zone are:</p> <ul style="list-style-type: none"> To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. To encourage investment in local commercial development that generates employment opportunities and economic growth. To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. To maximise public transport patronage and encourage walking and cycling. To encourage development that is compatible with the centre's position on the centres hierarchy. 	<p>The development for the purposes of advertising-enabled EV charging is not prohibited in the Georges River Local Environmental Plan 2021.</p> <p>The proposal is generally consistent with the zone objectives as the development:</p> <ul style="list-style-type: none"> Is publicly accessible and serves the needs of people who live in, work in or visit the area. The EV charger is an investment in local commercial development as it will attract EV users and thereby promote increased foot traffic as users visit the local centre businesses while their vehicle is charging. The proposed development will not hinder residential development nor non-residential land uses on the ground floor of buildings. The proposal does not encourage public or active transport usage. However, the proposal encourages the uptake of electric vehicles. Further, the proposed development does not dissuade public transport patronage, walking or cycling. The proposed EV charger and advertising is compatible with the local centre's position on the centre's hierarchy. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Part 4 – Principal Development Standards		

Clause 4.3 – Height of Buildings		
Standard	Proposal	Compliance
The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Maximum height is 28m as identified on Height of Buildings Map	The proposed EV charger, casing and signage has a maximum height of 2.176m.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Georges River Development Control Plan 2021

44. The extent to which the proposed development complies with the relevant provisions of the Georges River Development Control Plan 2021 (GRDCP 2021) is detailed and discussed in the table below.

Part 3 – General Planning Considerations

Part 3.18 Advertising and Signage		
Requirement	Proposal	Comply
1. Signs should be designed and located to:		
i. Relate to the use of the	<p>The proposal includes third-party signage and business identification signage. Given the nature of the works and offering (i.e. EV charging unit for public use, the proposal is appropriate for the locality).</p> <p>The proposed third-party signage is related to the use of the structure as it provides for the continued funding required to deliver the JOLT EV charging unit.</p>	Yes
ii. Be consistent with best practice guidelines.	The proposed signage is generally consistent with the Infrastructure and Employment SEPP and has been designed in accordance with the Guidelines.	Yes
iii. Be integrated with the architecture of the supporting building, not obscure significant architectural features and maintain the dominance of the architecture.	The proposed signage is integrated into the JOLT EV charging unit which is over an existing substation.	Yes
iv. Be limited in number to avoid cluttering, distraction	Two digital signs are proposed to avoid clutter. Noting the signs will	Yes

and unnecessary repetition.	incorporate a minimum dwell time of 10 seconds each, no unacceptable distraction is considered to arise.	
v. Not cover mechanical ventilation inlets or outlets.	The proposed signage does not cover mechanical ventilation inlets or outlets. The Ausgrid kiosk will continue to be accessible.	N/A
vi. Not comprise a roof sign.	A roof sign is not proposed.	N/A
vii. Not comprise an above awning sign.	An awning sign is not proposed.	N/A
viii. Not comprise a flag pole sign.	A flag pole sign is not proposed.	N/A
ix. Not compromise road or pedestrian safety including cyclists.	The proposal does not compromise the road or pedestrian safety and will be integrated within and not project from the EV charging station.	Yes
x. Be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall.	The proposed signage is flush with the wall of the EV charger.	Yes
xi. Be at least 600mm from a kerb or roadway edge where the sign is over a public road.	The closest edge of the proposed signage is 789mm from the public road.	Yes
2. Signs must be securely fastened to the structure or building to which they are attached and must comply with the applicable requirements of the BCA and relevant Australian Standards.	The proposed signage is incorporated into the structure of the JOLT EV charging unit. Recommended conditions ensures the proposal complies with the applicable requirements of the BCA and relevant Australian Standards.	Yes
3. In addition to the above, illumination of signage should: i. Be integrated with the design of the sign.	The illuminated signage is integrated within the casing of the JOLT EV charging unit.	Yes
ii. Not cause light spillage into nearby residential properties.	The proposed signage is not expected to cause light spillage into nearby residential properties and is controlled by standard conditions of consent.	Yes
iii. Not use complex displays, moving signs, flashing lights or the like that hold driver's attention beyond 'glance appreciation'.	The proposed signage will comprise transitional static images, each displaying a minimum of 10 seconds per image to not distract drivers.	Yes
iv. Be fitted with an automatic timing device, controlling the illumination	An automated timing device is incorporated into the proposed signage which controls the	Yes

hours.	illumination hours. Illumination is also controlled by ambient lighting levels to respond to lower ambient light periods such as overcast weather.	
4. In residential zones, signage should not be illuminated.	The signage is not located within a residential zone.	N/A
5. All commercial advertising should comply with SEPP No.64-Advertising and Signage.	An assessment against the Industry and Employment SEPP 2021 (formerly SEPP No.64-Advertising and Signage) is provided above under item 26.	Yes
Business identification signs should:		
i. Identify the significant owners, tenants and uses of buildings.	The business identification signage contains the "JOLT" name and logo.	Yes
ii. Be displayed in English, but may include a translation in another language not larger than the English message.	Signage is to be displayed primarily in English.	Yes
iii. Consolidate signs for multiple tenancies.	N/A	Yes
iv. Not incorporate advertising of products and services that are not directly related to the approved use of the premises.	N/A	Yes
v. Comply with the general controls and the relevant prescriptive measures in Table 7.		Yes
Table 7 Flush wall - Must comply with all of the following controls, otherwise prohibited		
a. Only one sign per building elevation;	The structure has one "JOLT" logo per elevation.	Yes
b. Must not have an area greater than: iii. 20% of the elevation for elevations of <100m2.	The business identification signage comprises less than 20% of each elevation.	Yes
c. Must not project above or beyond the wall to which it is attached;	The signage does not project beyond the wall of the charging unit it is attached to.	Yes
d. Must not extend over a window or other opening, or architectural feature;	No windows or architectural features existing on the structure.	Yes
e. Must not be located on a building wall if there is an existing building or business identification sign on the	The Ausgrid Kiosk will be encased by the EV charging unit. No existing signage will be visible.	Yes

building elevation.		
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The Likely Impacts of the Development

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

Likely Impacts of the Development	
Natural Environment	The development is located within an established commercial area, over a paved area, containing an existing substation. Accordingly, no adverse impact on the natural environment is considered to arise.
Built Environment	<p>The built form of the proposed development is of a bulk and scale that is appropriate with its setting, over an existing Ausgrid electricity kiosk and consistent with the commercial character of the local centre.</p> <p>The EV charging unit is located adjacent to existing time restricted kerbside parking. The associated parking required for the EV charging units will result in the removal of one 1-hour time limited parking space, to be replaced by a 1-hour time limited parking space that will be further restricted to electrical vehicles only. Overall, the number of parking spaces on the street remain unchanged and the proposal will have a negligible impact on available the street parking in the area.</p> <p>The view from the adjoining residential zone towards the proposed site is illuminated signage from existing commercial premises including the Anytime Fitness which are located in the adjoining Local Centre Zone. The proposed advertising structures are consistent with the character within the semi-commercial streetscape.</p> <p>The proposed signage is further subject to conditions which require compliance with illumination standards as set out in the State Environmental Planning Policy (Industry and Employment) 2021.</p>
Social Impact	The proposal will have a positive social impact on the locality as the EV chargers will encourage the uptake of electric vehicles in line with the NSW Electric Vehicle Strategy, Georges River Car Parking and Transport Strategies.
Economic Impact	The proposal is considered to result in a positive economic benefit to the local centre as it will facilitate increased foot traffic to local business as EV users are encouraged to stop and visit the local centre premises while their vehicle is charging.

Site Suitability

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

46. The site is zoned E1 – Local Centre. The proposal will have no unacceptable adverse impacts on the adjoining properties and the streetscape in its current form.

Submissions

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

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

The Public Interest.

Section 4.15 (e) the public interest.

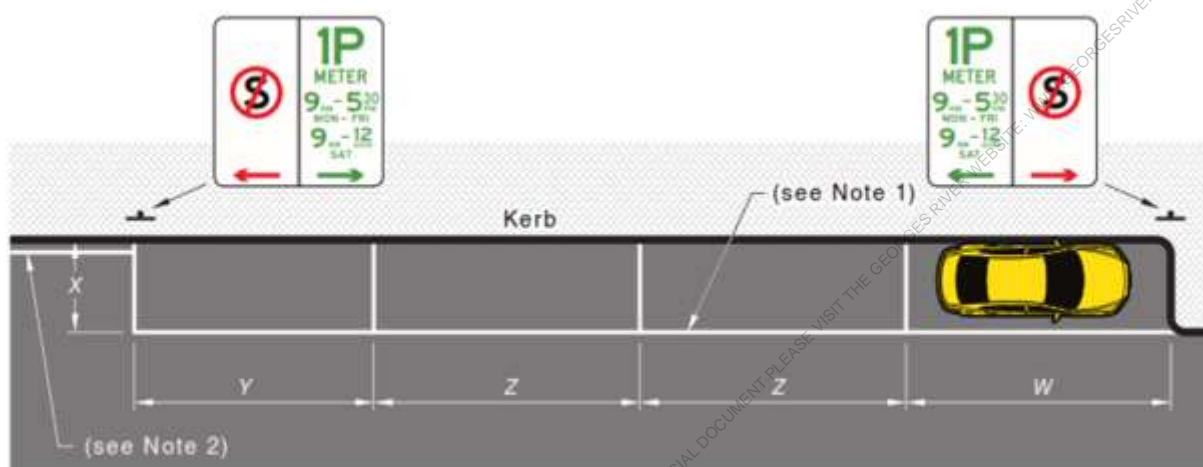
48. The proposed development is considered to address the growing need for electric vehicle charging infrastructure within the Georges River Local Government Area. In this regard, noting there were no submissions against the proposed development, the proposal is considered to be in the public interest.

Referrals

External Referrals		
Referral Body	Comment	Outcome
Ausgrid under Section 2.48 of SEPP (Transport and Infrastructure) 2021	Ausgrid consents to the development subject to conditions.	Ausgrid conditions included in the consent.
Internal Referrals		
Referral Body	Comment	Outcome
Council Land Works	No objection raised.	No further action required.
Land Information	DA does not require property numbering.	No further action required.
Assets and Infrastructure / Traffic and Transport	<p>Relevant comments from Council's Officer regarding the amended plans are reproduced below:</p> <p>'The parking spaces are all shown as 5.4m which allows 4 parking spots with the existing signage. Please see extract from AS2890.5 – On Street Parking. The spaces on either ends "Y" are 5.4m which is correct. However, the two spots in between, spaces "Z" should be a minimum of 6.0m.'</p>	<p>The proposal is supported subject to conditions relating to:</p> <ul style="list-style-type: none"> - Parking space dimensions to be provided in accordance with AS2890.5 to minimising the loss of on-street parking via amended plans. Such plans are to be submitted to the Georges River Local Traffic Committee for approval prior to the charging unit being installed. - A memorandum of understanding between the applicant and Council prior to construction commencement

For reference, an extract of AS2890.5 is provided in Figure 4.

In addition, Council officers requested the preparation of a memorandum of understanding to be prepared between the applicant and Council.



Key

- X = width of space including safety buffer
- Y = length of end space where vehicles may enter or leave the space directly — 5.4 m min
- Z = length of intermediate space — 6.0 m to 6.7 m, depending on parking turn over and traffic volume (see Note 3)
- W = length of end space which is obstructed at one end by a kerb or barrier — 6.3 m or length Z of adjacent space, whichever is the greater

NOTE 1 Space markings may be broken or unbroken. Unbroken longitudinal space markings can assist in the guidance of traffic past parking spaces.

NOTE 2 "No Stopping" restrictions may be supplemented by a yellow line 80 mm to 100 mm wide, close to the kerb.

NOTE 3 Where parking turnover is high and vehicles reversing into parking spaces cannot be readily tolerated, increased space lengths, up to 8 m, should be considered.

NOTE 4 For accessible parallel parking, see [Clause 4.5](#).

Figure 4: Extract of AS2890.5

Contributions

49. The development is not subject to Section 7.11/7.12 Contributions as the estimated cost of works is less than \$100,000.00 and the proposed EV charging station does not generate a net increase in number of workers, visitors or residents.

Conclusion

50. The proposal has been assessed with regard to the matters for consideration listed in Section 4.15 of EP&A Act. The proposal is considered to be an appropriate response to the context of the site and will result in a reasonable planning outcome, subject to the recommended conditions of consent.

51. The proposal has been assessed against the provisions of the relevant State Environmental Planning Policies, *Georges River Local Environmental Plan 2021* and *Georges River Development Control Plan 2021* and complies with the development standards of the Local Environmental Plan and meets the underlying objectives of Development Control Plan. The application is worthy of support subject to the recommended conditions of consent.

Determination

52. Pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, seeks that the Georges River Local Planning Panel grant approval to DA2023/0418 for the installation of an advertising enabled EV charging unit, over an existing Ausgrid kiosk substation situated within the road reserve adjacent to 293 Belmore Road, Riverwood, subject to the conditions referenced below.

Statement of Reasons

53. The reasons for this recommendation are that:
- The proposed development forms a permissible use, being an advertising enabled EV charging unit, within the E1 Local Centre zone within the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the State Environmental Planning Policy (Industry and Employment) 2021.
 - The signage component of the proposal complies with the assessment criteria for signage within the State Environmental Planning Policy (Industry and Employment) 2021.
 - The proposal is not a Council-related development application as defined in 9B(2) (b) of the Environmental Planning and Assessment Act 1979.
 - The proposal is suitable for the subject site and is consistent with the provisions of the *Georges River Local Environmental Plan 2021*.
 - The proposal complies with the relevant development controls of Georges River Development Control Plan 2021.
 - The proposed development provides a suitable EV charging facilities on an existing Ausgrid owned substation which addresses applicable planning controls.
 - The development will not create adverse impacts on the locality and will remain compatible with the existing area.
 - The proposed development incorporates sufficient conditions to safeguard parking amenity.
 - The development will provide a use that accommodates the needs of the existing and future residents, workers, and visitors of Georges River.
 - The development is considered to be in the public interest.

Conditions

Development Details

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

Architectural Drawings

Description	Reference No.	Date	Revision	Prepared by
Location Plan	Site No 10970	10/09/2024	C	JOLT CHARGE PTY LTD
Surrounding Features	Site No 10970	10/09/2024	C	JOLT CHARGE PTY LTD
EV Charger Dimensions	Site No 10970	10/09/2024	C	JOLT CHARGE PTY LTD
Parking Layout	Site No 10970	10/09/2024	C	JOLT CHARGE PTY LTD
DDW_JOLT_GRILL	Sheet 1 of 1	8/2/2023	1.0	JOLT CHARGE PTY LTD

Other Documents

Description	Reference No.	Date	Revision	Prepared by
Statement of Environmental Effects	-	September 2023	1	Mecone
Maintenance Plan of Management	-	Not dated.	1	JOLT CHARGE PTY LTD
Ausgrid concurrence letter	-	18/03/2024	2	Ausgrid

2. **Duration of Consent** - The duration of this consent is limited to a period of fifteen (15) years in accordance with the provisions of clause 14(1)(a) of the *State Environmental Planning Policy (Industry and Employment) 2021*. In this regard the signage shall be removed on or before that date or new development consent obtained.
3. **EV Charging Station** – The proposed signage shall only be installed and operate in conjunction with the electrical vehicle charging station as approved under this consent.
4. **External Flammability**
 - A. Design
The materials of the structure, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). This includes the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels.
 - B. Before Construction
Details of compliance with “A” above must form part of the application for a Construction Certificate.
 - C. Before Occupation

Prior to the occupation of the development, or the issue of any Occupation Certificate, certification, including an appropriate level of detail to demonstrate compliance with the NCC as built, must be provided to the PC by an appropriately accredited professional that external finishes of the building complies with "A" above.

Requirements of Concurrence, Integrated & Other Government Authorities

5. **Ausgrid Underground Cables are in the vicinity of the development.**

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

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

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

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

The following points should also be taken into consideration.

- Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances".

This document can be found by visiting the following Ausgrid website:
www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;

- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g., Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways

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

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

Prior to the Issue of a Construction Certificate

7. **Design Changes Required** – The following changes are required to be made and shown on the Construction Certificate plans:

- a) All dimensions of parking spaces are to be annotated in accordance with Australian standards to clearly identify the following to minimise the loss of on-street parking:
 - The placement of line marking; and
 - Distance between the EV spot and the existing ‘no parking’ sign.
- b) The two intermediate parking spaces (i.e. Z spaces) to the south of 293 Belmore Road are to be a minimum of 6.0m in length in accordance with AS2890.5 – On Street Parking.

The amended plans are to include a scale bar and annotated dimensions and be submitted to the Georges River Local Traffic Committee for approval.

8. **Memorandum of Understanding**

Prior to the commencement, JOLT and Council must agree to a commercial agreement via a memorandum of understanding (MOU) relating to the operation of the EV charging station and use of the on-street parking bay. The MOU is to include the following:

- Conditions including the lease term, charging locations, and associated plans.
- That construction, installation and on-going maintenance of all infrastructure, including any signage and line marking, are to be paid for by the applicant at no cost to Council.

The MOU must be signed and agreed by both parties prior to construction commencement.

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Builders Damage Deposit	\$3750.00
Inspection Fee for Refund of Damage Deposit	\$210.00
DEVELOPMENT CONTRIBUTIONS	
Georges River Council Local Infrastructure Contributions Plan 2021 (S7.11 and S7.12)	\$0

General Fees

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

- 10. Damage Deposit** - In order to insure against damage to Council property the following is required:
- Pay Council, prior to the commencement of work, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$3,750.00.
 - Pay Council, prior to the commencement of work a non-refundable inspection fee to enable assessment of any damage and repairs where required: \$210.00.
 - Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise, the amount will be either forfeited or partly refunded according to the amount of damage.

Prior to the Commencement of Work

- 11. Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Certifying Authority (CA) and Council for their records.
- 12. Registered Surveyors Report - During Development Work** - A report must be submitted to the PCA at each of the following applicable stages of construction:
- Set out before commencing installation.
 - Completion of all Work - Detailing the location of the structure relative to adjacent boundaries and its height relative to the datum shown on the approved plans.
- 13. Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.

During Construction

14. **Site sign – Soil and Erosion Control measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
15. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties
16. **Hours of construction for demolition and building work** - Unless authorised by Council:
 - a. Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
 - b. Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed outside these hours.
17. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

Prior to the issue of the Occupation Certificate

18. **Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the PC appointed for the building work can issue the Occupation Certificate.

Operational Conditions (On-Going)

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

- 20. Outdoor Lighting** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare and must comply with AS 4282-2019: Control of the obtrusive effects of outdoor lighting.

The signage operator must ensure that the average luminance difference between successive images does not exceed 30% to ensure compliance with AS4282. The dwell time shall be 10 seconds or greater.

- 21. Content of LED screen sign** – The images displayed must not contain:
- (a) Flashing or flickering lights or content;
 - (b) Animated displays, moving parts or simulated movement;
 - (c) Complex displays that hold a driver's attention beyond 'glance appreciation';
 - (d) Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt';
 - (e) A method of illumination that distracts or dazzles;
 - (f) Dominant use of colours red or green.

The content of the LED screen sign must comply with the below:

- (g) Dwell times between displays shall be no shorter than 10 seconds
 - (h) Transition time between messages shall be no longer than 0.1 seconds.
 - (i) Sign is not to have any associated audio speaker and is not permitted to generate any sound;
 - (j) Signage must not be liable to interpretation as an official traffic sign or to be confused with instructions given by traffic signals or other devices;
 - (k) The wording and content of the advertising sign must not contain undesirable discriminatory advertising messages as specified in the Anti-Discrimination Act 1977.
- 22. Illumination intensity of signage** – The signage shall be equipped with a sensor / program to measure the ambient light levels of the surrounding environment and adjust the sign luminance levels in accordance with relevant Australian Standards.
- 23. Electrical wiring** - Electrical wiring to all signs is to be concealed.
- 24. Use of the site** – The use of the site is to be undertaken in accordance with the approved Memorandum of understanding (MOU) and relevant conditions of consent.

Operational Requirements under the Environmental Planning and Assessment Act 1979

- 25. Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
- 26. Appointment of a Principal Certifier (PC)** - The erection of a building must not commence until the applicant has:
- (a) appointed a PC for the building work; and
 - (b) if relevant, advised the PC that the work will be undertaken as an Owner -Builder.
- If the work is not going to be undertaken by an Owner - Builder, the applicant must:
- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

- (b) notify the PC of the details of any such appointment; and
- (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

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

- 27. Notification Requirements of PC** - No later than two days before the building work commences, the PC must notify:
- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
- 28. Notice of Commencement** - The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building. A Notice of Commencement Form is attached for your convenience.
- 29. Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 68 of the Environmental Planning and Assessment Regulation (Development and Fire Safety) Regulation 2021.
- 30. Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

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

END CONDITIONS

NOTES/ ADVICES

- 31.** Compliance with the Environmental Planning and Assessment Act 1979 – The requirements and provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021 and the Environmental Planning and Assessment (Development Certification and Fire Safety Regulation) 2021, must be complied with at all times.
- 32.** Compliance with Development Consent – Please note that the development and all building work must be carried out fully in accordance with the development consent and conditions of consent.

Council may serve an Order requiring the demolition/removal of unauthorised building work or to require full compliance with Council's development consent.

- 33.** 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.
- 34.** 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.
- 35.** Lapsing of Consent - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.
- 36.** Access to NSW Legislations (Acts, Regulations and Planning Instruments) - NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au
- 37.** Electricity Supply - This development will need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.
- 38.** Council as PC - Deemed to Satisfy Provisions of BCA - Should the Council be appointed as the PC in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
- 39.** Disability Discrimination Act - This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

40. Noise - Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

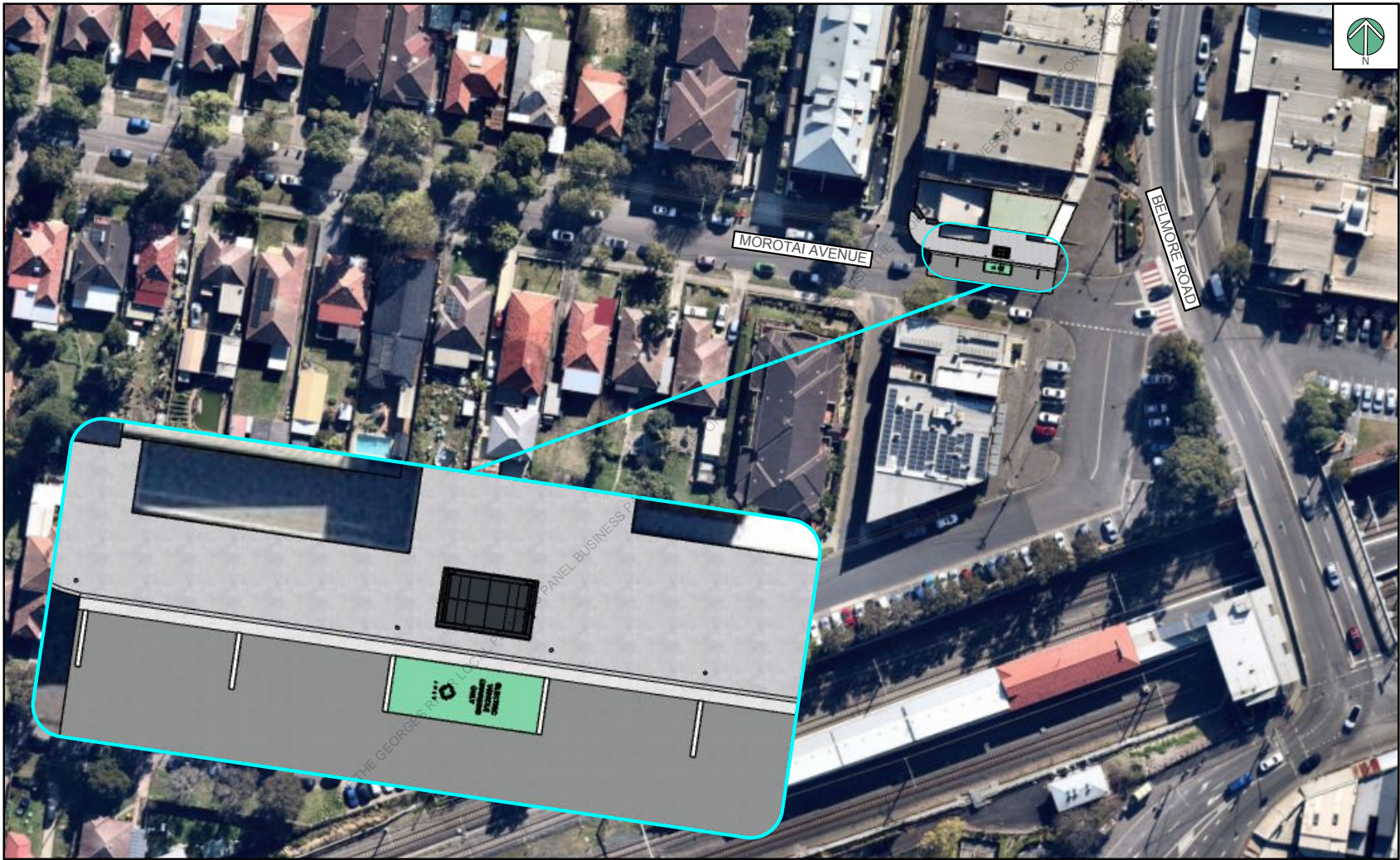
- a) Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).


ATTACHMENTS

Attachment [1](#) Architectural Plans and Specifications




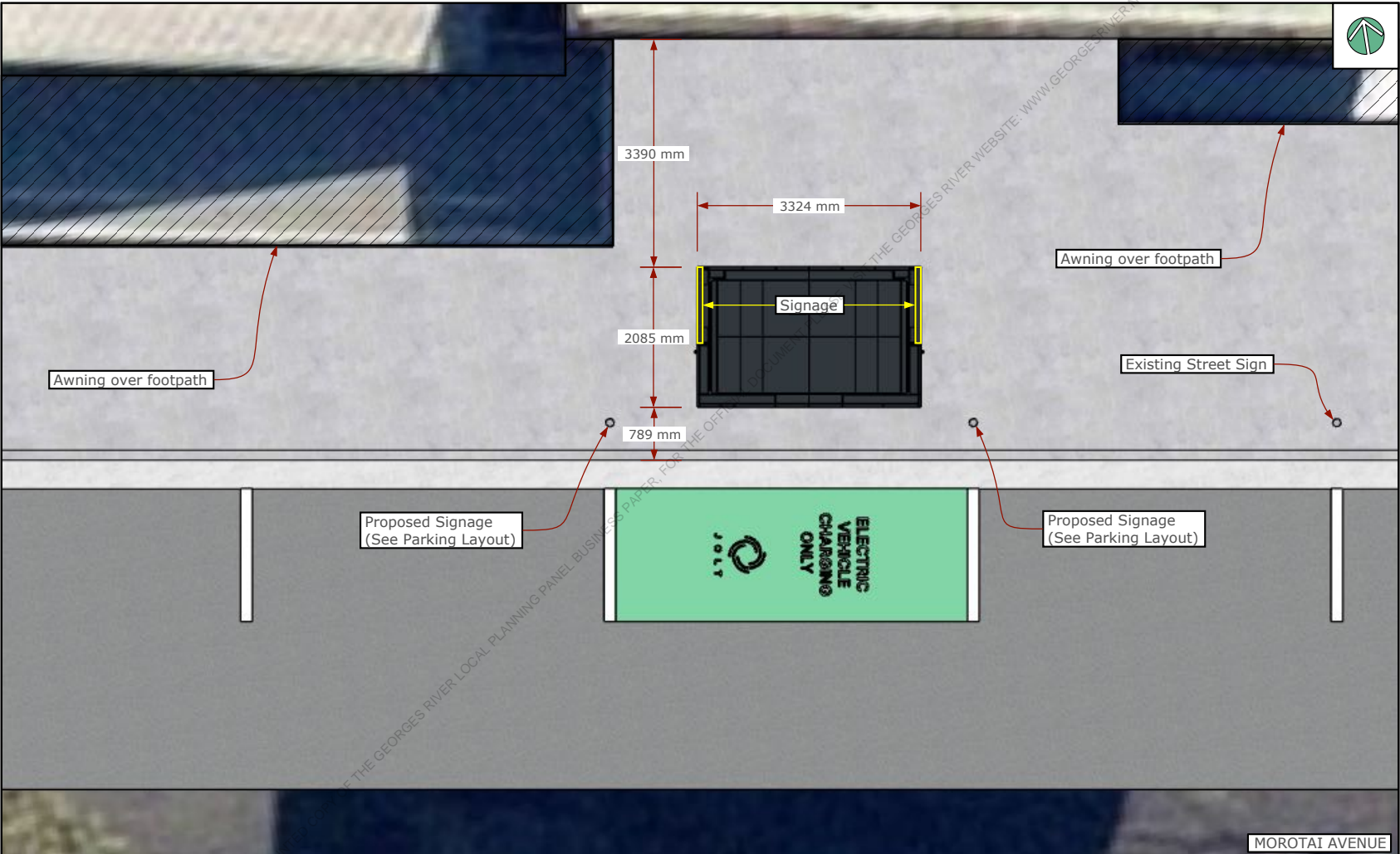
THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU




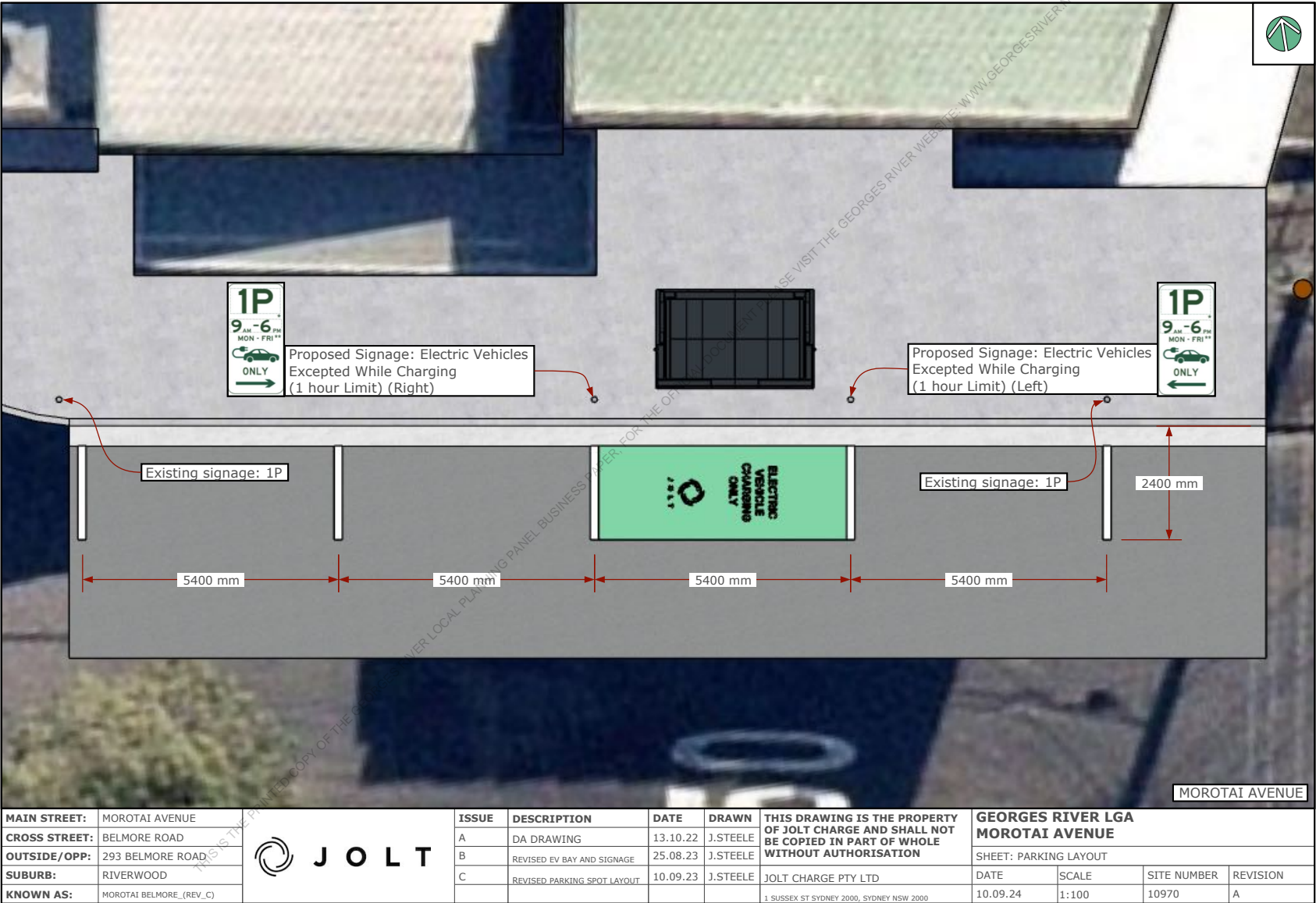
MAIN STREET:	MOROTAI AVENUE		ISSUE	DESCRIPTION	DATE	DRAWN	THIS DRAWING IS THE PROPERTY OF JOLT CHARGE AND SHALL NOT BE COPIED IN PART OF WHOLE WITHOUT AUTHORISATION	GEORGES RIVER LGA MOROTAI AVENUE			
CROSS STREET:	BELMORE ROAD		A	DA DRAWING	13.10.22	J.STEELE		SHEET: LOCATION			
OUTSIDE/OPP:	293 BELMORE ROAD		B	REVISED EV BAY AND SIGNAGE	25.08.23	J.STEELE		DATE	SCALE	SITE NUMBER	REVISION
SUBURB:	RIVERWOOD		C	REVISED PARKING SPOT LAYOUT	10.09.23	J.STEELE		10.09.24	NA	10970	A
KNOWN AS:	MOROTAI BELMORE_(REV_C)							JOLT CHARGE PTY LTD 1 SUSSEX ST SYDNEY 2000, SYDNEY NSW 2000			



MAIN STREET:	MOROTAI AVENUE		ISSUE	DESCRIPTION	DATE	DRAWN	THIS DRAWING IS THE PROPERTY OF JOLT CHARGE AND SHALL NOT BE COPIED IN PART OF WHOLE WITHOUT AUTHORISATION	GEORGES RIVER LGA MOROTAI AVENUE			
CROSS STREET:	BELMORE ROAD		A	DA DRAWING	13.10.22	J.STEELE		SHEET: SURROUNDING FEATURES			
OUTSIDE/OPP:	293 BELMORE ROAD		B	REVISED EV BAY AND SIGNAGE	25.08.23	J.STEELE		DATE	SCALE	SITE NUMBER	REVISION
SUBURB:	RIVERWOOD		C	REVISED PARKING SPOT LAYOUT	10.09.23	J.STEELE	JOLT CHARGE PTY LTD	10.09.24	1:200	10970	A
KNOWN AS:	MOROTAI BELMORE_(REV_C)						1 SUSSEX ST SYDNEY 2000, SYDNEY NSW 2000				



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CROSS STREET:	BELMORE ROAD		A	DA DRAWING	13.10.22	J.STEELE		SHEET: EV CHARGER DIMENSIONS			
OUTSIDE/OPP:	293 BELMORE ROAD		B	REVISED EV BAY AND SIGNAGE	25.08.23	J.STEELE		DATE	SCALE	SITE NUMBER	REVISION
SUBURB:	RIVERWOOD		C	REVISED PARKING SPOT LAYOUT	10.09.23	J.STEELE		10.09.24	1:75	10970	A
KNOWN AS:	MOROTAI BELMORE_(REV_C)							1 SUSSEX ST SYDNEY 2000, SYDNEY NSW 2000			



REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 DECEMBER 2024

LPP055-24 NO. 3 LILY STREET, HURSTVILLE AND WITHIN THE ROAD RESERVE OF ROBERTS LANE

LPP055-24

LPP Report No	LPP055-24	Development Application No	DA2023/0419
Site Address & Ward Locality	No. 3 Lily Street, Hurstville and within the road reserve of Roberts Lane Kogarah Bay Ward		
Proposed Development	The installation of a Jolt EV charging station (advertising enabled EV charging unit), over an existing Ausgrid kiosk substation situated at 3 Lily Street, Hurstville and within the adjacent road reserve of Roberts Lane.		
Owners	Georges River Council (Road Reserve), Ausgrid (Electricity substation) and Alpha Distribution Ministerial Holding Corporation		
Applicant	Mecone Group Pty Ltd (on behalf of Jolt Charge Pty Limited)		
Planner/Architect	Planner: Mecone Group Pty Ltd Architect: JOLT CHARGE PTY LTD		
Date Of Lodgement	12/10/2023		
Submissions	Nil		
Cost of Works	\$54,500		
Local Planning Panel Criteria	<p><i>Ministerial Direction 6 March 2024. – Schedule 1 Development for which the applicant or land owner is: (a) the council. The location of proposed works falls on Council Land (Road Reserve). In relation to the Ministerial Directions and the Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 this development is not considered to be a ‘council related development application’ as defined by the Environmental Planning and Assessment Act 1979. This is defined within Schedule 1 Community participation requirements, 9B Council-related development applications (2) (b) for development on land, other than a public road within the meaning of the Local Government Act 1993 - (i) of which the council is an owner, a lessee or a licensee, or (ii) otherwise vested in or under the control of the council.</i></p>		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 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	Statement of Environmental Effects, Architectural Plans and Specifications, Maintenance Plan of Management, Ausgrid Letter of Concurrence, Cost Summary Report and RFI Response Letter
Report prepared by	Coordinator Development Assessment

RECOMMENDATION	Approval, subject to conditions
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, can be reviewed when the report is published.

SITE PLAN

Figure 1: Aerial image of the subject site (red arrow) and the surrounding properties.

LPP055-24

EXECUTIVE SUMMARY PROPOSAL

1. The development application seeks approval for the installation of a split system Jolt electric vehicle (EV) charging station (advertising enabled EV charging unit), at an existing Ausgrid kiosk substation situated at 3 Lily Street, Hurstville and within the adjacent road reserve of Roberts Lane. Specifically, the proposal involves:
 - a. A metal casing over the existing Ausgrid kiosk substation with EV charging and integrated third party and business signage.
 - b. The third-party advertising signage component comprises two (2) digital LED signs, each measuring 928mm x 1650mm. The substation is sited 4.4m from the kerb.
 - c. Business identification signage containing the word “JOLT” and company logo spanning approximately 440-600mm in width is integrated into the EV charging unit. The white business identification logo is located on each elevation of the EV charging unit which encases the Ausgrid substation and the front and rear elevation of the podium EV charger.
 - d. The EV charging podium (439mm x 742mm) with a height of 1593mm is to be installed adjacent to the EV parking space and contains 2 x business identification signs measuring 450mm x 110mm.
 - e. Removal of portion of asphalt footpath between crossover and bollards to be replaced with new concrete footpath and bollards.

The designation of the car park for exclusive EV vehicle use, and associated line marking, and road signage is subject to separate Georges River Local Traffic Committee approval prior to the charging station being installed and the public road being modified to support the charging station.

SITE AND LOCALITY

2. The site accommodates an existing Ausgrid electrical kiosk of a dark green colour which is visible from the surrounding streets and footpath.

3. The proposed Jolt charging station is to be installed over the existing Ausgrid kiosk substation within the site adjacent to the road reserve, along Roberts Lane, which is west of Lily Street.
4. The site is located directly north of the Allawah train station.
5. Low rise detached residential dwellings are located to the north and east of the site on the opposite side of Lily Street and Roberts Lane.
6. The existing substation site has a driveway crossover from Roberts Lane to the adjoining electricity generating works building.
7. The existing substation site is setback from the Council footpath on a small triangular gravelled allotment.
8. The adjoining footpath connects to the Allawah Train Station entrance.
9. Roberts Lane, immediately adjoining the proposed EV charger location has unrestricted kerb-side parking.

ZONING AND PERMISSIBILITY

10. The site is located in two zones being SP2 Electricity generating works– Infrastructure zone and R2 Low Density Residential zone pursuant to the *Georges River Local Environmental Plan 2021* ('GRLEP 2021'). The advertising signage component is located on in the SP2 Electricity generating works zone. The R2 Low Density Residential zone contains the split ancillary charger stand. This component contains minor building identification signage. The proposed development is permissible with consent under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP) as discussed under Item 29 of this report. The proposed development is generally consistent with the *GRLEP2021* and the *Georges River Development Control Plan 2021* ('GRDCP 2021').

SUBMISSIONS

11. The proposal was notified between 12 September 2023 to 13 October 2023 in accordance with the provisions of Council's Notification Policy. No submissions were received within this time period.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

12. The application is referred to the Georges River Local Planning Panel for determination under the Ministerial Direction 6 March 2024. – Schedule 1 Development for which the applicant or land owner is: (a) the council.
13. The location of proposed works falls on Council Land (Road Reserve) and land to which council has care and control. In relation to the Ministerial Directions and the Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 this development is not considered to be a 'council related development application' as defined by the Environmental Planning and Assessment Act 1979. This is defined within Schedule 1 Community participation requirements, 9B Council-related development applications (2) (b) for development on land, other than a public road within the meaning of the Local Government Act 1993 - (i) of which the council is an owner, a lessee or a licensee, or (ii) otherwise vested in or under the control of the council.

CONCLUSION

14. The development application can be supported subject to recommended conditions of consent for the following reasons:
- The proposed development forms a permissible use, being an advertising enabled EV charging unit, within the SP2 Electricity generating works – Infrastructure zone and R2 Low Density Residential zone in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the State Environmental Planning Policy (Industry and Employment) 2021.
 - The signage component of the proposal complies with the assessment criteria for signage within the State Environmental Planning Policy (Industry and Employment) 2021.
 - The proposal is not a Council-related development application as defined in 9B(2) (b) of the Environmental Planning and Assessment Act 1979.
 - The proposal is suitable for the subject site as it is consistent with the provisions of the *Georges River Local Environmental Plan 2021*.
 - The proposal complies with the relevant controls of Georges River Development Control Plan 2021.
 - The development will not create adverse impacts on the locality and will remain compatible with the existing area.
 - The proposed development incorporates sufficient measures to safeguard parking amenity.
 - The development will provide a use that accommodates the needs of the existing and future residents, workers, and visitors of Georges River.
 - For the reasons given above, approval of the application is in the public interest.

REPORT IN FULL

PROPOSAL

15. The development application seeks approval for the installation of a Jolt EV charging station (advertising enabled EV charging unit), over an existing Ausgrid kiosk substation situated at 3 Lily Street, and within the adjacent road reserve on Roberts Lane, Hurstville. Specifically, the proposed application involves:
- A metal casing over the existing Ausgrid kiosk substation with EV charging and integrated third party and business signage.
 - Split system charger adjoining Roberts Lane.
 - A portion of asphalt footpath between the crossover and bollards is to be replaced with new concrete footpath and bollards.
 - The third-party advertising signage component comprises two (2) LED signs, facing north and west along Roberts Lane and Lily Street, each measuring 928mm x 1650mm.
 - The LED advertising signage has a minimum dwell time of 10 seconds per image.
 - Business identification signage containing the word “JOLT” and company logo spanning approximately 600mm in width is integrated into the EV charging unit. The white business identification logo is located on each elevation of the EV charging unit which encases the Ausgrid substation and the front and rear elevation of the podium EV charger.
 - The EV charging podium (439mm x 742mm) with a height of 1593mm is to be installed adjacent to the EV parking space and contains 2 x business identification signs measuring 450mm x 110mm.
 - Removal of a portion of the asphalt footpath between the crossover and the bollards is to be replaced with a new concrete footpath and bollards.

The designation of the car park for exclusive EV vehicle use, and associated line marking, and road signage is subject to separate Georges River Local Traffic Committee approval prior to the charging station being installed and the public road being modified to support the charging station.

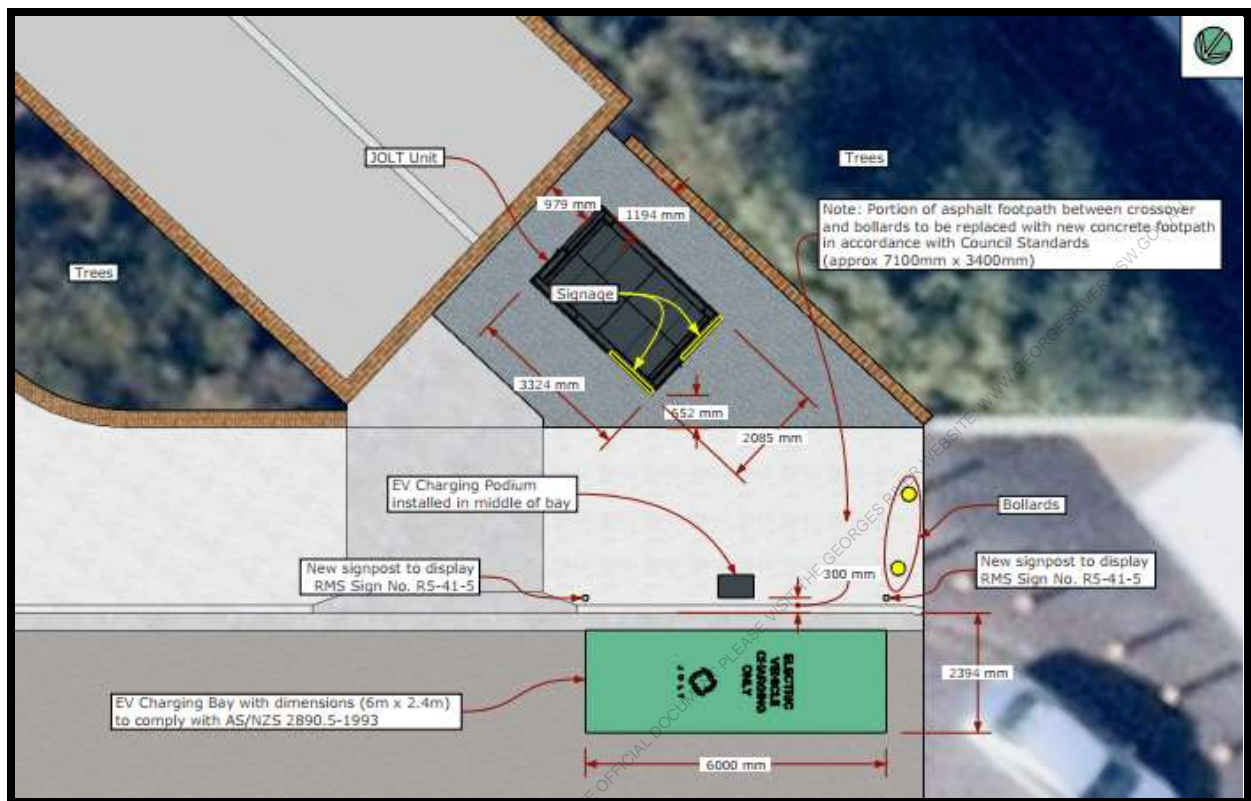


Figure 2: Proposed EV charger and podium location and dimensions





Figure 3: Proposed advertising enabled EV charging unit – split system

16. The luminance levels of the signage will be monitored via electronic location based screen optimisation through programmes known as 'GeoVu' and 'WeatherVu' which utilise the following:
 - GPS location and weather data algorithm used to modify luminance parameters.
 - Historical and real-time data to modify decision parameters (i.e. weather, time, sun angle etc).
17. The use of 4G connectivity enables the signage to be monitored remotely.
18. The proposed digital signage panels have a number of purposes including:
 - Visual identification of the EV charging unit for users.
 - Provision of public information and emergency messaging on behalf of Ausgrid.
 - Funding to deliver the EV charging service to the public.

THE SITE AND LOCALITY

19. The site accommodates an existing Ausgrid electrical kiosk of a dark green colour which is visible from the streets and surrounding footpath.
20. The proposed Jolt charging station is to be installed over the existing Ausgrid kiosk within the road reserve, along Roberts Lane, which is west of Lily Street. Noting the setback to the street (i.e. 4.4m), the proposal incorporates a separate EV charging podium (439mm x 742mm) which is sited 300mm from the kerb.
21. The site is located directly north of the Allawah train station.
22. Low rise detached residential dwellings are located to the north and east of the site on the opposite side of Lily Street and Roberts Lane.

23. The existing substation site has a driveway crossover from Roberts Lane to the adjoining electricity generating works building.
24. The adjoining footpath connects to the Allawah Train Station entrance.
25. Roberts Lane, immediately adjoining the proposed EV charger location has unrestricted kerb-side parking.
26. The site is adjacent to a train corridor which is directly south of the site.

BACKGROUND

27. A pre-lodgement meeting (PRE2023/0031) was held in relation to 3 Lily Street, Hurstville and 293 Belmore Road, Riverwood on 26 July 2023 for the proposal, being the installation of JUMP charging stations on existing Ausgrid kiosk sites with associated signage.
28. On 18 August 2023 Pre-lodgement Advice was provided for PRE2023/0031.
29. Council's pre-lodgement advice letter questioned the permissibility if the proposed advertising-enabled EV charging units under Section 2.124(2) of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
30. Section 2.124(2) of the T&I SEPP was repealed on 18 August 2023 which removed the exclusion of advertising enabled EV charging units from this provision. Clause 2.124A of SEPP T&I was amended as follows as marked in red:

Section 2.124(2) as of 17 August 2023	Section 2.124(2) to date
<p>2.124A Development permitted with consent—electricity supply authorities and public authorities</p> <p>(1) Development for the purposes of installing an EV charging unit may be carried out by or on behalf of an electricity supply authority or public authority with consent if—</p> <p>(a) the unit does not obstruct the following—</p> <p>(i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,</p> <p>(ii) cyclist or pedestrian movement along a cycleway or footpath, and</p> <p>(b) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant.</p> <p>(2) This section does not apply to an advertising-enabled EV charging unit.</p>	<p>2.124A Development permitted with consent—<i>generally</i></p> <p>(1) Development for the purposes of installing an EV charging unit may be carried out with consent if—</p> <p>(a) the unit does not obstruct the following—</p> <p>(i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,</p> <p>(ii) cyclist or pedestrian movement along a cycleway or footpath, and</p> <p>(b) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant.</p> <p>(2) <i>(Repealed)</i></p>

Table 1: Amendments to Clause 2.124A of SEPP T&I (shown in red)

31. The development application was lodged on the 12 October 2023.

32. An external planning consultancy was engaged on 25 June 2024 to undertake the development assessment.
33. Additional information was requested from Council on the 29 August 2024 regarding the following:
- Permissibility in relation to the ambiguity of the interpretation of Clause 2.124A of the State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - Internal referrals in relation to a Memorandum of Understanding between Council, the Traffic Committee and JOLT; and
 - Design considerations relating to parking dimensions, bollards, signage and site-specific conditions.
34. A site visit was undertaken on 17 July 2024.
35. Additional information was provided by the Applicant on the 13 September 2024. However, the applicant requested that compliance with parking dimensions and bollards etc be provided by way of condition rather than amended plans to support the assessment of the Development Application.

Section 4.15 Evaluation

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

4.15(1) Matters for consideration – general

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

- (a) *the provisions of:*
- (i) *any environmental planning instrument*

37. The relevant environmental planning instruments, proposed instruments, development control plans and planning agreements include the following:
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - State Environmental Planning Policy (Industry and Employment) 2021;
 - State Environmental Planning Policy (Biodiversity and Conservation) 2021;
 - Georges River Local Environmental Plan 2021; and
 - Georges River Development Control Plan 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

38. The proposal for an EV charger and advertising ancillary to an existing electricity generating kiosk (advertising enabled EV charging unit) is development permitted with consent pursuant to Clause 2.124A of the T&I SEPP.
39. Former Section 2.124(2) of the T&I SEPP excluded advertising-enabled EV charging units from the provisions of Section 2.124, Subsection (2) was repealed on 18 August 2024.
40. As of 18 August 2024. Advertising-enabled EV charging units are permissible under Section 2.124, as amended (see item 29).

41. This interpretation of the Clause 2.124A amendment which removed the exclusion EV charging units to create a permissible pathway for advertising enabled EV charging units is supported by the Electric Vehicles fact sheet issued by Department of Planning and Environment.
42. The proposal consists of business identification signage and advertising signage which is enabled by the EV charging unit and does not impede vehicular, pedestrian or cyclist movement nor obstruct any access required for fire safety.
43. Land affected or in proximity to electricity transmission or distribution infrastructure (including powerlines) is covered under Division 5 Electricity transmission or distribution networks.

Division 5 Electricity transmission or distribution		
Subdivision 2 Development likely to affect an electricity transmission or distribution network		
Clause 2.48 Determination of development applications – other development		
Standard	Proposal	Compliance
<p>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <p>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</p> <p>(b) development carried out—</p> <p>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</p> <p>(ii) immediately adjacent to an electricity substation, or</p> <p>(iii) within 5m of an exposed overhead electricity power line,</p> <p>(c) installation of a swimming pool any part of which is—</p> <p>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</p>	<p>Notice was sent to the electricity supply authority, being Ausgrid, with a response received.</p> <p>The matters identified in that response detailed that the development was supported subject to the implementation of conditions.</p>	Yes

<p>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</p> <p>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</p>		
Division 17 Roads and Traffic		
Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements		
Clause 2.98 - Development adjacent to rail corridors		
Standard	Proposal	Compliance
<p>Applicable if development—</p> <p>(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains Consent authority must—</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration—</p> <p>(i) any response to the notice that is received within 21 days after the notice is given, and</p> <p>(ii) any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p>	<p>The development application has been referred to Transport for New South Wales who confirmed no objection subject to standard conditions.</p>	<p>Yes</p>
Subdivision 2 Development in or adjacent to road corridors and road reservations		
Clause 2.119 Development with frontage to classified road		
Standard	Proposal	Compliance
<p>(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 the development is of a type that is not sensitive to traffic noise</p>	<p>Lily Street is a classified road.</p> <p>The proposed structure is partially located on the eastern corner of 3 Lily Street, Hurstville and partially located on the road reserve of Roberts Lane. There</p>	<p>Yes</p>

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.	will be minimal visibility to the advertising signage and EV charging unit from Lily Street as there is an existing building which is positioned partly in between the proposed structure and Lily Street. The proposed development is not sensitive to traffic noise or vehicle emissions.	
Subdivision 3 Electric vehicle charging units		
Clause 2.124A Development permitted with consent—generally		
Standard	Proposal	Compliance
(1) Development for the purposes of installing an EV charging unit may be carried out with consent if— (a) the unit does not obstruct the following— (i) vehicular, cyclist or pedestrian access to or from, or entry into, a building, (ii) cyclist or pedestrian movement along a cycleway or footpath, and (b) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant.	The proposed development does not obstruct vehicular, cyclist or pedestrian access and does not obstruct access to equipment used for fire protection. The development is considered to be consistent standards of Clause 2.214A.	Yes

State Environmental Planning Policy (Industry and Employment) 2021

44. The application has had due regard to this SEPP, specifically Chapter 3 and Schedule 5. The proposal includes two digital signage panels measuring at 165mm x 928mm. The proposed signage satisfies the assessment criteria of schedule 5 of the SEPP as considered in the following table.

Consideration	Compliance
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The proposed advertising signage is located within the SP2 Electricity generating works– Infrastructure zone.</p> <p>The view from the adjoining residential area towards the proposed site is obstructed by the existing building at 3 Lily Street, parked cars, residential boundary fencing and site topography.</p> <p>The proposal is in proximity to the Allawah Train Station entrance which includes existing signage.</p>

	<p>The proposed signage consists of two 928mm x 1650mm signs which will be limited in luminosity as per the Australian Standards. The proposed advertising signage will not be a visually intrusive element within the wider locality including railway corridor.</p> <p>It is note that there is a podium with the charging unit that contains the logo and the name Jolt, this is non-illuminated and does not move. It is adverting the name of the business and does not detract from the locality.</p>
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>There are no similar LED commercial advertising signs in the immediate vicinity of the site. Several business identification and other commercially related signage can be seen from the site from shopfront facades within the backdrop of the site, on the other side of the rail corridor, along Railway Parade. The implementation of the proposed digital signage panel is not deemed to detract from existing themes found within the locality.</p> <p>It is note that there is a podium with the charging unit that contains the logo and the name Jolt, this is non-illuminated and does not move. It is adverting the name of the business and does not detract from the locality.</p>
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The signage does not detract from the amenity or visual quality of any of the mentioned aspects.</p>
3 Views and vistas	
Does the proposal obscure or compromise important views?	<p>The proposed signage is integrated into the metal casing over the existing kiosk and on the podium and will not obscure or compromise views.</p>
Does the proposal dominate the skyline and reduce the quality of vistas?	<p>The proposed signage is positioned below the proposed casing which is 2176mm in height and on the podium. The proposed signage panels will not dominate the skyline or reduce the quality of vistas.</p>
Does the proposal respect the viewing rights of other advertisers?	<p>The proposed advertising signs have a dimension of 1650mm x 928mm and are attached to the proposed casing over an existing electricity kiosk and a log and name of the company Jolt on the podium.</p> <p>The signage is proposed within the side (north & west) panels and the façade of the podium which are not taken to obscure any nearby signage as there is</p>

	<p>no signage in the immediate vicinity of the proposed location.</p> <p>The signage screens are proposed within the side (north & west) panels and on the façade of the podium which are not taken to obscure the viewing rights of other advertisers as there is no other signage in the immediate vicinity of the proposed location.</p>
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposal is appropriate given the proposal utilises an existing substation within an unoccupied corner of 3 Lily Street and a small secondary structure on the footpath along Roberts Lane being the podium with charging unit.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal acts as an opportunity to add visual interest through third-party advertising, public notices, and identification of the EV charging unit. The proposed EV charging unit effectively screens the existing substation. It is considered that the use of metal materials and integrated signage will result in a positive contribution to the streetscape. The podium will sit adjacent to the charging bay and will be sized 1593mm in height and 742mm in width and 439mm in depth and will not unreasonably impact the streetscape setting or result in the removal of any landscaping.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no existing advertising. The proposal features a modern panelled design, consistent with other JOLT EV charging units. The signage proposed will be made of non-reflective finish, comprised of non-weathering materials, high resolution digital display integrated within the JOLT charging unit and podium. This is not considered to constitute 'clutter.'
Does the proposal screen unsightliness?	The proposed signage screens an existing standard green Ausgrid electricity generation kiosk which currently contains some graffiti. The proposed signage which is required to be maintained from graffiti and damages will add visual interest. The podium is a new structure that is located to service the proposed charging bay within the road.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs are integrated into the proposed casing of existing Ausgrid sub-station kiosk and within the podium and will not protrude existing nearby buildings.
Does the proposal require ongoing vegetation management?	The proposal does not require any ongoing management of vegetation.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the	The advertising signs are in scale with the encasing structure over the substation. The proposal is

site or building, or both, on which the proposed signage is to be located?	considered to be compatible within the site, public domain and the broader local centre locality.
Does the proposal respect important features of the site or building, or both?	The proposal is considered compatible with the broader local centre locality noting the utilisation of an existing substation. The podium is sympathetically located to service the proposed charging bay within the road.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The use of advertising to finance free (time limited) electric vehicle charging is innovative and provides a public benefit with the increasing number of electric vehicles being purchased in Australia (Electric Vehicle Council, State of Electric Vehicles – October 2022).
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage and JOLT logo will be integrated into the JOLT EV charging unit and podium. Safety and the method and control of illumination have been considered as part of the design. Multi-layered, laminated cover glass with high transmission and vandal resistance is proposed.
7 Illumination	
Would illumination result in unacceptable glare?	The proposed signage has a non-reflective finish. The level of illumination is conditioned comply with AS4282.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The signage features automatic brightness control to ambient light. The illumination intensity of the signage will not affect the safety of pedestrians, motorists, trains or aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination intensity of the signage is to be compliant with AS 42822019 – Control of Obtrusive Effects of Outdoor Lighting and will not detract from the residential amenity of the locality.
Can the intensity of the illumination be adjusted, if necessary?	The screen brightness will be regulated in response to ambient lighting levels and time of day. Lower brightness settings will be used during lower ambient light periods including night which will manage glare and prevent harm to residential or other amenity.
Is the illumination subject to a curfew?	The illumination is not subject to a curfew.
8 Safety	
Would the proposal reduce the safety for any public road?	The size, shape, location and illumination of the signage does not affect the safety of pedestrians, motorists, aircraft or adjoining residents. The proposed signage is integrated into the JOLT EV charging unit. The proposed signage will not obstruct sightlines, cause unacceptable glare or

	distraction for drivers and therefore will not reduce road safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not obstruct, interfere with or reduce the safety of movement for pedestrians or bicyclists. The proposed signage ensures an appropriate level of road safety and thereby also does not reduce safety for pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed digital signage is integrated into the JOLT EV charging unit which encases an existing Ausgrid electricity generating kiosk. As such, it will not obstruct sightlines from public areas by virtue of not substantially adding to the existing Ausgrid kiosk substation envelope. The podium is sympathetically located and will adjoin the road where the charging bay is proposed.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

45. The proposal, being an EV charger and advertising ancillary to an existing electricity generating kiosk only, is considered satisfactory and does not compromise the criterion of the Biodiversity and Conservation SEPP, specifically *Chapter 2 Vegetation in non-rural area* and *Chapter 6 Water Catchments*. No tree is proposed to be removed as part of this application, and no earthwork is required for this proposal.

Georges River Local Environmental Plan 2021

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

Part 1 – Preliminary		
Clause 1.2 – Aims of the Plan		
Standard	Proposal	Compliance
In accordance with Clause 1.2 (2)	The development is considered to be consistent with the aims of the plan.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Part 2 – Permitted or prohibited development		
Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
The subject site is zoned E1 – Local Centre The objectives of the zone are: <ul style="list-style-type: none"> To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. To encourage investment in local commercial 	The development for the purposes of advertising-enabled EV charging is not prohibited in the Georges River Local Environmental Plan 2021. The proposal is generally consistent with the zone objectives as the development: <ul style="list-style-type: none"> Is publicly accessible and serves the needs of people who live in, work in or visit the area 	Yes

<p>development that generates employment opportunities and economic growth.</p> <ul style="list-style-type: none"> To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. To maximise public transport patronage and encourage walking and cycling. To encourage development that is compatible with the centre's position on the centres hierarchy. 	<ul style="list-style-type: none"> The EV charger is an investment in local commercial development as it will attract EV users and thereby promote increased foot traffic as users visit the local centre businesses while their vehicle is charging. The proposed development will not hinder residential development nor non-residential land uses on the ground floor of buildings. The proposal does not encourage public or active transport usage. However, the proposal encourages the uptake of electric vehicles. Further, the proposed development does not dissuade public transport patronage, walking or cycling. The proposed EV charger and advertising is compatible with the Electricity generating works - SP2 zone. 	
Part 4 – Principal Development Standards		
Clause 4.3 – Height of Buildings		
Standard	Proposal	Compliance
The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Maximum height is 28m as identified on Height of Buildings Map	The proposed EV charger, casing and signage has a maximum height of 2.18m. The podium has a height of 1593mm.	Yes

Georges River Development Control Plan 2021

47. The extent to which the proposed development complies with the relevant provisions of the Georges River Development Control Plan 2021 (GRDCP 2021) is detailed and discussed in the table below.

Part 3 – General Planning Considerations

Part 3.18 Advertising and Signage		
Requirement	Proposal	Comply
1. Signs should be designed and located to:		
i. Relate to the use of the premises.	The proposal includes third-party signage and business identification signage. Given the nature of the works and offering (i.e. EV charging unit for public use, the proposal is appropriate for the locality). The proposed third-party signage is related to the use of the structure as it provides for the continued funding required to deliver the JOLT EV charging unit.	Yes
ii. Be consistent with best practice guidelines.	The proposed signage is generally consistent with the Infrastructure and Employment SEPP and has been designed in accordance with the Guidelines.	Yes
iii. Be integrated with the architecture of the supporting building, not obscure significant architectural features and maintain the dominance of the architecture.	The proposed signage is integrated into the JOLT EV charging unit which is over an existing substation. The podium adjacent to the charging bay in the road is sympathetically and appropriately located.	Yes
iv. Be limited in number to avoid cluttering, distraction and unnecessary repetition.	Two digital signs (one per street facing elevation) are proposed to avoid clutter. Noting the signs will incorporate a minimum dwell time of 10 seconds each, no unacceptable distraction is considered to arise. Business identification signage is proposed of the podium and is not considered to promote clutter and will not distract the public.	Yes
v. Not cover mechanical ventilation inlets or outlets.	The proposed signage does not cover mechanical ventilation inlets or outlets. The Ausgrid kiosk will continue to be accessible.	Yes
vi. Not comprise a roof sign.	A roof sign is not proposed.	N/A
vii. Not comprise an above awning sign.	An awning sign is not proposed.	N/A

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viii. Not comprise a flag pole sign.	A flag pole sign is not proposed.	N/A
ix. Not compromise road or pedestrian safety including cyclists.	The proposal does not compromise the road or pedestrian safety and will be integrated within and not project from the EV charging station. The podium is a new structure and will be appropriately located adjacent to the charging bay within the road.	Yes
x. Be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall.	The proposed signage is flush with the wall of the EV charger and podium.	Yes
xi. Be at least 600mm from a kerb or roadway edge where the sign is over a public road.	The closest edge of the proposed advertising signage is 4370mm from the public road.	Yes
2. Signs must be securely fastened to the structure or building to which they are attached and must comply with the applicable requirements of the BCA and relevant Australian Standards.	The proposed signage is incorporated into the structure of the JOLT EV charging unit. Recommended conditions ensure the proposal complies with the applicable requirements of the BCA and relevant Australian Standards. The business identification signage on the podium is within the structure.	Yes
3. In addition to the above, illumination of signage should: i. Be integrated with the design of the sign.	The illuminated signage is integrated within the casing of the JOLT EV charging unit. The business identification signage on the podium is non-illuminated.	Yes
ii. Not cause light spillage into nearby residential properties.	The proposed signage is not expected to cause light spillage into nearby residential properties as controlled by standard conditions of consent.	Yes
iii. Not use complex displays, moving signs, flashing lights or the like that hold driver's attention beyond 'glance appreciation'.	The proposed signage will comprise transitional static images, each displaying a minimum of 10 seconds per image to not distract drivers.	Yes
iv. Be fitted with an automatic timing device, controlling the illumination hours.	An automated timing device is incorporated into the proposed signage which controls the illumination hours. Illumination is also controlled by ambient lighting levels to respond to lower	Yes

	ambient light periods such as overcast weather.	
4. In residential zones, signage should not be illuminated.	The advertising signage is not located within a residential zone. The business identification signage on the podium is within the R2 land and is non-illuminated.	Yes
5. All commercial advertising should comply with SEPP No.64-Advertising and Signage.	An assessment against the Industry and Employment SEPP 2021 (formerly SEPP No.64-Advertising and Signage) is provided above under item 44.	Yes
Business identification signs should:		
i. Identify the significant owners, tenants and uses of buildings.	The business identification signage contains the "JOLT" name and logo. This is on both structures.	Yes
ii. Be displayed in English, but may include a translation in another language not larger than the English message.	Signage is to be displayed primarily in English.	Yes
iii. Consolidate signs for multiple tenancies.	N/A	N/A
iv. Not incorporate advertising of products and services that are not directly related to the approved use of the premises.	N/A	N/A
v. Comply with the general controls and the relevant prescriptive measures in Table 7.	Noted.	Yes
Table 7 Flush wall - Must comply with all of the following controls, otherwise prohibited		
a. Only one sign per building elevation;	The primary Jolt unit and podium structure each have one "JOLT" logo per elevation.	Yes
b. Must not have an area greater than: iii. 20% of the elevation for elevations of <100m2.	The business identification signage comprises less than 20% of each elevation.	Yes
c. Must not project above or beyond the wall to which it is attached;	The signage does not project beyond the wall it is attached to.	Yes
d. Must not extend over a window or other opening, or architectural feature;	No windows or architectural features existing on the structure.	Yes
e. Must not be located on a building wall if there is an existing building or business identification sign on the building elevation.	The Ausgrid Kiosk will be encased by the EV charging unit. No existing signage will be visible.	Yes

The Likely Impacts of the Development

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

Likely Impacts of the Development	
Natural Environment	The development is located within a paved and gravelled area, containing an existing substation and the road reserve for the podium structure. Trees are located south of the site on the other side of a brick/ concrete wall. The proposed development will not impact these trees and accordingly is not considered to result in unreasonable impact on the natural environment.
Built Environment	<p>The built form of the proposed development is of a bulk and scale that is appropriate with its setting, over an existing Ausgrid electricity kiosk and consistent with the character of the area. The new podium structure will be appropriately located to service the proposed charging bay in the road.</p> <p>The EV charging unit is located adjacent to existing unrestricted kerbside parking. The associated parking required for the EV charging units will result in the removal of one unrestricted parking space, to be replaced by a 1-hour time limited parking, restricted to electrical vehicles only. Overall, the number of parking spaces on the street remain unchanged and the proposal will have a negligible impact on available the street parking in the area.</p> <p>There is a dwelling directly adjacent the proposal site at No.5 Lily Street. This dwelling has a high boundary fence on the side of the structure and as such the EV charging unit and advertising signage will not be visible from this dwelling.</p> <p>The dwellings across Lily Street are situated lower than the proposed and won't be unreasonably impacted. Further, the building with the most direct view is a childcare centre, which is not anticipated to operate in the night-time.</p> <p>The proposed signage is further subject to conditions which require compliance with illumination standards as set out in the State Environmental Planning Policy (Industry and Employment) 2021.</p> <p>The development is occurring in a locality where adequate infrastructure exists to support the development during construction and ongoing use.</p>
Social Impact	The proposal will have a positive social impact on the locality as the EV chargers will encourage the uptake of electric vehicles in line with the NSW Electric Vehicle Strategy, Georges River Car Parking and Transport Strategies.
Economic Impact	The proposal is considered to result in a positive economic impact through the provision electric vehicle charging at little to no cost to users.

Site Suitability

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

49. The site is zoned SP2 Electricity generating works– Infrastructure zone and R2 Low Density Residential zone. The proposal will have no unacceptable adverse impacts on the adjoining properties and the streetscape in its current form.

Submissions

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

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

The Public Interest.

Section 4.15 (e) the public interest.

51. The proposed development, in its current form, is considered to address the growing need for electric vehicle charging infrastructure within the Georges River Local Government Area. In this regard, noting there were no submissions against the proposed development, the proposal is considered to be in the public interest.

Referrals

External Referrals		
Referral Body	Comment	Outcome
Ausgrid under Section 2.48 of SEPP (Transport and Infrastructure) 2021	Ausgrid consents to the development subject to conditions.	Ausgrid conditions included in the consent.
TFNSW (Rail Authority) under Section 2.98 of SEPP (Transport and Infrastructure) 2021	TFNSW consents to the development subject to conditions.	TFNSW conditions included in the consent.
Internal Referrals		
Referral Body	Comment	Outcome
Council Land Works	The Commercial Property Team has not been involved with the roll out of the Jolt electrical charging points. This infrastructure has been rolled out by Jolt and Ausgrid via Council's Assets and Infrastructure team.	No further action required.
Land Information	DA does not require property numbering.	No further action required.
Fire Safety	No objections.	No further action required.
Assets and Infrastructure /Traffic and Transport	Relevant comments from Council's Officer regarding the amended plans are reproduced below:	The proposed is supported subject to conditions.

	<p>"No objection to the proposal for DA2023/0419, provided there is a 0.5m clearance from the edge of driveway wing to the parking spot."</p> <p>In addition, the following conditions are required:</p> <ul style="list-style-type: none"> - <i>The proposed line marking and signage plan is to be presented and approved at the Georges River Local Traffic Committee prior to construction commencement.</i> - <i>A MOU is provided by Jolt Charge Pty Ltd outlining various conditions including the lease term, charging locations, associated plans, etc.</i> - <i>The MOU must also be signed by both parties prior to construction commencement.</i> - <i>The placement of bollards to be a minimum of 1.5m apart to ensure safe pedestrian thoroughfare.</i> 	
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Contributions

52. The development is not subject to Section 7.11/7.12 Contributions as the estimated cost of works is less than \$100,001.00 and the proposed EV charging unit does not generate a net increase in number of workers, visitors or residents.

Conclusion

53. The proposal has been assessed with regard to the matters for consideration listed in Section 4.15 of EP&A Act. The proposal is considered to be an appropriate response to the context of the site and will result in a reasonable planning outcome, subject to the recommended conditions of consent.
54. The proposal has been assessed against the provisions of the relevant State Environmental Planning Policies, *Georges River Local Environmental Plan 2021* and *Georges River Development Control Plan 2021* and complies with the development standards of the Local Environmental Plan and meets the underlying objectives of Development Control Plan. The application is worthy of support subject to the recommended conditions of consent.

Determination

55. Pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, seeks that the Georges River Local Planning Panel grant approval to DA2023/0419 for the installation of an advertising enabled EV charging unit, over an existing Ausgrid kiosk substation and a podium charging unit situated within the road reserve adjacent to 3 Lily Street, Hurstville, subject to the conditions referenced below.

Statement of Reasons

56. The reasons for this recommendation are that:
- The proposed development forms a permissible use, being an advertising enabled EV charging unit, within the SP2 Electricity generating works—Infrastructure zone and R2 Low Density Residential zone, noting that the advertising signage is located wholly within the SP2 zone and business identification signage is within the R2 land.
 - The proposal is permissible through the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the State Environmental Planning Policy (Industry and Employment) 2021.
 - The signage component of the proposal complies with the assessment criteria for signage within the State Environmental Planning Policy (Industry and Employment) 2021.
 - The proposal is not a Council-related development application as defined in 9B(2) (b) of the *Environmental Planning and Assessment Act 1979*.
 - The proposal is suitable for the subject site as is consistent with the provisions of the *Georges River Local Environmental Plan 2021*.
 - The proposal complies with the relevant development controls of GRDCP 2021.
 - The proposed development provides a suitable EV charging facilities on an existing Ausgrid owned substation which addresses applicable planning controls.
 - The development will not create adverse impacts onto the locality and will remain compatible with the existing area.
 - The proposed development incorporates sufficient conditions to safeguard parking amenity.
 - The development will provide a use that accommodates the needs of the existing and future residents, workers, and visitors of Georges River.

THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL MEETING. FOR THE FULL DOCUMENT, VISIT THE GEORGES RIVER LOCAL PLANNING PANEL WEBSITE: <https://www.georgesriver.nsw.gov.au>

Conditions

Development Details

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

Architectural Drawings

Description	Reference No.	Date	Revision	Prepared by
Location Plan	Site No 10182	28/08/2023	B	JOLT CHARGE PTY LTD
Surrounding Features	Site No 10182	28/08/2023	B	JOLT CHARGE PTY LTD
EV Charger Dimensions	Site No 10182	28/08/2023	B	JOLT CHARGE PTY LTD
Charging Podium Specifications	Site No 16758	06/07/2023	A	JOLT CHARGE PTY LTD
DDW_JOLT_GRILL_A2	Sheet 1 of 1	8/2/2023	1.0	JOLT CHARGE PTY LTD

Other Documents

Description	Reference No.	Date	Revision	Prepared by
Statement of Environmental Effects	-	September 2023	1	Mecone
Maintenance Plan of Management	-	Not dated	1	JOLT CHARGE PTY LTD
Ausgrid concurrence letter	-	11/12/2023	1	Ausgrid
TfNSW concurrence letter	-	19/09/2024	1	Transport for NSW

- 2. Duration of Consent** - The duration of this consent is limited to a period of fifteen (15) years in accordance with the provisions of clause 14(1)(a) of the *State Environmental Planning Policy (Industry and Employment) 2021*. In this regard the signage shall be removed on or before that date or new development consent obtained.
- 3. EV Charging Station** – The proposed signage shall only be installed and operate in conjunction with the electrical vehicle charging station as approved under this consent.

4. External Flammability

A. Design

The materials of the structure, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). This includes the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels.

B. Before Construction

Details of compliance with "A" above must form part of the application for a Construction Certificate.

Requirements of Concurrence, Integrated & Other Government Authorities

5. Ausgrid Underground Cables are in the vicinity of the development.

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

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

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

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

The following points should also be taken into consideration.

- Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances".

This document can be found by visiting the following Ausgrid website:
www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

6. Transport for NSW

- Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Certifier with the application for a Construction Certificate.

- Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineer stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.
- During all stages of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - o oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - o acts as the authorised representative of the Applicant; and
 - o is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Illawarra Interface, and they can be contacted via email on Illawarra_Interface@transport.nsw.gov.au.

- Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g., Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways

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

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

Prior to the Issue of a Construction Certificate

- 8. Design Changes Required** – The following changes are required to be made and shown on the Construction Certificate plans:
- a) All dimensions of parking spaces are to be annotated in accordance with Australian standards.
 - b) The placement of bollards are to be minimum of 1.5m apart to ensure safe pedestrian thoroughfare is maintained.
 - c) The plans are to incorporate a 0.5m clearance from the driveway wing to the EV parking spot.

The amended plans are to include a scale bar and annotated dimensions and be submitted to the Georges River Local Traffic Committee for approval.

9. Memorandum of Understanding

Prior to the commencement, JOLT and Council must agree to a commercial agreement via a memorandum of understanding (MOU) relating to the operation of the EV charging station and use of the on-street parking bay. The MOU is to include the following:

- Conditions including the lease term, charging locations, and associated plans.
- That construction, installation and on-going maintenance of all infrastructure, including any signage and line marking, are to be paid for by the applicant at no cost to Council.

The MOU must be signed and agreed by both parties prior to construction commencement.

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Builders Damage Deposit	\$3750.00
Inspection Fee for Refund of Damage Deposit	\$210.00
DEVELOPMENT CONTRIBUTIONS	
Georges River Council Local Infrastructure Contributions Plan 2021 (S7.11 and S7.12)	\$0

General Fees

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

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

- Pay Council, prior to the commencement of work, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$3,750.00
- Pay Council, prior to the commencement of work a non-refundable inspection fee to enable assessment of any damage and repairs where required: \$210.00.
- Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

Prior to the Commencement of Work

12. **Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.
13. **Registered Surveyors Report - During Development Work** - A report must be submitted to the PCA at each of the following applicable stages of construction:
 - a) Set out before commencing installation.
 - b) Completion of all Work - Detailing the location of the structure relative to adjacent boundaries and its height relative to the datum shown on the approved plans.
14. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.

During Construction

15. **Site sign – Soil and Erosion Control measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
16. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties
17. **Hours of construction for demolition and building work** - Unless authorised by Council:
 - a. Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
 - b. Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed outside these hours.
18. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

Prior to the issue of the Occupation Certificate

- 19. Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the PCA appointed for the building work can issue the Occupation Certificate.

Operational Conditions (On-Going)

- 20. General Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products. This is to protect the neighbourhood amenity.
- 21. Outdoor Lighting** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare and must comply with AS 4282-2019: Control of the obtrusive effects of outdoor lighting.

The signage operator must ensure that the average luminance difference between successive images does not exceed 30% to ensure compliance with AS4282. The dwell time shall be 10 seconds or greater.

- 22. Content of LED screen sign** – The images displayed must not contain:
- (a) Flashing or flickering lights or content;
 - (b) Animated displays, moving parts or simulated movement;
 - (c) Complex displays that hold a driver's attention beyond 'glance appreciation';
 - (d) Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt';
 - (e) A method of illumination that distracts or dazzles;
 - (f) Dominant use of colours red or green.

The content of the LED screen sign must comply with the below:

- (g) Dwell times between displays shall be no shorter than 10 seconds
 - (h) Transition time between messages shall be no longer than 0.1 seconds.
 - (i) Sign is not to have any associated audio speaker and is not permitted to generate any sound;
 - (j) Signage must not be liable to interpretation as an official traffic sign or to be confused with instructions given by traffic signals or other devices;
 - (k) The wording and content of the advertising sign must not contain undesirable discriminatory advertising messages as specified in the Anti-Discrimination Act 1977.
- 23. Illumination intensity of signage** – The signage shall be equipped with a sensor / program to measure the ambient light levels of the surrounding environment and adjust the sign luminance levels in accordance with relevant Australian Standards.
- 24. Electrical wiring** - Electrical wiring to all signs is to be concealed.

25. **Use of the site** – The use of the site is to be undertaken in accordance with the approved Memorandum of understanding (MOU) and relevant conditions of consent.

Operational Requirements under the Environmental Planning and Assessment Act 1979

26. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
27. **Appointment of a Principal Certifier (PC)** - The erection of a building must not commence until the applicant has:
- (a) appointed a PC for the building work; and
 - (b) if relevant, advised the PC that the work will be undertaken as an Owner-Builder.

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

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

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

28. **Notification Requirements of PC** - No later than two days before the building work commences, the PCA must notify:
- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
29. **Notice of Commencement** - The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building. A Notice of Commencement Form is attached for your convenience.
30. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 68 of the Environmental Planning and Assessment Regulation (Development and Fire Safety) Regulation 2021.
31. **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the PC at least 48 hours before each required inspection needs to be carried out.

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

END CONDITIONS

NOTES/ ADVICES

- 32. Compliance with the Environmental Planning and Assessment Act 1979** – The requirements and provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021 and the Environmental Planning and Assessment (Development Certification and Fire Safety Regulation) 2021, must be complied with at all times.

- 33. Compliance with Development Consent** – Please note that the development and all building work must be carried out fully in accordance with the development consent and conditions of consent.

Council may serve an Order requiring the demolition/removal of unauthorised building work or to require full compliance with Council's development consent.

- 34. 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.

- 35. 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.
- 36. Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.
- 37. Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au
- 38. Electricity Supply** - This development will need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

39. Council as PC - Deemed to Satisfy Provisions of BCA - Should the Council be appointed as the PC in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
40. Disability Discrimination Act - This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.
41. Noise - Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.
- Useful links relating to Noise:
- a) Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
42. Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

ATTACHMENTS

Attachment [1](#) Architectural Plans and Specifications



THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PLAN. FOR THE OFFICIAL COPY, PLEASE VISIT THE GEORGES RIVER LOCAL PLANNING PANEL WEBSITE.



MAIN STREET:	LILY STREET
CROSS STREET:	ROBERTS LANE
OUTSIDE/OPP:	3 LILY STREET
SUBURB:	HURSTVILLE
KNOWN AS:	STATION LILY_(REV_B)



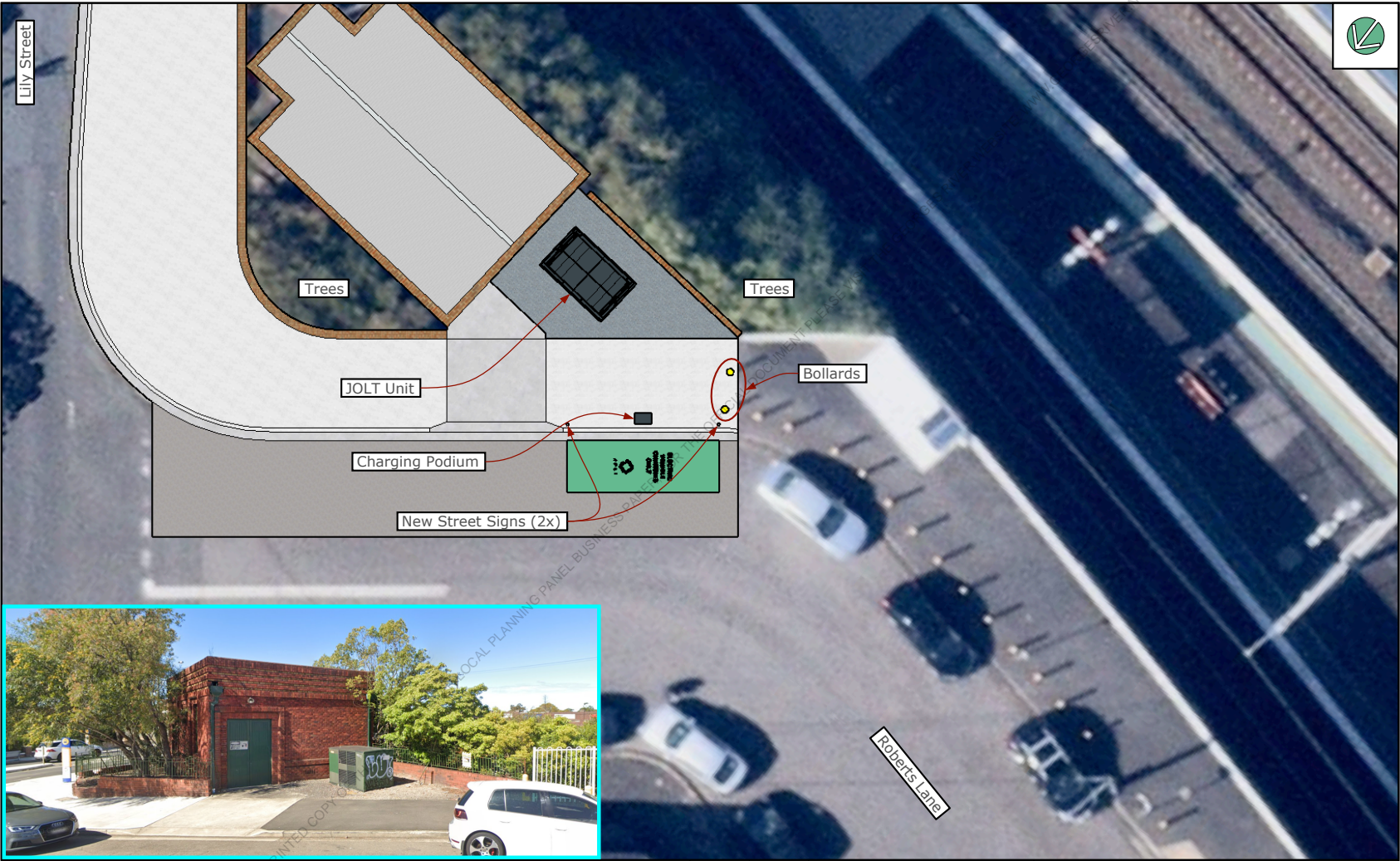
ISSUE	DESCRIPTION	DATE	DRAWN
A	DA DRAWING	13.10.22	J.STEELE
B	REVISED EV BAY AND SIGNAGE	28.08.23	J.STEELE


THIS DRAWING IS THE PROPERTY OF JOLT CHARGE AND SHALL NOT BE COPIED IN PART OR WHOLE WITHOUT AUTHORISATION

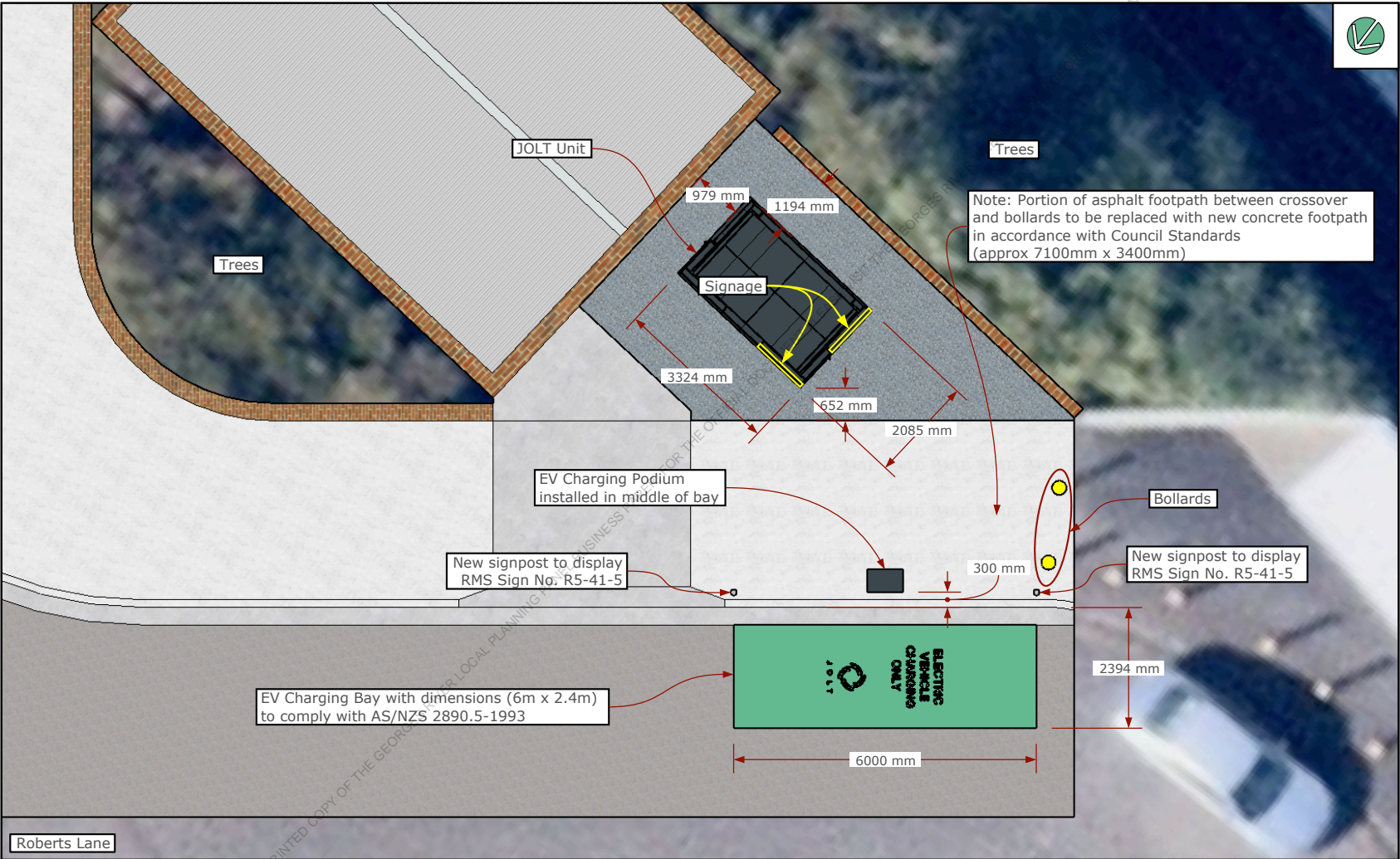
JOLT CHARGE PTY LTD


1 SUSSEX ST SYDNEY 2000, SYDNEY NSW 2000

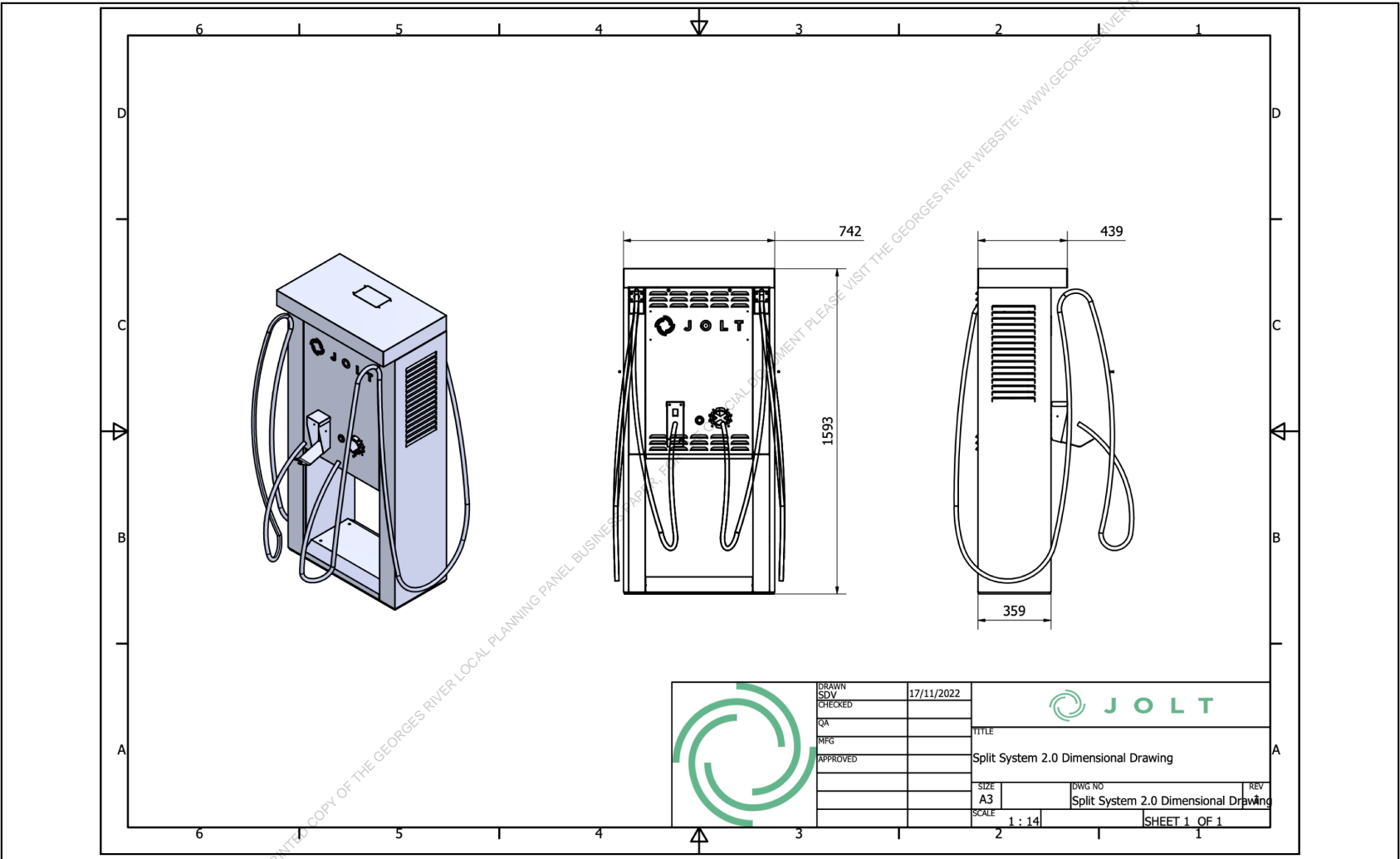
GEORGES RIVER LGA LILY STREET			
SHEET: LOCATION			
DATE	SCALE	SITE NUMBER	REVISION
28.08.23	NA	10182	A




MAIN STREET:	LILY STREET		ISSUE	DESCRIPTION	DATE	DRAWN	THIS DRAWING IS THE PROPERTY OF JOLT CHARGE AND SHALL NOT BE COPIED IN PART OF WHOLE WITHOUT AUTHORISATION	GEORGES RIVER LGA LILY STREET			
CROSS STREET:	ROBERTS LANE		A	DA DRAWING	13.10.22	J.STEELE		SHEET: SURROUNDING FEATURES			
OUTSIDE/OPP:	3 LILY STREET		B	REVISED EV BAY AND SIGNAGE	28.08.23	J.STEELE		DATE	SCALE	SITE NUMBER	REVISION
SUBURB:	HURSTVILLE							28.08.23	1:200	10182	A
KNOWN AS:	STATION LILY_(REV_B)							JOLT CHARGE PTY LTD 1 SUSSEX ST SYDNEY 2000, SYDNEY NSW 2000			



Roberts Lane			ISSUE	DESCRIPTION	DATE	DRAWN	THIS DRAWING IS THE PROPERTY OF JOLT CHARGE AND SHALL NOT BE COPIED IN PART OF WHOLE WITHOUT AUTHORISATION	GEORGES RIVER LGA LILY STREET			
MAIN STREET:	LILY STREET		A	DA DRAWING	13.10.22	J.STEELE		SHEET: DIMENSIONS			
CROSS STREET:	ROBERTS LANE		B	REVISED EV BAY AND SIGNAGE	28.08.23	J.STEELE		DATE	SCALE	SITE NUMBER	REVISION
OUTSIDE/OPP:	3 LILY STREET							28.08.23	1:100	10182	A
SUBURB:	HURSTVILLE										
KNOWN AS:	STATION LILY, (REV. B)						1 SUSSEX ST SYDNEY 2000, SYDNEY NSW 2000				



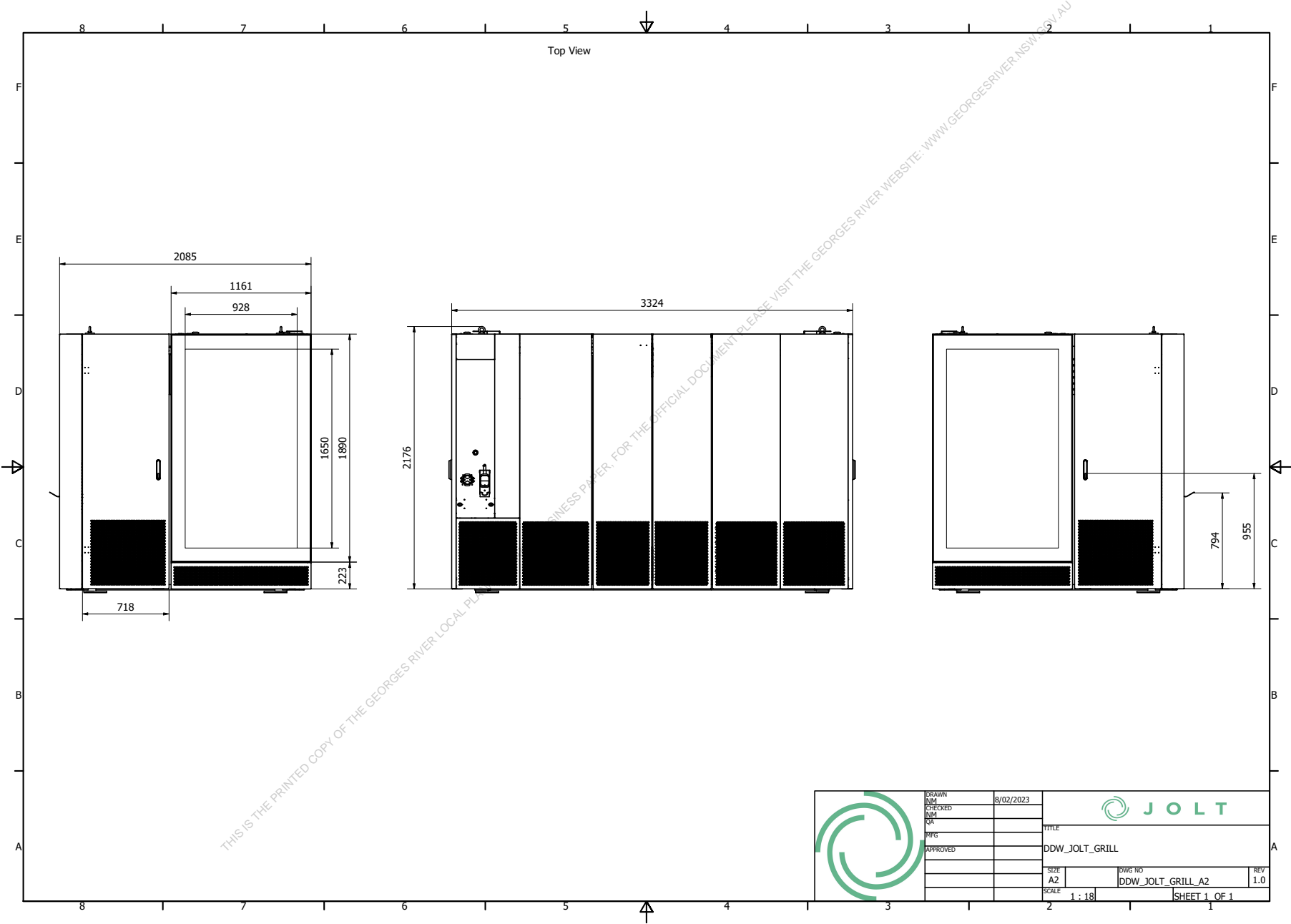
MAIN STREET:	KEMPBRIDGE AVE		ISSUE	DESCRIPTION	DATE	DRAWN	THIS DRAWING IS THE PROPERTY OF JOLT CHARGE AND SHALL NOT BE COPIED IN PART OF WHOLE WITHOUT AUTHORISATION	NORTHERN BEACHES LGA KEMPBRIDGE AVE			
CROSS STREET:	SYDNEY RD		A	DA DRAWING	06.07.23	J. STEELE		SHEET: CHARGING PODIUM SPECIFICATIONS			
OUTSIDE/OPP:	550C SYDNEY RD							DATE	SCALE	SITE NUMBER	REVISION
SUBURB:	SEAFORTH							06.07.23		16758	A
KNOWN AS:	KEMPBRIDGE SYDNEY_(REV_A)										
							JOLT CHARGE PTY LTD				
							1 SUSSEX ST SYDNEY 2000, SYDNEY NSW 2000				

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JOLT Products – EV Charger Podium (Split)

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JOLT Products – GRILL Unit (JUMP)



REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 DECEMBER 2024

LPP056-24 EAST OF 31 REGENT STREET KOGARAH. LOCATED ON THE ROAD RESERVE OF PREMIER STREET

LPP056-24

LPP Report No	LPP056-24	Development Application No	DA2023/0420
Site Address & Ward Locality	East of 31 Regent Street Kogarah. Located on the road reserve of Premier Street Kogarah Bay Ward		
Proposed Development	The installation of a Jolt EV charging station (advertising enabled EV charging unit), over an existing Ausgrid kiosk substation situated within the road reserve adjacent to 31 Regent Street, Kogarah.		
Owners	Georges River Council (Road Reserve), Ausgrid (Electricity substation)		
Applicant	Mecone Group Pty Ltd (on behalf of Jolt Charge Pty Limited)		
Planner/Architect	Planner: Mecone Group Pty Ltd Architect: JOLT CHARGE PTY LTD		
Date Of Lodgement	12/10/2023		
Submissions	Nil		
Cost of Works	\$46,500		
Local Planning Panel Criteria	<p><i>Ministerial Direction 6 March 2024. – Schedule 1 Development for which the applicant or land owner is: (a) the council. The location of proposed works falls on Council Land (Road Reserve). In relation to the Ministerial Directions and the Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 this development is not considered to be a ‘council related development application’ as defined by the Environmental Planning and Assessment Act 1979. This is defined within Schedule 1 Community participation requirements, 9B Council-related development applications (2) (b) for development on land, other than a public road within the meaning of the Local Government Act 1993 - (i) of which the council is an owner, a lessee or a licensee, or (ii) otherwise vested in or under the control of the council.</i></p>		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 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	Statement of Environmental Effects, Architectural Plans and Specifications, Maintenance Plan of Management, Ausgrid Letter of Concurrence, Cost Summary Report and RFI Response Letter		

Report prepared by	Consultant Planner
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RECOMMENDATION	Approval, subject to conditions
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, can be reviewed when the report is published.

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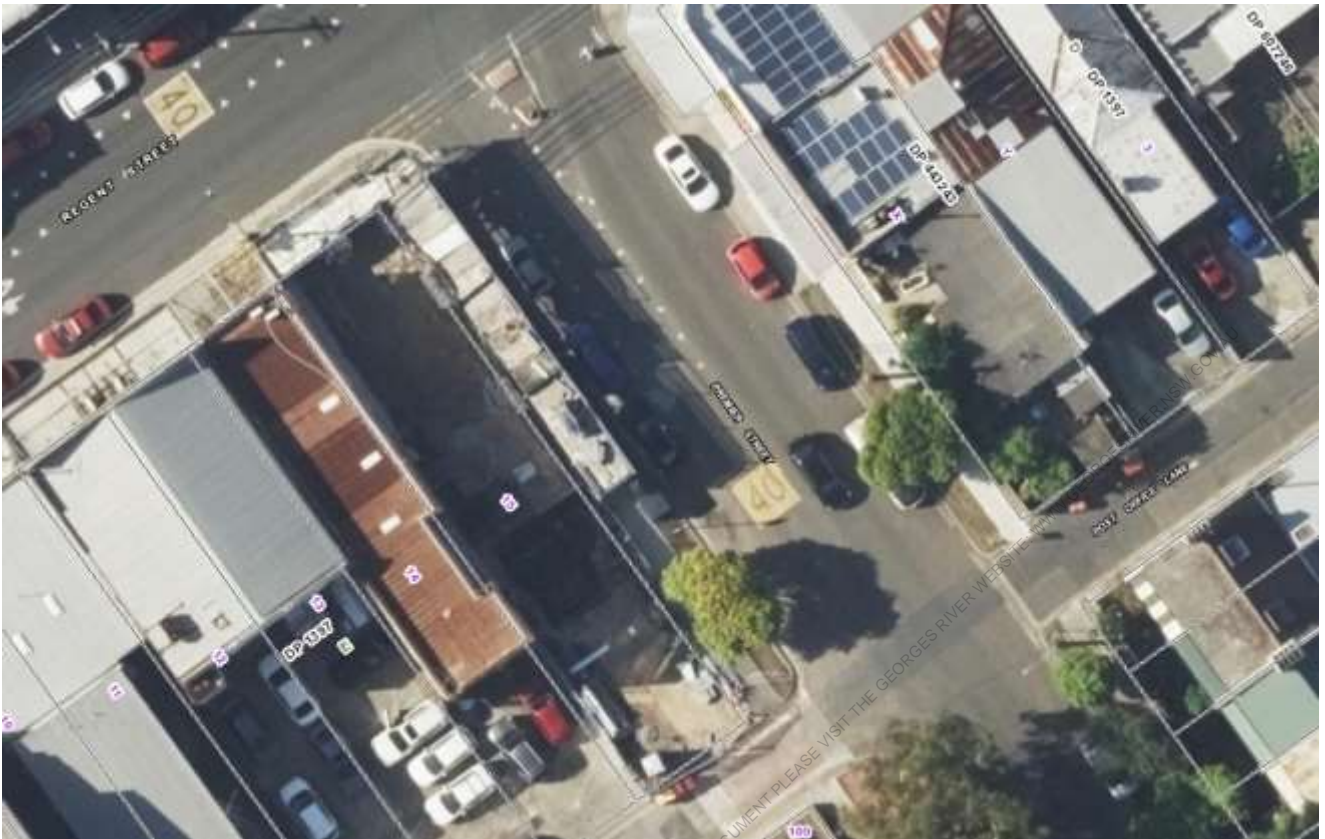
SITE PLAN

Figure 1: Aerial image of the subject site (red arrow) and the surrounding properties.

EXECUTIVE SUMMARY

PROPOSAL

1. The development application seeks approval for the installation of a Jolt EV charging station (advertising enabled EV charging unit), over an existing Ausgrid kiosk substation situated within the road reserve adjacent to 31 Regent Street, Kogarah. Specifically, the proposed modification involves:
 - a. A metal casing over the existing Ausgrid kiosk substation with EV charging and integrated third party and business signage.
 - b. The signage component comprises two (2) digital LED signs, each measuring 928mm x 1650mm.
 - c. Business identification signage containing the word “JOLT” and company logo spanning approximately 600mm in width is integrated into the EV charging unit. The white business identification logo is located on each elevation.

The designation of the car park for exclusive EV vehicle use, and associated line marking, and road signage is subject to separate Georges River Local Traffic Committee approval prior to the charging station being installed and the public road being modified to support the charging station.

SITE AND LOCALITY

2. The site accommodates an existing standardised Ausgrid electrical kiosk of a dark green colour which is visible from Regent Street, Premier Street and the surrounding footpaths.
3. The proposed JOLT charging station is to be installed over the existing Ausgrid kiosk within the road reserve along Premier Street, directly to the east of 31 Regent Street.

4. Regent Street adjoins the site to the north, with an educational establishment being Kogarah High School directly opposite the site at 28 Regent Street Kogarah.
5. East of the substation, adjoining Premier Street is a restaurant and take away shop.
6. The south of the site is bounded by Post Office Lane which adjoins to the Westpac building.
7. The western adjoining site at 31 Regent Street contains a two (2) storey boarding house, with associated basement parking. Development further west of the site comprises a mix of shop, commercial and business premises. Regent Street and Premier Street contain restricted on street parking.
8. The existing substation site is partly located on a paved Council footpath, however it predominantly sits within the Council land reserve. The footpath has a width of 1900mm and a clearance for pedestrians of 1749mm between the Ausgrid station and west property boundary of 31 Regent Street.

ZONING AND PERMISSIBILITY

9. The site is located in the MU1 Mixed Use zone pursuant to the *Georges River Local Environmental Plan 2021* ('GRLEP 2021'). The proposed development is permissible with consent under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP) as discussed under Item 32 of this report. The proposed development is generally consistent with the *GRLEP2021* and the *Georges River Development Control Plan 2021* ('GRDCP 2021').

SUBMISSIONS

10. The proposal was notified between 26 October 2023 to 9 November 2023 in accordance with the provisions of Council's Notification Policy. No submissions were received within this time period.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

11. The application is referred to the Georges River Local Planning Panel for determination under the Ministerial Direction 6 March 2024. – Schedule 1 Development for which the applicant or land owner is: (a) the council.
12. The location of proposed works falls on Council Land (Road Reserve) **and land to which council has care and control**. In relation to the Ministerial Directions and the Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 this development is not considered to be a 'council related development application' as defined by the Environmental Planning and Assessment Act 1979. This is defined within Schedule 1 Community participation requirements, 9B Council-related development applications (2) (b) for development on land, other than a public road within the meaning of the Local Government Act 1993 - (i) of which the council is an owner, a lessee or a licensee, or (ii) otherwise vested in or under the control of the council.

CONCLUSION

13. The development application can be supported subject to recommended conditions of consent for the following reasons:

- (a) The proposed development forms a permissible use being an advertising enabled EV charging unit, within the E1 Local Centre zone within the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the State Environmental Planning Policy (Industry and Employment) 2021.
- (b) The signage component of the proposal complies with the assessment criteria for signage within the State Environmental Planning Policy (Industry and Employment) 2021.
- (c) The proposal is not a Council-related development application as defined in 9B(2) (b) of the Environmental Planning and Assessment Act 1979.
- (d) The proposal is suitable for the subject site as it is not inconsistent with the provisions of the *Georges River Local Environmental Plan 2021*.
- (e) The proposal is suitable for the subject site as it is consistent with the provisions of the *Georges River Local Environmental Plan 2021*.
- (f) The proposed development provides a suitable EV charging facilities on an existing Ausgrid owned substation which addresses applicable planning controls.
- (g) The development will not create adverse impacts onto the locality and will remain compatible with the existing area.
- (h) The proposed development incorporates sufficient measures to safeguard parking amenity.
- (i) The development will provide a use that accommodates the needs of the existing and future residents, workers, and visitors of Georges River.
- (j) For the reasons given above, approval of the application is in the public interest.

REPORT IN FULL

PROPOSAL

14. The development application seeks approval for the installation of a JOLT EV charging station (advertising enabled EV charging unit), in agreement with Ausgrid, at an existing Ausgrid kiosk substation situated east of 31 Regent Street, Kogarah. Specifically, the proposed development application involves:
- (a) A metal casing over the existing Ausgrid kiosk substation with EV charging and integrated third party and business signage.
 - (b) The signage component comprises two (2) LED signage, facing north and south along Regent Street, each measuring 928mm x 1650mm.
 - (c) Business identification signage containing the word "JOLT" and company logo spanning approximately 600mm in width is integrated into the EV charging unit. The white business identification logo is located on each elevation.

The designation of the car park for exclusive EV vehicle use, and associated line marking, and road signage is subject to separate Georges River Local Traffic Committee approval prior to the charging station being installed and the public road being modified to support the charging station.

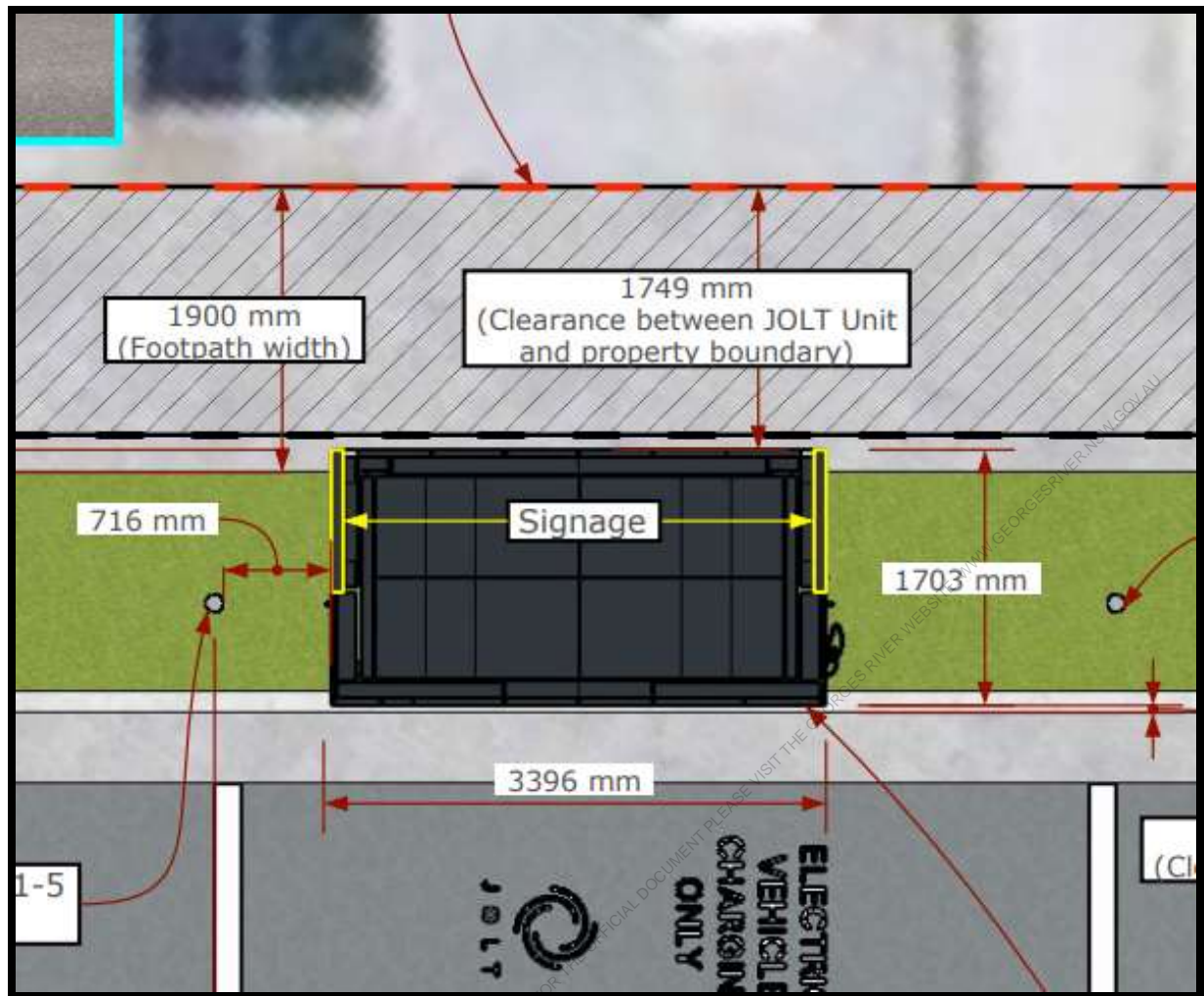


Figure 2: Proposed EV charger location and dimensions



Figure 3: Proposed advertising enabled EV charging unit

15. The luminance levels of the signage will be monitored via electronic location based screen optimisation via programmes known as 'GeoVu' and 'WeatherVu' which utilise the following:
 - GPS location and weather data algorithm used to modify luminance parameters.
 - Historical and real-time data to modify decision parameters (i.e. weather, time, sun angle etc)
16. The use of 4G connectivity enables the signage to be monitored remotely.
17. The proposed digital signage panels have a number of purposes including:
 - Visual identification of the EV charging unit for users.
 - Provision of public information and emergency messaging on behalf of Ausgrid.
 - Funding to deliver the EV charging service to the public.

THE SITE AND LOCALITY

18. The site accommodates an existing standardised Ausgrid electrical kiosk of a dark green colour which is visible from the streets and surrounding footpath.
19. The proposed JOLT charging station is to be installed over the existing Ausgrid kiosk within the road reserve along Premier Street, directly to the east of 31 Regent Street, adjoining in the vicinity of the T intersection of Regent Street.
20. Located along Regent Street are local centre shops and commercial premises with business identification signage being a common characteristic.

21. Regent Street adjoins the site to the north, with a educational establishment being Kogarah High School directly opposite the site at 28 Regent Street.
22. East of the substation, adjoining Premier Street is a restaurant and take away shop.
23. The south of the site is bounded by Post Office Lane which fronts the Westpac building.
24. The western adjoining site at 31 Regent Street contains a two (2) storey boarding house, with associated basement parking. Development further west of the site comprises a mix of shop, commercial and business premises. Regent Street and Premier Street contain restricted on street parking.
25. The existing substation site located on a paved Council footpath. The footpath has a width of 900mm and a clearance for pedestrians of 1749mm between the Ausgrid station and west property boundary at 31 Regent Street Kogarah.
26. The existing substation site located on a paved Council footpath. The footpath has a clearance for pedestrians of 1900mm between the grassed area of the Ausgrid station and the building to the west.

BACKGROUND

27. A pre-lodgement meeting (PRE2023/0031) was held in relation to 3 Lily Street, Hurstville and 293 Belmore Road, Riverwood on 26 July 2023 for the proposal, being the installation of JUMP charging stations on existing Ausgrid kiosk sites with associated signage.
28. On 18 August 2023 Pre-lodgement Advice was provided for PRE2023/0031.
29. Council's pre-lodgement advice letter questioned the permissibility if the proposed advertising-enabled EV charging units under Section 2.124(2) of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
30. Section 2.124(2) of the T&I SEPP was repealed on 18 August 2023 which removed the exclusion of advertising enabled EV charging units from this provision. Clause 2.124A of SEPP T&I was amended as follows as marked in red:

Section 2.124(2) as of 17 August 2023	Section 2.124(2) to date
<p>2.124A Development permitted with consent—electricity supply authorities and public authorities</p> <p>(1) Development for the purposes of installing an EV charging unit may be carried out by or on behalf of an electricity supply authority or public authority with consent if—</p> <p>(a) the unit does not obstruct the following—</p> <p>(i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,</p> <p>(ii) cyclist or pedestrian movement along a cycleway or footpath, and</p>	<p>2.124A Development permitted with consent—<i>generally</i></p> <p>(1) Development for the purposes of installing an EV charging unit may be carried out with consent if—</p> <p>(a) the unit does not obstruct the following—</p> <p>(i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,</p> <p>(ii) cyclist or pedestrian movement along a cycleway or footpath, and</p>

(b) <i>the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant.</i>	(b) <i>the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant.</i>
(2) <i>This section does not apply to an advertising-enabled EV charging unit.</i>	(2) <i>(Repealed)</i>

Table 1: Amendments to Clause 2.124A of SEPP T&I (shown in red)

31. The development application was lodged on the 12 October 2023.
32. An external planning consultancy was engaged on 25 June 2024 to undertake the development assessment.
33. Additional information was requested from Council on the 29 August 2024 regarding the following:
 - Permissibility in relation to the ambiguity of the interpretation of Clause 2.124A of the State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - Internal referrals in relation to a Memorandum of Understanding between Council, the Traffic Committee and JOLT; and
 - Design considerations relating to parking dimensions, signage and site-specific conditions.
34. Additional information, including amended Architectural Drawings was provided by the Applicant on the 13 September. However, the applicant requested that parking dimensions, wheel stops etc be provided by way of condition rather than amended plans to support the assessment of the DA.
35. An additional internal referral was requested to the Assets and Infrastructure Team on the 4 October 2024.

Section 4.15 Evaluation

36. The following is an assessment of the application with regard to Section 4.15(1) Evaluation of the Environmental Planning and Assessment Act 1979.
 - (1) *Matters for consideration – general*
In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:
 - (a) *the provisions of:*
 - (i) *any environmental planning instrument*
37. The relevant environmental planning instruments, proposed instruments, development control plans and planning agreements include the following:
 - (a) *State Environmental Planning Policy (Transport And Infrastructure) 2021*
 - (b) *State Environmental Planning Policy (Resilience And Hazards) 2021;*
 - (c) *State Environmental Planning Policy (Industry And Employment) 2021;*
 - (d) *Georges River Local Environmental Plan 2021; and*
 - (e) *Georges River Development Control Plan 2021.*

State Environmental Planning Policy (Transport and Infrastructure) 2021

38. The proposal for an EV charger and advertising ancillary to an existing electricity generating kiosk (advertising enabled EV charging unit) is development permitted with consent pursuant to Clause 2.124A of the T&I SEPP.
39. Former Section 2.124(2) of the T&I SEPP excluded advertising-enabled EV charging units from the provisions of Section 2.124. Subsection (2) was repealed on 18 August 2024.
40. As of 18 August 2024. Advertising-enabled EV charging units are permissible under Section 2.124, as amended (see item 30).
41. This interpretation of the Clause 2.124A amendment which removed the exclusion EV charging units to create a permissible pathway for advertising enabled EV charging units is supported by the Electric Vehicles fact sheet issued by Department of Planning and Environment
42. The proposal consists of advertising signage which is enabled by the EV charging unit and does not impede vehicular, pedestrian or cyclist movement nor obstruct any access required for fire safety.
43. Land affected or in proximity to electricity transmission or distribution infrastructure (including powerlines) is covered under Division 5 Electricity transmission or distribution networks.

Division 5 Electricity transmission or distribution		
Subdivision 2 Development likely to affect an electricity transmission or distribution network		
Clause 2.48 Determination of development applications – other development		
Standard	Proposal	Compliance
(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following— (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, (b) development carried out— (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or (ii) immediately adjacent to an electricity substation, or	Notice was sent to the electricity supply authority, being Ausgrid, with a response received. The matters identified in response detailed that the development was supported subject to the implementation of conditions.	Yes

<p>(iii) within 5m of an exposed overhead electricity power line,</p> <p>(c) installation of a swimming pool any part of which is—</p> <p>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</p> <p>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</p> <p>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</p>		
Division 17 Roads and Traffic		
Subdivision 2 Development in or adjacent to road corridors and road reservations		
Clause 2.119 Development with frontage to classified road		
Standard	Proposal	Compliance
<p>(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 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.</p>	<p>The development has a frontage to the Premier Street which is not a regional classified road.</p>	<p>The proposed development is not sensitive to traffic noise or vehicle emissions.</p>

Subdivision 3 Electric vehicle charging units		
Clause 2.124A Development permitted with consent—generally		
Standard	Proposal	Compliance
<p>(1) Development for the purposes of installing an EV charging unit may be carried out with consent if—</p> <p>(a) the unit does not obstruct the following—</p> <p>(i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,</p> <p>(ii) cyclist or pedestrian movement along a cycleway or footpath, and</p> <p>(b) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant.</p>	<p>The proposed development does not obstruct vehicular, cyclist or pedestrian access and does not obstruct access to equipment used for fire protection.</p> <p>The proposed clearance of the footpath, (approximately 1749mm) it not restrictive of pedestrian/bicycle or resident entry access to the footpath within the proposed location.</p> <p>The fire hydrant at 31 Regent Street is located south-west of the proposal (approximately 1110mm). As such, the installation of the JOLT unit will not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection as per section 2.124A.</p> <p>The development is considered to be consistent standards of Clause 2.214A.</p>	Yes

State Environmental Planning Policy (Industry and Employment) 2021

44. The application has had due regard to this SEPP, specifically Chapter 3 and Schedule 5. The proposal includes two digital signage panels measuring at 165mm x 928mm. The proposed signage satisfies the assessment criteria of schedule 5 of the SEPP as considered in the following table.

Consideration	Compliance
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The proposed signage is located in a Mixed-use zone (MU1).</p> <p>The view from the adjoining local centre area towards the proposed site contains advertising in the form of static and non-digital signage. The proposed signage is compatible with the desired future streetscape and the nature of the immediate locality as a local centre and will support the Centre's gradual transition to higher density development. On this basis the proposed signage will not be a visually intrusive</p>

	element in the backdrop of the MU1 - Mixed Use Zone.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Several business identification and other commercially related signage can be found along shopfront facades within the immediate locality. The implementation of the proposed digital signage panels are not deemed to detract from existing signage themes found within the locality.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will not detract from the amenity or visual quality of any of the mentioned aspects.
3 Views and vistas	
Does the proposal obscure or compromise important views?	The proposed signage is integrated into the metal façade of the proposed JOLT charging unit and will not obscure or compromise any views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is positioned below the proposed casing which is 2176mm in height. The proposed signage panels will not dominate the skyline or reduce the quality of vistas.
Does the proposal respect the viewing rights of other advertisers?	<p>The proposed advertising screens have a dimension of 1650mm x 928mm and are attached to the proposed casing over an existing electricity kiosk.</p> <p>The signage screens are proposed within the side (north & south) panels which are not taken to obscure the viewing rights of signage contained on the buildings further north of the substation along Regent Street.</p> <p>Adjacent to the substation, non-digital signage is located on both shops. The proposed signage will not affect the viewing rights of any other signs on Premier Street or Regent Street.</p>
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposal is appropriate given the site's location within the transitioning mixed-use locality.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal acts as an opportunity to add visual interest through third-party advertising, public notices, and identification of the EV charging unit. The proposed EV charging unit effectively screens the existing substation. It is considered that the use of metal materials and

	integrated signage will result in a positive contribution to the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no existing advertising. The proposal features a black panelled design, consistent with other JOLT EV charging units. The proposed signage will be constructed out of a non-reflective finish, non-weathering materials & a high resolution digital display integrated within the JOLT charging unit. This is not considered to constitute 'clutter.'
Does the proposal screen unsightliness?	The proposed signage screens an existing standard green Ausgrid electricity generation kiosk which currently contains graffiti. The proposed signage is required to be maintained from graffiti and damage.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs are integrated into the proposed casing of existing Ausgrid sub-station kiosk and will not protrude into existing nearby buildings.
Does the proposal require ongoing vegetation management?	The proposal does not require any ongoing vegetation management.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The advertising signs are of a scale that is embedded within the encasing structure over the substation. The proposal is considered compatible within the public domain and the broader local centre locality.
Does the proposal respect important features of the site or building, or both?	The proposal respects the surrounding mixed-use locality and does not adversely impact the streetscape.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal shows innovation through the creation of a new use of the existing substation that will serve as a public benefit with the increasing number of electric vehicles being purchased in Australia (Electric Vehicle Council, State of Electric Vehicles – October 2022).
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	<p>The proposed signage will be integrated into the JOLT EV charging unit. Safety and control of illumination together with materiality of the finish has been considered as part of the design.</p> <p>The proposed signage will be enclosed in a multi-layered, laminated cover glass with high transmission and vandal resistance.</p>
7 Illumination	
Would illumination result in unacceptable glare?	The proposed signage has a non-reflective finish. The level of illumination is conditioned comply with AS4282.

Would illumination affect safety for pedestrians, vehicles or aircraft?	The signage features automatic brightness adjustment to ambient light. The illumination intensity of the signage will not affect the safety of pedestrians, motorists, trains or aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination intensity of the signage is to be compliant with AS 42822019 – Control of Obtrusive Effects of Outdoor Lighting and will not detract from the amenity of the locality or adjoining boarding house as the proposed signage is located on the northern and southern proposed panels rather than directly towards the accommodation.
Can the intensity of the illumination be adjusted, if necessary?	The screen brightness will be regulated in response to ambient lighting levels and time of day. Lower brightness settings will be utilised during lower ambient light periods (evening-night) which will assist in managing glare and preventing harm to its surrounds.
Is the illumination subject to a curfew?	The illumination is not subject to a curfew, providing that all Australian Standards and conditions are met.
8 Safety	
Would the proposal reduce the safety for any public road?	<p>The size, shape, location and illumination of the signage does not affect the safety of pedestrians, motorists, aircraft or adjoining residents.</p> <p>The proposed signage is integrated into the JOLT EV charging unit. The proposed signage will not obstruct sightlines, cause unacceptable glare or distraction for drivers and therefore road safety will not be reduced.</p>
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not obstruct, interfere with or reduce the safety of movement for pedestrians or bicyclists. The proposed signage ensures an appropriate level of road safety and thereby does not reduce safety for pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed digital signage is integrated into the JOLT EV charging unit which encases an existing Ausgrid electricity generating kiosk. As such, it will not obstruct sightlines from public areas by virtue of not substantially adding to the existing Ausgrid kiosk substation envelope.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

45. The proposal, being an EV charger and advertising ancillary to an existing electricity generating kiosk only, is considered satisfactory and does not compromise the criterion of the Biodiversity and Conservation SEPP, specifically *Chapter 2 Vegetation in non-rural area* and *Chapter 6 Water Catchments*. No tree is proposed to be removed as part of this application, and no earthwork is required for this proposal.

Georges River Local Environmental Plan 2021

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

Part 1 – Preliminary		
Clause 1.2 – Aims of the Plan		
Standard	Proposal	Compliance
In accordance with Clause 1.2 (2)	The development is considered to be consistent with the aims of the plan.	Yes
Part 2 – Permitted or prohibited development		
Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
<p>The subject site is zoned MU1 Mixed Use.</p> <p>The objectives of the zone are:</p> <ul style="list-style-type: none"> • To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. • To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. • To integrate suitable business, office, residential, retail and other development in accessible locations to maximise public 	<p>The development for the purposes of advertising-enabled EV charging is not prohibited in the Georges River Local Environmental Plan 2021.</p> <p>The proposal is generally consistent with the zone objectives as the development:</p> <ul style="list-style-type: none"> • Will encourage a diversity of business uses and generate employment opportunities through the advertising structures. • The development will improve the existing street frontage that will attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. • Conflict between land zones will not occur as a result of the development. • The proposed development will not hinder residential development nor non-residential land uses on the ground floor of buildings. • The proposal does not encourage public or active transport usage. However, the proposal encourages the uptake of electric vehicles. Further, the proposed development does not dissuade public transport patronage, walking or cycling. 	Yes

<p>transport patronage and encourage walking and cycling.</p> <ul style="list-style-type: none"> To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community. To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services. 	<ul style="list-style-type: none"> The development meets the needs of the community by serving the needs of people who live in, work in or visit the area and require the use of an EV charger. All members of the public will have access to the EV charger. 	
Part 4 – Principal Development Standards		
Clause 4.3 – Height of Buildings		
Standard	Proposal	Compliance
The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Maximum height is 28m as identified on Height of Buildings Map	The proposed EV charger, casing and signage has a maximum height of 2.176m.	Yes

Georges River Development Control Plan 2021

47. The extent to which the proposed development complies with the relevant provisions of the Georges River Development Control Plan 2021 (GRDCP 2021) is detailed and discussed in the table below.

Part 3 – General Planning Considerations

Part 3.18 Advertising and Signage		
Requirement	Proposal	Comply
1. Signs should be designed and located to:		
i. Relate to the use of the premises.	<p>The proposal includes third-party signage and business identification signage. Given the nature of the works and offering (i.e. EV charging unit for public use, the proposal is appropriate for the locality).</p> <p>The proposed third-party signage is related to the use of the structure as it provides for the continued funding required to</p>	Yes

	deliver the JOLT EV charging unit.	
ii. Be consistent with best practice guidelines.	The proposed signage is generally consistent with the Infrastructure and Employment SEPP and has been designed in accordance with the Guidelines.	Yes
iii. Be integrated with the architecture of the supporting building, not obscure significant architectural features and maintain the dominance of the architecture.	The proposed signage is integrated into the JOLT EV charging unit which is over an existing substation.	N/A
iv. Be limited in number to avoid cluttering, distraction and unnecessary repetition.	Two digital signs are proposed to avoid clutter. Noting the signs will incorporate a minimum dwell time of 10 seconds each, no unacceptable distraction is considered to arise.	Yes
v. Not cover mechanical ventilation inlets or outlets.	The proposed signage does not cover mechanical ventilation inlets or outlets. The Ausgrid kiosk will continue to be accessible.	N/A
vi. Not comprise a roof sign.	A roof sign is not proposed.	N/A
vii. Not comprise an above awning sign.	An awning sign is not proposed.	N/A
viii. Not comprise a flag pole sign.	A flag pole sign is not proposed.	N/A
ix. Not compromise road or pedestrian safety including cyclists.	The proposal does not compromise the road or pedestrian safety and will be integrated within and not project from the EV charging station.	Yes
x. Be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall.	The proposed signage is flush with the wall of the EV charging unit.	Yes
xi. Be at least 600mm from a kerb or roadway edge where the sign is over a public road.	The closest edge of the proposed signage is 800mm from the public road.	Yes
2. Signs must be securely fastened to the structure or building to which they are attached and must comply with the applicable requirements of the BCA and relevant Australian Standards.	The proposed signage is incorporated into the structure of the JOLT EV charging unit. Recommended conditions ensure the proposal complies with the applicable requirements of the BCA and relevant Australian Standards.	Yes
3. In addition to the above, illumination of signage should:	The illuminated signage is integrated within the casing of the JOLT EV charging unit.	Yes

i. Be integrated with the design of the sign.		
ii. Not cause light spillage into nearby residential properties.	The proposed signage is not expected to cause light spillage into nearby residential properties as controlled by standard conditions of consent.	Yes
iii. Not use complex displays, moving signs, flashing lights or the like that hold driver's attention beyond 'glance appreciation'.	The proposed signage will comprise transitional static images, each displaying a minimum of 10 seconds per image to not distract drivers.	Yes
iv. Be fitted with an automatic timing device, controlling the illumination hours.	An automated timing device is incorporated into the proposed signage which controls the illumination hours. Illumination is also controlled by ambient lighting levels to respond to lower ambient light periods such as overcast weather.	Yes
4. In residential zones, signage should not be illuminated.	The signage is not located within a residential zone.	N/A
5. All commercial advertising should comply with SEPP No.64-Advertising and Signage.	An assessment against the Industry and Employment SEPP 2021 (formerly SEPP No.64-Advertising and Signage) is provided above under item 44.	Yes
Business identification signs should:		
i. Identify the significant owners, tenants and uses of buildings.	The business identification signage contains the "JOLT" name and logo.	Yes
ii. Be displayed in English, but may include a translation in another language not larger than the English message.	Signage is to be displayed primarily in English.	Yes
iii. Consolidate signs for multiple tenancies.	N/A	Yes
iv. Not incorporate advertising of products and services that are not directly related to the approved use of the premises.	N/A	Yes
v. Comply with the general controls and the relevant prescriptive measures in Table 7.	Noted	Yes
Table 7 Flush wall - Must comply with all of the following controls, otherwise prohibited		

a. Only one sign per building elevation;	The structure has one "JOLT" logo per elevation.	Yes
b. Must not have an area greater than: iii. 20% of the elevation for elevations of <100m2.	The business identification signage comprises less than 20% of each elevation.	Yes
c. Must not project above or beyond the wall to which it is attached;	The signage does not project beyond the wall it is attached to.	Yes
d. Must not extend over a window or other opening, or architectural feature;	No windows or architectural features existing on the structure.	Yes
e. Must not be located on a building wall if there is an existing building or business identification sign on the building elevation.	The Ausgrid Kiosk will be encased by the EV charging unit. No existing signage will be visible.	Yes

The Likely Impacts of the Development

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

Likely Impacts of the Development	
Natural Environment	The development is located within an established mixed use development area and is not considered to result in unreasonable impact on the natural environment.
Built Environment	<p>The built form of the proposed development is of a bulk and scale that is appropriate within its setting, as the development is not inconsistent with the character of the area.</p> <p>The development is occurring in a locality where adequate infrastructure exists to support the development during construction and ongoing use.</p>
Social Impact	The proposal will have a positive social impact on the locality as the EV chargers will encourage the uptake of electric vehicles in line with the NSW Electric Vehicle Strategy, Georges River Georges River Car Parking and Transport Strategies.
Economic Impact	The proposal is considered to result in a positive economic impact through the provision electric vehicle charging at little to no cost to users.

Site Suitability

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

49. The site is zoned MU1 – Mixed-Use. The proposal will have no unacceptable adverse impacts on the adjoining properties and the streetscape in its current form.

Submissions

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

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

The Public Interest.

Section 4.15 (e) the public interest.

51. **The proposed development** is considered to address the growing need for electric vehicle charging infrastructure within the Georges River Local Government Area. In this regard, noting there were no submissions against the proposed development, the proposal is considered to be in the public interest.

Referrals

External Referrals		
Referral Body	Comment	Outcome
Ausgrid under Section 2.48 of SEPP (Transport and Infrastructure) 2021	Ausgrid consents to the development subject to conditions.	Ausgrid conditions included in the consent.
Internal Referrals		
Referral Body	Comment	Outcome
Council Land Works	No objection	No further action required.
Land Information	DA does not require property numbering	No further action required.
Assets and Infrastructure / Traffic and Transport	Council officers requested the preparation of a memorandum of understanding to be prepared between the applicant and Council. The jolt parking space is to have enough room between itself and the Southern "No parking sign" for 1 standard car spot (5.4m).	Traffic and Transport conditions included in the consent. Furthermore, noting the positioning of the existing substation relative to the kerb, wheel stops are recommended to avoid damage to cars and associated EV charging infrastructure.

Contributions

52. The development is not subject to Section 7.11/7.12 Contributions as the estimated cost of works is less than \$100,001.00 and the proposed EV charging station does not generate a net increase in number of workers, visitors or residents.

Conclusion

53. The proposal has been assessed with regard to the matters for consideration listed in Section 4.15 of EP&A Act. The proposal is considered to be an appropriate response to the context of the site and will result in a reasonable planning outcome, subject to the recommended conditions of consent.
54. The proposal has been assessed against the provisions of the relevant State Environmental Planning Policies, *Georges River Local Environmental Plan 2021* and *Georges River Development Control Plan 2021* and complies with the development standards of the Local Environmental Plan and meets the underlying objectives of Development Control Plan. The application is worthy of support subject to the recommended conditions of consent.

Determination

55. Pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, seeks that the Georges River Local Planning Panel grant approval to DA2023/0420 for the installation of an advertising enabled EV charging unit, over an existing Ausgrid kiosk substation situated within the road reserve adjoining to 31 Regent Street, Kogarah, subject to the conditions referenced below.

Statement of Reasons

56. The reasons for this recommendation are that:
- The proposed development forms a permissible use, within the MU1 Mixed Use zone within the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the State Environmental Planning Policy (Industry and Employment) 2021.
 - The signage component of the proposal complies with the assessment criteria for signage within the State Environmental Planning Policy (Industry and Employment) 2021.
 - The proposal is not a Council-related development application as defined in 9B(2) (b) of the Environmental Planning and Assessment Act 1979.
 - The proposal is suitable for the subject site as it is not inconsistent with the provisions of the *Georges River Local Environmental Plan 2021*.
 - The proposal complies with the relevant development controls of Georges River Development Control Plan 2021.
 - The proposed development provides a suitable EV charging facilities on an existing Ausgrid owned substation which addresses applicable planning controls.
 - The development will not create adverse impacts onto the locality and will remain compatible with the existing area.
 - The proposed development incorporates sufficient measures to safeguard parking amenity.
 - The development will provide a use that accommodates the needs of the existing and future residents, workers, and visitors of Georges River.
 - The development is considered to be in the public interest.

Conditions

Development Details

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

Architectural Drawings

Description	Reference No.	Date	Revision	Prepared by
Location Plan	Site No 10865	05/09/2023	A	JOLT CHARGE PTY LTD
Surrounding Features	Site No 10865	05/09/2023	A	JOLT CHARGE PTY LTD
EV Charger Dimensions	Site No 10865	05/09/2023	A	JOLT CHARGE PTY LTD
Jolt Unit Specifications	Sheet 1 of 1	05/09/2023	1.0	JOLT CHARGE PTY LTD

Other Documents

Description	Reference No.	Date	Revision	Prepared by
Statement of Environmental Effects	-	September 2023	1	Mecone
Maintenance Plan of Management	-	Not dated	1	JOLT CHARGE PTY LTD
Ausgrid concurrence letter	-	13/03/2024	2	Ausgrid

- 2. Duration of Consent** - The duration of this consent is limited to a period of fifteen (15) years in accordance with the provisions of clause 14(1)(a) of the *State Environmental Planning Policy ((Industry and Employment) 2021*. In this regard the sign shall be removed on or before that date or new development consent obtained.
- 3. EV Charging Station** – The proposed signage shall only be installed and operate in conjunction with the electrical vehicle charging station as approved under this consent.
- 4. External Flammability**
 - A. Design**
The materials of the structure, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). This includes the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels.

B. Before Construction

Details of compliance with "A" above must form part of the application for a Construction Certificate.

C. Before Occupation

Prior to the occupation of the development, or the issue of any Occupation Certificate, certification, including an appropriate level of detail to demonstrate compliance with the NCC as built, must be provided to the PC by an appropriately accredited professional that external finishes of the building complies with "A" above.

Requirements of Concurrent, Integrated & Other Government Authorities**5. Ausgrid - Underground Cables are in the vicinity of the development.**

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

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

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

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

The following points should also be taken into consideration.

- Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances".

This document can be found by visiting the following Ausgrid website:
www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g., Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways

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

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

Prior to the Issue of a Construction Certificate

7. **Design Changes Required** – The following changes are required to be made and shown on the Construction Certificate plans:
 - a) All parking spaces dimensions are to be annotated in accordance with Australian standards. to clearly identify the following:
 - b) The JOLT parking space is required to have a minimum length / dimension of 5.4m to provide enough space between the parking sign for 1 standard car spot.
 - c) Wheel stops are to be installed within the parking space to prevent damage to vehicles and the EV charger infrastructure.

The amended plans are to include a scale bar and annotated dimensions and be submitted to the Georges River Local Traffic Committee for approval.

8. **Memorandum of Understanding**

Prior to the commencement, JOLT and Council must agree to a commercial agreement via a memorandum of understanding (MOU) relating to the operation of the EC charging station and use of the on-street parking bay.

- Various conditions including the lease term, charging locations, and associated plans.
- That construction, installation and on-going maintenance of all infrastructure, including any signage and line marking, are to be paid for by the applicant at no cost to Council.

The MOU must be signed and agreed by both parties prior to construction commencement.

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Builders Damage Deposit	\$3750.00
Inspection Fee for Refund of Damage Deposit	\$210.00
DEVELOPMENT CONTRIBUTIONS	
Georges River Council Local Infrastructure Contributions Plan 2021 (S7.11 and S7.12)	\$0

General Fees

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

10. **Damage Deposit** - In order to insure against damage to Council property the following is required:
- Pay Council, prior to the commencement of work, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$3,750.00.
 - Pay Council, prior to the commencement of work a non-refundable inspection fee to enable assessment of any damage and repairs where required: \$210.00.
 - Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise, the amount will be either forfeited or partly refunded according to the amount of damage.

Prior to the Commencement of Works

11. **Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Certifying Authority (CA) and Council for their records.
12. **Registered Surveyors Report - During Development Work** - A report must be submitted to the CA at each of the following applicable stages of construction:
- Set out before commencing installation.
 - Completion of all Work - Detailing the location of the structure relative to adjacent boundaries and its height relative to the datum shown on the approved plans.

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

During Construction

- 14. Site sign – Soil and Erosion Control measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
- 15. Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties.
- 16. Hours of construction for demolition and building work** - Unless authorised by Council:
- Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
 - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed outside these hours.
- 17. Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

Prior to the Issue of an Occupation Certification

- 18. Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the PC appointed for the building work can issue the Occupation Certificate.

Operational Conditions (On-Going)

19. **General Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products. This is to protect the neighbourhood amenity.
20. **Outdoor Lighting** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare and must comply with AS 4282-2019: Control of the obtrusive effects of outdoor lighting.

The signage operator must ensure that the average luminance difference between successive images does not exceed 30% to ensure compliance with AS4282. The dwell time shall be 10 seconds or greater.

21. **Content of LED screen sign** – The images displayed must not contain:
Flashing or flickering lights or content;
- (a) Animated displays, moving parts or simulated movement;
 - (b) Complex displays that hold a driver's attention beyond 'glance appreciation';
 - (c) Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt';
 - (d) A method of illumination that distracts or dazzles;
 - (e) Dominant use of colours red or green.

The content of the LED screen sign must comply with the below:

- (f) Dwell times between displays shall be no shorter than 10 seconds.
 - (g) Transition time between messages shall be no longer than 0.1 seconds.
 - (h) Sign is not to have any associated audio speaker and is not permitted to generate any sound;
 - (i) Signage must not be liable to interpretation as an official traffic sign or to be confused with instructions given by traffic signals or other devices;
 - (j) The wording and content of the advertising sign must not contain undesirable discriminatory advertising messages as specified in the Anti-Discrimination Act 1977.
22. **Illumination intensity of signage** – The proposed luminance levels shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and relevant Australian Standards.
23. **Electrical wiring** - Electrical wiring to all signs is to be concealed.
24. **Use of the site** – The use of the site is to be undertaken in accordance with the approved Memorandum of understanding (MOU) and relevant conditions of consent.

Operational Requirements under the Environmental Planning and Assessment Act 1979.

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

- 26. Appointment of a Principal Certifier (PC)** - The erection of a building must not commence until the applicant has:
- (a) appointed a PC for the building work; and
 - (b) if relevant, advised the PC that the work will be undertaken as an Owner -Builder.
- If the work is not going to be undertaken by an Owner - Builder, the applicant must:
- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
 - (b) notify the PC of the details of any such appointment; and
 - (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

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

- 27. Notification Requirements of PC** - No later than two days before the building work commences, the PC must notify:
- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
- 28. Notice of Commencement** - The applicant must give at least two days notice to the Council and the PC of their intention to commence the erection of a building. A Notice of Commencement Form is attached for your convenience.
- 29. Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 68 of the Environmental Planning and Assessment Regulation (Development and Fire Safety) Regulation 2021.
- 30. Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

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

END CONDITIONS

NOTES/ ADVICES

- 31. Compliance with the Environmental Planning and Assessment Act 1979** – The requirements and provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021 and the Environmental Planning and Assessment (Development Certification and Fire Safety Regulation) 2021, must be complied with at all times.

- 32. Compliance with Development Consent** – Please note that the development and all building work must be carried out fully in accordance with the development consent and conditions of consent.

Council may serve an Order requiring the demolition/removal of unauthorised building work or to require full compliance with Council's development consent.

- 33. 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.

- 34. 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.
- 35. Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.
- 36. Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au
- 37. Electricity Supply** - This development will need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.
- 38. Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

39. Disability Discrimination Act - This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.
40. **Noise** - Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

- a) Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).


ATTACHMENTS

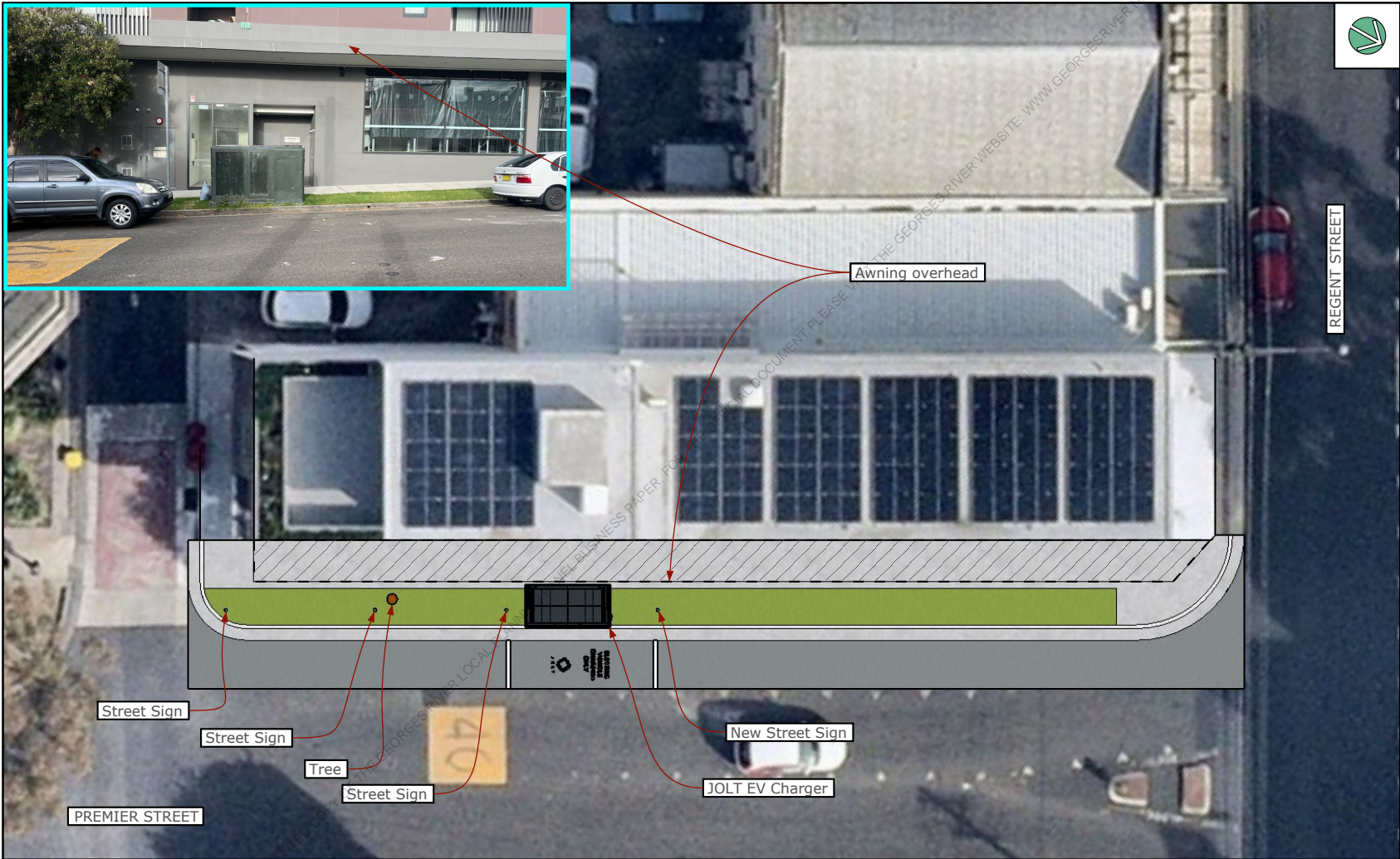
Attachment [1](#) Architectural Plans and Specifications




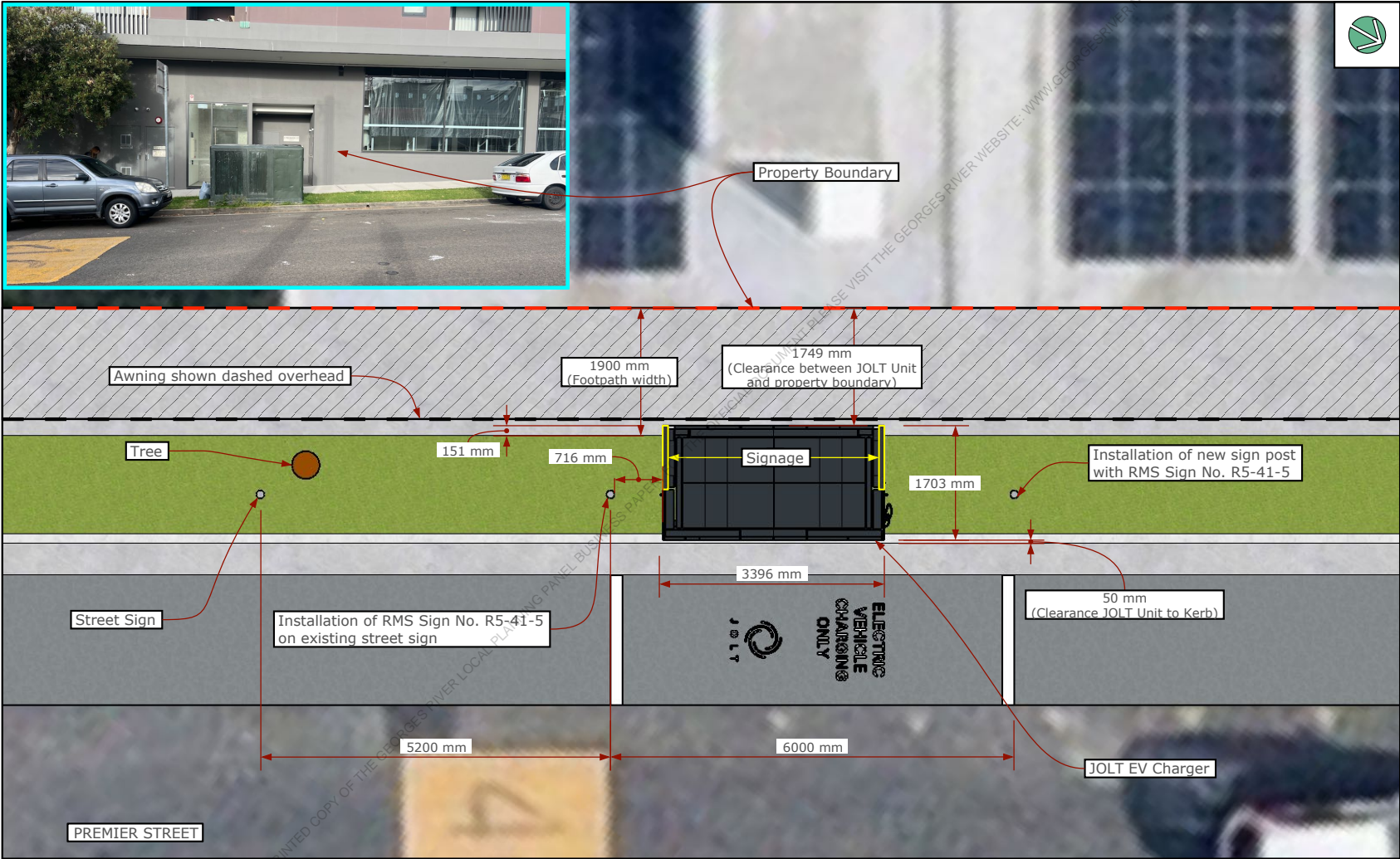
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