ESTATE
TOWN PLANNING & PROPERTY ADVISORY

Detailed Due Diligence Assessment

46 & 48 Boronia Parade, Lugarno NSW 2210

LAND	Lot A and Lot B in DP 357382 (folios A/357382 and B/357382) — two adjoining Torrens lots in one holding: a street-fronting front lot and a rear battle-axe lot with foreshore frontage
LOCAL GOVERNMENT	Georges River Council
ZONE	R2 Low Density Residential (GRLEP 2021)
SITE AREA	**46:** 815.7 m² · **48:** 1,226.7 m² (incl. access handle) · combined ≈ **2,042 m²**
USE TESTED	Two dwellings retained by renovation or rebuild within the foreshore controls (low risk); a third dwelling only via a dual occupancy on an enlarged front lot with a cl 4.6 width variation, or an ancillary secondary dwelling
PREPARED BY	Sam Khoury — Director, ESTATE Town Planning & Property Advisory
PREPARED FOR	The owners of 46 and 48 Boronia Parade, Lugarno — referred by Andrew Bloom, Sanders Property Agents
DATE	3 September 2026
STATUS	Detailed due diligence assessment — issued for the information of the owners and prospective purchasers

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SECTION 01

Executive Summary & Options at a Glance

46 and 48 Boronia Parade are two adjoining Torrens title lots in one ownership — a street-fronting block of 815.7 m² and a rear block of 1,226.7 m² running down to the Georges River — each with a house on it, each zoned R2 Low Density Residential. This assessment establishes what the combined holding can support.

The two dwellings already on the land are the opportunity. Both houses can be renovated, or knocked down and rebuilt, without needing permission to depart from a single Council standard — two new houses on two separate titles, one of them fronting the water. That is the reliable outcome and where the value of this holding sits. A third dwelling is available on top of it, and how hard it is depends entirely on whether it needs to be *sold* separately.

DWELLINGS	OPTION	WHAT IT TAKES	POSITION
2 DWELLINGS	**A — Renovate both houses** LOWEST COST	Alterations and additions with consent. No subdivision, no new dwelling, no variation.	AVAILABLE NOW Two dwellings retained; amenity uplift only
2 DWELLINGS	**B — Rebuild both houses** RECOMMENDED	Rear house rebuilt where it stands, not further towards the water; front house rebuilt freely. Merit assessment against the foreshore and scenic controls, but **no variation to any Council standard**.	AVAILABLE NOW Two new houses on two separate titles — the real uplift, and the base case
3 DWELLINGS	**C — Duplex on an enlarged No. 46** ONLY SEPARATELY SALEABLE THIRD DWELLING	Boundary moved to take No. 46 past 1,000 m², subdivision consent, and a written width variation of **12% to 27%**. The sewer main across No. 46 must also be resolved.	DEMANDING The 1,000 m² minimum has never been varied by Council, and 27% is about twice the largest width variation it has approved
3 DWELLINGS	**D — Granny flat on No. 46** LOWER-RISK THIRD DWELLING	No variation and no boundary change. Capped at **60 m²**, or 10% of the main house if greater (LEP cl 5.4(9)).	AVAILABLE NOW A third dwelling for rental or family — but it **cannot be sold separately**

OPPORTUNITIES

- **A combined holding of about 2,042 m²** in single ownership, offered together — the scale that makes a boundary adjustment possible at all.
- **The rear house can be rebuilt where it stands** without any variation, provided the new footprint does not push further towards the water.

- **The front house can be rebuilt freely** — No. 46 is effectively clear of the foreshore line.
- **Council precedent exists for both variations.** Its own legal advice confirms the foreshore line can be varied rather than prohibiting development, and the Panel approved a 15.3% dual-occupancy width variation in March 2026 (Appendix B).
- **A deep front lot** suits a front-and-rear layout, and the existing access handle can serve a second dwelling's parking.
- **A granny flat on No. 46** adds a third dwelling of up to 60 m^2 with no variation at all — the lower-risk route, accepting it cannot be sold separately.
- **Water frontage and river outlook** on No. 48, in a setting the scenic controls are designed to protect.

CONSTRAINTS

- **Foreshore building line.** Everything on No. 48 behind No. 46 sits on the water side of it, where a new building needs a formal written variation.
- **Foreshore Scenic Protection Area.** Both lots fall wholly within it, which triggers the 1,000 m^2 dual-occupancy minimum, 1.5 m side setbacks and the foreshore design controls.
- **1,000 m^2 minimum for a dual occupancy.** No. 46 is 815.7 m^2 and reaches it only by taking land from No. 48 — and no variation to this standard appears anywhere in Council's record.
- **Frontage width.** No. 46 is about 13.2 m against a 15 m requirement for attached dwellings and 18–22 m if detached, so any dual occupancy needs a written variation of between 12% and 27%.
- **Aboriginal cultural heritage.** One recorded site sits within 50 m of No. 48; an archaeologist's assessment is required before any ground disturbance.
- **Sydney Water sewer mains cross both lots**, including a branch through No. 46. They can be encased or relocated with Sydney Water's approval, at a cost, but they bear directly on where a second dwelling could go on the front block.
- **Coastal hazard and riparian land** affect No. 48 and bear on floor levels and setbacks for any rebuild near the water.
- **No fast-track approval.** Both planning certificates confirm complying development cannot be used here — under any code, including demolition and subdivision — because the land is an environmentally sensitive area and within a foreshore area. Every step is a development application to Council.

SECTION 02

Introduction & Documents Relied Upon

Purpose. This report has been prepared at the request of the owners, following referral by Andrew Bloom of Sanders Property Agents on 24 August 2026, to establish and document the development potential of the combined holding. It is written to be read by the owners and by prospective purchasers alike, so that the opportunity, the applicable planning framework and the items still to be resolved are set out accurately and in one place. It is a single consolidated assessment over both lots — the two titles are the inputs, and the development envelope across the combined holding is the subject.

Scope and method. Desktop assessment of both contracts for sale and both section 10.7(2) planning certificates, against the Georges River Local Environmental Plan 2021, the Georges River Development Control Plan 2021 (Parts 3, 5, 6.1, 6.4 and 6.5), State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021 and Council's exhibited planning proposal material. Lot areas are taken from the registered titles and the deposited plan; approximate frontages, widths and depths are taken from the aerial measurement overlays. **No site inspection, and no geotechnical, arboricultural or contamination investigation, has been undertaken, and no market or financial analysis has been carried out.** The position of the foreshore building line has not been surveyed. Items to be confirmed are carried into the information schedule at Section 07.

Documents relied upon. Both contracts for sale (Willis & Bowring, Miranda, refs SEH:KE:466412 and 466413) with the registered titles for folios A/357382 and B/357382; both section 10.7(2) planning certificates (PL2026/2576 for 46, issued 24 July 2026, and PL2026/2583 for 48, issued 28 July 2026); Sydney Water sewer service diagram and service location prints for both lots, together with Sydney Water's advice that no service diagram is available for 48; Revenue NSW land tax certificates; Council's exhibited Planning Proposal 2024/0002 (Biodiversity, Character and Foreshore); an AHIMS basic search over 48 with a 50 m buffer run on 3 September 2026; and every published Georges River Local Planning Panel minute and business paper from 2016 to 20 August 2026.

SECTION 03

Site & Context Description

	46 BORONIA PDE (LOT A) — FRONT LOT	48 BORONIA PDE (LOT B) — REAR LOT
Legal description	Lot A DP 357382 · folio A/357382	Lot B DP 357382 · folio B/357382
Site area (title)	815.6945 m^2	1,226.7 m^2 (incl. access handle)
Configuration	Street-fronting lot to Boronia Parade	Battle-axe lot behind 46, access handle from Boronia Parade down the side of 46; body of the lot fronting the Georges River
Frontage / width (approx.)	≈ 13.2 m to Boronia Parade	Handle ≈ 2.7 m at the street; ≈ 16.1 m water frontage
Depth (approx.)	≈ 62 m, falling toward the river	Extends to the river; falls toward the water
Existing dwelling siting	Set toward the rear of the lot — clear of dense vegetation across the front and of the sewer line through the midsection	Set back toward the water — clear of vegetation and the midsection sewer, and to hold the river outlook
Existing improvements	House, garage, carport	House, garage, shed
Zone	R2 Low Density Residential	R2 Low Density Residential
Servicing	Sewer diagram attached; water, power available	No formal sewer service diagram; approximate main alignment shown on the service location print (App 8005421255)
Taxable land value 2026	$1,029,000	$1,356,667

SURROUNDING CONTEXT

Lugarno occupies an elevated peninsula on the northern bank of the Georges River in the southern part of the Georges River local government area. The locality is characterised by detached single and two storey dwelling houses on generous allotments, with mature canopy, sloping topography and a strong visual relationship to the river. Waterfront and near-waterfront holdings of this size are commonly improved with substantial single dwellings or, increasingly, with dual occupancies where the lot area supports them, and Council's foreshore controls are directed at preserving the low-density, heavily vegetated character of the peninsula as viewed from the water.

That character is the reason for the overlays. The Foreshore Scenic Protection Area, the foreshore building line and the environmentally sensitive area listing all apply to the subject land, and they are the same instruments that Planning Proposal 2024/0002 seeks to strengthen. The commercial consequence is that intensification in this locality attracts closer scrutiny than the same proposal on comparable R2 land further from the river, and that Council's discretion — rather than any numerical standard alone — is the principal determinant of what is approved. On a holding of this scale, with the rear lot exceeding the dual-occupancy standards with margin, that scrutiny falls on the *design* of the built form on the river frontage rather than on the permissibility of the use.



FIGURE 1 — AERIAL OF THE COMBINED HOLDING: 46 (FRONT LOT, OUTLINED TEAL) AND 48 (REAR BATTLE-AXE LOT, OUTLINED GOLD), WITH 48'S ACCESS HANDLE RUNNING ALONG 46 TO BORONIA PARADE AND ITS FRONTAGE TO THE GEORGES RIVER. THE FRONT DWELLING SITS TOWARD THE REAR OF 46; THE REAR DWELLING IS SET BACK TO THE WATER. SOURCE: NSW SIX MAPS IMAGERY; BOUNDARIES FROM DP 357382 CADASTRE.



FIGURE 2 — THE HOLDING IN ITS FORESHORE SCENIC PROTECTION AREA SETTING ON THE GEORGES RIVER AT LUGARNO, SHOWING THE LOW-DENSITY, HEAVILY VEGETATED FORESHORE CHARACTER. SOURCE: NSW SIX MAPS IMAGERY; BOUNDARIES FROM DP 357382 CADASTRE.



FIGURE 3 — LAND ZONING MAP (GRLEP 2021). BOTH LOTS ARE ZONED R2 LOW DENSITY RESIDENTIAL, AS IS THE WHOLE OF THE SURROUNDING FORESHORE PENINSULA. SOURCE: NSW EPLANNING SPATIAL VIEWER OVER SIX MAPS IMAGERY; LOT BOUNDARIES FROM DP 357382.



FIGURE 4 — SCENIC PROTECTION LAND (GRLEP CL 6.6). BOTH LOTS FALL WHOLLY WITHIN THE FORESHORE SCENIC PROTECTION AREA, WHICH FOLLOWS THE GEORGES RIVER FORESHORE THROUGH LUGARNO AND COVERS THE WHOLE OF THE PENINSULA ON WHICH THE SITE SITS. IT IS THE TRIGGER FOR THE 1,000 M² DUAL-OCCUPANCY MINIMUM (CL 4.1B(3)), THE 1.5 M SIDE SETBACKS AND THE DCP PART 6.5 FORESHORE CONTROLS. SOURCE: NSW EPLANNING SPATIAL VIEWER OVER SIX MAPS IMAGERY.

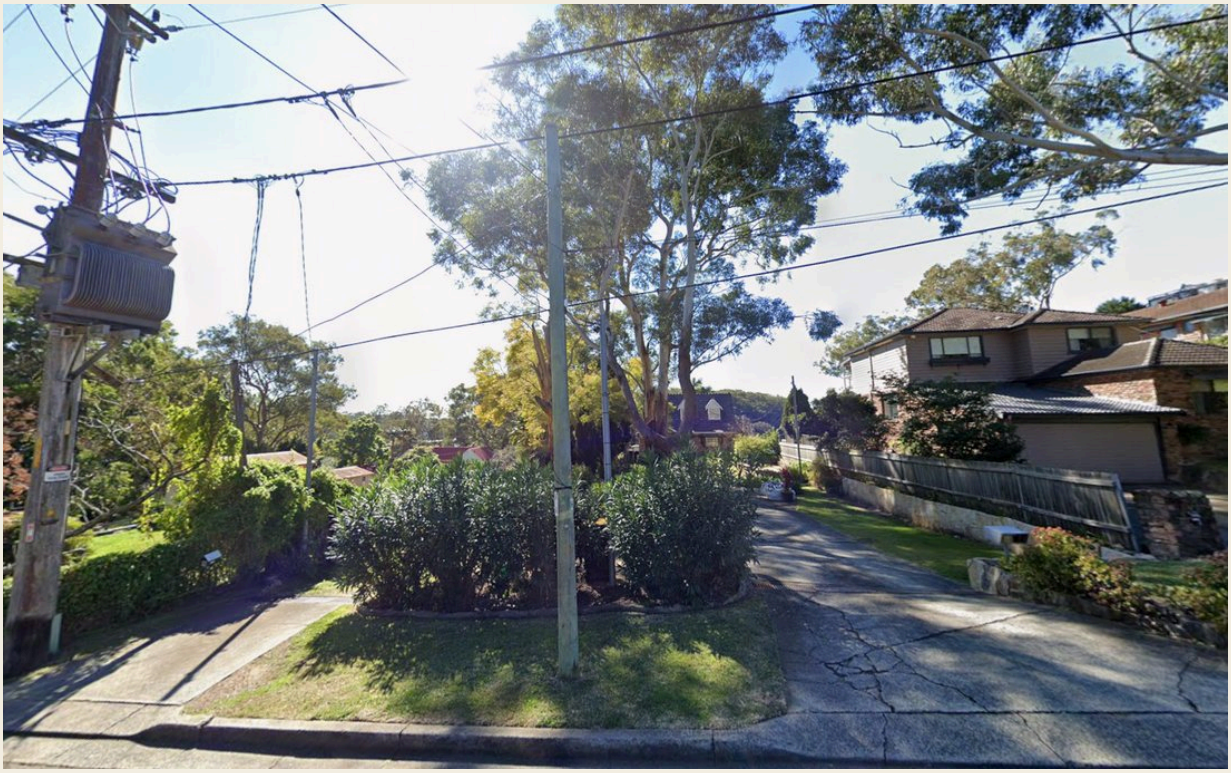


FIGURE 6 — NO. 46 BORONIA PARADE FROM THE STREET. THE DWELLING SITS WELL BACK BEHIND DENSE ESTABLISHED PLANTING, WITH THE ACCESS HANDLE SERVING NO. 48 RUNNING DOWN THE LEFT-HAND SIDE OF THE LOT. THE DWELLING AT THE RIGHT OF FRAME IS THE ADJOINING NO. 44, NOT PART OF THE HOLDING. SOURCE: GOOGLE STREET VIEW.



FIGURE 7 — THE BORONIA PARADE STREETSCAPE AT THE SITE: DETACHED ONE AND TWO STOREY DWELLINGS ON GENEROUS LOTS UNDER A HEAVY NATIVE CANOPY, THE CHARACTER THE FORESHORE SCENIC PROTECTION AREA EXISTS TO HOLD. SOURCE: GOOGLE STREET VIEW.

SECTION 04

Highest & Best Use — Options Analysis

Two GRLEP controls set the options: the foreshore building line (cl 6.4), which governs what may be built forward of it on the rear lot, and the dual-occupancy width standard (cl 4.1B), which neither lot meets. Both are development standards capable of variation under cl 4.6, and Georges River has varied both — the clause-by-clause assessment is at Appendix A and the Panel record at Section 05. The result is a clear split: two dwellings, retained by renovation or rebuild, is the outcome that needs no variation; a third dwelling is available on constrained but precedented pathways. Complying development cannot be used on this land under any code — including demolition and subdivision — so every element is a merit-based development application to Council (Appendix A.7).

LOWEST COST

Option A — Renovate; retain both dwellings

Retain and improve both existing houses, with no rebuild, subdivision or new dwelling. The lightest-touch course, at the lowest cost and nil planning risk — appropriate where the existing dwellings have useful life and the goal is amenity rather than yield.

CRITERION	ASSESSMENT	RATING
Permissibility	Alterations and additions with consent; on 48, works not to extend further forward than the existing building (cl 6.4(3)(a))	CAPABLE OF COMPLIANCE
Planning risk	No subdivision, dual occupancy or variation engaged	CAPABLE OF COMPLIANCE — no development standard is engaged
Outcome	Two dwellings; amenity uplift only	CAPABLE OF COMPLIANCE — the lowest-cost outcome

RECOMMENDED — LOWEST RISK

Option B — Rebuild within the foreshore controls; retain two dwellings

Rebuild the rear dwelling (48) within its existing footprint, or with a modest increase that does not extend further forward than the existing building (cl 6.4(3)(a)), argued on a merit basis; and rebuild the front dwelling (46) freely, as it is landward of the foreshore building line. Two dwellings on the two existing titles, materially improved, without a subdivision, a dual occupancy or a cl 4.6 variation. This is the reliable value-uplift outcome for the site.

CRITERION	ASSESSMENT	RATING
Permissibility	Demolition and rebuild of a dwelling house with consent on each lot	CAPABLE OF COMPLIANCE
Foreshore building line (cl 6.4)	48 rebuilt not further forward than its footprint; a modest increase is available on merit; 46 unconstrained by the line	The whole of 48 behind 46 is forward of the line; only its access handle is landward. A rebuild within the existing footprint needs no variation; anything beyond is a cl 4.6 case — available on Council's own legal advice and granted by the Panel elsewhere, but demanding: four comparable refusals turned on no request being lodged at all
Scenic (cl 6.6 / DCP 6.5)	Merit assessment as viewed from the river — bulk, height, siting, glazing, colours, vegetation	MERIT ASSESSMENT — as viewed from the Georges River
Subdivision / width	No subdivision, no dual occupancy, no cl 4.6 — none engaged	CAPABLE OF COMPLIANCE — no development standard is engaged
Outcome & risk	Two quality dwellings; value uplift without a variation	CAPABLE OF COMPLIANCE — the recommended, lowest-risk outcome

HIGH RISK — THE ONLY THIRD SALEABLE DWELLING

Option C — Resubdivide and add a dual occupancy on the front lot (46)

Adjust the boundary to enlarge 46 beyond 1,000 m^2 (taking land from 48), deliver a dual occupancy on the enlarged 46 landward of the foreshore building line, and retain or rebuild the 48 dwelling in place. It is the only pathway to a third *saleable* dwelling, and it is demanding. At ~13.2 m the front lot is below every dual-occupancy width standard, so it turns on a cl 4.6 request of about 12% if the dwellings are attached, or about 27% if the site's setbacks and parking controls force a detached pair — the second of which exceeds anything Georges River has approved. The built form must also fit the buildable area landward of the line.

CRITERION	ASSESSMENT	RATING
Permissibility	Dual occupancy, dwellings and subdivision permitted with consent in R2	CAPABLE OF COMPLIANCE

CRITERION	ASSESSMENT	RATING
Lot width (cl 4.1B(2)/(4)/(5))	46's ~13.2 m frontage is below 15 m (attached) and 18–22 m (detached) — shortfalls of 12% and 27–40%; a cl 4.6 variation is required for any form	MERIT ASSESSMENT — a 12% variation, against 15.3% approved by the Panel in March 2026
Lot area (cl 4.1B(3))	46 must reach 1,000 m^2 in the FSPA; the boundary adjustment supplies the area from 48	CAPABLE OF COMPLIANCE — delivered by the boundary adjustment
Foreshore building line (cl 6.4)	The dual occupancy sits landward of the line on 46; 48 rebuilt in its footprint	The whole of 48 behind 46 is forward of the line; only its access handle is landward. A rebuild within the existing footprint needs no variation; anything beyond is a cl 4.6 case — available on Council's own legal advice and granted by the Panel elsewhere, but demanding: four comparable refusals turned on no request being lodged at all
Buildable area	Limited landward of the line; two dwellings must test-fit under FSPA setbacks and 30% landscaping	MERIT ASSESSMENT — a test-fit is required
Boundary adjustment (cl 2.6 / 4.1)	Subdivision consent; both resulting lots exceed the minimum, including the proposed 700 m^2	CAPABLE OF COMPLIANCE
Optional subdivision (cl 4.1A)	The dual occupancy on 46 could later be Torrens-subdivided into two lots ≥ 430 m^2 each (FSPA, handle excluded)	CAPABLE OF COMPLIANCE — an optional upside, to be tested on survey
Cost & programme	Subdivision DA + dual-occupancy DA + cl 4.6 + rebuild of 48	CONSTRAINT — the highest complexity and cost of the options tested

LOWER RISK — A THIRD DWELLING WITHOUT A VARIATION

Option D — Secondary dwelling (granny flat) on the front lot (46)

Add a secondary dwelling alongside the existing or rebuilt house on No. 46. It must be approved as a secondary dwelling in its own right — the DCP does not allow an outbuilding such as the existing garage or shed to be used as one. Secondary dwellings are permitted with consent in the R2 zone and are **not** caught by the 1,000 m² dual-occupancy area or the 15 m frontage width, so this route adds a third dwelling without a boundary adjustment and without a cl 4.6 variation. The trade-off is that it remains ancillary to the principal dwelling: it is capped in size and it cannot be sold or strata subdivided.

CRITERION	ASSESSMENT	RATING
Permissibility	Secondary dwellings are permitted with consent in R2 under the LEP land use table and the Housing SEPP	CAPABLE OF COMPLIANCE
Floor area (GRLEP cl 5.4(9))	Total floor area, excluding parking, must not exceed the greater of **60 m²** or 10% of the principal dwelling's floor area — on a substantial rebuilt house the 10% limb may exceed 60 m²	CAPABLE OF COMPLIANCE — the binding size control
Area and width standards	The cl 4.1B dual-occupancy area and width standards do not apply	CAPABLE OF COMPLIANCE — no cl 4.6 variation required
Siting and form (DCP 6.1.2.12)	One storey if detached; 1.5 m side and rear setbacks; behind the main building setbacks; the principal dwelling's private open space and the LEP landscaped area retained. If attached or within the principal dwelling's envelope, single-dwelling height and setback controls apply	MERIT ASSESSMENT — to be resolved on a concept, with the sewer main across 46 taken into account
Foreshore building line	Available on No. 46, which is clear of the line. A secondary dwelling on No. 48 would be a new building forward of the line and would carry the cl 4.6 case at Section 5.1	CAPABLE OF COMPLIANCE — on No. 46 only
Tenure	Cannot be subdivided, including strata (GRLEP cl 5.4(9))	CONSTRAINT — not separately saleable

SECTION 05

Key Affectations

Two controls govern what can be built here, and together they decide whether a third dwelling is possible.

5.1 THE FORESHORE BUILDING LINE

A planning line runs across the property between the houses and the Georges River. Behind it, development is ordinary. Forward of it, Council cannot approve a new building unless a case is made for it.



FIGURE 5 — FORESHORE BUILDING LINE MAP (GRLEP CL 6.4), SHADED. EVERY PART OF NO. 48 BEHIND NO. 46 SITS FORWARD OF THE LINE; ONLY ITS ACCESS HANDLE, RUNNING ALONG NO. 46 TO THE STREET, IS LANDWARD, AND NO. 46 ITSELF IS CLEAR. THE LEP DEFINES IT ONLY AS "THE LINE SHOWN… ON THE FORESHORE BUILDING LINE MAP" AND IMPOSES NO DISTANCE FROM ANY BOUNDARY, SO ITS POSITION MUST BE PICKED UP ON SURVEY. SOURCE: NSW EPLANNING SPATIAL VIEWER OVER SIX MAPS IMAGERY.

Where the line falls. Every part of No. 48 behind No. 46 is on the water side of it; only the narrow access handle out to Boronia Parade is behind it, and No. 46 is effectively clear. The LEP fixes the line by the map alone and sets no distance from any boundary, so it cannot be scaled or assumed — **its position must be picked up on survey** before any design is committed to.

What that allows. Two things, and the difference between them matters:

1. **Rebuilding the existing house on 48 where it stands** is permitted outright, provided the new footprint does not push further towards the water than the present one. No variation is needed. This is the base case, and it is why Option B is recommended.
2. **Anything beyond that** — a larger footprint, or an extra dwelling — needs a formal written variation. Council does grant these: on its own legal advice the line is a standard that can be varied, not a prohibition, and new dwellings have been approved forward of it. But it is the most demanding thing that could be attempted here, and applications fail on the quality of the written case far more often than on the line itself (Appendix B).

5.2 THE WIDTH OF THE FRONT BLOCK

A dual occupancy — two dwellings on one block — must meet a minimum frontage width, and in this area must also sit on a block of at least 1,000 m^2. No. 46 is about 13.2 m wide and 815.7 m^2, so it meets neither. The width required depends on how the two dwellings are arranged:

ARRANGEMENT	WIDTH REQUIRED	SHORTFALL ON 13.2 M	POSITION
Attached — the two dwellings share a wall	15 m	**12%**	MERIT ASSESSMENT — smaller than the largest variation Council has approved
Detached — separate buildings, one facing the street	18 m	**27%**	CONSTRAINT — roughly twice anything Council has approved
Detached — separate buildings, neither facing the street	22 m	**40%**	CONSTRAINT — no support in the record

This is the weak point of Option C. At its best the dwellings would be attached, one behind the other, with the rear one parked off the existing access handle — needing only the 12% variation. But the block is narrow. After the 1.5 m side setbacks required along this foreshore only about 10.2 m of building width remains, and the controls also allow a single-width garage each, cap the driveway at 4 m and require cars to enter and leave forwards. Those requirements push the layout towards *detached* dwellings — at which point the variation roughly doubles to 27%, beyond anything Council has granted. There is a real argument the other way: the DCP's own Lugarno locality statement records that narrow, deep waterfront blocks here have commonly been developed as **detached, front-and-back dual occupancies**, which is a point of substance for a written variation (Appendix A.3). A test-fit and swept path analysis should settle which figure applies before the option is relied on.

The 1,000 m^2 minimum is the harder of the two requirements. It can only be met by moving the boundary to take land from No. 48, and unlike the width, no variation to it appears anywhere in Council's record.

5.3 THE SEWER MAINS

Sydney Water mains cross both lots. A **225 mm main runs along the north-western boundary** of the holding, a **150 mm branch crosses No. 46**, and a **400 mm main runs through No. 48** towards the bay. The historic service diagram for No. 46 shows the same arrangement — the Board's 9-inch main down the western boundary and a sewer crossing the lot near the existing house.

Nothing may be built over a Sydney Water main without its agreement. The mains **can** be encased or relocated, but they are Sydney Water's assets and its approval is required, which adds cost and time and must be scoped before a purchaser commits to a program. The practical effect falls hardest on **No. 46**: the branch crossing the lot runs through the part of the block a second dwelling would have to occupy, so it bears directly on whether Option C can be test-fitted at all. No formal service diagram exists for No. 48, so that alignment is approximate and should be confirmed.

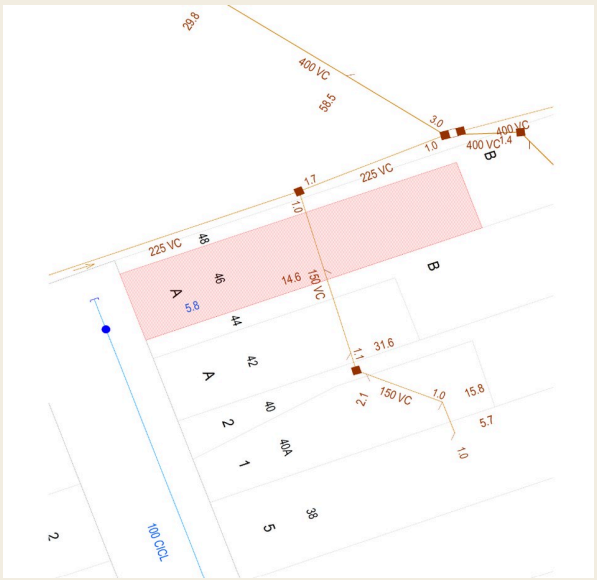


FIGURE 8 — SYDNEY WATER SERVICE LOCATION PRINT. THE SUBJECT LAND IS SHADED; THE 225 VC MAIN RUNS ALONG ITS NORTH-WESTERN BOUNDARY AND A 150 VC BRANCH CROSSES THE HOLDING, WITH THE 400 VC RUNNING ON THROUGH NO. 48 TO THE BAY. SOURCE: SYDNEY WATER, APPLICATION 8005421255.

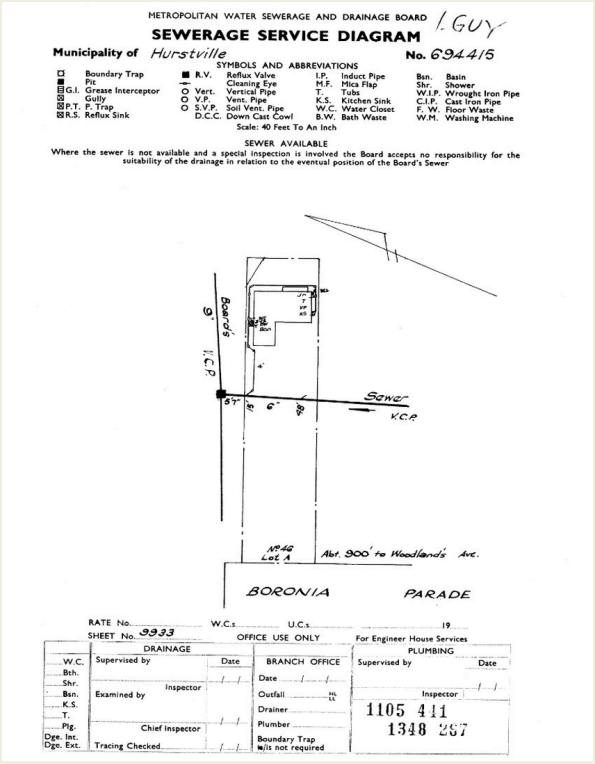


FIGURE 9 — HISTORIC SEWERAGE SERVICE DIAGRAM FOR NO. 46 (LOT A), SHOWING THE BOARD'S 9-INCH MAIN DOWN THE WESTERN BOUNDARY AND THE SEWER CROSSING THE LOT NEAR THE DWELLING. SOURCE: SYDNEY WATER, DIAGRAM 694415.

5.4 WHAT THIS MEANS FOR A THIRD DWELLING

Two routes remain, and they are not equivalent:

1. **A dual occupancy on an enlarged No. 46 (Option C)** — the only route to a third dwelling that can be *sold separately*, and the most demanding thing on this holding. It needs the boundary moved to reach 1,000 m^2, a written variation to the width, and a design that fits behind the foreshore line.

2. **A secondary dwelling (granny flat) on No. 46** — the lower-risk alternative. It is permitted with consent, is not caught by the 1,000 m^2 or width requirements, and needs no variation at all. The trade-off is that it is ancillary to the main house: capped at **60 m^2**, or 10% of the main house if that is greater, and it cannot be sold separately.

Neither route works on No. 48: either would be a new building on the water side of the foreshore line, carrying the demanding written case described at 5.1.

SECTION 06

Key Considerations & Risk Rating

Each matter below is rated for the risk it carries to a development outcome, with what it means in practice and what should be done about it.

MATTER	RISK	WHAT IT MEANS, AND WHAT TO DO
Two-dwelling outcome (renovate or rebuild)	LOW	Alterations, or a rebuild of the 48 dwelling within cl 6.4(3)(a) and a rebuild of 46, are permissible on merit with no subdivision, dual occupancy or variation. A modest increase to the 48 footprint is arguable on merit provided it does not extend further towards the water. This is the base case and the recommended outcome.
Foreshore building line (cl 6.4)	HIGH	The whole of 48 behind 46 is forward of the line; only its access handle is landward. A rebuild within the existing footprint needs no variation; anything beyond it is a cl 4.6 case — available on Council's own legal advice and granted by the Panel elsewhere, but demanding, and four comparable refusals turned on no request being lodged at all. **Confirm the exact position on survey**; the LEP sets no distance, so the line cannot be scaled from a rule of thumb.
Dual-occupancy width (cl 4.1B) — Option C	MEDIUM	46's ~13.2 m frontage is about 12% below the 15 m attached standard but about 27% below the 18 m detached standard, and the foreshore side setbacks, single-width garage and forward-entry requirements push the workable layout towards the detached form. Georges River has approved 15.3% and the Court 11.7%; nothing near 27% appears in the record. **A test-fit and swept path analysis should settle which standard applies before the option is relied on.**
Dual-occupancy area, 1,000 m^2 (cl 4.1B(3)) — Option C	HIGH	46 is 815.7 m^2 and reaches the standard only by boundary adjustment. No cl 4.6 variation to this standard appears anywhere in the Panel record — it is the binding constraint on Option C, and the harder of the two dual-occupancy requirements.
Boundary adjustment & buildable area — Option C	MEDIUM	The area is deliverable and both resulting lots exceed the minimum lot size, but the dual occupancy must still test-fit landward of the foreshore line. **Set the new boundary so that 46 gains buildable area behind the line, and so that 48 keeps at least 9 m of water frontage.**

MATTER	RISK	WHAT IT MEANS, AND WHAT TO DO
Secondary dwelling — the alternative third dwelling	MEDIUM	Permitted with consent on 46 and free of the dual-occupancy area and width standards, so no variation is needed — but it is ancillary to the main house, size-limited and not separately saleable. On 48 it would sit forward of the foreshore line and carry the same cl 4.6 case. Worth weighing against Option C where the goal is a rental rather than a sale.
Aboriginal cultural heritage	MEDIUM	One AHIMS-recorded site sits within 50 m of No. 48, and the offence attaches whether or not an object is recorded. **Commission an extensive AHIMS search and an archaeologist's due diligence assessment before any ground disturbance**; an Aboriginal Heritage Impact Permit may follow. It bears most heavily on the pathways involving the most excavation.
Scenic & foreshore design (cl 6.6 / DCP Part 6.5)	MEDIUM	Any rebuild or new dwelling is assessed as viewed from the Georges River — bulk, height, siting, glazing, colours, vegetation and earthworks. Part 6.5 prevails over the rest of the DCP where they conflict and carries hard controls: a **50% maximum glazing** to the water, **no white or light roofs and walls**, and **no retaining walls within 40 m of mean high water mark**. These shape the design from the outset rather than at the end.
Coastal hazard & riparian, No. 48	MEDIUM	The 2100 sea level rise and riparian mapping apply to 48 and bear on any rebuild near the water — finished floor levels set by the adopted planning levels, and a possible riparian setback. Acid sulfate soils apply to both lots.
Sewer mains — particularly No. 46	MEDIUM	A 225 mm main runs along the north-western boundary, a 150 mm branch crosses No. 46, and a 400 mm main runs through No. 48 (Section 5.3). Nothing may be built over them without Sydney Water's agreement. They can be **encased or relocated**, so this is a cost and programme item rather than a bar — but the branch across No. 46 runs through the part of the block a second dwelling would occupy, so it bears directly on whether Option C test-fits. **Obtain a sewer feasibility, peg-out and build-over or diversion quotation from a Sydney Water coordinator early**, and note that no formal service diagram exists for No. 48.
Access & stormwater	MEDIUM	Preserve lawful access to both lots on any boundary adjustment (AS 2890.1), and establish a legal point of stormwater discharge on a site falling towards the river.
Existing structures	LOW	Approval status of both dwellings, the carport at 46 and the shed at 48 is confirmable before exchange by a building information certificate or a GIPA enquiry to Council.

SECTION 07

Required Consultant Reports & Information Schedule

The reports a purchaser should expect to commission. A registered valuer should also be engaged for end product value; valuation is outside the scope of this report.

REPORT / DOCUMENT	PREPARED BY	PURPOSE
Detail and level survey, both lots	Registered surveyor	Boundaries, levels, trees, structures and — critically — the foreshore building line
Concept boundary adjustment & dual-occupancy test-fit, lot 46	Architect / planner (ESTATE)	Boundary adjustment, the 1,000 m^2 front lot, the cl 4.6 width case, envelopes behind the line, POS, parking, landscaping
Statement of Environmental Effects	Town planner (ESTATE)	Planning justification, cl 6.4 and scenic merit case, cl 4.6 request
Scenic and visual impact assessment	Architect / planner	Impact as viewed from the Georges River (cl 6.6, DCP Part 6.5)
Civil / stormwater design	Civil engineer	Legal point of discharge, on-site detention, foreshore controls
Sewer feasibility, peg-out and s73	Sydney Water coordinator	Locate the 225, 150 and 400 mm mains on survey; point of connection; and a quotation for build-over, encasement or relocation
Arboricultural impact assessment	Arborist	Canopy removal on 46, tree protection zones
Geotechnical and acid sulfate soils assessment	Geotechnical engineer	Benching, retaining and excavation on a falling site
Coastal hazard / riparian assessment	Coastal or environmental engineer	For 48 — 2100 sea level rise, riparian corridor
Preliminary site investigation	Environmental consultant	SEPP (Resilience and Hazards) 2021 Ch 4 suitability
Aboriginal cultural heritage due diligence assessment	Archaeologist / heritage consultant	Required — one AHIMS-recorded site within 50 m of No. 48; an AHIP may follow

SECTION 08

Conclusion & Recommended Next Steps

The land supports the two dwellings already on it. Both houses can be renovated, or knocked down and rebuilt, without needing permission to depart from any Council standard — the rear house provided it is rebuilt where it stands rather than closer to the water, the front house without that restriction. Two good houses on two separate titles is a genuine uplift on what is there now, and it carries the least risk and the shortest programme. It is the recommended base case (Option B).

A third dwelling is possible, but it is difficult, and it should not be assumed. The only way to a third dwelling that can be *sold separately* is a duplex on the front block. That needs the boundary between the two lots moved so the front block reaches 1,000 m^2, and a formal variation to the minimum frontage width — between 12% and 27% depending on whether the two dwellings can share a wall. The 27% figure is roughly twice the largest variation Council has ever granted, and the 1,000 m^2 requirement has never been varied at all. Three things must be settled before anyone relies on it: **a survey** to fix the foreshore line, **a concept test-fit** to establish which width standard applies, and **the Aboriginal heritage position**.

There is a simpler alternative. A granny flat on the front block adds a third dwelling with no variation and no boundary change at all. The trade-off is that it stays part of the main house in law: it cannot be sold on its own.

In short: the value of this holding lies in two quality dwellings, with a third dwelling as genuine upside for a purchaser prepared to run a planning case for it.

IMMEDIATE NEXT STEPS

1. **Brief a registered surveyor** for a detail and level survey of both lots, picking up the foreshore building line, structures and levels — it fixes the rebuild envelope on 48 and the buildable area on any enlarged 46.
2. **Scope the two-dwelling rebuild (Option B)** — concept designs for a rebuild of 48 within cl 6.4(3)(a) and a rebuild of 46, against the scenic controls.
3. **If a third dwelling is wanted**, prepare a concept boundary adjustment and dual-occupancy test-fit on 46 with the cl 4.6 width case (Option C), or a secondary-dwelling concept on 46 as the lower-risk alternative.
4. **Commission the Aboriginal cultural heritage due diligence** — an extensive AHIMS search and an archaeologist's assessment — before any ground disturbance is programmed, given the recorded site within 50 m of No. 48.
5. **Hold a pre-DA discussion with Georges River Council** on cl 6.4 forward of the line, the cl 4.6 width variation and Council's interpretation of cl 4.1B, and scenic expectations for the river frontage. Put the two questions the Panel left open in 2023 — whether "footprint" in cl 6.4(3)(a) includes balconies and overhangs, and whether replacing retaining walls forward of the existing alignment engages the clause.

6. **Confirm the Sydney Water main alignment** from the service location print and the point of connection, and the approval status of the existing structures by building information certificate or GIPA enquiry.

HOW ESTATE CAN HELP

A foreshore site governed by a building line, on a block that meets neither the width nor the area standard for a second dwelling, is not a site to take to Council untested. The difference between a smooth approval and a refusal here is almost entirely in the preparation — and on Council's own record, the applications that fail on this foreshore mostly fail because the written case was thin or missing, not because the proposal was unacceptable.

ESTATE runs this work end to end, as the applicant's planner and project manager:

- **Strategy first.** We test which option is actually worth pursuing before money is spent on design — whether the low-risk two-dwelling rebuild is the right answer, or whether the dual occupancy or a granny flat justifies the extra risk and programme.
- **Assembling and directing the consultant team.** We brief and coordinate the surveyor, architect, civil and geotechnical engineers, arborist, coastal and heritage consultants, hold them to a single programme, and make sure their work answers the questions Council will actually ask.
- **The planning case.** We author the Statement of Environmental Effects and any cl 4.6 written variation request — the document that decides these applications — and build the evidence base behind it.
- **Council and agency liaison.** We convene and lead the pre-DA meeting with Georges River Council, obtain Council's internal position on the clauses that matter before anything is drafted, and manage Sydney Water, NSW Maritime and any other approval running alongside the DA.
- **Through to determination.** We lodge, respond to requests for information, negotiate conditions, and represent the application at the Local Planning Panel where it is referred — and advise on review or appeal if it is needed.

The most useful step is also the earliest one: a survey-based test-fit that settles whether a third dwelling is genuinely available on this land, before anyone commits on the assumption that it is.

Sam Khoury

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SECTION 09

Important Notice & Disclaimer

This Detailed Due Diligence Assessment has been prepared by ESTATE Town Planning & Property Advisory Pty Ltd (ABN 25 695 613 720) for the vendor of 46 and 48 Boronia Parade, Lugarno (Lot A and Lot B in DP 357382), for the purpose of documenting the planning position and development potential of the combined holding in connection with the proposed sale of the property.

It is based solely on the two contracts for sale, the section 10.7(2) planning certificates numbered PL2026/2576 (46, issued 24 July 2026) and PL2026/2583 (48, issued 28 July 2026), the registered titles and deposited plan, the Sydney Water and Revenue NSW documents attached to those contracts, the Georges River Local Environmental Plan 2021, the Georges River Development Control Plan 2021, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, Council's exhibited Planning Proposal 2024/0002 material, and publicly available data current as at 3 September 2026.

Lot areas are taken from the registered titles; approximate frontages, widths and depths from aerial overlays. The position of the foreshore building line has not been surveyed, and the mapped height, floor space ratio, minimum lot size and landscaped-area figures are not stated in either certificate and are recorded here as items to confirm. No site inspection, and no geotechnical, arboricultural, coastal or contamination investigation, has been undertaken, and no market, valuation or financial analysis has been carried out.

This report is a planning and property advisory opinion. It is not legal advice, valuation advice, financial advice or a building or structural report, and it does not guarantee the outcome of any development application or other approval. Consent authorities exercise discretion, and planning controls, mapping and policy are subject to change — including an amendment presently before Council that would affect the minimum lot size applying to this land. Planning certificates speak only as at their date of issue and must be re-obtained before exchange.

Where this report is provided to a prospective purchaser, it is provided for information only. It does not form part of any contract for sale, no representation or warranty is given as to its contents, and no duty of care is assumed to any person other than the vendor. Prospective purchasers must not rely on this report in substitution for their own due diligence and should obtain their own planning, legal, valuation and financial advice before committing to a purchase.

Conclusions in this report are provisional and conditional on the information listed at Section 07 being obtained and confirmed. ESTATE accepts no liability for loss arising from reliance on this document beyond the scope stated.

APPENDIX A

Statutory Planning Framework & Compliance

A.1 GEORGES RIVER LOCAL ENVIRONMENTAL PLAN 2021

APPLICABLE CLAUSE	SPECIFIC REQUIREMENT	COMPLIANCE ASSESSMENT
Land Use Table — Zone R2 Low Density Residential	Dwelling houses, dual occupancies, **secondary dwellings**, semi-detached dwellings, subdivision and other listed uses permitted with consent	CAPABLE OF COMPLIANCE — both lots are zoned R2 and the uses tested are permissible
Secondary dwellings (Housing SEPP)	A secondary dwelling is permitted with consent and is not subject to the dual-occupancy 1,000 m^2 area or 15 m width; it is ancillary to the principal dwelling and not separately saleable	CAPABLE OF COMPLIANCE — the lower-risk route to a third dwelling on 46; a new secondary dwelling on 48 would sit forward of the foreshore building line and needs a cl 4.6 request under cl 6.4
Cl 6.4 — Foreshore area & coastal hazards	Applies to land on the Foreshore Building Line Map and the Coastal Hazard and Risk Map. Consent must not be granted forward of the line except for: (a) alteration, or demolition and rebuilding, of an existing building not extending further forward than the existing footprint; (b) a new building where exceptional site features make it appropriate; (c) minor structures (boat sheds, fences, sea walls, pools, water recreation structures, paths)	CONSTRAINT — the whole of 48 behind 46 is forward of the line. A rebuild within the existing footprint sits inside cl 6.4(3)(a) and needs no variation. A *new* dwelling forward of the line is not prohibited: on legal advice obtained by Council in 2023 the clause operates as a development standard capable of cl 4.6 variation (Section 5.1), but it is a demanding, evidence-led case
Cl 2.6 — Subdivision	Subdivision requires development consent	CAPABLE OF COMPLIANCE — the boundary adjustment enlarging 46 is a subdivision; consent required and available on merit
Cl 4.1 — Minimum subdivision lot size	Each resulting lot must meet the minimum on the Lot Size Map; likely 450 m^2 (Area G), proposed 700 m^2	CAPABLE OF COMPLIANCE — after the boundary adjustment both lots exceed 1,000 m^2, clear of the current and proposed minimum

APPLICABLE CLAUSE	SPECIFIC REQUIREMENT	COMPLIANCE ASSESSMENT
Cl 4.1A — Dual occupancy subdivision	430 m^2 per resulting lot in the FSPA, exclusive of the access handle	CAPABLE OF COMPLIANCE — if the dual occupancy on 46 is later Torrens-subdivided into two lots, each of ~500 m^2 would exceed 430 m^2; to be tested on survey
Cl 4.1B(2)/(4) — Dual occupancy, R2, width	650 m^2 and **15 m** at the front building line (attached dual occupancy, both dwellings facing the primary road: 15 m)	CONSTRAINT — the ~13.2 m frontage is below 15 m, so any dual occupancy needs a cl 4.6 variation
Cl 4.1B(3) — FSPA dual occupancy	A dual occupancy in the Foreshore Scenic Protection Area requires a minimum lot area of **1,000 m^2**	CONSTRAINT — 46 is 815.7 m^2; it must be enlarged to 1,000 m^2 (exclusive of any handle)
Cl 4.1B(5) — detached dual occupancy width	A **detached** dual occupancy requires 18 m at the front building line (one dwelling facing the road) or 22 m otherwise	CONSTRAINT — decisive if the dual occupancy is detached; a cl 4.6 variation or an attached / front-and-rear configuration is required
Cl 4.3 — Height of buildings	Not to exceed the maximum on the Height of Buildings Map	MERIT ASSESSMENT — mapped height not stated on either certificate
Cl 4.4 / 4.4A — Floor space ratio	Per the FSR Map and residential provisions. Dual occupancy 0.6:1 for a site ≤ 1,000 m^2	CAPABLE OF COMPLIANCE — GFA to be tested on a concept design
Cl 4.6 — Exceptions to development standards	Written request; objectives of the standard and the zone satisfied; compliance shown to be unreasonable or unnecessary	CAPABLE OF COMPLIANCE — the mechanism for the ~13.2 m width shortfall on 46 and for any built form forward of the foreshore building line on 48. Georges River precedent for both is at Appendix B, most directly 15 Walton Street, Blakehurst (a 15.3% width shortfall approved 5 March 2026) and 185 Queens Road, Connells Point (a new dwelling approved forward of the line)
Cl 6.1 — Acid sulfate soils	Both lots potentially affected; preliminary assessment likely for excavation	CAPABLE OF COMPLIANCE — manageable; a preliminary assessment is likely for excavation
Cl 6.5 — Riparian land and waterways	Additional assessment where mapped	CONSTRAINT — applies to 48; may attract a riparian setback and NRAR consideration

APPLICABLE CLAUSE	SPECIFIC REQUIREMENT	COMPLIANCE ASSESSMENT
Cl 6.6 — Foreshore Scenic Protection Area	Protect scenic amenity, vegetation, topography and views; minimise clearing, height and bulk; step with the fall of the land	MERIT ASSESSMENT — applies to both lots; Council assesses impact as viewed from the Georges River
Cl 6.9 — Essential services	Consent requires adequate water, sewer, electricity, stormwater and vehicular access	MERIT ASSESSMENT — approximate sewer alignment for 48 shown on the service location print; point of connection to confirm
Cl 6.12 — Landscaped area	In the FSPA: dwelling house ≥ 25%, dual occupancy ≥ 30%	MERIT ASSESSMENT — 30% must be met on the enlarged front lot alongside the two dwellings
Coastal Hazard and Risk Map	Additional assessment of coastal processes where mapped	CONSTRAINT — applies to 48; may affect finished floor levels on any rebuild

A.2 GEORGES RIVER DCP 2021 — PART 3 GENERAL PLANNING CONSIDERATIONS

Part 3 applies to all forms of development. The controls below are the provisions engaged by the options tested — a boundary adjustment, a dual occupancy on the enlarged front lot, and the renovation or rebuild of the two existing dwellings.

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
3.2.1–3.3 — Trees, Green Web and landscaping	Council approval required for works to any tree ≥ 3 m high, ≥ 100 mm diameter at ground level or with a branch spread ≥ 3 m, with retained trees inside an enforceable Tree Protection Zone of 12 × trunk diameter at 1.4 m; compliance with SEPP (Biodiversity and Conservation) 2021 and Council's Tree Management Policy. Green Web land to retain and reinforce vegetation corridors. Landscape plan, species schedule and soft-soil provision per GRLEP cl 6.12	CONSTRAINT — the dense vegetation across the front of 46 is the greatest physical constraint on the buildable envelope; an arboricultural impact assessment is required for any tree removal or works within a TPZ, and the retained zones will shape the footprint. Green Web mapping over the foreshore slope of 48 to be confirmed with Council

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
3.5 — Excavation, earthworks and construction management	Excavation not to extend beyond the building footprint; depth of cut or fill not to exceed 1.0 m from existing ground level, except for a basement car park; buildings to step with the natural slope. Erosion and sediment control plan and construction management measures at DA	CONSTRAINT — the fall toward the river, read with the FSPA earthworks controls in Part 6.5, materially limits benching, so a split-level design is effectively required for any new built form. Sediment controls carry heightened relevance given the riparian mapping on 48
3.6–3.7 — Contaminated land and heritage	Consideration of contamination consistent with SEPP (Resilience and Hazards) 2021 Ch 4. Assessment where a heritage item, conservation area or Aboriginal cultural heritage is identified on or in the vicinity of the site	CAPABLE OF COMPLIANCE — no known contaminating history and no heritage listing on either certificate, though a preliminary site investigation is likely at DA. One AHIMS-recorded Aboriginal site sits within 50 m of No. 48 (Section 06)
3.8 — View impacts	Development to be sited and designed to allow a reasonable sharing of views, assessed on the established planning principles	MERIT ASSESSMENT — a rebuilt or enlarged dwelling on 46 will be tested for its effect on the river views from 48 and the neighbours; a live issue for any two-storey form on the front lot
3.9 — Coastal hazards, risks and sea level rise	Additional assessment of coastal processes, inundation and projected sea level rise where the land is mapped on the Coastal Hazard and Risk Map	CONSTRAINT — applies to 48 (2100 projected sea level rise). Finished floor levels and any waterfront structure must be set by reference to the adopted planning levels
3.10 & 3.16.4 — Water management and subdivision drainage	Stormwater disposal per Council's Stormwater Management Policy; on-site detention and water quality measures as applicable; a legal point of discharge to be established; any subdivision fully drained to the same policy	MERIT ASSESSMENT — the legal point of discharge for the enlarged 46 and for 48 to be established at survey, with any inter-allotment easement created or preserved on the boundary adjustment
3.13 & 3.16.2 — Parking, vehicular access and roads	Off-street parking rates and design to AS 2890.1; driveway and crossing design to the road authority's specification; consent from the road authority under the *Roads Act 1993* for each new opening of a public road	CAPABLE OF COMPLIANCE — 46 is accessed directly from Boronia Parade and the existing handle continues to serve 48, and must be preserved on any boundary adjustment. Any second crossing for a dual occupancy is to be tested against street trees and on-street parking

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
3.14 & 3.16.3 — Utilities and services	Adequate utility servicing consistent with GRLEP cl 6.9; service supply to multiple battle-axe subdivisions to be by underground cable, confirmed in writing by the relevant authority before release of plans	MERIT ASSESSMENT — the approximate sewer alignment for 48 is shown on the service location print (App 8005421255); the point of connection and any build-over approval to be confirmed with Sydney Water, and written confirmation obtained from the electricity supply authority
3.16.1 — Lot size, shape and width	Subdivision to comply with GRLEP cl 4.1 to 4.1B. **New allotments for dwelling houses are to have a minimum width of 15 m for the entire allotment**	CONSTRAINT — 46 is about 13.2 m wide for its full depth, and the boundary adjustment cannot widen it because the additional area comes from the rear. A documented variation is required for the boundary adjustment as well as under GRLEP cl 4.1B
3.16.1 — Indicative building envelope	Newly created allotments must include an indicative building envelope demonstrating that solar access, vehicular access, setbacks, landscaped area and tree preservation can be achieved	MERIT ASSESSMENT — required with the boundary adjustment DA, and the document on which the dual occupancy on the enlarged 46 will stand or fall
3.16.1 — Battle-axe access, easements and accessways (Table 5)	R2 and R3 zones: maximum six lots per access corridor; minimum access handle width 3 m for two lots or fewer, and 6 m for more than two. Easement widths per Council's Stormwater Management Policy §3.5.2; a 2 m wide accessway where topography requires separate pedestrian access or an inclinator	CAPABLE OF COMPLIANCE — the existing handle serves 48 alone and stays within the two-lot threshold under every option; easements and any accessway to be resolved on survey
3.11, 3.12 & 3.20 — Sustainability, waste and noise	Energy and water efficiency measures and a BASIX certificate for all residential development; waste management plan and on-site bin storage per Council's Waste Management Requirements Policy; siting and design to minimise noise, with plant screened or acoustically treated	CAPABLE OF COMPLIANCE — standard DA requirements: BASIX for each new or altered dwelling, a 3 m × 1 m bin store per dwelling outside the front setback, and a low-traffic street with no road or rail corridor affectation

A.3 GEORGES RIVER DCP 2021 — PART 5 RESIDENTIAL LOCALITY STATEMENTS (LUGARNO)

Part 6.1 requires new buildings and additions to be designed with regard to the Desired Future Character statement for the locality. Section 5.7 applies to this site.

MATTER	WHAT THE LOCALITY STATEMENT SAYS	COMPLIANCE ASSESSMENT
Established subdivision pattern	Waterfront street blocks in Lugarno are **narrow and deep**, and many "have been subjected to recent battle-axe subdivisions through **detached, front-and-back dual occupancy developments**"	CAPABLE OF COMPLIANCE — directly relevant to Option C. The DCP itself records the front-and-back detached dual occupancy on a narrow, deep waterfront block as an established and anticipated pattern in this locality, which is a genuine argument on the objectives limb of any cl 4.6 request to the frontage width (Section 5.2)
Bushland landscaped character	Retain and enhance the prominence of the bushland landscaped character in new development through tree planting and landscaping; encourage consistent street setbacks with landscaping in the front setback	MERIT ASSESSMENT — reinforces the tree and landscaping controls in Part 3 and Part 6.5; the vegetation across the front of No. 46 is an asset in this respect rather than only a constraint
Views and screening	Encourage retention of trees and the sharing of water views wherever possible, **including screening via vegetation rather than solid walls**; public views to waterways to be retained from streets and public places	MERIT ASSESSMENT — read with the view-sharing control in Part 3.8 and the 50% transparent fencing control in Part 6.5; solid boundary treatment on the river side should not be assumed
Identified threat to character	Recent replacement of post-war dwellings with "substantially larger, contemporary dwelling houses with significantly reduced setbacks and landscaping" is expressly identified as **a threat to the urban bushland character** of the area	CONSTRAINT — the most important line in this Part for Option B. A large contemporary rebuild is the very outcome the locality statement warns against, so scale, street setback and landscaping will be closely assessed on both lots and should lead the design rather than follow it

A.4 GEORGES RIVER DCP 2021 — PART 6.1 LOW DENSITY RESIDENTIAL CONTROLS

DCP §6.1.2 governs the dwelling houses on both lots under Options A and B; §6.1.2.12 governs the secondary dwelling put forward as the lower-risk third-dwelling alternative; and DCP §6.1.3 governs

the dual occupancy on the enlarged front lot under Option C. Each option in this report engages a different set, so all three are stated in full.

6.1.2 — Single dwellings (Options A and B — the retained or rebuilt dwellings on 46 and 48)

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.1.2.1 — Streetscape character and built form	Articulated front façade; habitable-room windows presenting to the street; all elements visible from the street, waterways and public domain to make a positive contribution to the foreshore; maximum first-floor void 15 m^2	MERIT ASSESSMENT — the rear dwelling on 48 is read from the Georges River rather than the street, so the foreshore limb of this control governs its design
6.1.2.2 — Building scale and height	Maximum two storeys plus basement at any point above existing ground level; basements to protrude no more than 1 m; on sites with a gradient or cross-fall steeper than 1:10 a split-level approach is required	CONSTRAINT — the cross-fall on 48 exceeds 1:10, so a split-level form is required and the two-storey ceiling is measured at every point above existing ground level
6.1.2.3 — Setbacks (front, side and rear)	Front 4.5 m to the main building wall and 5.5 m to the garage or carport, or at least 1 m behind the main wall, whichever is greater; where the prevailing street setback is greater, the average of the two adjoining properties on both sides applies. Rear 15% of the average site length or 6 m, whichever is greater. Side **1.5 m for all lots in the Foreshore Scenic Protection Area**; 4.0 m front setback for a battle-axe lot without street frontage. On alterations an existing lesser side setback may be retained where solar access, landscaped area and neighbour amenity are not compromised	CONSTRAINT — 1.5 m side setbacks on a 13.2 m frontage leave about 10.2 m of building width on 46 before articulation: the practical driver of built form on the front lot under every option. The prevailing street setback is to be measured and applied to 46, and is likely to exceed 4.5 m

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.1.2.4–6.1.2.5 — Private open space and landscaping	Private open space of at least 60 m^2 with a minimum dimension of 6 m, at the rear or behind the building line, on a single level and not terraced or over rock outcrops. Landscaped area per GRLEP cl 6.12; soft-soil minimum dimension 1.2 m in all directions; impervious areas no more than 60% of the street setback area where the front setback is under 6 m, or 50% at 6 m or greater; at least one front-setback tree capable of a 6–8 m mature height	CAPABLE OF COMPLIANCE — deliverable on both lots at their existing areas, assisted by the vegetation on 46, which also constrains where built form can be placed
6.1.2.6 — Excavation (cut and fill)	Excavation not to extend beyond the building footprint; cut or fill not to exceed 1.0 m from existing ground level except for a basement car park; building mass to step with the slope	CONSTRAINT — decisive on 48, where the fall to the river cannot be benched out
6.1.2.7 — Vehicular access, parking and circulation	One garage plus one tandem space forward of it per dwelling; maximum driveway width 4.0 m at the street boundary, increasing to 6.0 m only to serve a double garage at the front building line; maximum garage opening 6.0 m; layout and access to AS 2890.1	CAPABLE OF COMPLIANCE — a single crossing to 46 and continued use of the handle to 48
6.1.2.8 & 6.1.2.10 — Visual privacy and solar access	Active-room windows offset or screened; upper-level balconies not to project more than 1,500 mm beyond the main rear wall; **roof-top terraces are not permitted** on dwelling houses, secondary dwellings, boat sheds or garages; a survey or site analysis plan to AHD showing adjoining windows, sill and floor levels. Minimum 3 hours direct sunlight 9am–3pm on 21 June to living-room windows and at least 50% of the private open space, on the site and adjoining sites, with shadow diagrams	CONSTRAINT — the roof-top terrace prohibition removes a form commonly sought on a river-facing site and should be taken into account in any concept for 48. Overshadowing of 48 by new form on 46 must be demonstrated by shadow diagrams

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.1.2.9, 6.1.2.11 & 6.1.2.13 — Noise, materials and site facilities	Plant located away from habitable-room openings and screened or acoustically treated. No large expansive surfaces of predominantly white, light or primary colours; colour schemes tonally related to the street; all finishes of low reflectivity. Adequate storage; water, sewerage and stormwater nominated on the plans; a 3 m × 1 m bin store per dwelling outside the front setback; letterboxes to Australia Post requirements	CAPABLE OF COMPLIANCE — documentation and detailing matters, with the materials control reinforced by the foreshore controls in Part 6.5
6.1.2.12 — Secondary dwellings	**Total floor area, excluding parking, not to exceed the greater of 60 m² or 10% of the principal dwelling (GRLEP cl 5.4(9)).** Maximum one storey where detached and not incorporated with a garage to a laneway; minimum 1,500 mm side and rear setbacks; located behind the main building setbacks; where attached to or within the principal dwelling's envelope, the single-dwelling height and setback controls apply; the principal dwelling's private open space and the LEP landscaped area to be maintained; parking per Part 3; stormwater as for dwelling houses. A secondary dwelling cannot be subdivided, including strata subdivision	CAPABLE OF COMPLIANCE — the lower-risk route to a third dwelling on 46: no dual-occupancy area or width standard is engaged and no cl 4.6 is required, but the dwelling is ancillary and cannot be separately sold. A new secondary dwelling on 48 would sit forward of the foreshore building line and so needs a cl 4.6 request (Section 5.1)

6.1.3 — Dual occupancy (Option C — the dual occupancy on the enlarged front lot 46)

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.1.3.1 — Streetscape character and built form	Windows to all street-facing elevations and no service rooms to a street frontage; a defined entry feature and façade articulation; each dwelling entrance identifiable from the street and recessed a maximum of 1 m; driveways not to dominate the streetscape; maximum first-floor void 15 m^2 per dwelling; **garages for each dwelling in an attached dual occupancy to be a single car space wide only**, with tandem parking acceptable	MERIT ASSESSMENT — achievable in principle, but the single-width garage rule read with the 13.2 m frontage points strongly to a front-and-rear rather than a side-by-side arrangement
6.1.3.2 — Building scale and height	Maximum two storeys over a basement at any point above existing ground level; basements to protrude no more than 1 m; split-level design where the gradient or cross-fall exceeds 1:10; basement area limited to parking, the access ramp, 10 m^2 storage and 20 m^2 plant, with any excess counted as gross floor area	MERIT ASSESSMENT — the basement floor-space carve-out is useful on this site, provided the basement is contained to the permitted areas
6.1.3.3 — Front and rear setbacks	4.5 m to the main building wall and 5.5 m to the front wall or door of the garage, carport or parking space; where the prevailing street setback is greater, the average setback of the two adjoining lots on either side applies. Rear setback in a side-by-side configuration: 15% of the average site length or 6.0 m, whichever is greater, at ground and first floor	MERIT ASSESSMENT — the prevailing front setback is to be established by survey of the adjoining frontages. The enlarged 46 is deep rather than wide, so the rear setback is readily met; the constraint is width, not depth

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.1.3.3 — Side setbacks and dwelling separation (all configurations)	Attached: **1.5 m in the Foreshore Scenic Protection Area** (1.2 m elsewhere) at ground and first floor. Detached side-by-side: 1.5 m in the FSPA to the external side boundaries and to the internal boundary, creating a 3 m separation. Detached battle-axe: 4 m rear setback on the front lot to the internal boundary, 6 m rear setback on the rear lot, a 2.0 m front setback to the non-street-fronting dwelling creating a 6.0 m separation, 1.5 m FSPA side setbacks, and 1.2 m from the street-fronting dwelling to the access handle	CONSTRAINT — the decisive control on this lot. On a 13.2 m frontage the attached form leaves about 10.2 m of building width for two dwellings side by side, and the detached side-by-side form consumes 6 m of the frontage in separation and setbacks alone; neither is realistically achievable. The **front-and-rear detached battle-axe configuration is the form that suits the enlarged 46** — but the width standard in cl 4.1B(5) then rises to 18 m or 22 m, enlarging rather than removing the cl 4.6 case
6.1.3.4–6.1.3.6 — Solar access, visual privacy and noise	Minimum 3 hours direct sunlight 9am–3pm on 21 June to living-room windows and at least 50% of the private open space, within the site and on adjoining sites, with winter solstice shadow diagrams and minimised overshadowing of neighbours' photovoltaic panels where a variation is sought. Living-area windows and balconies to the front and rear with no direct overlooking; first-floor rear balconies not to project more than 1,500 mm beyond the main rear wall, with fin walls or screens; **roof-top terraces are not permitted**. Quiet uses not co-located with noisier rooms across a common wall; plant screened or acoustically treated	CONSTRAINT — the photovoltaic limb bears directly on this proposal because a variation is being sought, and shadow diagrams to 48 and the neighbours will be required. A front-and-rear arrangement places the rear dwelling close to 48, so screening, sill heights and window placement will be closely assessed
6.1.3.7 — Excavation (cut and fill)	Excavation not to extend beyond the building footprint including any basement car park; cut and fill not to exceed 1.0 m from existing ground level except for a basement car park; building mass to step with the slope	CONSTRAINT — the fall across 46 toward the rear boundary limits the extent to which two dwellings can be placed on a common platform

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.1.3.8 — Vehicle access, parking and circulation	One garage plus one tandem space per dwelling; maximum driveway width 4 m between the street boundary and the garage setback; **one single-width garage per dwelling only**, tandem where two spaces are provided; for a detached dual occupancy in a battle-axe configuration **all vehicles must enter and exit the site in a forward direction, supported by swept path analysis**; internal grades to AS 2890.1	CONSTRAINT — the forward entry and exit requirement is demanding on a 13.2 m frontage once a 4 m driveway, 1.5 m side setbacks and a turning area are accommodated. Swept path analysis should be prepared early, because it may determine whether the option is viable at all
6.1.3.9 — Subdivision	Subdivision of a dual occupancy is permitted with consent; the minimum lot sizes are those in GRLEP cl 4.1A, and the suitability of the development and its streetscape and amenity impacts guide the suitability of the underlying lots	CAPABLE OF COMPLIANCE — if the dual occupancy on the enlarged 46 is later Torrens-subdivided, two lots of about 500 m^2 each would exceed the 430 m^2 FSPA threshold in cl 4.1A. To be tested on survey
6.1.3.10–6.1.3.11 — Private open space and landscaping	Ground-level private open space of at least 4 m × 5 m per dwelling, no steeper than 1 in 20, directly accessible from a main living area and at the rear or behind the building line; a duplex upper dwelling requires a balcony of at least 12 m^2 with a 2.5 m minimum depth. Landscaped area per GRLEP cl 6.12 (30% for a dual occupancy in the FSPA); soft-soil minimum dimension 1.2 m; impervious areas no more than 70% of the street setback area where the front setback is under 6 m, or 65% at 6 m or greater	MERIT ASSESSMENT — private open space is deliverable on the enlarged lot, with the 1 in 20 grade limit the item to watch given the fall. The 30% landscaped area must be achieved alongside two dwellings, their parking and their open space, and interacts directly with the tree retention position

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.1.3.12–6.1.3.13 — Materials, colours and site facilities	No large expansive surfaces of predominantly white, light or primary colours; a hue and tonal relationship with the predominant street palette; all materials and finishes of low reflectivity. Adequate internal and external storage; water, sewerage and stormwater nominated on the plans; a 3 m × 1 m bin storage space per dwelling outside the front setback; letterboxes to Australia Post requirements	CAPABLE OF COMPLIANCE — documentation and detailing matters, reinforced on the materials side by the foreshore controls in Part 6.5

A.5 GEORGES RIVER DCP 2021 — PART 6.4 ANCILLARY DEVELOPMENT

Part 6.4 governs the structures that accompany a dwelling. It is engaged by the existing garages, carport and shed, and by anything proposed alongside a rebuilt dwelling. Where it conflicts with the foreshore controls, Part 6.5 prevails.

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.4.3 — Outbuildings: use	**An outbuilding must not be used as a secondary dwelling or dual occupancy**	CONSTRAINT — directly relevant to Option D. The existing shed on No. 48 and the garages cannot simply be converted; a secondary dwelling must be approved as such and meet the cl 5.4(9) floor area cap and the DCP 6.1.2.12 controls
6.4.3 — Outbuildings: size and height	The sum of all outbuilding floor space (excluding carports and open structures) must not exceed **30 m²**; maximum height 3.5 m to the ridge and 2.5 m to the eaves above existing ground level; 900 mm setback from all boundaries; not within the front building line setback; low-reflectivity finishes	MERIT ASSESSMENT — the 30 m² cap is an aggregate across the site, so existing garages and the shed count towards it. Relevant on both lots, and the low-reflectivity requirement aligns with the foreshore controls

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.4.1 — Retaining walls	A retaining wall visible from the street or a public area is limited to **1.0 m** in height with a 1.0 m landscaped setback from the boundary. **No part of a wall or its footings may encroach on an easement without the beneficiary's approval.** Footings and drainage wholly within the site; walls certified by an engineer where required for stability	CONSTRAINT — significant on a site that falls to the river. The easement limb bears directly on the Sydney Water mains (Section 5.3), and the foreshore rule in Part 6.5 is harder again: no retaining walls between the foreshore building line and mean high water mark, or within 40 m of it
6.4.1 — Fences and walls	Front fences 900 mm solid masonry or 1.2 m open or partially transparent; side and rear fences 1.8 m measured from the low side, plus 300 mm lattice; stepped on sloping sites	CAPABLE OF COMPLIANCE — read with the Part 6.5 requirement that fences be low in profile and at least 50% transparent, and with the locality statement's preference for vegetative screening over solid walls
6.4.4 — Swimming pools and spas	Located to the rear; minimum 900 mm to the boundary and 1,500 mm to the water line; coping no more than 500 mm above existing ground level, or up to 1 m on one side on steeply sloping sites with the exposed face treated; decking no more than 600 mm above ground; no filling between the pool and the boundary; pump noise controlled	MERIT ASSESSMENT — the fall on both lots makes the 500 mm limit the governing figure for any pool, and Part 6.5 adds that pools are to be sited to minimise tree removal and impact on rock shelves and platforms
6.4.2 — Air conditioning	Units sited so they are not visible from the street; noise not to exceed the background $L_{Aeq,15min}$ by more than 5 dBA at the property boundary	CAPABLE OF COMPLIANCE — a standard detailing matter

A.6 GEORGES RIVER DCP 2021 — PART 6.5 FORESHORE LOCALITY CONTROLS

Part 6.5 states expressly that where it conflicts with any other requirement of the DCP, this Part prevails. DCP §6.5.1 applies to the whole of both lots as land within the Foreshore Scenic Protection Area under GRLEP cl 6.6. DCP §6.5.2 applies to development in the foreshore area under GRLEP cl 6.4, which on this holding is the whole of 48.

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.5.1 — Site analysis and design response	Development applications to be supported by a site analysis and design response demonstrating how the relevant LEP provisions and the objectives of this Part have been addressed	CAPABLE OF COMPLIANCE — a mandatory DA document on both lots, and the vehicle for the scenic case
6.5.1 — Vegetation, natural features and siting	Removal of native vegetation minimised to that reasonably required to site and construct a building; the bushland edge closest to the river, ridgeline and hillside vegetation, mature native trees, sandstone outcrops, platforms and low cliffs retained. Siting on existing building footprints, or reducing footprints to retain vegetation, is highly recommended; on steep sites buildings to sit discreetly within the landscape below the tree canopy	CONSTRAINT — read with Part 3.2.1, the vegetation across the front of 46 governs the buildable area rather than merely informing it. The siting control expressly favours a rebuild of the 48 dwelling on its existing footprint, aligning with cl 6.4(3)(a) and supporting Option B
6.5.1 — Visual impact, building form and articulation	Visual impact minimised having regard to building size, height, bulk, siting, external materials and colours and cut and fill; façades and rooflines facing the water broken into smaller elements; rectangular or boxy dwellings with large expanses of glazing and reflective materials are not acceptable. Blank walls facing the waterfront are not permitted — walls to be articulated with awnings, recessed or projecting elements or open, deep verandahs	CONSTRAINT — the controlling design consideration for any new or rebuilt dwelling on 48, and a material one on 46; it governs the river elevation in particular
6.5.1 — Glazing ratio to the foreshore	**Maximum 50% glazed to 50% solid** for façades facing the foreshore	CONSTRAINT — a hard numerical control limiting river-facing glazing on any rebuild of the 48 dwelling
6.5.1 — Colours and finishes	Colours that harmonise with and recede into the background landscape; dark and earthy tones recommended; **white and light coloured roofs and walls are not permitted**; a colour schedule submitted with the DA and enforced by condition; external finishes non-reflective	CAPABLE OF COMPLIANCE — a documentation and materials matter, though it forecloses a light or white palette on the water-facing elevations

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.5.1 — Retaining walls and earthworks	Natural landform retained and retaining walls and terracing discouraged. **Retaining walls are not to be located between the FBL and MHWM, or within 40 m of MHWM.** Elsewhere, walls facing the foreshore must be coarse rock-faced or stone-faced and no higher than 600 mm above ground level; masonry-faced walls facing the foreshore are not permitted; works below the deemed MHWM require NSW Maritime approval	CONSTRAINT — a significant limitation on how the fall across 48 can be handled, and a further reason a split-level rebuild within the existing footprint is the realistic form
6.5.1 — Landscaping below the foreshore building line	Landscaped areas below the FBL to maximise indigenous plant material and preferably use only indigenous species, with turf limited. **A landscape plan is required for any development between the FBL and mean high water mark**	CAPABLE OF COMPLIANCE — a landscape plan will be required for the whole of 48, which lies forward of the line
6.5.1 — Undercroft, paving, fences, driveways and view corridors	Adequate landscaping to screen undercroft areas as viewed from the water; paved surfaces minimised to essential site access and reasonable private open space; fences low in profile and at least 50% transparent; vehicular access as close as practical to running parallel with the contours; development to provide opportunities for view corridors from the public domain to the Georges River	CAPABLE OF COMPLIANCE — relevant to a split-level form on the fall of 48; the existing handle already runs broadly with the contours
6.5.2.2 — Residential waterfront structures	Not to be developed on land without frontage to the waterway (including land with only a right of way to the waterway), or on existing allotments with a water frontage of less than 9 metres	MERIT ASSESSMENT — 48 holds the water frontage and its dimension is to be confirmed on survey against the 9 m threshold; 46 has none and cannot hold a waterfront structure. **Any boundary adjustment must not reduce 48's water frontage below 9 m**

CONTROL	REQUIREMENT	COMPLIANCE ASSESSMENT
6.5.2.1, 6.5.2.3–6.5.2.7 — Jetties, pontoons, boatsheds, seawalls, stairways, inclinators, fencing and pools	Form, dimension, siting and materials controls for each foreshore structure type — including maximum jetty and pontoon dimensions in brown or dark tones with no railings, single-storey boatsheds no longer than 7 m with a floor level no more than 900 mm above MHWM, and no structures over *Posidonia australis*	MERIT ASSESSMENT — engaged only if a waterfront structure is pursued on 48; none forms part of the options tested, none is complying development, and any structure in the waterway needs a separate approval outside the Council DA

A.7 STATE INSTRUMENTS

INSTRUMENT / MATTER	RELEVANCE	ASSESSMENT
Housing SEPP 2021 — Low and Mid Rise Housing	Non-discretionary standards apply only in mapped LMR areas	Not applicable — the land is not in a mapped LMR area; assessment is on merit under GRLEP / GRDCP
SEPP (Resilience and Hazards) 2021 — Ch 2 and Ch 4	Both lots are identified as environmentally sensitive land; the consent authority must also consider the site's suitability for the use having regard to contamination	CONSTRAINT — the environmentally sensitive area listing is the trigger that removes the complying development pathway under every code (see the row below). A preliminary site investigation is likely at DA, though there is no known contaminating history
SEPP (Biodiversity and Conservation) 2021 and *Water Management Act 2000* / NRAR	Vegetation removal, riparian land and riparian corridor controls where mapped	CONSTRAINT — clearing for the dual occupancy on 46 requires arboricultural assessment; the riparian mapping applies to 48, where a controlled activity approval may be required

INSTRUMENT / MATTER	RELEVANCE	ASSESSMENT
SEPP (Exempt and Complying Development Codes) 2008	Complying development cannot be carried out on land within an **environmentally sensitive area** or, for the housing codes, within a **foreshore area** (cl 1.17A, 1.18 and 1.19)	CONSTRAINT — both s10.7(2) certificates record that complying development **may not be carried out** under every code capable of applying here: the Housing Code, Low Rise Housing Diversity Code, Pattern Book Development Code, Housing Alterations Code, General Development Code, **Subdivision Code** and **Demolition Code**. The trigger is the environmentally sensitive area listing on both lots, reinforced for the housing codes by the foreshore area. So there is no fast-track for any part of this project — not the rebuild, not the demolition, and not the boundary adjustment. Council adds that it "does not have sufficient information to ascertain the extent" of the restriction and that it "may not apply to all of the land", so a certifier can be asked to test the position on a surveyed plan if a purchaser wants to
National Parks and Wildlife Act 1974 — Aboriginal objects	It is a strict-liability offence to harm an Aboriginal object whether or not it is recorded	CONSTRAINT — one recorded site within 50 m of No. 48. An extensive AHIMS search and an archaeologist's due diligence assessment are required before ground disturbance (Section 06)
Sydney Water — s73 Compliance Certificate	Required for the boundary adjustment and the dual occupancy	MERIT ASSESSMENT — no formal sewer service diagram for 48; the approximate main alignment on the service location print is to be confirmed, with the point of connection and any build-over approval

APPENDIX B

Council Precedent

Every published Georges River Local Planning Panel meeting from 2016 to 20 August 2026 was reviewed for this assessment, together with the business papers for the determinative meetings. Nineteen items turn on the foreshore building line or its Kogarah and Hurstville predecessors; the small number of pre-2021 files are noted only where the reasoning still carries. The tables below are the evidence base for the positions taken at Section 05.

B.1 DEVELOPMENT APPROVED FORWARD OF THE FORESHORE BUILDING LINE

Each was approved on a written cl 4.6 request to the foreshore standard.

DETERMINED	SITE	APPLICATION	WHAT WAS APPROVED
20 Aug 2020	4 Wadsley Cres, Connells Point	DA2019/0638	Works to garage and boatshed plus a **new 2–3 storey dwelling**, front fence and pool; cl 4.6 to both cl 4.3 height and the foreshore standard
15 Oct 2020	14A Merriman St, Kyle Bay	DA2020/0098	Demolition and construction forward of the line; both cl 4.6 limbs found satisfied
9 Dec 2021	22 Merriman St, Kyle Bay	DA2020/0475	Alterations, first-floor addition and a new pool; the variation "well founded… no direct or adverse environmental impacts"
15 Jun 2023	23 Queens Rd, Connells Point	DA2021/0474	Approved *subject to design changes* — retaining walls between the line and mean high water mark cut by 300 mm, one balcony extension deleted
14 Aug 2023	**185 Queens Rd, Connells Point**	DA2022/0001	**New dwelling house** and pool, plus seawall reconstruction, forward of the line — the legal-advice decision at 8.1
7 Dec 2023	44 Herbert St, Oatley	DA2023/0056	Alterations, first-floor addition, garage, carport and pool; cl 4.6 to cl 4.3 and to cl 6.4 for retaining walls below the line — "a superior design outcome"
15 Feb 2024	46A Russell St, Oatley	DA2023/0115	Ground-floor alteration and first-floor addition; cl 4.6 to cl 4.3, cl 6.4 and cl 6.12 together

DETERMINED	SITE	APPLICATION	WHAT WAS APPROVED
21 Mar 2024	37 Endeavour St, Sans Souci	DA2023/0346	Reinstatement works; cl 4.6 accepted "in relation to the breach of the foreshore building line"

B.2 DEVELOPMENT REFUSED — AND WHY

The reason is rarely the clause itself.

DETERMINED	SITE	APPLICATION	WHY IT FAILED
4 Aug 2022	20A Algernon St, Oatley	DA2021/0180	The cl 4.6 request "does not justify the contravention" — an inadequate request, not an unavailable one (Kogarah LEP file)
24 Oct 2024	42 Townson St, Blakehurst	DA2023/0585	Dwelling forward of the existing footprint "without adequate justification"; cl 4.6 failed both limbs; excessive earthworks and level changes forward of the line
15 May 2025	34 Marine Dr, Oatley	DA2024/0621	Failure to mitigate the visual impact of the built form; boatshed water-quality impact unaddressed; loss of rock outcrops and vegetation
19 Jun 2025	19A Waratah St, Kyle Bay	DA2024/0315	Rebuild with a greater footprint extending further forward than the existing — "**No written Clause 4.6 variation statement were provided**"
21 Aug 2025	28 Carlton Cres, Kogarah Bay	DA2023/0025	A *day bed* encroaching the line — "**The applicant did not provide clause 4.6 variation request**"
4 Dec 2025	22 Pleasant Way, Blakehurst	DA2025/0172	Construction forward of the line "which is not exempted under cl 6.4(3)"; cl 6.6 — landscape not dominant over built form
18 Dec 2025	7 Wadsley Cres, Connells Point	DA2025/0132	"**A Clause 4.6 Variation Statement in relation to… Clause 6.4… has not been submitted**"
5 Mar 2026	153 Queens Rd, Connells Point	DA2025/0535	Fails cl 4.4 floor space ratio, cl 6.4, cl 6.6 perceived height and bulk, and cl 6.10 design excellence

Four of these refusals turned on the applicant **not lodging a written variation request at all**, and two more on a request that failed the statutory tests. The remainder failed on the quality of what was proposed forward of the line — bulk, excavation, loss of rock outcrops and canopy. The foreshore clause is also almost always refused alongside the earthworks, riparian, scenic and design-excellence clauses, which travel together. Closer to home, 28 Boronia Parade (DA2021/0129) and 138 Lugarno Parade (DA2022/0012) were both approved on these same controls.

B.3 VARIATIONS TO THE DUAL-OCCUPANCY WIDTH STANDARD

Three decisions bracket the range Council has accepted. All three concern the 18 m detached standard.

SITE	APPLICATION	STANDARD	PROVIDED	SHORTFALL	OUTCOME
15 Walton St, Blakehurst	DA2025/0505	18 m — cl 4.1B(5), one dwelling to the primary road	15.24 m	**15.3%**	APPROVED — Panel, 5 March 2026, with Torrens title subdivision into 400 m² and 361.8 m² lots
34 Parkside Dr, Kogarah Bay	DA2025/0248	18 m — cl 4.1B(5)(a)	15.89 m	**11.7%**	APPROVED ON APPEAL — Land and Environment Court, 9 July 2026, *Chen v Georges River Council*
47 Woodlands Ave, Lugarno	REV2024/0028	18 m	8.8 m	**51%**	REFUSED — Panel, 7 November 2024

Two qualifications matter. Both approvals concern the *detached* standard rather than the 15 m attached standard, so any written request must compare them openly rather than gloss the difference. And neither approved site is in the Foreshore Scenic Protection Area, so neither tests the **1,000 m² area minimum** — no variation to that area standard appears anywhere in the Panel record, which is why the boundary adjustment is a necessary step and why the area, not the width, is the binding constraint on Option C. Council also holds a settled internal reading of the dual-occupancy clause, recorded in its deferral of 58 Walter Street, Mortdale, and it is worth obtaining before any request is drafted.