

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 04 APRIL 2024

LPP011-24 53A VISTA STREET, SANS SOUCI

LPP Report No	LPP011-24	Development Application No	DA2023/0282
Site Address & Ward Locality	53A Vista Street, Sans Souci Kogarah Bay		
Proposed Development	Alterations and additions to existing jetty, mooring piles, ramp, pontoon and construction of a boatshed and mooring pen.		
Owners	Mr P Gentile		
Applicant	Mr C Turner		
Planner/Architect	Harbour Planning Pty Ltd		
Date Of Lodgement	18/10/2023		
Submissions	Fifteen (15) submissions		
Cost of Works	\$70,000.00		
Local Planning Panel Criteria	Contentious Development - Number of unique submissions		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Resilience and Hazards) 2021; State Environmental Planning Policy (Transport and Infrastructure) 2021; Georges River Local Environmental Plan 2021.		
List all documents submitted with this report for the Panel's consideration	Statement of Environmental Effects, Architectural Plans, Landowner's Consent from the Department of Planning and Environment – Crown Lands, Department of Primary Industries – Fisheries Approval, Transport for NSW – Maritime Approval, Marine Habitat Report		
Report prepared by	Senior Development Assessment Planner		

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

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

<p>recommendations summarised, in the Executive Summary of the assessment report?</p>	
<p>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?</p>	<p>Not Applicable</p>
<p>Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<p>Not Applicable</p>
<p>Conditions Have draft conditions been provided to the applicant for comment?</p>	<p>No, conditions have been attached and can be reviewed prior to determination.</p>

SITE PLAN

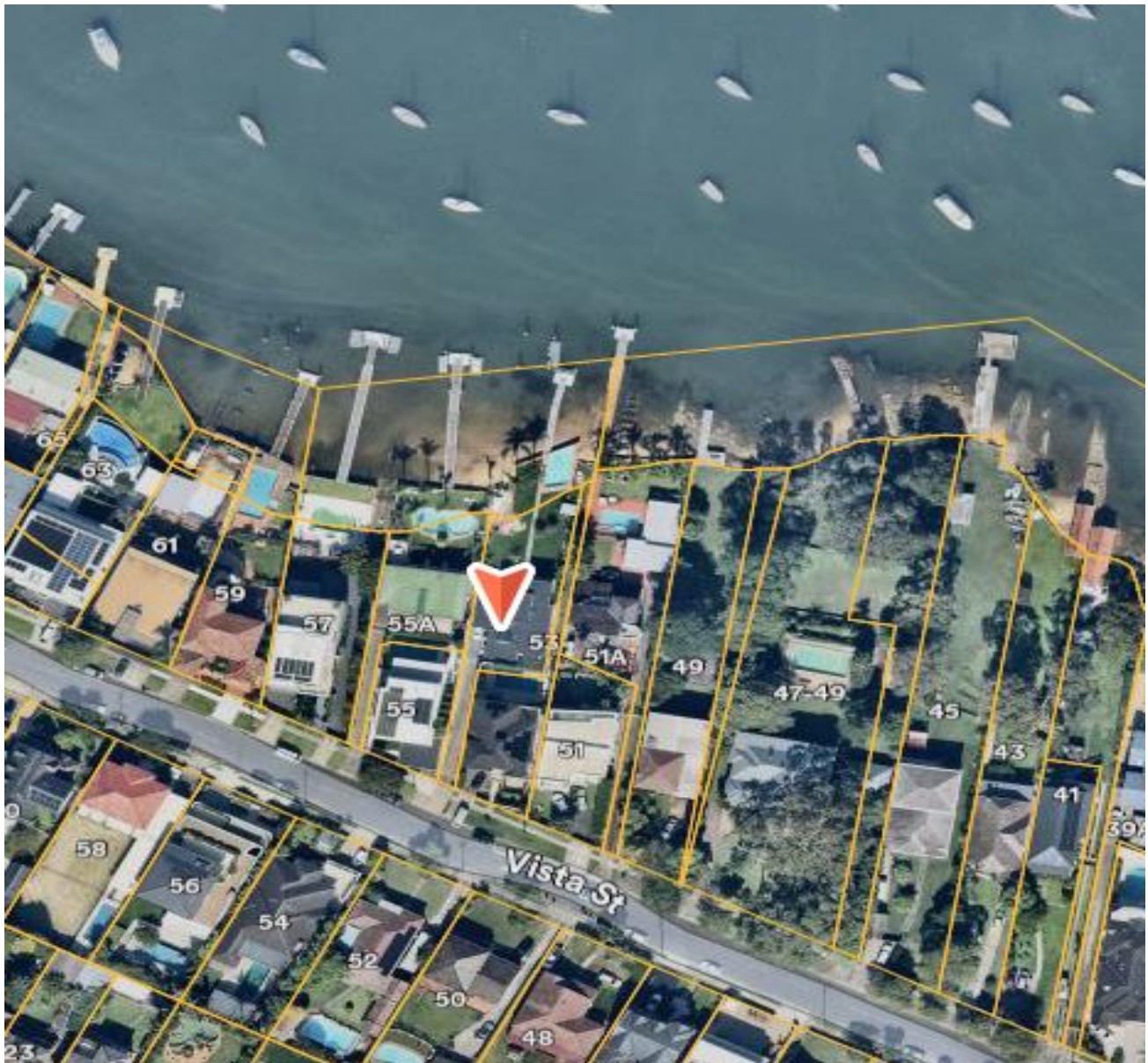


Figure 1: Aerial image of the subject site (orange arrow) and the surrounding properties.

EXECUTIVE SUMMARY

PROPOSAL

1. The scope of proposed works include:
 - Extension of the existing jetty, ramp, and pontoon length from 33m to 43m from Mean High Water Mark (MHWM).
 - Replace decking of existing jetty with mesh material (similar to the proposed jetty extension).
 - Extension of approved slip rails to the boatshed above the MHWM.
 - Relocation of 4 x existing mooring piles to form 8m x 5m mooring pen (adjacent to the proposed pontoon location).
 - Construction of a boatshed (7m length x 4m width x 3.4m height) above MHWM:
 - The proposed boatshed includes a side setback of 0.8m from the southern boundary.
 - Demolition of existing timber shed.
 - Additional planting of two mature trees at the rear.

SITE AND LOCALITY

2. The site of the proposed works is the waterfront abutting 53A Vista Street, Sans Souci, legally known as Lot 132 DP 733298. The property is located along the Georges River.
3. The site is a battle-axe shaped allotment that is accessed via a long vehicular right of way from Vista Street and comprises of an overall site area of 765m². The site presents a substantial slope from the eastern side of the street to the western side where it joins Kogarah Bay.
4. Existing structures on the site consist of a two-storey dwelling, detached shed and an in-ground swimming pool. Seaward of the reclamation area is an existing jetty, ramp, and pontoon with a total length of approximately 21m and existing slip rails and concrete ramp extending out at the corner of the lot's southern boundary.
5. This section of Kogarah Bay has a strong and well-developed marine character. Existing domestic water facilities, i.e., long jetties, ramps, pontoons, sea stairs, skid ramps, sliprails, seawall with reclamations etc are positioned along the MHWM are located to the north and south of the site.

ZONING AND PERMISSIBILITY

6. The proposed water structures are located below the MHWM, and as such, are under the care, control and management of Maritime, Fisheries, Crown Lands, and Georges River Council and are zoned W2 – Recreational Waterways under the Georges River Local Environmental Plan 2021. Documents have been submitted providing approval from the relevant authorities.
7. The proposed boatshed is above the MHWM and is permissible with consent on the subject site which is zoned R2 Low Density Residential zone pursuant to Georges River Local Environmental Plan 2021.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

8. The proposed works received more than five (5) unique submissions.

SUBMISSIONS

9. The application was on public notification from 19 October 2023 to 9 November 2023.

10. A total of fifteen (15) submissions were received within this notification period. The following table summarises the main concerns raised within the submissions:

Concern	Comment
<p>Overdevelopment of the site</p> <ul style="list-style-type: none"> - Too many structures on the property for such a narrow lot. - Too cluttered. - New boatshed detracts from the visual qualities of Kogarah Bay - If approved, would set an undesirable precedent. 	<p>The subject site includes an existing jetty, pontoon and mooring piles structure. The only new addition to the subject site will be the construction of the boatshed. The proposed boatshed is permissible with consent under the R2 Low Density Residential zone applying to the land. Consent from Crown Lands, DPI – Fisheries and TfNSW - Maritime has been provided for the proposed works. It is noted that there are no other boatsheds within the immediate locality, and this will be the first boatshed in this locality. It is also understood that the structure will not be accommodate a boat.</p>
<p>Non-compliance with Council's Controls.</p> <ul style="list-style-type: none"> - Non-compliance with Clause 6.6 Foreshore Scenic Protection area under the Georges River Local Environmental Plan. In particular, the proposal fails to minimise the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places. - Non-compliance with Section 6.5.1 - Jetty, Ramp and Pontoon Structures under Georges River Development Control Plan 2021. - Non-compliance with Section 6.5.2 - Boatsheds under Georges River Development Control Plan 2021 	<p>Refer to GRLEP 2021 and GRDCP 2021 Compliance table for full assessment under the relevant controls.</p> <p>A condition has been included in the consent prior to the issue of the construction certificate for the width of the proposed boatshed to be reduced from 4m to 3.4m in order to achieve the required 1.5m side setback.</p>
<p>Unauthorised works</p> <ul style="list-style-type: none"> - It is considered that the location of the mooring pen, removal of sea wall and extension of rails are unauthorised. - Concerns are raised that the slip rail may have been extended and pontoon location extended without any approval. - The Statement of Environmental Effects refers that the works are “subsequently to comply with the recent directive of Crown Lands to undertake a DA for the 4-x existing mooring piles”. A copy of this Directive has not been provided with this development application. It is questioned, that the location of the mooring piles proposed in this DA have been undertaken without any approval. 	<p>Crown consent has been submitted with the development application for the proposed works including the proposed relocation of the existing jetty, ramp, pontoon, extension of slip rails to boatshed and mooring piles.</p>
<p>Accuracy of Information</p> <ul style="list-style-type: none"> - Inconsistency of the location of the 	<p>The location of the proposed boatshed has been assessed from the submitted</p>

boatshed in the Statement of Environmental Effects.	Architectural plans.
View Loss Impacts	See View Loss Assessment below under Point 11.
Clearing of trees and loss of landscape <ul style="list-style-type: none"> - It is uncertain if the removal of these trees were granted approval to now facilitate the proposed outbuilding. - No notification was received to the adjoining properties regarding the removal of trees on-site. 	Council had issued a tree permit (TA2021/0690) for the removal of 6 x trees on 15 December 2021. Notification is not required for Tree Permits on private land under the Georges River Community Engagement Strategy.

View Loss Assessment

11. In the Land and Environment court case *Tenacity Consulting v Warringah [2004] NSWLEC 140*, Senior Commissioner Dr John Roseth outlined the planning principles by which potential view sharing will be assessed. He defined the following four-step process in assessing the view from a qualitative, quantitative, and merit-based perspective.

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views.*

The view loss reported by the objector is a water view. However, the proposed view loss does not contain iconic views and is a partial view from the objector's property along the northern boundary of the adjoining property at ground level. See image below:



Figure 2: Photo taken on site visit dated 7 March 2024. The timber pole with blue tape indicate the approximate location and height of the proposed boat shed. The orange marker on the ground indicates the approximate depth of the boatshed.

2. *The second step is to consider from what part of the property the views are obtained. Protection of views across side boundaries is more difficult than protection of views from the front and rear boundary. In addition, the position from which the view is obtained is also taken into account. Protection of sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The view is obtained from a standing position from entrance of the private open space. The rear view from the objector's property is uninterrupted by buildings with the view of the water along the western boundary. The views, while understandably worthy of retention, are over the side boundary. The Tenacity test acknowledges these are more difficult to protect. Photos submitted from the objector show a partial view can be seen from the side/rear boundary (see below).



Figure 3: Photo supplied by objector standing position at rear balcony of 55A Vista Street, Sans Souci. The timber pole leaning against the tree demonstrates the end of the proposed boatshed.



Figure 4: Photo taken on site visit dated 7 March 2024 viewing the subject site (the boatshed) from 55A Vista Street, Sans Souci. The timber poles represent the location of the proposed boatshed.

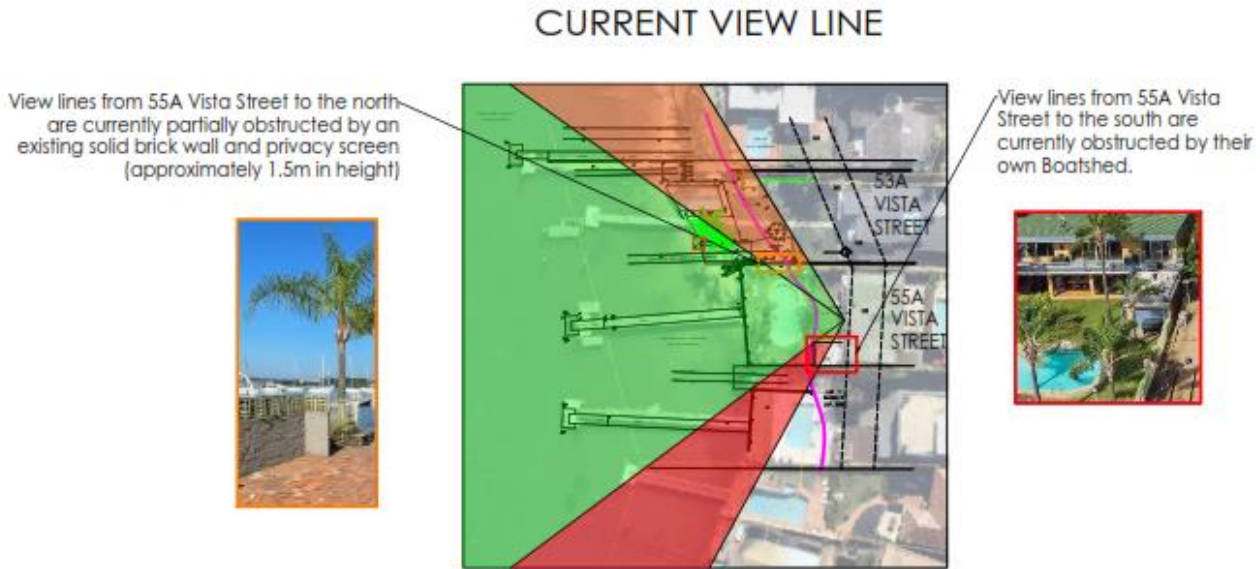


Figure 5: Current view line from 55A Vista Street along the northern boundary. *Source: View line assessment from Harbour Planning.*

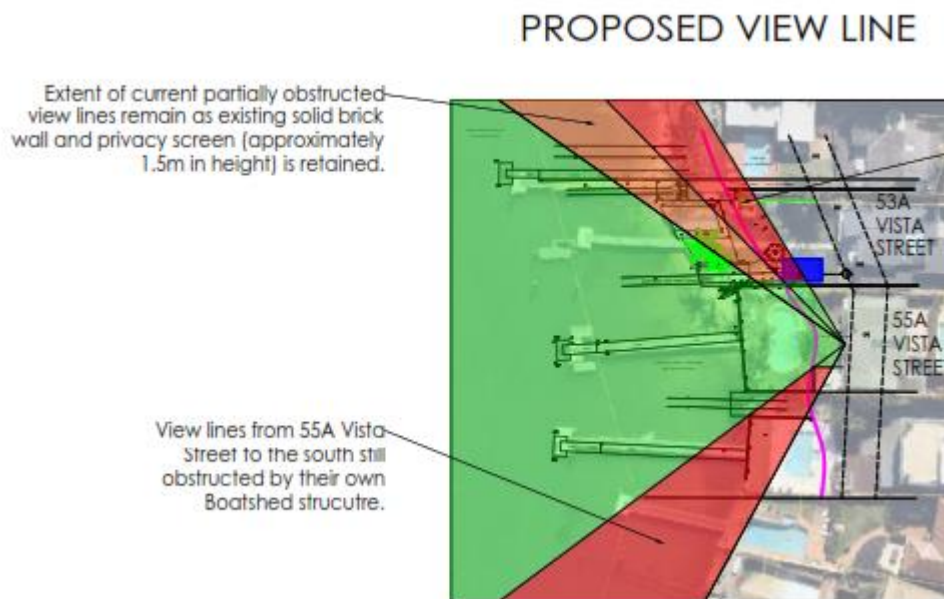


Figure 6: Proposed view line from 55A Vista Street along the northern boundary with the proposed boatshed in blue. *Source: View line assessment from harbour Planning.*

3. *The third step is to assess the extent of the impact. The impact on views from living areas is more significant than from bedrooms or service areas (though views from the kitchen are highly valued). It is more useful to assess the view loss qualitatively than quantitatively as negligible, minor, moderate, severe, or devastating.*

The view impact created by the proposed development, when quantitatively assessed is negligible in that it represents only a minor portion of the overall view to the water from the side corner along the northern boundary of the objector’s property. The view loss is minor and the expectation to retain such side views is unrealistic in the circumstances of the case.

4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered*

more reasonable than one that breaches them. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

It should be noted that the Tenacity principle acknowledges the difficulty in retaining views across side boundaries. The proposed development is compliant to all controls outlined in the GRLEP 2021. A modification to the design of the proposed development is conditioned prior to the issue of consent with the reduction in height and increase in side setback of the proposed boatshed to reduce the impact on the views of the neighbours. As such, the view impact from the proposed development is considered acceptable and the view sharing is reasonable.

CONCLUSION

12. An assessment has been undertaken in accordance with the applicable assessment criterion as outlined in this report and as such the proposal is considered satisfactory based upon the following conclusions:
- The proposed works include the relevant Crown Consent.
 - The proposed works have been assessed by the DPI Fisheries and were approved with stamped plans provided.
 - The proposed works were assessed by the TfNSW – Maritime and was approved with stamped plans provided.
 - A condition of consent has been included in the consent for the proposed boatshed to be compliant with the requirements outlined under the Georges River Development Control Plan 2021.
 - Relocation of the mooring pen forward, away from the sea grass, is an improvement to the existing location which was a concern to the DPI Fisheries.
 - The existing location of the jetty was impractical as it was located in an area that was too shallow. Relocation of the existing jetty, ramp and pontoon is an improvement as the proposed location will be in the correct water depth at -1.5m AHD.
 - Reason for extension for the sliprail is to reach the boatshed above Mean High Water Mark (MHWM).
 - The proposed mooring pen shall be used to berth the family vessel whilst the proposed boat shed shall be used to store tinnies and sports equipment (e.g., kayaks, paddle boards, canoes) above the MHWM.

REPORT IN FULL

PROPOSAL

13. The scope of proposed works include:
- Extension of the existing jetty, ramp, and pontoon length from 33m to 43m from Mean High Water Mark (MHWM).
 - Replace decking of existing jetty with mesh material (similar to the proposed jetty extension).
 - Extension of approved slip rails to the boatshed above the MHWM.
 - Relocation of 4 x existing mooring piles to form 8m x 5m mooring pen (adjacent to the proposed pontoon location).
 - Construction of a boatshed (7m length x 4m width x 3.4m height) above MHWM:
 - The proposed boatshed includes a side setback of 0.8m from the southern boundary.
 - Demolition of existing timber shed.

- Additional planting of two mature trees at the rear.

THE SITE AND LOCALITY

14. The site of the proposed works is the waterfront abutting 53A Vista Street, Sans Souci, legally known as Lot 132 DP 733298. The property is located along the Georges River.
15. The site is a waterfront battle-axe shaped allotment that is accessed via a long vehicular right of way from Vista Street and comprises of an overall site area of 765m². The site presents a substantial slope from the eastern side of the street to the western side where it joins Kogarah Bay.
16. Existing structures on the site consist of a two-storey dwelling, detached shed, in-ground swimming pool. Seaward of the reclamation area is an existing jetty, ramp, and pontoon with a total length of about 21m and the existing slip rails and concrete ramp extending out at the corner of the lot's southern boundary.
17. This section of Kogarah Bay has a strong and well-developed marine character. Existing domestic water facilities, i.e., long jetties, ramps, pontoons, sea stairs, skid ramps, sliprails, seawall with reclamations etc are positioned along the MHWL are located to the north and south of the site.

BACKGROUND

18. On 18 October 2023, the subject application was formally lodged with Council.
19. On 19 October 2023, the application was on public notification for a period of 14 days till 9 November 2023. During this notification period fifteen (15) submissions were received. The concerns raised within the submissions are addressed later in the report.
20. On 18 December 2023, a request for additional information letter was sent to the applicant requiring the submission of a revised Statement of Environmental Effects outlining the existing and proposed floor space ratio including the total area of the boatshed and the assessment of the State Environmental Planning Policy (Biodiversity and Conservation) Chapter 6 requirements.
21. On 21 December 2023, a revised Statement of Environmental Effects was submitted to Council.
22. On 25 January 2024, an on-site meeting was held with Council's Senior Development Assessment Planner and the Applicant. Based on the site inspection, amended plans were requested to reduce the dimensions of the proposed boatshed to mitigate view loss impacts to the adjoining properties.
23. On 30 January 2024, amended architectural plans were submitted and form part of the assessment.
24. On 7 March 2024, a site visit was undertaken at 55A Vista Street, Sans Souci to assess the view loss impact from the proposed works.

SUBMISSIONS

25. The application was on public notification from 19 October 2023 to 9 November 2023.
26. A total of fifteen (15) submissions were received within this notification period. The following table summarises the main concerns raised within the submissions:

Concern	Comment
<p>Overdevelopment of the site</p> <ul style="list-style-type: none"> - Too many structures on the property for such a narrow lot. - Too cluttered. - New boatshed detracts from the visual qualities of Kogarah Bay - If approved, would set an undesirable precedent. 	<p>The subject site includes an existing jetty, pontoon and mooring piles structure. The only new addition to the subject site will be the construction of the boatshed. The proposed boatshed is permissible with consent under the R2 Low Density Residential zone applying to the land. Consent from Crown Lands, DPI – Fisheries and TfNSW - Maritime has been provided for the proposed works. It is noted that there are no other boatsheds within the immediate locality, and this will be the first boatshed in this locality. It is also understood that the structure will not be accommodate a boat.</p>
<p>Non-compliance with Council’s Controls.</p> <ul style="list-style-type: none"> - Non-compliance with Clause 6.6 Foreshore Scenic Protection area under the Georges River Local Environmental Plan. In particular, the proposal fails to minimise the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places. - Non-compliance with Section 6.5.1 - Jetty, Ramp and Pontoon Structures under Georges River Development Control Plan 2021. - Non-compliance with Section 6.5.2 - Boatsheds under Georges River Development Control Plan 2021 	<p>Refer to GRLEP 2021 and GRDCP 2021 Compliance table for full assessment under the relevant controls.</p> <p>A condition has been included in the consent prior to the issue of the construction certificate for the width of the proposed boatshed to be reduced in order to achieve the required 1.5m side setback.</p>
<p>Unauthorised works</p> <ul style="list-style-type: none"> - It is considered that the location of the mooring pen, removal of sea wall and extension of rails are unauthorised. - Concerns are raised that the slip rail may have been extended and pontoon location extended without any approval. - The Statement of Environmental Effects refers that the works are “subsequently to comply with the recent directive of Crown Lands to undertake a DA for the 4-x existing mooring piles”. A copy of this Directive has not been provided with this development application. It is questioned, that the location of the mooring piles proposed in this DA have been undertaken without any approval. 	<p>Crown consent has been submitted with the development application for the proposed works including the proposed relocation of the existing jetty, ramp, pontoon, extension of slip rails to boatshed and mooring piles.</p>
<p>Accuracy of Information</p> <ul style="list-style-type: none"> - Inconsistency of the location of the boatshed in the Statement of Environmental Effects. 	<p>The location of the proposed boatshed has been assessed from the submitted Architectural plans.</p>

View Loss Impacts	See View Loss Assessment below under Point 11.
Clearing of trees and loss of landscape <ul style="list-style-type: none"> - It is uncertain if the removal of these trees were granted approval to now facilitate the proposed outbuilding. - No notification was received to the adjoining properties regarding the removal of trees on-site. 	Council had issued a tree permit (TA2021/0690) for the removal of 6 x trees on 15 December 2021. Notification is not required for Tree Permits on private land under the Georges River Community Engagement Strategy.

Planning Assessment

State Environmental Planning Policies

27. Compliance with the relevant State Environmental Planning Policies (SEPPs) are discussed in the table below.

State Environmental Planning Policy	Complies
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes

State Environmental Planning Policy (Biodiversity and Conservation) 2021

28. State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the development and the following clauses apply:

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 6 Water Catchments - Clause 6.6 Water Quality and Quantity		
Control	Proposal	Compliance
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following— (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,	The development works do not influence drainage patterns for the site or change the amount of pervious site area.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
(b) whether the development will have an adverse impact on water flow in a natural waterbody,	The development works are for open form, pier supported structures. As such, there is no risk of constriction to natural ebbs and flows of water at the site resulting from the proposed works.	
(c) whether the development will increase the amount of stormwater run-off from a site,	The water recreational development works are located entirely below MWHM over the waterway as such, have no potential to influence established drainage on site.	

	Stormwater from the boatshed is to be appropriately designed with an outlet flowing into the Georges River. Given the minimal size of the boatshed, additional stormwater is not considered to create adverse run-off from the site.	
(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,	The development works are located entirely below MWHM over the waterway as such, have no potential to influence established drainage on site.	
(e) the impact of the development on the level and quality of the water table,	The proposed works do not disturb more than 1 tonne of acid sulphate soil and the works are not likely to lower the water table.	
f) the cumulative environmental impact of the development on the regulated catchment,	The proposed works were assessed by Council's Senior Environmental Officer who was satisfied with the submitted documents at the minimal environmental impact of the proposed works.	
(g) whether the development makes adequate provision to protect the quality and quantity of ground water.	The proposed works do not impact on the site permeability and is achieved without a reliance of excavation, with support piers driven into the seabed.	
Development consent must not be granted on land in a regulated catchment unless the consent authority is satisfied that the development ensures - (a) The effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial; and	The development works do not influence drainage patterns for the site or change the amount of pervious site area.	
(b) The impact on the water flow in a natural water body will be minimised.	The development works are for open form, pier supported structures. As such, there is no risk of constriction to natural ebbs and flows of water at the site resulting from the proposed works.	
Clause 6.7 Aquatic Ecology		
Control	Proposal	Compliance
(1) In deciding whether to grant development consent to development on land in a	The proposed works were assessed by Council's Senior Environmental Officer and the	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<p>regulated catchment, the consent authority must consider the following—=</p> <p>(a) Whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation;</p>	<p>following comments were provided:</p> <p>“The Marine Habitat report states that no seagrass, macroalgae or mangroves were observed during the study period. The piers of the existing jetty have an abundance of Sydney Rock oysters and barnacles present. A large patch of <i>Zostera</i> (seagrass) was identified just south of the existing pontoon. Extra care must be taken during construction works of the alterations/additions to the jetty, mooring piles, ramp and pontoon. It is noted that Meshed decking is to be used to allow for further light penetration to the seabed. Additional measures could also include reducing the width of the jetty, however meshed decking being used this is an adequate measure.</p> <p>The letter from DPI Fisheries states <i>sliprails must not terminate in seagrass, they must finish outside the seagrass bed. This allows the use of sliprails not have a negative effect on the adjacent seagrass.</i></p> <p>Using pile driving techniques and correct methodology for the installation on piles will help minimise the immediate impact on the site and sedimentation should settle over a short period of time. There appears to be minimal impact to the surrounding ecology, however safeguard measures must be implemented during construction to ensure there is no damage to the surrounding seagrass.</p> <p>A desktop analysis of the NSW Fisheries spatial data portal that was undertaken on 05 December 2023 and there was no significant vegetation mapped at the footprint of the subject site. However, on site, there is a significant patch of</p>	<p><input type="checkbox"/> N/A</p>
--	--	-------------------------------------

	<p>Zostera (seagrass).” Suitable conditions have been included for the appropriate methodology to be used for the construction of proposed works.</p>	
<p>(b) Whether the development involves the clearing of riparian vegetation and, if so, whether the development will require – (i) A controlled activity permit under the <i>Water Management Act 2000</i>, or (ii) A permit under the <i>Fisheries Management Act 1994</i></p>	<p>The proposed works were assessed by Council’s Senior Environmental Officer. The works can be carried out without a controlled activity or permit as referenced in the DPI – Fisheries consent letter.</p>	
<p>(c) Whether the development will minimise or avoid: (i) Erosion of land abutting a natural waterbody, or (ii) The sedimentation of a natural waterbody. (d) Whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,</p>	<p>The development works will have no bearing on shoreline stability or erosion. Intermittent turbidity generated from the driving of the support piers into the seabed is expected to clear within on tide cycle (generally).</p>	
<p>(e) Whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology. (f) If the development site adjoins a natural waterbody – whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.</p>	<p>Adopting the typical safeguards ensures that the construction works are carried out with adequate methods of mitigation in protection to the marine ecology. Suitable conditions have been included in the consent.</p>	
<p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent</p>	<p>The proposal has minimal impact and unlikely to cause significant damage to any marine life. These conclusions</p>	

<p>authority is satisfied of the following:</p> <p>(a) The direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development.</p>	<p>cemented by DPI – Fisheries supported that the development works do not raise cumulative impact.</p>	
<p>(b) The development will not have a direct, indirect or cumulative adverse impact on aquatic reserves.</p>	<p>The development works are not located near or adjacent to a dedicated marine reserve.</p>	
<p>(c) If a controlled activity approval under the Water Management Act 2000, or a permit under the Fisheries Management Act 1994 is required in relation</p>	<p>No marine permit required.</p>	
<p>(d) The erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,</p>	<p>The development works are located abutting to an existing seawall. As such do not generate a risk of erosion or sedimentation of the land adjacent to the waterway.</p>	
<p>(e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.</p>	<p>The site is not identified as wetlands, coastal wetlands, or littoral rainforest area.</p>	

Clause 6.8 Flooding

Control	Proposal	Compliance
<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.</p>	<p>The development works are sustainable to the periodic flooding events of the Georges River, typical to the adjacent water recreation structures and slip rails.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>

<p>(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not</p> <p>(a) If there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of the natural waterbody.</p> <p>(b) Have an adverse impact on the natural recession of floodwaters into the wetlands and other riverine ecosystems.</p>	<p>The development works use materials that are not deleterious to marine life, being that they are constructed over and are at times intermittently submerged within the water body of the Kogarah Bay. As such there is no risk generated of pollutants released during periodic flooding events.</p>	
<p>Clause 6.9 Recreation and Public Access</p>		
<p>Control</p>	<p>Proposal</p>	<p>Compliance</p>
<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider:</p> <p>(a) the likely impact of the development on recreational land uses in the regulated catchment, and</p>	<p>The proposed works are located along a shoreline that contains an abundance of domestic water recreation structures.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>(b) Whether the development will maintain or improve public access to an around foreshores without adverse impacts on natural waterbodies, watercourses, wetlands, or riparian vegetation.</p>	<p>The development works abut to freehold title and terminate inshore of the public access of the Kogarah Bay. On this basis are able to operate without influencing the publics use or enjoyment of the Kogarah Bay.</p>	
<p>Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—</p> <p>(a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,</p>	<p>The development works are achieved without entering into the active body of the Kogarah Bay which remains open for recreational use and enjoyment by the general public, as supported by Transport for NSW and Crown Lands approvals.</p>	
<p>(b) new or existing points of public access between natural waterbodies and the site of the development will be stable and</p>	<p>The development works are achieved outside of any existing or future potential for public access from the land to the</p>	

safe,	Kogarah Bay.	
(c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.	The development works will result in a domestic Licence over Crown Land for occupation and use of Crown Land for a water recreation structure.	

Division 3 – Controls on development in specific areas

6.11 Land within 100m of a natural waterbody		
Control	Proposal	Compliance
The land uses proposed for land abutting the natural waterbody are water-dependent uses, and	The seabed is to be occupied by Domestic Water Access Structures.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Conflicts between land uses are minimised.	TfNSW – Maritime and the Crown have assessed the Application respective to site suitability (as will Council) and determined that the development works which service an existing use at the site of the boatshed are acceptable to operate without risk of conflict to either adjacent neighbours or the general boating public.	

State Environmental Planning Policy (Resilience and Hazards) 2021

29. State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the development and the following clauses apply:

Chapter 2 – Coastal Management

Chapter 2 – Coastal Management		
Clause 13 Development on land within the coastal environment area		
Control	Proposal	Compliance
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater)	Satisfied – The proposed works will not have unreasonable impacts on the integrity and resilience of the	

<p>and ecological environment,</p> <p>(b) coastal environmental values and natural coastal processes,</p> <p>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(f) Aboriginal cultural heritage, practices and places,</p> <p>(g) the use of the surf zone.</p> <p>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be</p>	<p>biophysical, hydrological (surface and groundwater) and ecological environment.</p> <p>Satisfies the coastal environmental values and natural coastal processes.</p> <p>Appropriate standard conditions to be imposed to ensure adequate sediment control is in place.</p> <p>Satisfied – The development site does not contain any sensitive marine vegetation. The development will not have unreasonable impacts on marine and native vegetation. The proposed structures will be built on piers that are driven into the seabed.</p> <p>There is no public access across the foreshore within the vicinity of this site.</p> <p>The works are respectful of the cultural heritage, practices and places. The site is not a known European or Aboriginal place of significance.</p> <p>The site is not located within the surf zone.</p> <p>The development is well-confined within the frontage of the subject property. No unreasonable impact on the waterway is expected.</p>	
--	---	--

<p>managed to avoid an adverse impact referred to in subclause (1), or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact</p>		
--	--	--

Clause 14 Development on land within the coastal use area

Control	Proposal	Control
<p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>(iii) the visual amenity and scenic qualities of the coast, including coastal</p>	<p>The development does not impact any of these waterway features.</p> <p>There is no public access to the waterway within the vicinity of this site.</p> <p>The proposed works are considered acceptable structures. No unreasonable impact on overshadowing, wind funnelling and loss of views from public spaces to the foreshore is expected.</p> <p>Satisfied – The development does not have an unreasonable impact on the</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>

<p>headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p> <p>(b) is satisfied that:</p> <p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>(iv) has considered the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	<p>visual amenity and scenic qualities of the coast, including coastal headlands.</p> <p>Satisfied – The works are respectful of the cultural heritage, practices, and places. The site is not identified as a place of European or Aboriginal significance.</p> <p>Satisfied – The works retain the historical connections between the domestic use of the Kogarah Bay and connection of people and property to the Kogarah Bay.</p> <p>Satisfied – The development will not have unreasonable impacts on the coastal zone and its processes. It is considered that the proposed development has been designed in a way to avoid unreasonable adverse impacts as stipulated in Clause 2.11 (1) (a).</p> <p>Satisfied – The application has considered the surrounding coastal area. The development form and scale are not inconsistent with the built form immediately adjoining and that of the visual catchment.</p>	
---	--	--

Chapter 4 – Remediation of Land

Clause 4.6 – Contamination and remediation to be considered in determining development application

Standard	Proposal	Compliance
(1) A consent authority must not consent to the carrying out of any development on land unless—	The Assessing Officer has reviewed: Councils Contamination Records Aerial Imaging (inc. historic imaging) Conducted a site	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

<p>(a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that 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, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	<p>inspection. A review of the above indicates that the site has historically been used for Residential purposes and there is no evidence that any use under Table 1 of the contaminated land planning guidelines has occurred on site. Given this, there is no evidence that the site is contaminated, and the site is considered suitable for the proposed development.</p>	
--	---	--

Georges River Local Environmental Plan 2021

30. 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
<p>In accordance with Clause 1.2 (2)</p>	<p>The development is considered to be consistent with the aims of the plan.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
<p>The subject site zoned R2 General Residential: The objectives of the zone are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community; • To enable other land uses that provide facilities or services to meet the day to day needs of residents; • The promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high 	<p>The subject site is zoned R2 – Low Density Residential and W2 Recreational Waterways, the proposed works are defined as a “jetty”, “mooring pen”, “slip rails”, “pontoon” and “boatshed” under the provisions of GRLEP 2021, the works are within W2 zoned land and R2 Low Density Residential and thus a permissible form of development with Council’s consent. The proposed development satisfies the objectives of the zone under GRLEP 2021.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>

<p>level of residential amenity,</p> <ul style="list-style-type: none"> To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River Local Government Area. 		
Principal Development Standards		
Clause 4.3 – Height of Buildings		
Standard	Proposal	Compliance
<p>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.</p> <p>Maximum height is 9m as identified on Height of Buildings Map</p>	<p>Boatshed = 3.4m</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
Clause 4.4A – Floor Space Ratio		
Standard	Proposal	Compliance
<p>(2) The maximum floor space ratio for a dwelling house on land identified as “Area 1” on the <u>Floor Space Ratio Map</u> must not exceed the maximum floor space ratio specified in the table to this subclause.</p> <p>Site area</p> <ul style="list-style-type: none"> less than 1,000 square metres but not less than 650 square metres $[(765 - 650) \times 0.3 + 357.5] \div 765:1$ <p>Site area: 765sqm 0.51:1 or 390.15sqm</p>	<p>Existing FSR = 0.51:1 or 390.15m²</p> <p>Proposed FSR = 0.48:1 or 364m²</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
Part 5 – Miscellaneous Provisions		
Clause 5.7 – Development below mean high water mark		
Standard	Proposal	Compliance
<p>Development consent is required to carry out development on any land below the mean high-water mark of any body of water subject to tidal influence (including the bed of any such water).</p>	<p>The proposal is not likely to result in substantial environmental impacts as detailed in the reports provided with the application. The proposal will not adversely impact any sensitive marine habitat. Council’s environmental officer raised no objection to the information submitted by the applicant.</p> <p>Consent for the works in the</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>

	location proposed has been issued by the Crown being the land owner.	
Clause 5.10 – Heritage conservation		
Standard	Proposal	Compliance
Council must, before granting consent under this clause with respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	The site is not a heritage item and not located within the vicinity of any heritage items. Site is not in a heritage conservation area.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Clause - 5.21 Flood Planning		
Standard	Proposal	Compliance
(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— must consider the following matters—	The subject land is not flood affected	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Part 6 – Additional Local Provisions		
Clause 6.1 – Acid sulfate soils		
Standard	Proposal	Compliance
<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>Class 5 The site is identified as containing Class 5 Acid Sulfate Soils.</p> <p>Consent may not be granted for any Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land</p>	<p>The site identified as containing Class 5 acid sulfate soils, but the works are not located on land within 500m of land of a lower class, and is not below 5m Australian Height Datum. No further action is therefore required.</p> <p>The proposed works will disturb less than 1 tonne of soil with the excavation to be a clean cut into the rock. All support piers will be driven into the seabed and not excavated. The works undertaken in the waterway would not adversely impact the water table levels. On this basis, there is no potential to lower the water table and no requirement to submit as Acid Sulphate Soils Management Plan.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

unless an acid sulfate soils management plan has been prepared.		
Clause 6.2 Earthworks		
Standard	Proposal	Compliance
<p>Council must consider the following prior to granting consent for any earthworks:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the development to accommodate the fall in the land,</p> <p>(f) the source of any fill material and the destination of any excavated material,</p> <p>(g) the likelihood of disturbing relics,</p> <p>(h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>The documents submitted by the applicant indicates that the proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>Council's environmental officer has reviewed the documents and raised no objection to the proposal.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Clause 6.3 – Stormwater Management		
Standard	Proposal	Compliance
(2) In deciding whether to grant development consent for development, the consent	The proposal has been considered in this regard. The proposal is satisfactory with	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

<p>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>regards the matters identified.</p>	
--	--	--

Clause 6.4 – Foreshore area and coastal hazards and risk

Standard	Proposal	Compliance
<p>(2) This clause applies to the following land—</p> <p>(a) and identified on the Coastal Hazard and Risk Map,</p> <p>(b) land identified on the Foreshore Building Line Map.</p> <p>(3) Development consent must not be granted for development on land to which this clause applies except for the following purposes—</p> <p>(a) the alteration, or demolition and rebuilding, of an existing building if the footprint of the building will not extend further forward than the footprint of the existing building into— the foreshore building line,</p>	<p>The subject site is identified as being within a foreshore area and costal hazards and risk area.</p> <p>The proposed works, besides the boatshed, are proposed beyond the foreshore building line. The proposed development is permissible in the W2 zoned land.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>

<p>or the land identified on the Coastal Hazard and Risk Map, (b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so, (c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks.</p> <p>(4) In deciding whether to grant development consent, the consent authority must consider the following matters— (a) whether the development addresses the impacts of sea level rise and tidal inundation as a result of climate change, (b) whether the development could be located on parts of the site not exposed to coastal hazards, (c) whether the development will cause congestion or generate conflict between people using open space areas or the waterway, (d) whether the development will cause environmental harm by pollution or siltation of the waterway, (e) opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners, (f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>The proposed boatshed is set sufficiently above the sea level to protect against tidal inundation.</p> <p>N/A. There is no other viable location within the frontage of the subject site for a boatshed or mooring pen. The entire water-facing frontage of the site is exposed to coastal hazards. The proposal will not introduce excessive boat traffic.</p> <p>Council’s Environmental Officer has assessed the proposal and the proposed works will not affect any sensitive marine habitat.</p> <p>No public access is currently available.</p> <p>Appropriate measures are proposed to minimise environmental impacts through conditions of consent.</p>	
<p>Clause 6.5 – Riparian land and waterways</p>		
<p>Standard</p>	<p>Proposal</p>	<p>Compliance</p>

<p>(2) This clause applies to land identified as “Sensitive land” on the Riparian Lands and Waterways Map.</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, Council must consider the following—</p> <p>(a) whether the development is likely to have an adverse impact on the following—</p> <ul style="list-style-type: none"> i. the water quality and flows within the waterway, ii. the stability of the bed, shore and banks of the waterway, iii. the future rehabilitation of the waterway and riparian areas, iv. the biophysical, hydrological or ecological integrity of adjacent coastal wetlands, including the aquatic and riparian species, habitats and ecosystems of the waterway, v. indigenous trees and other vegetation, vi. opportunities for additional planting of local native riparian vegetation, <p>(b) whether the development is likely to increase water extraction from the waterway,</p> <p>(c) whether the development will cause environmental harm by pollution or siltation of the waterway,</p> <p>(d) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent</p>	<p>The subject site is identified as being within riparian land and waterways.</p> <p>The proposal works are permitted under the Clause.</p> <p>The proposal is unlikely to adversely impact the water quality and flows, stability of the shore, and the future rehabilitation of waterway and riparian areas.</p> <p>The proposal will not diminish the hydrological or ecological integrity of coastal wetlands, indigenous trees and vegetations, and opportunities of additional planting of native riparian vegetation.</p> <p>The proposal is unlikely to increase water extraction and cause environmental harm or siltation of the waterway.</p> <p>The proposal has demonstrated appropriate measures to minimise impacts of the development.</p> <p>The development is sited on an existing rocky area that possess little ecological value. The proposal is appropriately designed to avoid significant adverse environmental impacts.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>
---	--	---

<p>must not be granted to development on land to which this clause applies unless Council is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>		
<p>Clause 6.6 Foreshore scenic protection area</p>		
<p>Standard</p>	<p>Proposal</p>	<p>Compliance</p>
<p>(2) This clause applies to land identified as “Foreshore scenic protection area” on the Foreshore Scenic Protection Area Map.</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following—</p> <p>(a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation,</p> <p>(b) the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations,</p> <p>(c) the maintenance and enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will</p>	<p>The subject site is identified as being within the Foreshore Scenic Protection Area.</p> <p>The proposal satisfies the objectives of this clause. The proposal recognises, protects, and maintains the natural, visual, environmental and heritage qualities of the scenic areas of the Kogarah Bay.</p> <p>The proposal protects the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation.</p> <p>The proposal avoids and minimises the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations.</p> <p>The proposal maintains and enhances native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>

<p>facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, (d) the achievement of no net loss of significant vegetation or habitat, (e) the avoidance of clearing steep slopes and facilitation of the stability of the land, (f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places, (g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.</p>	<p>biodiversity corridors.</p> <p>The proposal demonstrates the achievement of no net loss of significant vegetation or habitat.</p> <p>The proposal avoids clearing steep slopes and demonstrates the facilitation of the stability of the land.</p> <p>The proposal minimises the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places.</p> <p>The proposal is appropriately designed to accommodate the topography of the land.</p>	
--	--	--

Clause 6.9 Essential Services

Standard	Proposal	Compliance
<p>Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required</p> <ul style="list-style-type: none"> 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>All utility (essential) services on site (water, sewerage, power, telecommunications) are available.</p> <p>The proposal will not result in excessive stormwater runoff.</p> <p>The proposal will not alter the existing vehicular access.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>

Clause 6.10 Design Excellence

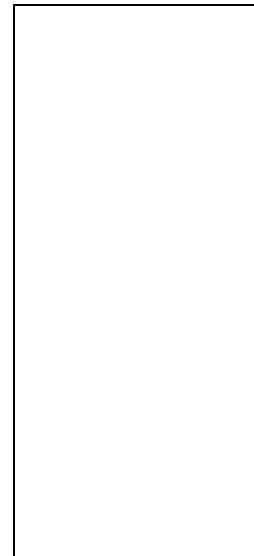
Standard	Proposal	Compliance
----------	----------	------------

<p>(2) This clause applies to development on land within the Foreshore Scenic Protection Area involving— (a) the erection of a new building, or (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.</p>	<p>The proposal is for the extension of a jetty, ramp, pontoon, sliprails, relocation of mooring pen and construction of a boatshed.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>
<p>(3) For land identified in on the Foreshore Scenic Protection Area Map: (i) bed and breakfast accommodation, (ii) health services facilities, (iii) marinas, (iv) residential accommodation, except for secondary dwellings,</p>	<p>The subject development site is located within a foreshore scenic protection area and classified as a “mooring pen” and “boatshed” in the GRLEP. The proposed development does not allow for the permanent storage of boats (as per the conditions of consent from Crown Lands) and therefore cannot be classified as a “marina”. Consequently, this clause does not apply.</p>	

Clause 6.12 – Landscaped areas

Standard	Proposal	Compliance
<p>(4) Development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development (a) allows for the establishment of appropriate plantings— i. that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and ii. that will maintain and enhance the streetscape and the desired future character of the locality, and (b) maintains privacy between dwellings, and (c) does not adversely impact the health, condition</p>	<p>The subject site is zoned R2 – Low Density Residential.</p> <p>No change proposed to the existing landscaped area. The proposed boatshed will be located on existing hardstand area.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>

and structure of existing trees, tree canopies and tree root systems on the land or adjacent land, and
 (d) enables the establishment of indigenous vegetation and habitat for native fauna, and
 (e) integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.



Georges River Development Control Plan 2021

Part 3 – General Planning Considerations - Part 3 of the GRDCP 2021 is applicable to the development and the following clauses apply:

3.9 Coastal Hazards and Risks		
3.9.1 Coastal Management		
Control	Proposal	Compliance
1. Development is to comply with the provisions of SEPP (Coastal Management) 2018 and the Coastal Management Act 2016.	See assessment of SEPP (Resilience and Hazards) (earlier in this report) which superseded the referenced SEPP.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Part 5 – Residential Locality Statements

- 31. Development is required to consider the future character statement for the locality, in addition to the requirements within other parts of this DCP as shown on the map on Page 3, Part 5 of the DCP.
- 32. The assessment of character for the applicable locality is provided below:

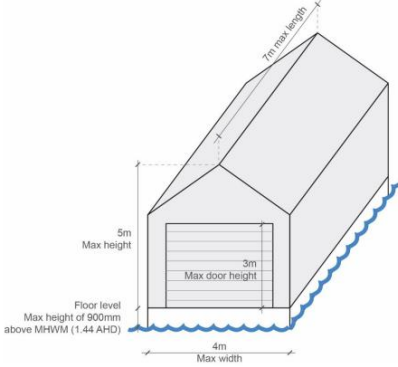
Sans Souci	
<ul style="list-style-type: none"> - Retain and enhance the existing low density suburban residential character through articulated contemporary developments. - Encourage well-designed high density residential development in designated areas along Rocky Point Road. - Encourage consistent setbacks of buildings from the street and the provision of landscaping 	The proposal is consistent with the future desired character of the precinct.

<p>within the front setback, alongside low fencing to enhance visual permeability.</p> <ul style="list-style-type: none"> - Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls. - Protect public vistas over Georges River towards Kogarah Bay from Vista Street. 	
--	--

Part 6 – Residential Controls - Part 6.5 Foreshore Locality Controls - Part 6.5 of the GRDCP 2021 is applicable to the development and the following clauses apply:

6.5.1 – Foreshore Scenic Protection Area		
Control	Proposal	Compliance
1. Development applications are supported by a site analysis and design response demonstrating how the relevant provisions of the LEP and the objectives of this part of the DCP have been addressed.	The proposal is supported by a site analysis and design response demonstrating how the relevant provisions of the LEP and the objectives of this part of the DCP have been addressed.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2. Removal of existing native vegetation minimised to that which is reasonably required to site and construct a building.	No native vegetation is removed as part of the proposed development.	
3. The integrity of the existing edge of bushland closest to the Georges River is retained.	The proposal retains the integrity of the existing edge of bushland along Kogarah Bay.	
4. Vegetation along ridgelines and on hillsides is retained and supplemented to provide a backdrop to the waterway.	The proposal retains vegetation along ridgelines and on hillsides and provides a backdrop to the waterway.	
5. New complementary planting and landscaping is encouraged.	The proposal retains spaces for complementary planting and landscaping throughout the site.	
8. Natural features that make a contribution to the environmental qualities and scenic landscape values of the foreshore, including mature native trees and sandstone rock outcrops, platforms and low cliffs, are retained.	The proposed works will be sited such that natural features on the subject site, including mature native tree, sandstone rock outcrops, platforms, and low cliffs are retained.	
9. The visual impact of buildings is	The proposal minimises the	

<p>minimised having regard to building size, height, bulk, siting, external materials and colours, and cut and fill.</p>	<p>visual impact of the building having regard to building size, height, bulk, siting, external materials and colours.</p>	
<p>10. Buildings should be sited on the block to retain existing ridgeline vegetation where possible. Siting buildings on existing building footprints, or reducing building footprints to retain vegetation is highly recommended.</p>	<p>The proposal will not result in the removal of any ridgeline vegetation.</p>	
<p>25. Development provides opportunities to create view corridors from the public domain to the Georges River.</p>	<p>The development provides opportunities to create view corridors from the public domain to the Georges River.</p>	
<p>6.5.2 Development in the Foreshore Area</p>		
<p>6.5.2.1 Jetty, Ramp and Pontoon Structures</p>		
<p>Control</p>	<p>Proposal</p>	<p>Compliance</p>
<p>The jetty, ramp and pontoon structures must not exceed the maximum dimensions shown in Figure 1 on page 5 of this section of the DCP.</p>	<p>Revised jetty dimensions from approved 33m (length) to be 43m (length) from MHWM and 1.5m wide (jetty).</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Non-compliance deemed acceptable – refer to assessment below the compliance table for further discussion.</p>
<p>These structures are to be treated in brown or dark tones to reduce the visual impact of the structure.</p>	<p>Proposed structures are to be treated in brown or dark tones.</p>	<p>Yes</p>
<p>Materials used for construction must not be deleterious to marine life (e.g., antifouling paints).</p>	<p>Materials to be used are not deleterious to marine life.</p>	<p>Yes</p>
<p>No foreshore structures will be permitted over Posidonia australis (Shapweed seagrass)</p>	<p>No seagrass is located at the site.</p>	<p>Yes</p>
<p>Railings will not be permitted on jetties, ramps, or pontoons.</p>	<p>No handrails are proposed.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • The proposed development: <ul style="list-style-type: none"> (i) will not result in any adverse damage to the existing marine environment which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds; and 	<p>The proposed have an acceptable buffer to the Zostera seagrass at the site per the Marine Habitat Report. In addition, consent received from DPI Fisheries confirms that application will not have</p>	<p>Yes</p>

(ii) retains and protects the mud/sand flats, reef, and scattered rocks.	any adverse damage to marine ecology.	
6.5.2.3 Boatsheds		
Control	Proposal	Compliance
<p>1. Boatsheds have a specific form and dimensions as shown in Figure 2. They must be single storey with a maximum floor level 900mm above MHWM and a maximum length of 7m. Flat roof with a slope of less than 15% is not permitted.</p>  <p>Figure 2: Boatsheds must have specific form and dimensions</p>	<p>Wall height = 3m Ridge height = 3.4m Front width = 4m Length = 7m The structure will be 1 storey and at the same level as the MHWM.</p> <p>The proposal includes a skillion roof.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>2. Boatsheds are to be designed to minimise excavation and constructed of timber, stone, brick or other material satisfactory to Council.</p>	<p>The proposed boatshed will be constructed with brick masonry material.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>3. Boatsheds should be sited to minimise the removal of remnant native vegetation and the excavation of sandstone rock shelves and outcrops.</p>	<p>The boatshed is sited on an existing hardstand area, therefore there is no removal of native vegetation and excavation of sandstone rock shelves.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>4. Boatsheds are setback a minimum 1.5m from the side boundary. Council may consider a variation where there is:</p> <ul style="list-style-type: none"> (i) No detrimental impact on the view from the waterway (ii) No loss of an existing view to the water from the adjoining lands to the waterway (iii) A need to accommodate any significant vegetation, natural rock formations or other site features. 	<p>The proposed boat shed has a setback of 0.8m from the side boundary.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, refer to discussion below. <input type="checkbox"/> N/A</p>

Variation to Part 6.5.2.1 under GRDCP 2021

33. Part 6.5.2.1 (1) promotes that a jetty, does not exceed the maximum dimensions as illustrated below:

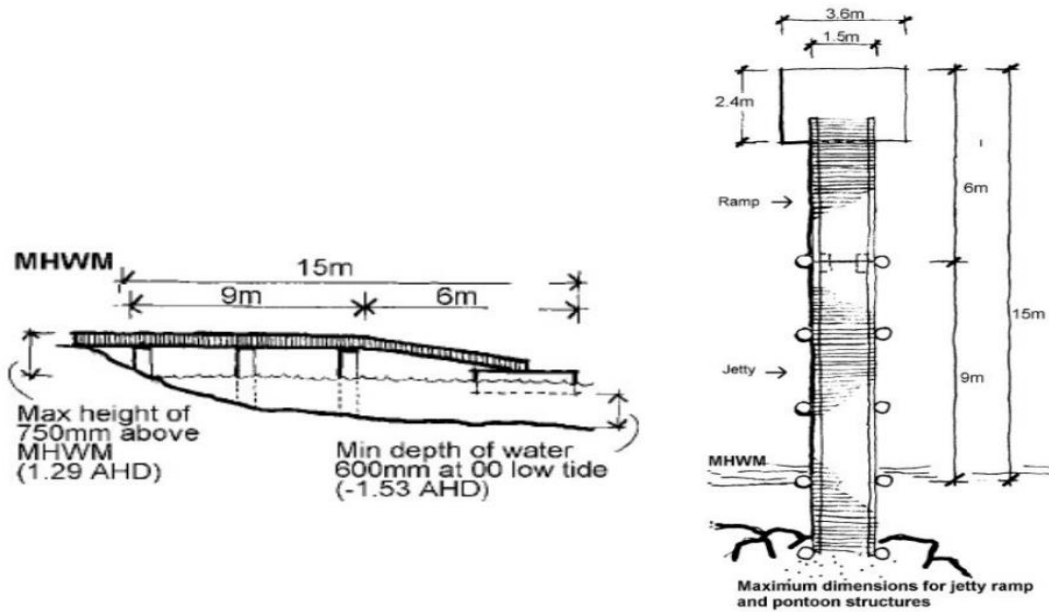


Figure 5: Maximum dimensions for a jetty, ramp and pontoon under GRDCP 2021.

34. A variation is requested for the fixed jetty to be from the approved 33m (length) x 1.5m (width) to 43m in length and 1.5m in width. This is a variation of 10m in length from Part 6.5.2.1 under GRDCP 2021. This variation is acceptable for the following reasons:
- The proposed modification to the approved jetty, ramp and pontoon will be for the use of the residents of the site.
 - The locality includes neighbouring jetties varying in length with the natural contour of the foreshore. The continuum of structures fluctuates in length from 33m to 43m.

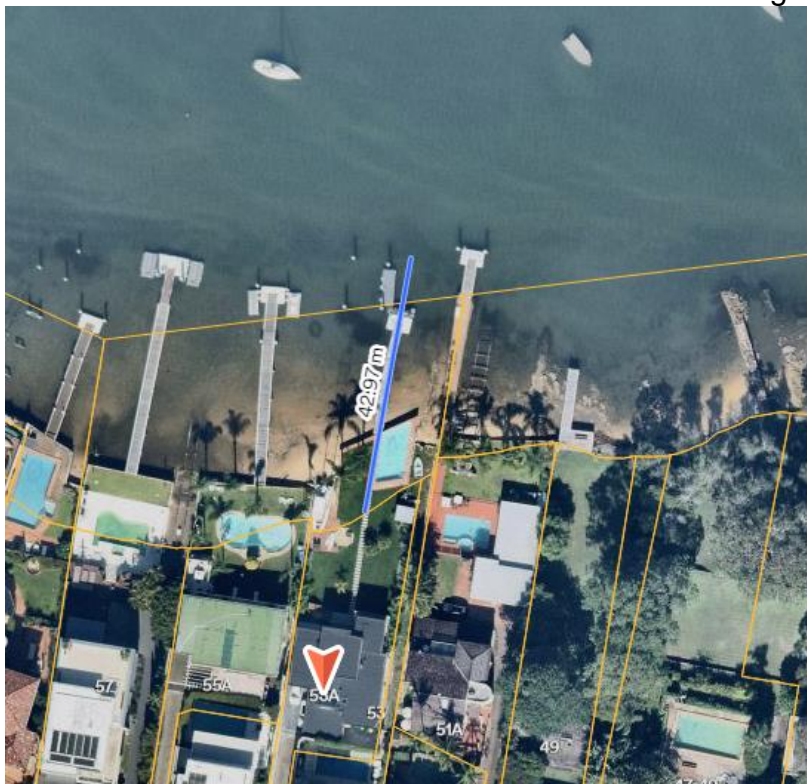


Figure 6: Approximate length of the extension for the jetty and pontoon in comparison with the water structures for the surrounding properties.

- The length of the proposed works has been designed such that they do not detract from the visual quality of the waterway.
- The proposal will not result in adverse impact on the local marine ecosystem and the local landscape.

- The proposal is endorsed by the Transport for NSW, Department of Primary Industries (Fisheries), and Department of Planning, Industry and Environment – Crown Lands (DPIE Crown Lands).

Variation to Part 6.5.2.3 under GRDCP 2021

35. Part 6.5.2.3 (4) promotes that boatsheds are to be setback a minimum of 1.5m from the side boundary.
36. A variation is requested for the boatshed to be set 0.8m from the southern boundary. This is a variation of 700mm or 46.7% from the Part 6.5.2.3 (4) under the required 1.5m side setback control under GRDCP 2021. The variation is **unacceptable** for the following reasons:
 - The subject site contains an existing public view to the water from Vista Street, as shown in the photo below taken during site inspection:



Figure 7: Photo taken from the driveway of the subject site.

- The proposed boatshed is located directly within this sightline. A variation is only considered if there is to be no loss of an existing public view to the water from the adjoining lands to the waterway. Setbacks are a form of measurement to determine to bulk and scale of a development. A variation of 46.6% to the required side setback is considered to be excessive in this instance and would create an unacceptable bulk and scale issue from the public waterview.
- In addition, the Statement of Environmental Effects state the proposed boatshed is to be used to store tinnies and sport equipment (e.g. kayaks, paddle boards and canoes). The family’s boat is to be berthed from the poposed mooring pen.
- A condition has been included for a design change of the proposed boatshed to be reduced in width from 4m to 3.3m to facilitate a 1.5m side setback along the southern boundary. This condition is to be applied prior to the issue of the construction certificate.

REFERRALS

Internal Referrals		
Specialist	Comment	Outcome
Senior	No objections raised to the	Conditions imposed.

Environmental Officer - Biodiversity	proposal.	
External Referrals		
Referral Body	Comment	Outcome
Ausgrid	No objections raised to the proposal.	No conditions required.
<p><u>DPI Fisheries and DPE Crown Lands</u>: The proposal was granted consent by DPI Fisheries on 4 October 2022, and was referred to DPIE Crown Lands NSW. DPE Crown Lands consented to the development on 29 May 2023. Recommendations from DPI Fisheries will be included in the conditions.</p> <p><u>Transport for NSW (TfNSW)</u>: TfNSW granted consent to the development on 9 September 2022.</p>		

Developer Contributions

37. Contributions on this application have been determined in accordance with the Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 and Section 7.12). The proposed cost of work is \$70,000.00. No contribution is therefore applicable for this Development Application.

Planning Agreements

38. There is no planning agreement applicable to the development.

EP&A Regulation 2000

39. No matters within the Regulation are affected by the modification.

Suitability of the site for the development

40. The site is zoned R2 - Low Density Residential and W2 - Recreational Waterways. The proposal is a permissible form of development in this zone. The proposed changes do not affect the suitability of the site for the development, and do not impact the development potential of the adjoining allotments.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

41. The reasons for this recommendation are:
- The proposed works include the relevant Crown Consent.
 - The proposed works have been assessed by the DPI Fisheries and were approved with stamped plans provided.
 - The proposed works were assessed by the TfNSW – Maritime and was approved with stamped plans provided.
 - A condition of consent has been included in the consent for the proposed boatshed to be compliant with the requirements outlined under the Georges River Development Control Plan 2021.
 - Relocation of the mooring pen forward, away from the sea grass, is an improvement to the existing location which was a concern to the DPI Fisheries.
 - The existing location of the jetty was impractical as it was located in an area that was too shallow. Relocation of the existing jetty, ramp and pontoon is an improvement as the proposed location will be in the correct water depth at -1.5m AHD.
 - Reason for extension for the sliprail is to reach the boatshed above Mean High Water Mark (MHWM).

- The proposed mooring pen shall be used to berth the family vessel whilst the proposed boat shed shall be used to store tinnies and sports equipment (e.g., kayaks, paddle boards, canoes) above the MHWL.

RECOMMENDATION

42. That Georges River Local Planning Panel support the proposal as it is generally compliant with relevant planning policies, provides a suitable development that responds to the heritage item on the site, and satisfies the zone objectives. Approval of the development is unlikely to result adverse environmental or social impacts on the locality. The design proposed is considered to be acceptable for the site.
43. Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), DA2023/0282 for alterations and additions to existing jetty, mooring piles, ramp, pontoon and construction of a boatshed and mooring pen on Lot 132 DP 733298 on land known as 53A Vista Street, Sans Souci, is recommended for approval subject to attached conditions of consent.

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:

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DWG 01	March 2024	03	Harbour Planning
Boatshed floor plan, roof plan and section plan at "a"	DWG 02	March 2024	03	Harbour Planning
North and East Elevations	DWG 03	March 2024	03	Harbour Planning
South and West Elevations	DWG04	March 2024	03	Harbour Planning
Owners Consent Letter – NSW Government Sizes of the approved structures.	MN81H2209-003#02 LOC No. 638008	29/05/2023	-	NSW – Planning & Environment
Department of Primary Industries – Fisheries Stamped Plans and Consent	C22/538	4/10/2022	-	Department of Primary Industries – Fisheries
Maritime Approval	-	9/09/2022		Transport for NSW – Maritime
Maritime Habitat Report				Harbour Port

Separate Approvals Required Under Other Legislation

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

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

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

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

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

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

Prior to the Issue of a Construction Certificate

3. **Design Changes** – The proposed boatshed is to be setback 1.5m from the southern boundary. This is to be achieved by reducing the width of the boatshed from 4m to 3.3m. Reason: To comply with the setback requirements outlined under the Georges River Development Control Plan 2021.

4. **Owner's Consent - Department of Planning Industry & Environment** - Prior to the issue of a Construction Certificate, the applicant should ensure that all the requirements of the Owners Consent (reference MN80H3863 #02 LOC No:637887) issued by the Department of Planning Industry and Environment – Crown Lands are satisfactory met.
5. **Materials** - The following requirement is to be addressed and incorporated into the plans to be lodged with the Construction Certificate application.
- (a) Materials used for construction must not be deleterious to marine life (e.g., antifouling paints).
- (b) The proposed structures are to be treated in brown or dark tones to reduce the visual impact of the structure.
6. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$175.00

General Fees

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

7. **Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
- a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$1,900.00
- b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: \$175.00
- c) Submit to Council, before the commencement of work, a photographic record of the

condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of 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.

8. **Site Management Plan – Minor Development** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
9. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
 - (a) Compliance with the approved Erosion & Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) All clean water runoff is diverted around cleared or exposed areas
 - (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - (h) Compliance with [Managing Urban Stormwater - Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

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

10. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

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

11. **Access by barge** - Prior to the commencement of any works the PC must ensure that all works are accessed by barge via the waterway only.
12. **Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW [Work Health & Safety](#)

[Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PC prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the [NSW Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015).

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

13. Demolition Notification Requirements - The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

During Construction

14. Registered Surveyors Report - During Development Work - A report must be submitted to the PC at each of the following applicable stages of construction:

- (a) Set out before commencing piling.
- (b) Completion of all Work - Detailing the location of the structure relative to adjacent boundaries, the seabed and mean high watermark and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (c) Work must not proceed beyond each stage until the PC is satisfied that the height and location of the development is proceeding in accordance with the approved plans.

- 15. Site sign - Soil & Erosion Control Measures - Prior to the commencement of works** (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
- 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.
 - Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.
- 17. 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 <http://www.legislation.nsw.gov.au/>](http://www.legislation.nsw.gov.au/) and/or under Section 68 of the [Local Government Act 1993 <http://www.legislation.nsw.gov.au/>](http://www.legislation.nsw.gov.au/). Penalty infringement Notices may be issued for any offences and severe penalties apply.
- 18. Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.
- Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PC and Council, where Council is not the Principal Certifier.
- 19. Biodiversity Considerations** – during construction, the PC should ensure that the following requirements are met:
- No building materials are to be stored below the mean-high water mark to ensure no debris or pollution enters Kogarah Bay (Georges River waterway).
 - Sliprails must finish outside of the seagrass bed
 - The following safeguards measures must be implemented during construction:
 - Silt curtains should be put in place to minimise siltation on nearby habitats during works with potential to mobilise sediments
 - No materials should be stored or placed on the seabed
 - All construction works should be done without excavation and by driving any required footings to minimise potential disturbance to the seabed and seagrass
- 20. Acid Sulfate – unexpected find** - Any new information identified during excavation or construction which has the potential to alter previous conclusions about the presence of Potential Acid Sulfate Soils (PASS) or Acid Sulfate Soils (AASS) across the site, must be notified to the Principal Certifying Authority and Council, if Council is not the principal

certifying authority) immediately.

All works must cease and a suitably and experienced qualified Environmental Consultant, certified under the consultant certification schemes recognised by the NSW EPA, is engaged to assess, and provide documentation to the management of the PASS or AASS in accordance with any relevant NSW EPA adopted guidelines.

Works on site must not recommence until such time as Council has reviewed the documentation and has accepted the contamination management in writing to the applicant.

Prior to the issue of the Occupation Certificate

- 21. Final Surveyor Report** - Prior to the issue of an Occupation Certificate, a final check survey conducted by a registered practising professional must be prepared ensuring that the works have been completed in accordance with the measurements provided on the Council stamped plans.

Operational Conditions (On-Going)

- 22. No permanent berthing of vessels** - Casual berthing of vessels shall only occur at suitable tides and wave conditions. At no time is permanent berthing of vessels permitted. The cradle and vessel shall be stored in an approved boat shed or above the mean high water mark at all times.
- 23. 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, wastewater, waste products, grit, oil or other harmful products.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

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

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

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

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

- 26. 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.
- 27. 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.

- 28. Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PC. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#).
- 29. 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.

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

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

An Occupation Certificate Application Form is attached for your convenience.

Prescribed Conditions

- 31. Clause 19 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
- 32. Clause 75 - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.
- 33. Clause 98E - Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the

development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

END CONDITIONS

NOTES / ADVICES

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

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

2. **Council as PC - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PC in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
3. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

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

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

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

5. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination

of the application a right of appeal to the Land and Environment Court of New South Wales.

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

ATTACHMENTS

Attachment 1 Architectural Plans - DA2023/0282 - 53A Vista Street, Sans Souci