

AGENDA - IHAP

- Meeting:** Georges River Independent Hearing Assessment Panel (IHAP)
- Date:** Thursday, 02 February 2017
- Time:** 4pm
- Venue:** Council Chambers, Civic Centre, Kogarah
- Participants:** Adam Seton (Chairperson)
Gabrielle Morrish (Panel Member)
Juliet Grant (Panel Member)
Paul Vergotis (Community Representative)
- Additional Invitees:** Meryl Bishop (Director – Environment and Planning)
Tina Christy (Manager – Development and Building)
Lynne Denham (EA to Director – Environment and Planning/
IHAP Coordinator)
Monica Wernej (Admin Assistant)
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1. On Site Inspections - 1.00pm –3.30pm

- a) 624 Forest Road Penshurst
- b) 218 Railway Parade Kogarah

Break - 3.30pm

2. Public Meeting – Consideration of Items 4.00pm–6.00pm

Public Meeting Session Closed - 6.00pm
(Break – Light Supper served to Panel Members)

3. IHAP Deliberations in Closed Session - 6.30pm

Item:	DA No:	Address:	Description:
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3.1	DA2016/0310	624 Forest Road Penshurst	New awning over existing grandstand/seating area in Olds Park (no increase in capacity of seating)
3.2	2016/0016	218 Railway Parade Kogarah	Demolition of existing buildings and construction of a ten (10) storey mixed use development consisting of forty five (45) residential apartments with ground floor commercial/retail and basement carpark

4. Confirmation of Minutes by Chair

REPORT TO GEORGES RIVER COUNCIL IHAP MEETING OF THURSDAY, 02 FEBRUARY 2017

IHAP Report No	3.1	Application No	DA2016/0310
Site Address & Ward Locality	624 Forest Road Penshurst Mortdale Ward		
Proposal	New awning over existing grandstand/seating area in Olds Park (no increase in capacity of seating)		
Report Author/s	Independent Assessment, Consultant Planner		
Owners	Georges River Council		
Applicant	M Judd		
Zoning	Zone RE1 - Public Recreation		
Date Of Lodgement	15/11/2016		
Submissions	Nil		
Cost of Works	\$120,000.00		
Reason for Referral to IHAP	Council owned property		

Recommendation	THAT the application be approved in accordance with the conditions included in the report.
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Site Plan



EXECUTIVE SUMMARY

The proposed development comprises the construction of an awning over the existing reinforced concrete seated area in the south eastern section of Olds Park Penshurst, adjacent to the clubhouse facility. The concrete seating in front of the existing clubhouse was installed in March/April 2015 and is uncovered.

The site is zoned RE1 Public Recreation where recreation areas (which includes ancillary structures) are permissible. The proposed development is fully compliant with the Hurstville Local Environmental Plan 2012. The proposal complies with the Hurstville Development Control Plan (DCP1).

No submissions have been received.

RECOMMENDATION

THAT the application be approved in accordance with the conditions included in the report.

DESCRIPTION OF THE PROPOSAL

1. The application seeks approval for a new awning over existing grandstand /seating area in Olds Park (no increase in capacity of seating).

BACKGROUND

2. In 2015 uncovered concrete seating was constructed in front of the existing clubhouse at Olds Park to facilitate watching of AFL matches on the ground in connection with the St George AFL Clubhouse. The applicant seeks to increase the standard of facilities in line with the current Australian Football League "Preferred Facilities Requirements" prepared for the AFL (NSW/ACT) in 2006, by installing an awning over the concrete seating.

The history of the application is as follows:

15 Nov 16	Development application lodged
3 Jan 17	Notification period commences
23 Jan 17	Site inspection
24 Jan 17	Notification period ends

DESCRIPTION OF THE SITE AND LOCALITY

3. The site is an irregular shaped site with a frontage of approximately 325m to Forest Road Penshurst, 240m to the east, 400m to the west and approximately 325m on the northern side. The site has an area of approximately 9.24 hectares. The site is located on the northern side of the Forest Road at Penshurst and is within Olds Park. Existing on the site is the St George AFL Clubhouse and separate toilet block and water tank which overlook an oval. Further afield on the site are basketball and netball courts, athletics facilities such as long jump pits and discus cages, cricket nets, the Olds Park Sports Club, Clubrooms for the St George Little Athletics Club and Penshurst West Football Club, a skate park, playground equipment, Council library and parking.

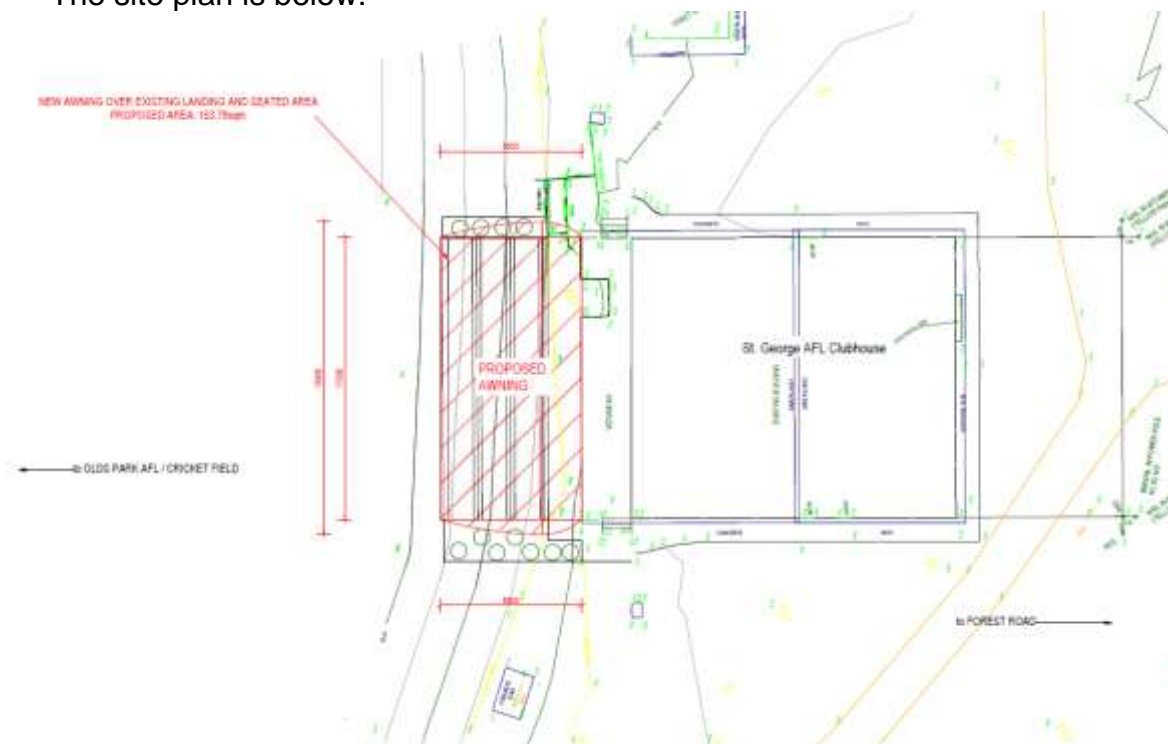
Adjoining the site to the north are bowling greens associated with the Olds Park Sports Club, on the east an additional block of land forming part of the oval and park, and otherwise on the north, west and east side, residences which are mostly single dwellings with some strata medium density dwellings. The area is generally described as being a public recreational park within a low residential district in character.

The Nearmap view of the site is below:



Source: Nearmap

The site plan is below:



COMPLIANCE AND ASSESSMENT

4. The development has been inspected and assessed under the relevant Section 79C(1) "Matters for Consideration" of the Environmental Planning and Assessment Act 1979.

Environmental Planning Instruments

HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012

Clause	Standard	Assessment under HLEP 2012
Part 1 – 1.2 Aims of the Plan	In accordance with Clause 1.2 (2)	The proposal meets the following aims: g) the equitable and efficient provision of public services, infrastructure and community facilities; l) to provide a range of recreational activities to meet the needs of the existing and future community; n) to foster social well being
Part 2 – Permitted or Prohibited Development	Zone RE1 Public Recreation Objectives of the Zone • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes.	The proposal enhances the use for recreational purposes by providing shade and shelter for players and spectators. The awning will enhance the atmosphere for these groups.
2.7 – Demolition requires Development Consent	The demolition of a building or work may be carried out only with development consent.	None proposed
4.3 – Height of Buildings	Not applicable	-
4.4 – Floor Space Ratio	Not applicable	-
5.9, 5.9AA – Preservation of Trees or Vegetation	Not applicable	No trees are proposed for removal
6.4 - Foreshore Scenic Protection Area	Not applicable	-
6.7 – Essential Services	The following services that are essential for the development shall be available or that adequate arrangements must be made available when required: • Stormwater drainage or on-site conservation.	To be provided by condition by connection to the stormwater system at Olds Park

5. The site is within the area affected by the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment. The proposal, including the disposal of stormwater (as proposed by condition), is consistent with Council's requirements for the disposal of stormwater in the catchment.

Draft Environmental Planning Instruments

6. There are no relevant draft Environmental Planning Instruments for this application.

Any other matters prescribed by the Regulations

The Regulations prescribe the following matters for consideration for development in the Georges River Council area:

Safety standards for demolition and compliance with AS 2601 - 2001 apply to the demolition of any buildings affected by the proposal.

Development Control Plans

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE

7. Section 3.3.2 considers access and mobility and requires compliance with AS 1428.2 where appropriate and reasonable. This application is simply for an awning and not the seating itself. It is not anticipated that the awning's construction will impact on access and mobility.

Section 3.4 considers Crime Prevention Through Environmental Design (CPTED). The awning is directly in front of the clubhouse building and enhances the existing seating which is easily seen and conveniently located in front of the clubhouse overlooking the oval. It is not proposed to include lighting in the awning. No fencing or landscaping will reduce visibility of the awning.

Section 3.6 considers works in the public domain, however there is nothing particularly relevant to the proposal.

Section 3.7 considers stormwater. A condition is proposed to require connection to the stormwater system for Olds Park.

Impacts

Natural Environment

8. No vegetation is proposed for removal. The existing low level planting is to be retained. A condition requiring connection to the Park's stormwater system is proposed, but it is not otherwise anticipated to have any impact on any other natural systems.

Built Environment

9. The design is a lightweight overhanging awning over existing concrete seating. Its maximum height above ground level appears to be 6.78m, but where it adjoins the existing building it is 3.2m. The awning will have galvanised posts and white membrane cladding and will provide a low impact addition to the site. The awning will be at least 60m from the nearest residential properties to the north east and south. The view from the dwellings to the south is partially screened by trees and Forest Road. Whilst they may be able to see the awning from their front windows, the partial tree screening and distance to the awning will not create any significant impact on views to the site. The residences to the north east have rear windows from which the awning may be visible,

however given the existing trees and the distance, it will not have any significant impact on views from the dwellings.

There are no privacy implications from the erection of the awning as the seating remains the same and follows the topography of the land.

There are no heritage considerations and the design of the awning is a practical design, facilitating uninterrupted viewing, and which has taken into account CPTED principles.

Social Impact

10. The awning is likely to improve the atmosphere at the community facility, by providing shade and weather protection. The awning poles are within the existing seating area and there is unlikely to be any negative social impact from the erection of the awning. It is unlikely to generate any significant increase in traffic as the seating is already provided, but will improve the experience of those attending the venue. Overall, the social impact is anticipated to be positive.

The awning will have no impact on the accessibility of the seating area.

There are two (2) accessible car spaces in the adjacent car parking area within a total of ninety (90) car spaces, of which seven (7) are time limited to 1 hour between 9am-5pm Saturday and Sunday.

Economic Impact

11. The improvement in facilities for the users of the oval may encourage greater visitation and thereby improved canteen sales and perhaps membership although any impact is unlikely to be significant. It will enhance the existing facilities and not generate any loss of employment. As the site is some distance from any residences, there will not be any overshadowing or view loss hence no reduction in land value is anticipated.

Suitability of the Site

12. The site is large with many different recreational activities conducted onsite. The oval over which the seating and awning look is a large size and well kept. The proposed awning will not extend beyond the existing concrete seating. The land is not bushfire affected, nor affected by acid sulfate soils, flooding or any height controls. The uncovered seating already exists and the proposed awning will enhance the experience by providing shade in summer and rain protection during wet periods. The site is suitable for the development.

REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST

Resident

13. Adjoining residents were notified by letter and given twenty one (21) days in which to view the plans and submit any comments on the proposal. No submissions were received.

Council Referrals

Team Leader – Subdivision and Development

14. The proposal was referred to the Team Leader - Subdivision and Development who recommended the inclusion of a condition requiring stormwater to be connected to the existing stormwater drainage system within Olds Park

External Referrals

15. No external referrals were required.

CONCLUSION

16. The proposal is a relatively minor addition to an existing public recreational area to cover existing concrete seating adjoining the St George AFL Clubhouse facing north west. The nearest residential property is at least 60m from the location and there is screening by existing vegetation which will prevent any significant view of the awning from the residences and Forest Road.

The awning is of a lightweight design and creates no overshadowing for residences or any significant parts of Olds Park. Existing vegetation will remain. A condition requiring disposal of stormwater will overcome the principal deficiency with the lodged design. It is anticipated that the awning will improve the community recreational facility with no discernible impact on the environment.

DETERMINATION

17. THAT pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, grants development consent to Development Application DA2016/0310 for a new awning over existing grandstand/seating area in Olds Park (no increase in capacity of seating) on Lot 2, DP 433674 and known as 624 Forest Road, Penshurst, subject to the attached conditions:

Schedule A – Site Specific Conditions**GENERAL CONDITIONS**

These conditions have been imposed to ensure that the development is carried out in accordance with the approved plans and to ensure that the appropriate fees and bonds are paid in relation to the development.

1. **GEN1001 - 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:

Drawing No.	Dated	Description	Revision	Prepared by
Sheet 1 Job No. 100786	October 2016	Site Plan	-	Victory Property Group Pty Ltd
Sheet 2 Job No: 100768	October 2016	Floor Plan	-	Andrew's Architectural Design & Drafting
Sheet 3 Job No. 100786	October 2016	Elevations	-	Andrew's Architectural Design & Drafting
-	15/10/2016	Statement of Environmental Effects	-	Andrew Judd
115400500	07/09/2011	Plan showing levels, details, contours and set out marks for proposed change room extension	00	Hard & Forester

2. GEN1002 - **Fees to be paid to Council** - The following must be submitted to either Council or an Accredited Certifier before a Construction Certificate is issued:

(a) Fees to be paid to Council:

Fee types, bonds and contributions

Fee Type
Long Service Levy (to Long Service Corporation)
Builders Damage Deposit
Inspection Fee for Refund of Damage Deposit

The following fees apply where you appoint Council as your Principal Certifying Authority (PCA). (If you appoint a private PCA, separate fees will apply)

PCA Services Fee	\$850.00
Construction Certificate Application Fee	\$850.00
Construction Certificate Imaging Fee	\$71.00

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.

3. GEN1014 - **Long Service Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to www.lspc.nsw.gov.au or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
4. GEN1015 - **Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
- (a) Payment to Council of 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) Payment to Council of a non refundable inspection fee to enable assessment of any damage and repairs where required: **\$145.00.**
- (c) 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.
- (d) Prior to 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, shall be submitted to Council
- (e) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.
5. GEN1023 - **Section 94A Contributions** - As at the date of Development Consent a contribution of **\$600.00** has been levied on the subject development pursuant to Section

94A Contributions Plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

The contribution must be paid prior to the release of a Construction Certificate as specified in the development consent

Please contact Council prior to payment to determine whether the contribution amounts have been indexed from that indicated above in this consent and the form of payment that will be accepted by Council.

Form of payment for transactions \$500,000 or over - 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).

Contributions must be receipted by Council before a Construction Certificate is issued.

The Section 94A Contributions Plan may be inspected at Council's Customer Service Centres or online at www.georgesriver.nsw.gov.au.

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

These conditions have been imposed to ensure that the applicant is aware of any separate approvals required under other legislation, for example: approvals required under the Local Government Act 1993 or the Roads Act 1993.

6. APR6001 - Engineering - Section 138 Roads Act 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.

A separate approval is required to be lodged and approved 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):

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve; and
- (k) Stormwater and ancillary to public infrastructure on private land
- (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 Hurstville City Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02)9330 6400.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AGENCIES

These conditions have been imposed by other NSW Government agencies either through their role as referral bodies, concurrence authorities or by issuing General Terms of Approval under the Integrated provisions of the Environmental Planning and Assessment Act 1979.

7. GOV1005 - **Sydney Water – Tap in** - The approved plans must be submitted to a Sydney Water Tap in online service to determine whether the development will affect any Sydney Water sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's Tap in online service is available at <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>. The appointed PCA must ensure that a Sydney Water approval has been provided prior to the issue of the Construction Certificate.
8. GOV1008 - **Sydney Water - Section 73 Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The "Notice of Requirements" must be submitted prior to the commencement of work.

9. GOV1009 - **Sydney Water - Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act must be submitted to the Principal Certifying Authority prior to the issue of the Occupation/Subdivision or Strata Certificate.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

These conditions either require modification to the development proposal or further investigation/information prior to the issue of the Construction Certificate to ensure that there is no adverse impact.

10. CC2001 - **Development Assessment - Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
 - (a) 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)
 - (b) all clean water run-off is diverted around cleared or exposed areas
 - (c) silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways

- (d) all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (e) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (f) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (g) Compliance with Managing Urban Stormwater – Soils and Construction (Blue Book) produced by Landcom 2004.

These measures are to be implemented before the commencement of work (including demolition and excavation) and must remain until the issue of the occupation certificate.

11. **CC2002 - Development Assessment - Site Management Plan – Minor Development -** A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builders site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
12. **CC2004 - Development Assessment - Design Changes -** The following design changes are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application.**
 - a) Stormwater drainage from the proposed awning shall be connected to the existing stormwater drainage system within the Olds Park in accordance with the AS/NZ 3500.3:2003 (as amended).

The above amendments are to be shown on the Construction Certificate

13. **CC3018 - Development Engineering - Stormwater System -** Stormwater drainage from the proposed awning shall be connected to the existing stormwater drainage system within the Olds Park in accordance with the AS/NZ 3500.3:2003 (as amended).
14. **CC7004 - Building - Structural details -** Structural plans, specifications and design statement prepared and endorsed by a suitably qualified practising structural engineer who holds the applicable Certificate of Accreditation as required under the Building Professionals Act 2005 shall be submitted along with the Construction Certificate application to the Certifying Authority for any of the following, as required by the building design:
 - (a) piers
 - (b) footings
 - (c) slabs
 - (d) structural steel
 - (e) reinforced building elements
 - (f) retaining walls
 - (g) stabilizing works
 - (h) structural framework
15. **CC7017 - Building – Crown Building Work -** Crown building, demolition and incidental work cannot be commenced to be carried out unless the Crown building and other development work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws except, as provided by Section 109R of the Environmental Planning and Assessment Act 1979.

16. **CC8001 - Waste – 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 Principal Certifying Authority and copy provided to the Manager - Environmental Services, Georges River Council prior to the issue of any Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION AND EXCAVATION)

These conditions have been imposed to ensure that all pre-commencement matters are dealt with and finalised prior to the commencement of work.

17. **PREC2001 – Development Assessment - Site sign - Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), the durable site sign issued by Hurstville City 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.
18. **PREC6001 - Engineering - Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.
19. **PREC7001 - Building – Registered Surveyors Report - During Development Work** - A report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:
- (a) Set out before commencing work.
 - (b) Completion of all Work - Detailing the location of the structure (including eaves/gutters) and its height relative to the datum shown on the approved plans.

Work must not proceed beyond each stage until the Principal Certifying Authority is satisfied that the location of the structures is proceeding in accordance with the approved plans and these conditions of consent.

DURING CONSTRUCTION

These conditions have been imposed to ensure that there is minimal impact on the adjoining development and surrounding locality during the construction phase of the development.

20. **CON2001 - Development Assessment - Hours of construction for demolition and building work** – Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00am to 5.00pm, Monday to Saturday inclusive. No work or ancillary activity shall be permitted to be performed on any Sunday, Good Friday, Christmas Day or any Public Holiday. A penalty infringement notice may be issued for any offence.

In addition to the foregoing requirements, construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling

house) shall be prohibited on Saturdays and Sundays on weekends adjacent to a public holiday.

21. **CON3002 – Development Engineering – Stormwater** - Stormwater drainage from the proposed awning shall be connected to the existing stormwater drainage system within the Olds Park in accordance with the AS/NZ 3500.3:2003 (as amended).
22. **CON6002 - Engineering - 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 and/or under Section 68 of the Local Government Act 1993. Penalty infringement notices may be issued for any offences and severe penalties apply.

OCC PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

These conditions have been imposed to ensure that all works have been completed in accordance with the Development Consent prior to the issue of the Occupation Certificate.

23. **OCC3011- Development Engineering – Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate:
 - (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
 - (b) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
24. **OCC7005 - Building – Structural Compliance** - The proposed works must be carried in accordance with detailed designs and certified by the practising qualified structural engineer. In addition, a Compliance Structural Certificate, to the effect that building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate.

ADVICE

This advice has been included to provide additional information and where available direct the applicant to additional sources of information based on the development type.

25. **ADV2002 - Development Assessment - Site Safety Fencing** - Site fencing must be erected in accordance with WorkCover 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.

For more information visit www.workcover.nsw.gov.au

26. **ADV3001 - Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - The developer must meet all costs of the extension, relocation or reconstruction of any part of Councils drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new stormwater drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council **prior to the issue of a Construction Certificate**.

Note: Four weeks should be allowed for assessment.

The design and construction of the works must be in accordance with Council's Adopted Stormwater Drainage provisions. Documents are available on Council's website www.georgesriver.nsw.gov.au.

Schedule B – Prescribed Conditions

Prescribed conditions are those which are mandated under Division 8A of the *Environmental Planning and Assessment Regulation 2000* and given weight by Section 80A (11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a **summary** of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at www.legislation.nsw.gov.au.

It is the responsibility of the beneficiary of this consent to determine which prescribed conditions apply.

Not applicable

Schedule C – Operational & Statutory Conditions

These conditions comprise the operational and statutory conditions which must be satisfied under the Environmental Planning and Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000. Please refer to the full details of the Act and Regulations as in force, at www.legislation.nsw.gov.au.

It is the responsibility of the beneficiary of this consent to determine which operational and statutory conditions apply.

27. **OPER1001 - Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

An application form for a **Construction Certificate** is attached for your convenience.

28. **OPER1002 - Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:
- (a) appointed a Principal Certifying Authority (PCA) for the building work; and
 - (b) if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.

If the work is not going to be undertaken by an Owner-Builder, then the beneficiary of the consent 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 PCA 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 Hurstville City Council as the Principal Certifying Authority for your development.

29. **OPER1003 - Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the PCA must notify:
- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - (b) the beneficiary of the development consent of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
30. **OPER1004 - Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

A **Notice of Commencement Form** is attached for your convenience.

31. **OPER1007 - Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifying Authority. 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 162A of the Environmental Planning and Assessment Regulation 2000.
32. **OPER1008 - Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

Where Georges River Council has been appointed PCA, forty eight (48) hours notice in writing, or alternatively twenty four (24) hours notice by facsimile or telephone, must be given to when specified work requiring inspection has been completed.

33. **OPER1009 - 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 Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

An **Occupation Certificate** Application Form is attached for your convenience.

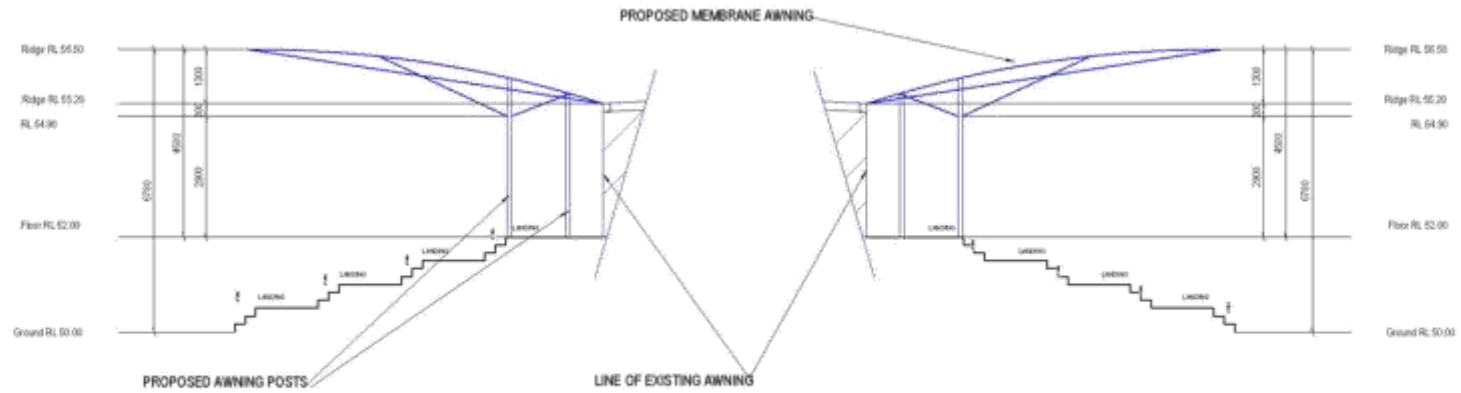
If you need more information, please contact the Team Leader Development Assessment, below on 9330-6400 during normal office hours.

ATTACHMENTS

Attachment [View1](#) Elevations - 624 Forest Rd Penshurst

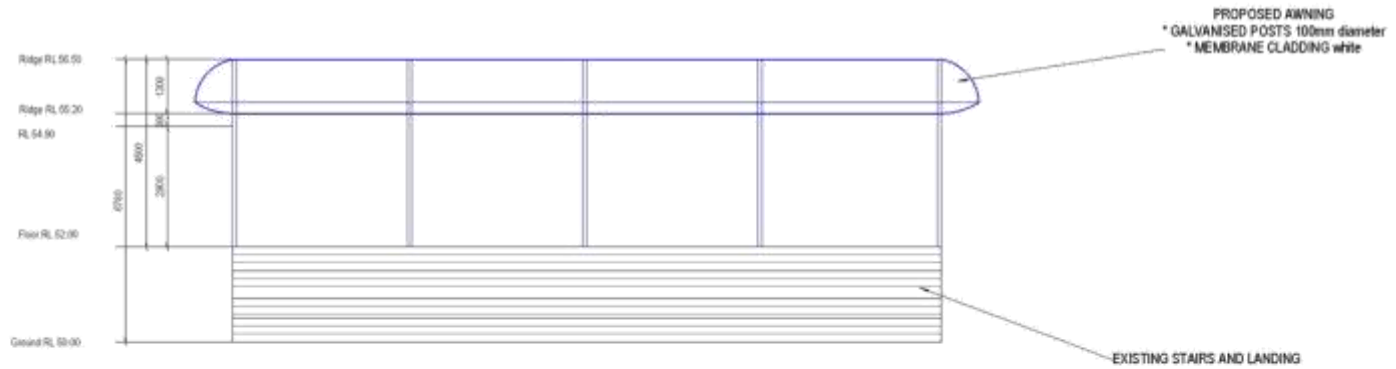
Attachment [View2](#) Site map - 624 Forest Rd Penshurst

Attachment [View3](#) Site plan - 624 Forest Rd Penshurst



SOUTH WEST ELEVATION

NORTH EAST ELEVATION



NORTH WEST ELEVATION

Andrew's Architectural Design & Drafting
 Architectural & Landscape
 Design & Drafting Service
 Contact: Andrew Judd
 P/M: 9547 0277 M: 0434 333 396
 Email: andrew@andrewsdesign.com.au

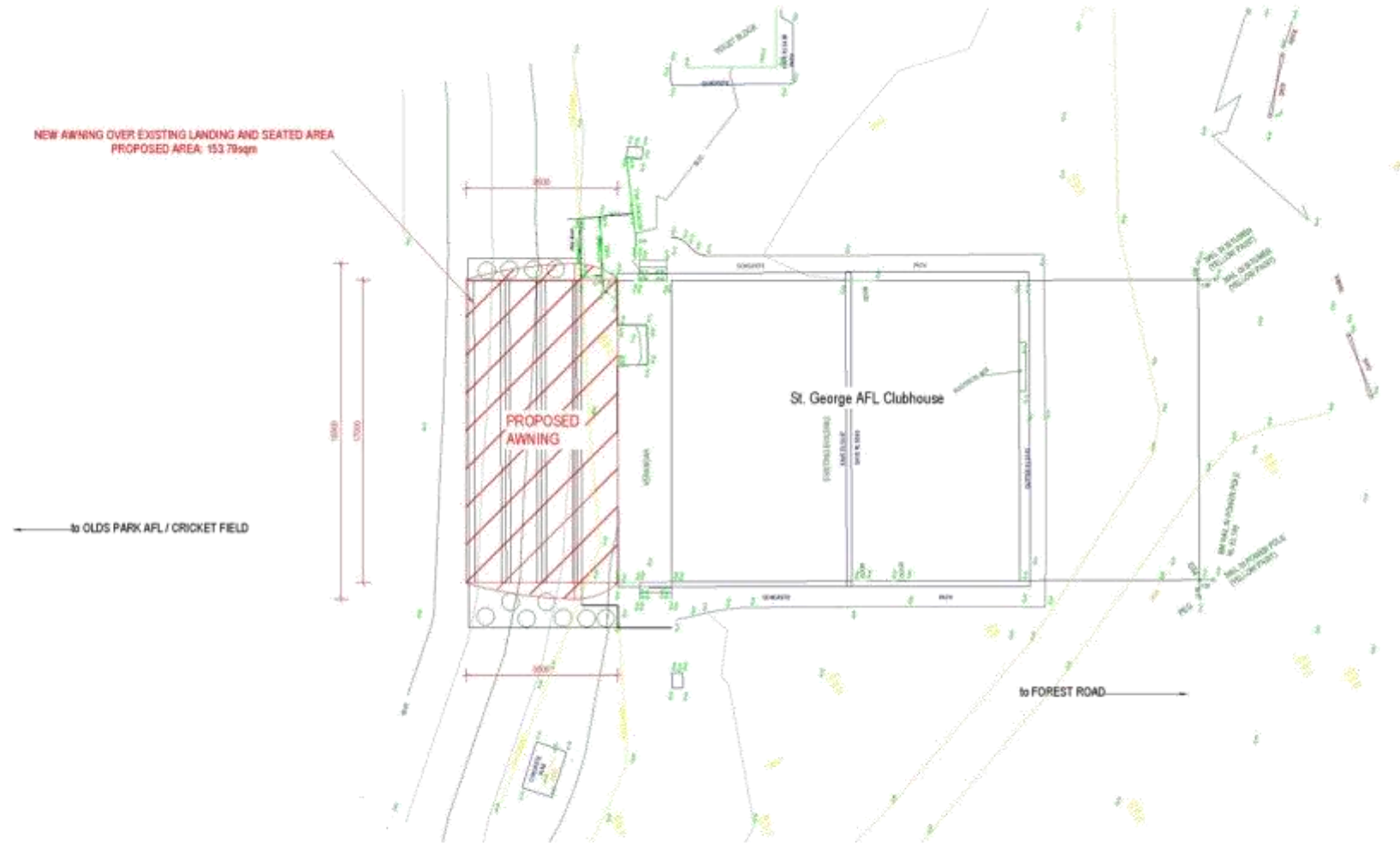
Project:
 Replace existing carport
 For: St George AFC
 at Olds Park, Penshurst NSW 2222
 DP 433674

SHEET NO: 3
 Date: October 2016
 Scale: 1:100
 Job No: 100786
 Amendment:

Drawing:
 Elevations

NOTES:
 All work to be carried out strictly in accordance with all relevant ordinances, codes & standards, and to meet requirements of all authorities having jurisdiction over the work. Do not scale off drawings, use figured dimensions. If in doubt, contact the draftsman prior to any work being carried out. Refer plan to relevant BASIX Certificate.





VICTORY PROPERTY GROUP P/L
Architectural & Landscape
Design & Drawing Service
Contact: Andrew Judd
Ph/fax: 9547 0277 Mob: 0414 338 396
Email: vpg.am1@bigpond.com

Project:
New clubhouse awning
For: St George AFC
at Olds Park, Penshurst NSW 2222
DP 433674

SHEET NO: 1
Date: October 2016
Scale: 1:200
Job No: 100786
Amendment:

Drawing:
SITE PLAN

NOTES: All work to be carried out strictly in accordance with all relevant ordinances, codes & standards, and to meet requirements of all authorities having jurisdiction over the work. Do not scale off drawings, use figured dimensions. If in doubt, contact the draftsman prior to any work being carried out. Refer plan to relevant BASIX Certificate.

REPORT TO GEORGES RIVER COUNCIL IHAP MEETING OF THURSDAY, 02 FEBRUARY 2017

IHAP Report No	3.2	Application No	2016/0016
Site Address & Ward Locality	218 Railway Parade Kogarah Kogarah Bay Ward		
Proposal	Demolition of existing buildings and construction of a ten (10) storey mixed use development consisting of forty five (45) residential apartments with ground floor commercial/retail and basement carpark		
Report Author/s	Senior Development Assessment Officer, Ben Latta		
Owners	Lily Forest Pty Ltd		
Applicant	Danny Daher		
Zoning	B4 – Mixed Use		
Date Of Lodgement	11/08/2016		
Submissions	Four (4) submissions received		
Cost of Works	\$16,295,000.00		
Reason for Referral to IHAP	Height and FSR proposed under the New City Plan, non-compliances exceed 10% to existing height and FSR controls in KDCP 2013, though comply with New City Plan, unresolved objections.		

Recommendation	That the application be approved in accordance with conditions included in the report.
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Site Plan



Executive Summary

Proposal

1. Council is in receipt of an application for the demolition of existing buildings and construction of a ten (10) storey mixed use development consisting of forty five (45) residential apartments with ground floor commercial/retail and basement carpark on the subject site.

Site

2. The site consists of three allotments to form an irregular parcel located on the southern side of Railway Parade, between Blake Street and Bowns Road, on the western fringe of the Kogarah Town Centre. The site has an area of 1043.3 square metres. The site is relatively flat.
3. Currently existing on the site is a large restaurant building (formerly known as “Chelsea’s”) that spans the three allotments with at grade parking at the rear.
4. The context is comprised of medium rise mixed use commercial residential development up to 5 storeys in height. At the Kogarah RSL across Blake Street to the south-west is a recently approved mixed use development with residential towers up to 12 storeys in height. Development steps down to 2-3 storey residential flat buildings and dwellings along the side streets in Blake Street and Bowns Road. The New City Plan identifies a 21m height limit for these properties to the south.

KLEP 2012

Clause 2.1 – Land Use Zones

5. The subject site is zoned B4 Mixed Use and the proposal is a permissible form of development with Council’s consent. The proposed development satisfies the objectives of the zone.

New City Plan

6. The New City Plan proposes to maintain the B4 Mixed Use zone on the site. The proposal is permissible with consent and satisfies the objectives of the zone.
7. The New City Plan proposes a height limit of 39m and FSR of 4:1.
8. The proposal complies with the draft height and FSR limits.

Kogarah Development Control Plan 2013 (KDCP 2013)

9. The proposal does not comply with height, density, front setbacks, side setbacks of upper floors and car parking.

Submissions

10. Four (4) submissions were received raising the following concerns:

- Scale of development incompatible with context and create a precedent.
- Influx of new residents not planned for and will strain infrastructure
- Noise
- Traffic and parking issues
- Adequacy of basement car park to accommodate users of building

Conclusion

11. Having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment of the proposal Development Application No. 160/2016 should be approved subject to conditions.

Report in Full

12. Council is in receipt of an application for the demolition of existing buildings and construction of a ten (10) storey mixed use development consisting of forty five (45) residential apartments with ground floor commercial/retail and basement carpark on the subject site.
13. Specifically, the proposed development incorporates:
 - Demolition of existing buildings on the site.
 - Ground floor including two (2) retail/commercial tenancies with a gross floor area of 175m², residential lobby, services and utility rooms and carparking for seven (7) cars, loading area and bicycle parking.
 - Construction of forty-five (45) residential apartments on floors 1 to 9.
 - Communal open space area at the rear of first floor and on the tenth floor.
 - Basement car parking for fifty-two (52) cars and storage areas for each apartment.

The Site and Locality

14. The site consists of three allotments to form an irregular parcel located on the southern side of Railway Parade, between Blake Street and Bowns Road, on the western fringe of the Kogarah Town Centre. The site has an area of 1043.3 square metres. The site is relatively flat.
15. Currently existing on the site is a large restaurant building (formerly known as “Chelsea’s”) that spans the three allotments with at grade parking at the rear. There are no significant trees that will require removal to accommodate the proposal.
16. The context is comprised of medium rise mixed use commercial residential development up to 5 storeys in height. At the Kogarah RSL across Blake Street to the south-west is a recently approved mixed use development with residential towers up to 12 storeys in height. Development steps down to 2-3 storey residential flat buildings and dwellings along the side streets in Blake Street and Bowns Road. The New City Plan identifies a 21m height limit for these properties to the south.



Background

17. On 9 June 2016 a Development Advisory Service (DAS No.9/2016) meeting was held with the applicant for the proposed development. A letter was issued at the meeting raising the following issues with the proposal:
 - Plan deficiencies and errors to be corrected and additional information to assist in assessment required at DA stage.
 - The comments of the Design Review Panel at their meeting of 2 June 2016 to be considered and their recommendations incorporated into the plans for DA submission.
 - Review south facing units on levels 2 – 9 to provide better separation from the rear boundary to the balcony and living room so that it better addresses the privacy and building separation requirements of the Apartment Design Guide.
18. On 11 August 2016 the Development Application subject of this report was lodged with Council.
19. From 5 September to 19 September 2016 the application was placed on neighbour notification.
20. The plans and accompanying documentation submitted with the application are relied upon for assessment in this report.

Section 79C Assessment

21. The following is an assessment of the application with regard to Section 79C (1) of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration – general

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

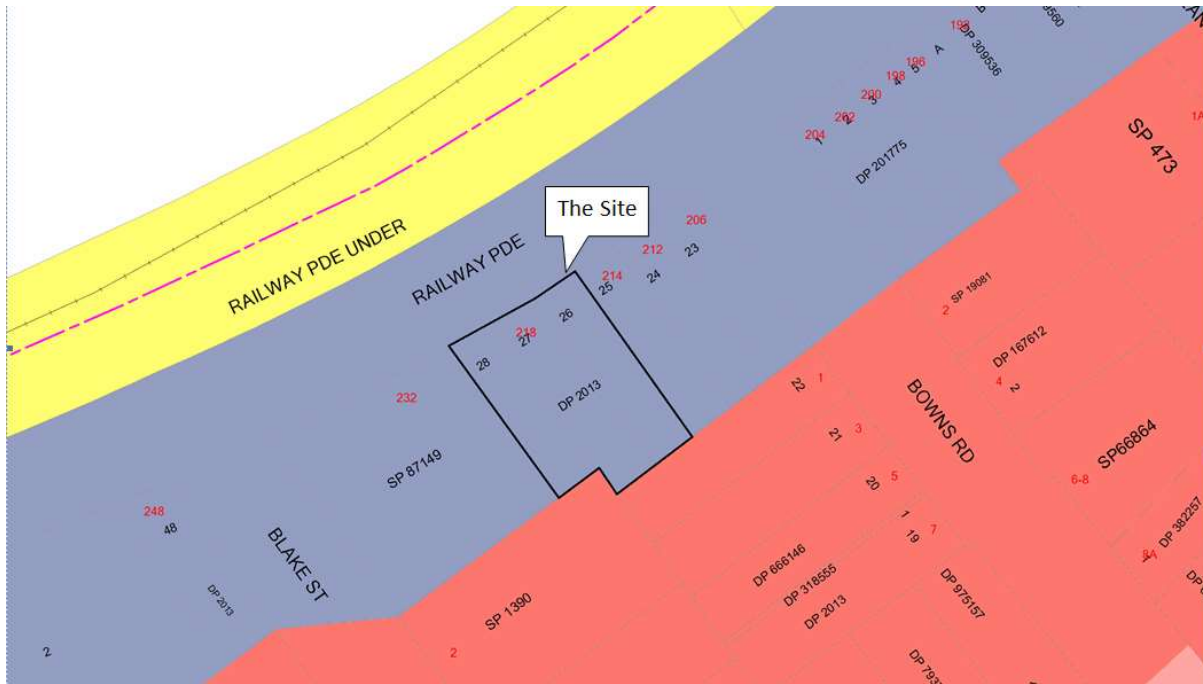
- (a) the provision of:**
 - (i) any environmental planning instrument,**

Kogarah Local Environmental Plan 2012 (KLEP 2012)

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

22. The subject site is zoned B4 - Mixed Use and the proposal is a permissible form of development with Council's consent. The proposed development satisfies the objectives of the zone.



Part 5 – Miscellaneous Provisions

Clause 5.9 – Preservation of Trees or Vegetation

23. The proposed development does not involve the removal of any tree or vegetation subject to the provisions of this clause.
24. The application was referred to Council's Parks and Recreation Coordinator who noted that street tree planting could be incorporated along Railway Parade frontage. The only issue is that the proposed awning along the Railway Parade frontage may require modification to accommodate the tree planting. The awning is 1.5m wide, retaining a 2.3m strip of uncovered footpath along the frontage. This should accommodate four (4) street trees. It is recommended that four (4) street trees be selected in consultation with Council's Parks and Recreation Coordinator.
25. In addition, consideration has been given to the provisions of Section B2 – Tree Management & Greenweb of KDCP 2013 and the proposed development satisfies the relevant controls tree & greenweb management.

Clause 5.10 – Heritage Conservation

26. The subject site is not listed as a heritage item in Schedule 5, is not within a Heritage Conservation Area, nor are there any heritage items located nearby.
27. Heritage listed items are located at 200-204 Railway Parade, 6 Blake Street, 9 and 3 Bellevue Street though not in close proximity to the subject site. The proposal will not interfere with the viewing of items from the public domain or overshadow them.
28. The proposal satisfies the provisions of Clause 5.10 of KLEP 2012.

Part 6 – Additional Local Provisions

Clause 6.1 – Acid Sulfate Soils

29. The subject site is not shown as being affected by acid sulfate soils as identified on the Acid Sulfate Soil Map.

Clause 6.2 – Earthworks

30. The proposed earthworks require the entire site being excavated down three levels of basement to provide parking to meet the requirements of council.
31. Though substantial, the proposed earthworks are considered acceptable having regard to the provisions of this clause as the works are not likely to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Standard conditions requiring shoring and adequacy of adjoining properties, submission of dilapidation reports and geotechnical investigations will be imposed.

Clause 6.3 – Flood Planning

32. The subject site has not been identified as a flood planning area on the Flood Planning Maps.
33. In addition, consideration has been given to the provisions of Section B6 – Water Management of KDCP 2013 and the proposed development satisfies the relevant controls related to flooding and drainage.

Clause 6.5 – Airspace Operations

34. The application was referred to Sydney Airports Corporation due to its maximum height of RL 64.7m AHD to the top of the lift overrun, which is a penetration of the RL 53m inner horizontal Obstacle Limitation Surface applying to the area.
35. Due to the penetration of the proposal into the OLS, the application was referred by SACL on to the Federal Government (CASA) who approved the proposal subject to the imposition of standard conditions, which will be imposed on the development consent.

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

36. A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

State Environmental Planning Policy No 55 – Remediation of Land

37. The aims of SEPP No 55 are to ensure that a change of land use will not increase the risk to health particularly in circumstances where a more sensitive land use is proposed.
38. Given the nature of the site and surrounding development, a Site Investigation Report (Phase 1) accompanies the application. The report is prepared by ADE Consulting Group (dated 27 July 2016) and concludes that:

Areas that may be impacted by potential contamination were identified on the basis of the available Site information and during the Site inspection. Based on the data and evidence collected, the potential for contamination to be present within the Site is considered Low, however further investigation of soil and groundwater is required to determine if any contamination is present. The following recommendations are made:

- *Investigation of soil materials, including possible fill material, underlying the building footprint and hardstand areas of the site is required; and*

- *An investigation of groundwater is required to determine if any contamination has occurred as a result of previous industrial use and/or migration of contaminants from adjacent industrial sites.*

Based on the findings of this investigation, a Phase II - Detailed Site Investigation is required to assess soil and groundwater. It is recommended intrusive works be undertaken prior to the removal of the concrete slab across the site due to the potential for asbestos contamination beneath.

Subject to the findings of the Phase II investigation, generally the site will be able to be made suitable for the proposed land use.

Based on the above conclusions, it is recommended that prior to demolition and prior to any excavation; the person with the benefit of the consent is to undertake a Stage 2 detailed investigation of the site in accordance with the Contaminated Lands Management Act 1997, SEPP 55– Remediation of Land and “Sampling Design Guidelines for Contaminated Sites” NSW EPA.

39. Subject to the imposition of suitable conditions, the proposal satisfies the provisions of SEPP No.55 – Remediation of Land.

State Environmental Planning Policy (Infrastructure) 2007 – (ISEPP)

40. The proposed development is subject to the provisions of State Environmental Planning Policy (Infrastructure) 2007.

Development likely to affect an electricity transmission or distribution network

41. Clause 45 of the ISEPP requires the consent authority to refer a Development Application to the electricity supply authority as the development to be carried out is within 5m of an exposed overhead electricity power line.
42. The application has been referred to Ausgrid. No response has been received to date.

Excavation in, above or adjacent to rail corridors

43. Clause 86 of the ISEPP requires the concurrence from the rail authority prior to granting Development Consent where development involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within or above the rail corridor or within 25m of the rail corridor.
44. The front boundary of the site (where excavation extends to) is 30m from the rail corridor. Therefore referral to the rail authority is not required.

Impact of rail noise or vibration on non-rail development

45. Clause 87 of the ISEPP applies to development on land or adjacent a rail corridor that is likely to be adversely affected by rail noise or vibration.
46. As the proposal is for residential purposes and directly across Railway Parade from the rail corridor, the proposal is subject to the provisions of Clause 87 of the ISEPP.

47. Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.
48. If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
49. The application is accompanied by an Acoustic and Vibration Report prepared by Koikas Acoustics (dated 05/08/2016) that addresses the impact of rail noise and vibration on the proposed development against the NSW Government Department of Planning's "Development near Rail Corridors and Busy Roads Interim Guideline".
50. The application was referred to Council's Environmental Health Officer who raised no objection to the proposed development subject to the imposition of suitable conditions to ensure the development is constructed in accordance with the recommendations of the Acoustic Report and that suitable acoustic validation is undertaken.

Traffic Generating Development

51. The proposal is not categorised as a 'traffic generating development'.

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP No 65)

52. The proposed development is subject to the provisions of SEPP No 65, which aims to improve the quality of residential flat design in NSW.
53. The application has been accompanied by a design verification from a qualified designer that verifies that:
 - a) *He or she designed or directed the design of the modification, and*
 - b) *The modifications achieve the design quality principles as set out in Part 2 of SEPP No 65, and*
 - c) *The modifications do not diminish or detract from the design quality, or compromise the design intent of the approved development.*
54. The DAS application (DAS No.9/16) was referred to the St George Design Review Panel for consideration at their meeting of 2 June 2016. A number of issues were raised that have been addressed in their DA submission as discussed below.
55. The application was referred to the St George Design Review Panel for consideration at their meeting of 3 November 2016. The following comments were provided with respect to the design quality principles set out in the Policy:

Context

This proposal has come before a DRP before and virtually all of the comments raised have been addressed. These will be referred to in the appropriate sections below.

The context has been well described in the last Panel document. There was some consideration of the three (3) storey podium treatment proposed. It was suggested to the proponent that an additional masonry pier central to each of the openings on Levels 1 and 2 may create a finer grain and more elegant façade treatment.

See comments below regarding upper level setback

Built Form and Scale

As referred to by the previous Panel report, the building should be setback approximately 2m from the street boundary above podium level. The Panel believe that the setback now proposed is too narrow at its eastern edge. It is recommended that the main bedroom of the eastern units be pushed to the south so as to allow the street facing balcony to be pushed back to comply with the setback requirement.

Density

Appropriate

Sustainability

Complies

Landscape

The landscape component generally complies with the previous Panel comments.

Instead of providing a 4m wide deep soil zone as requested by the last Panel, the proponent has provided a 2m wide podium planting bed sufficient to sustain a small tree.

It does however appear that the basement car parking could be reorganised to provide the 4m wide deep soil as requested. In this case, the larger shade giving tree proposed should be centred to the deep soil zone.

Improved facilities to the roof top terrace have been provided.

Council should be further consulted regarding street tree planting.

Amenity

Acceptable.

Safety

Acceptable.

Housing Diversity and Social Interaction

Acceptable.

Aesthetics

Acceptable.

See note above regarding street facing podium.

RECOMMENDATION

The Panel supports the application subject to the changes described above. The application satisfies the design quality principles contained in SEPP 65.

Officer Comment

56. The applicant has responded to the comments above under Landscape and Built Form and Scale as follows:
- The 3-storey building podium is accentuated by a solid masonry frame, balconies being moved forward to boundary and upper levels being lighter and modulated.
 - Landscaping on the first floor communal open space area has been increased and appears as a green roof that provides a pleasant outlook for resident. The landscaping around the private terraces has been increased to improve privacy.
 - While the basement and podium have not been setback 4m for a deep soil zone, a substantial sunken planter bed has been provided along the boundary at the first floor level and the wall height at the boundary reduced.
 - The rooftop communal open space area has been altered to include a communal room, barbecue facilities and shade area.
57. The proposed redesign of the rear podium landscaping achieves a green setback zone as viewed by adjoining residents. Creation of a deep soil zone, by dropping the level to the existing ground line, would result in the landscaping being hidden behind the garaging of the house and units adjoining the site to the rear, conveying little, if any benefit. Doing so would also further reduce parking, which is already less than required by KDCP 2013 (though compliant with the ADG).
58. The applicant has not amended the plans in response to the Panel's recommendation that:
"...the building should be setback approximately 2m from the street boundary above podium level. The Panel believe that the setback now proposed is too narrow at its eastern edge. It is recommended that the main bedroom of the eastern units be pushed to the south so as to allow the street facing balcony to be pushed back to comply with the setback requirement."
59. The proposal sets back the balcony of the building above the podium 1m at the eastern edge, with the setback of balconies varying along the frontage. It is considered that the 1m setback of balconies is acceptable with little appreciable benefit from the additional setback. There are likely consequences of pushing the bedrooms rearward, being the encroachment into the diagonally adjoining rear unit living room space and windows thereto. There is no DCP requirement to setback balconies from the street boundary.
60. It is recommended that street trees be planted on the frontage. The awning extends 1500mm from the boundary along the frontage, retaining a 2.3m wide strip of footpath along the frontage, which should be sufficient to accommodate tree planting.

Deemed State Environmental Planning Policy – Georges River Catchment

61. All stormwater from the proposed development can be treated in accordance with Council's Water Management Policy and would satisfy the relevant provisions of the Deemed State Environmental Planning Policy – Georges River Catchment

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

62. A Planning Proposal for the New City Plan to amend Kogarah LEP 2012 was placed on exhibition from Monday 30 March 2015 until Friday 29 May 2015.
63. The New City Plan includes changes to zoning and the introduction of development standards in parts of the City to deliver a range of new housing options.
64. Specifically, the New City Plan proposes to maintain the B4 – Mixed Use Zone and introduce height and FSR controls of 39m and 4:1 for the site respectively.
65. As adopted by Council at the Planning and Environmental Services Working Party meeting of 18 April 2016, it was resolved to allow Council to deal with development applications reliant on the provisions of the draft Local Environment Plan (LEP) also known as the New City Plan where either there was no change to zoning and permissibility and there was only a variation to height and density proposed or where there was a change to zoning and the proposal is permissible under the existing and draft LEP and only variations to DCP controls were proposed.
66. The proposal is permissible in the current and proposed zone and only variations to existing height and density, parking and setback controls in KDCP 2013 are proposed. Consequently, Council can assess and determine the proposal under the provisions of the New City Plan.
67. The proposal complies adopting a maximum overall height of 36.1m to the top of the lift overrun and has an FSR of 4:1.
68. There are no other draft planning instruments that are applicable to this site.

(iii) any development control plan,

Kogarah Development Control Plan 2013 (KDCP 2013)

69. The proposed development is subject to the provisions of the Kogarah Development Control Plan 2013 (KDCP2013). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

Part E1 – Kogarah Town Centre

Railway Parade South

Site Amalgamation

70. Sites in the Railway Parade South precinct are required to amalgamate as per the diagram below. The subject site is numbered 7 on the diagram and the proposal satisfies this requirement.



Figure 2. Site Amalgamations along Railway Parade

Land Use

Encourage mixed-use developments with active uses at the ground floor (commercial, specialist retail, community facilities), commercial at the first floor and residential above.

Commercial uses only are permitted on the ground floor of buildings fronting Railway Parade and in the building return to side streets.

Residential uses at the ground floor on Railway Parade or in the building return to side streets are not permitted.

Residential uses are permitted at the ground floor of side streets in the residue of the study area where there is a minimum 3m setback.

Promote the expansion and development of community facilities.

71. The proposal satisfies the above requirements.

Block 3 – Block Bounded by Bown's Road, Railway Parade and Blake Street

Setbacks

72. From the street, the balconies of new buildings are to be street aligned as punched openings in the façade, with the residential component being setback 5m. The proposal satisfies the intention of the setback requirements, with the bottom three floors providing a solid street aligned frame, consistent with the neighbouring development and with a setback residential tower above. Whilst not compliant at 3-4m, the setback of the residential component achieves the intention of the control, as increasing to 5m would not be perceptible from the street.
73. Buildings are to be setback $3\text{m} + \frac{1}{4}$ wall height $> 3\text{m}$ to the rear boundary, or 3m at the ground floor level and increasing up to 9.875m on the uppermost floor.
74. The proposal adopts a boundary aligned wall to the rear of the car park podium, which is consistent with the neighbouring development on the corner of Blake Street and abuts car parking areas and garages to properties at the rear. The proposal results in minimal visual impact and is augmented by the highly landscaped podium which will confer a green backdrop to the adjoining properties above the fence line and adjoining garage roof line.
75. The upper floors are setback 9-10m to the outer extents of the balconies with articulated elements of the rear façade setback up to 18.5m from the rear boundary. The proposed setback is considered appropriate given the context. The balconies on the southwestern end are setback 9m instead of the required 9.8m on the upper two floors. The setback is appropriate as they are off bedrooms only and are only 800mm deep. The central rear balcony is off habitable (living and bedrooms) and is setback 10m from the rear boundary. The setback complies with DCP requirements and there are privacy screens on the balconies and trees proposed on the podium, mitigating any overlooking impacts to the rear yard of No.1 Bowns Road. The proposal only overlooks the rear parking area of the adjoining flat building at No.2 Blake Street.
76. It is noted that the upper two floors of the proposal (levels 9 and 10) do not comply with the building separation requirements of the ADG, which increases separation requirements from 9m for 5-8 storey buildings, to 12m for 9-storeys and above. The balconies to the rear units 8.5 and 9.5 encroach the 12m separation guideline. A variation is acceptable as the proposed setback of 10m for units 8.5 and 9.5 and 9m for units 8.4 and 9.4 are a suitable distance for the 10 level. As discussed above, the balconies overlook parking areas and garages and the podium planting provides screening and visual buffering.



Setbacks between Buildings

77. The Block 3 controls require new development to build to boundary to both sides where adjoining other properties up to the third floor, where a minimum 3m is required to provide a break in building massing.

Density

78. A maximum Floor Space Ratio (FSR) of 1.8:1 is permitted where all lots are amalgamated as per Figure 2.

Building Height

79. The maximum number of levels is 4 and the maximum street wall height is 7.8m.
80. The maximum overall building height is 15m (including roofs and any projections such as plants, lift shafts, blades or the like)
81. The objectives and standards for height and FSR under the New City Plan are relied upon rather than the above provisions of Part E1 of KDCP 2013.

Open Space

82. The provisions for private and communal open space in the Apartment Design Guide are relied upon for assessment.
83. The ADG requires 25% of the site area provided as communal open space. The proposal provides well in excess of this requirement with two communal areas providing 46% (485m²) of the site area as communal open space. One area is on the rooftop, resulting in ample solar access, views and amenity in a high density context.

84. Under the ADG, private open space is required to be provided at with the following areas:
- 1 bedroom unit - 8m
 - 2 bedroom apartment – 10m²
 - 3-bedroom apartment – 12m²
85. Balconies are provided to each unit in accordance with the minimum requirements of the ADG.

Traffic and Parking

86. The Railway Parade South Precinct in Part E1 of KDCP 2013 contains specific parking controls that differ from the residential parking controls in Part E1 of the DCP. Parking is to be provided at the following rates;
- 1 resident car space / 1-bed unit
 - 1.5 resident car spaces / 2-bed unit
 - 2 resident car space / 3+ bed unit
 - 1 visitor car space/ 5 units or part thereof
 - Retail/commercial at ground floor – 1 space per 40m² GFA.
87. Based on the above rates, sixty-five (65) resident spaces, 9 visitor spaces and four (4) commercial/retail spaces are required.
88. The proposal provides fifty-nine (59) parking spaces plus one (1) loading space, with parking allocated as follows:
- Forty-seven (47) resident spaces
 - Eight (8) visitor spaces
 - Four (4) retail/commercial spaces
89. The proposal results in a non-compliance of six (6) resident spaces and one (1) visitor space. However, the proposal may rely upon Part 3-J of the Apartment Design Guide, which allows for a lesser rate of provision as discussed below.
90. The application was referred to Council's Traffic Engineer who made the following comments on Traffic generation from the proposal:

In regards to the proposed mixed use building at the above location, I make the following comments in relation to the "Traffic and Parking Assessment Report" by Varga Traffic Planning Pty Ltd dated 21 July 2016:

- *The existing site contains a restaurant and approximately 650m² of floor space. Off street parking is currently located at the rear of the site.*
- *The development proposes the demolition of the existing restaurant building and construction of a new mixed use building containing 155m² of retail floor space on the ground level and 45 residential units on the upper levels (9 x 1 bedroom unit, 33 x 2 bedroom units and 3 x 3 bedroom units).*
- *The site is located approximately 450m walking distance east of Carlton Train Station and approximately 600m south-west of Kogarah Train Station and bus interchange*

Traffic Generation:

- Based on the RMS “Guide to Traffic Generating Developments”, the site is classified as a High Density Residential Flat building and will generate a residential traffic rate of 0.19 AM peak hour vehicle trips per unit and 0.15 PM peak hour vehicle trips per unit.
- Therefore the residential component of the development is projected to generate AM 8.6 vtpm (45×0.19) and PM 6.8 vtpm (45×0.15).
- The traffic generation rates calculated in the report for the RETAIL component of the development are incorrect. The report has used the rates of 1.6 vtpm AM and 1.2 vtpm PM per 100m². It is unclear where these numbers have been derived. Using the RMS document for retail models section 3.6.1, speciality stores have the highest generation rate on a Saturday morning. From calculations, the retail component will generate 16 vtpm (107×0.155) during this period. During the Friday morning period the rate calculates at 8.7 vtpm (56×0.155).
- Adding the residential component and retail component for the Saturday AM peak hour (worst case scenario) yields a generation rate of $8.6 + 16 = 24.6$ vtpm for the site.
- As the existing site is calculated to generate 33 vtpm and the proposed site is calculated to generate 24.6 vtpm, the development will have a nett decrease of 8.4 vtpm and will have a positive traffic impact on the surrounding street network

Parking Assessment

- In accordance with Council’s DCP in the Kogarah Town Centre, 64.5 residential spaces, 9 visitor and 3.9 retail spaces are required (75 total).
- The Apartment Design Guide 2015, Objective 3J-1, states that the minimum requirements for residents and visitors is set out in the “Guide to Traffic Generating Developments”, or the car parking requirement prescribed by the relevant Council, whichever is less.
- The RMS rates used in the Traffic Report are **incorrect**. The values have been calculated using the regional centre (CBD) The RMS “Guide to Traffic Generating Developments” document calculates the parking requirement for a High Density Residential Flat building in the metropolitan sub-regional centre as 49 ($0.6 \times 9 + 0.9 \times 33 + 1.4 \times 3 + 9$)
- Therefore the residential component requires 40 units spaces and 9 visitor spaces as this is the lesser requirement. The development has proposed 47 residential spaces and 8 visitor spaces and is deemed acceptable. There are 4 retail spaces proposed and a loading bay for a SRV which is also acceptable. Out of retail hours the 4 retail spaces could be used by visitors.

Summary

- The Traffic Section can APPROVE the DA based on the acceptable traffic generation and parking allocation.

91. The proposal satisfies the relevant Australian/NZ standards for parking and vehicular access and provides suitable parking in accordance with Part 3-J of the Apartment Design Guide.

Views and View Sharing

92. No issues are raised with respect to views.

Kogarah Development Control Plan 2013 Compliance Table

93. The following table outlines the proposals compliance with the primary controls contained within KDCP 2013.

Design Outcome	Control	Proposed	Complies?
New City Plan			
Density (FSR)	4:1 (4173.2m ²)	4:1 (4173m ²)	Yes
Height	39m	36.1m	Yes
KLEP 2012			
Clause 4.1A - Minimum Lot Size	1000m ²	1043.3m ²	Yes
KDCP 2013 – Railway Parade South			
Parking Resident Visitor Retail (total)	64.5 spaces 9 spaces 3.8 spaces (78 spaces)	47 spaces 8 spaces 4 spaces (59 spaces)	No * (*satisfies Part 3J of ADG)
Loading Bay	1	1	Yes
Front Setback	Commercial - 2m Residential – 5m * Balconies/terraces are permitted within the residential setback, but only in the form of punched openings in the façade.	2m 3-4m *with balconies/terraces within the residential setback to 0m, but only in the form of punched openings in the façade.	Yes No
Rear and Side Setbacks	3m ground floor increasing to 9.875m on upper levels 3m + ¼ wall height > 3m	0m ground floor 9 – 18.5m on residential floors (Levels 1 – 9)	No
Apartment Design Guide			
Rear Setback 0m blank party wall Up to 4 storeys 5 to 8 storeys 9+ storeys	0m 6m * 9m * 12m * *Habitable rooms & balconies	0m ground floor 9 – 18.5m 9 – 18.5m 9 – 18.5m	Yes Yes Yes No
Side Separation Blank Party Walls	0m	0-3m	Yes
Min. Apartment Sizes 1 br 2 br 3 br	50m ² 75m ² (incl. ensuite) 90m ²	55m ² 78 - 87m ² 99m ²	Yes Yes Yes

Balcony size	10m ² for 2-bedroom 8m ² for 1-bedroom	11-70m ²	Yes
Communal Open Space	25% of site area (260.75m ²)	46% (485m ²)	Yes

Section 94 Contributions

94. The proposed development requires payment of \$728,990.80 in Section 94 contributions based on the provisions of Council's Section 94 Contributions Plans for Kogarah Town Centre, Roads and Traffic and Kogarah Libraries.
95. The contribution amount is based on the construction of 45 apartments and 175m² if retail floor area with concession given for the floor area of the existing building to be demolished.
- (iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,**
96. Not applicable.
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,**
97. The proposed development is of a scale and character that is in keeping with other development being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment of the locality.
- (c) the suitability of the site for the development,**
98. It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.
- (d) any submissions made in accordance with this Act or the regulations,**
99. In accordance with the provisions of Section A2 – Public Notification of KDCP 2013 application was placed on neighbour notification for a period of fourteen (14) days adjoining property owners were notified in writing of the proposal and invited to comment. Three (3) submissions were received raising the following concerns:

Scale of development incompatible with context and create a precedent.

Comment

100. The objectors raise concern that the proposal is incompatible in scale with the local context and will create a precedent.
101. The proposal will not create a precedent as it not only responds to the height and FSR controls in the New City Plan, it is lower than the maximum permissible height limit and is not the first approval. The nearby Kogarah RSL site has an approval for two buildings over 39m in height.

102. Whilst higher than existing development in the locality, the proposal is responsive to the desire scale for the site and surrounds. It is unreasonable to limit the height to the existing KDCP 2013 controls given that Council can deal with applications that vary height and FSR where the zoning permits the use.

Influx of new residents not planned for and will strain infrastructure

Comment

103. The objectors raise concern that the proposal will ‘put undue stress’ and ‘reduce the standard of living and happiness of the current residence’. On which particular component on infrastructure is not specified, though the proposal has approval from Sydney Water ‘Urban Growth’ and is not a ‘Traffic Generating Development’ as specified under the Infrastructure SEPP. Council’s Traffic Engineer has also found the proposal not to generate significant traffic impacts on the local road network.
104. The issue is unreasonable.

Noise

Comment

105. One of the two objectors from 4 Blake Street raise noise an issue, stating that she is ‘a new mum and does not want additional noise of a 10 storey building’.
106. In terms of construction noise, a four storey building has a similar impact to a ten storey building. In terms of activity from users of the completed building, the impact would be negligible. The objector’s property does not directly adjoin the subject site.
107. The issue is unsubstantiated and unreasonable.

Traffic and parking issues

Comment

108. The objectors raise traffic and parking as issues.
109. Traffic and parking has already been discussed in this report and found acceptable. No further modifications or refusal is warranted.

Adequacy of basement car park to accommodate users of building

Comment

110. In addition to the issues with traffic and onstreet parking raised above, the objectors raise concern that the basement will not be suitable to accommodate users of the building.
111. The issue is unsubstantiated. Council’s Traffic Engineer has assessed the carpark and driveway and found the proposal to meet parking requirements and access requirements under relevant provisions as already discussed in this report.

Mediation/Public Meeting

112. No mediation was undertaken given the concerns raised.

(e) *the public interest.*

113. The proposed development is of a scale and character that does not conflict with the public interest.

Conclusion

114. The application has been assessed having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979, the provisions of KLEP 2012 and KDCP 2013.

115. Following detailed assessment it is considered that Development Application No 160/2016 should be approved subject to conditions.

SPECIFIC DEVELOPMENT CONDITIONS

SECTION A - General Conditions

The conditions that follow in this Section A of the Notice of Determination are general conditions which are imposed to ensure that the development is carried out in accordance with the development consent.

(1) Approved Plans of Consent

The development must be implemented in accordance with the approved plans, specifications and details listed below and any supporting information submitted with the Development Application except as amended by any conditions attached to the Development Consent:

- (i) Architectural plans: - prepared by Architecture and Building Works, Project No. PN-0422, Drawing Nos. A-0000, DA-08, DA-09, DA-10, DA-11, DA-12, DA-13, DA-14, DA-15, DA-16, DA-17, DA-18, DA-19, DA-20, DA-21, DA-30, DA-31, DA-32, DA-33, DA-40, DA-60, Rev.A, dated 08/08/2016.
- (ii) Landscape plans:- prepared by Isthmus Landscape Design, Drawing Nos. ISO209DA1, ISO209DA2, dated July 2016.
- (iii) Stormwater plans:- prepared by United Consulting Engineers Pty Ltd, Drawing Nos. 16/MB7145/D01, 16/MB7145/D02, 16/MB7145/D03, 16/MB7145/D04, 16/MB7145/D05, 16/MB7145/D06, dated 03/08/2016.

SECTION B –Prior to the Issue of a Construction Certificate or Demolition Conditions

The conditions that follow in this Section B of the Notice of Determination relate to the payment of fees, amendments being made to the proposal, further investigation being undertaken or the preparation of documentation that must be complied with prior to the issue of a Construction Certificate or Demolition.

Note: A copy of the Construction Certificate shall be forwarded to Council prior to commencement of construction where Council is not the certifier who issued the Construction Certificate.

(2) Asset & Building Fees

Payment of the following amounts as detailed below:

- | | |
|---|-------------|
| • Damage Deposit of | \$22,665.00 |
| • *Builders Long Service Levy of | \$57,032.00 |
| • Driveway and Restoration Works Design Inspection Fee of | \$1,130.00 |
| • Asset Inspection Fee of | \$ 110.00 |

*Note: The Builders Long Service Levy quoted is based on the market value of the proposed building works and the Levy Rate applicable at the time of assessing the Development Application and may be subject to change prior to payment.

(3) Restoration Deposit

A deposit of \$22,665.00 shall be lodged with Council to ensure the construction of the following works to be completed at the applicant's expense:

- Construction of a new 150mm high concrete kerb and gutter across the full street frontage in Railway Parade.
- Construction of a new concrete footpath from the back of the new kerb to the boundary across the full street frontage in Railway Parade.
- All associated road pavement restorations.

These works are to be in accordance with plans and specifications to be issued by Council.

(4) Section 94 Index

Section 94 Contributions are to be paid as detailed below in the following condition, and until paid all contributions will be indexed four (4) times a year (on the following dates) to allow for the cost increases: 31 January, 30 April, 31 July and 31 October.

(5) Section 94 Contributions

As at the date of Development Consent the following contributions have been levied on the subject development under Section 94 of the Environmental Planning and Assessment Act, 1979 and the nominated Section 94 Contributions Plans:

No.1 – Roads and Traffic Management – Residential	\$ 2,184.74
No.8 – Kogarah Town Centre – Streetscape, Open Space & Public Domain	\$694,016.60
No.8 – Kogarah Town Centre – Community Facilities	\$ 12,683.61
No.9 – Kogarah Libraries – Buildings	\$ 11,737.17
No.9 – Kogarah Libraries – Books	\$ 8,368.68
 TOTAL	 \$728,990.80

Any of the above Section 94 Contributions Plans may be inspected at the Georges River Council Customer Service Centres.

(6) Dilapidation Report

Prior to issue of any construction certificate or commencement of any demolition or earth works on site, the applicant shall submit, for acceptance by the Principal Certifying Authority (PCA), with a copy forwarded to Council where Council is not the PCA, a full dilapidation report on the visible and structural condition of the following properties;

- (i) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report must be completed by a suitably qualified consulting structural/ geotechnical engineer as determined necessary by that professional based on the excavations for the proposal, the subsoil conditions and any recommendations of a geotechnical report for the site. The report shall have regard to protecting the applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable.”

Reports relating to properties that refuse access to carry out inspections to complete the dilapidation report, after being given reasonable written notice to request access (at least 14 days) at a reasonable time (8.00am-6.00pm), are not to hold up the release of the Construction Certificate.

(7) Soil and Water Management

A Soil and Water Management Control Plan, incorporating contour levels and prepared in accordance with Environmental Site Management Policy shall be submitted to Council detailing all measures to control soil erosion and sedimentation runoff from the site during excavation and construction activities.

(8) SEPP No 65 Certification

A design verification statement from a qualified designer shall be submitted that verifying that the plans and specifications achieve the design quality of the development for which consent was granted having regard to the design quality principles of State Environmental Planning Policy No. 65.

(9) Adaptable Housing Compliance

The proposed development including the five (5) nominated adaptable units shall comply with the adaptable housing provisions of AS4299 – Adaptable Housing and AS1498 – Access and Mobility (Parts 1 and 2). The Adaptable Housing checklist and circulation diagram demonstrating compliance shall be submitted.

(10) Ausgrid Sub Station

The applicant is to confer with Ausgrid to determine if an electricity distribution substation is required. If so, shall be incorporated within the Construction Certificate and it will be necessary for the final film survey plan to be endorsed with an area having dimensions 5m x 4m over the location of the proposed electricity distribution substation to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements are to be met prior to release of the occupation certificate.

(11) Clearances to Overhead Mains

If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, the applicant is to confer with Ausgrid to determine if satisfactory clearances to any existing overhead mains will be affected. If so, the applicant is to make arrangements with Ausgrid for any necessary modification to the electrical network in question.

These works to be at the applicant's expense and Ausgrid's requirements are to be met prior to actual construction commencing on site or as agreed with Ausgrid.

(12) Sydney Water (DA Only)

The approved plans must be processed through Sydney Water to determine whether the development will affect any Sydney Water asset's (sewer and water mains, stormwater drains and/or easements) and if any further requirements need to be met. An approval receipt will be issued by Sydney Water which is to be submitted to Council or the Principal Certifying Authority.

Please refer to the web site www.sydneywater.com.au for;

- Sydney Water Tap in – see Plumbing, building and developing and then Sydney Water Tap in; and
- Building over/adjacent to a Sydney Water Asset - see Plumbing, building and developing, building then Building Approvals or telephone 13 20 92.

(13) Works Zone Approval

The installation of a "Works Zone" for the site will require the approval from the Traffic Advisory Committee. As a result, the applicant shall provide a formal request to Council's Traffic Section with the duration and exact location of the required "Works Zone" at least 6 weeks prior to its required installation date. All costs associated with the installation of a "Works Zone" will be at the applicants expense.

(14) Works Management Plan

Prior to the issue of any construction certificate, any demolition or earthworks on the site, the applicant shall submit to Council for approval a "Management Plan" detailing the following to safely manage vehicular and pedestrian traffic during the works at the site:

- Traffic Control Plans and details of how the company proposes to place, erect, dismantle and/or undertake the works at the site.
- All works on the road or road related areas are to be clearly delineated and designed in accordance with the relevant standards, refer to "AS 1742.3 – 2009" and the Roads and Maritime Services "Traffic Control at Worksites (TCAWS) Manual, Version 4.0, 2010"
- The Traffic Control Plans and the works must be prepared/undertaken by RMS accredited (ticketed) personnel.
- Where heavy vehicles associated with the site will be parked whilst waiting to enter the site.
- Location of loading and unloading areas for trucks.
- The route of all trucks conveying materials to and from the site.

Demonstration that pedestrian access past the site is maintained during demolition and construction works.

(15) Design and operational plan - traffic signals in the car park area

Prior to the issue of the Construction Certificate, the applicant shall submit to Council for approval a detailed design and operational plan for the proposed traffic signals in the car park area, which includes, but is not limited to, alternative provisions as a result of events such as power failure; system breakdown and general service and maintenance.

SECTION C – Prior to Commencement of Construction Conditions

The conditions that follow in this Section C of the Notice of Determination are specific to the proposed development and must be complied with prior to the commencement of construction on the site.

(16) Geotechnical Report

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. In this regard, all excavated waste materials shall be disposed of at an approved Waste Depot.

No rock breaking or other machinery for the excavation, drilling, cutting or removal of rock shall be used on the site prior to the acceptance by the principal certifying authority of the following documentation:

- (i) A report by a geotechnical engineer detailing the measures recommended in undertaking the works so as to prevent damage to any adjoining or nearby buildings.
- (ii) The type and size of machinery proposed.
- (iii) The routes of all trucks to convey material to and from the site.

(17) On-Site Detention

A 27.1m³ On-Site Detention system with a Maximum Site Discharge of 18.3 Litres per Second is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.

(18) Certification by Mechanical Engineer

To ensure that adequate provision is made for ventilation of the building, mechanical and /or natural ventilation shall be provided. These systems shall be designed in accordance with the provisions of:-

- a) The Building Code of Australia;
- b) Australian Standard AS 1668 Part 1 - 1998;
- c) Australian Standard AS 1668 Part 2 - 2002;
- d) The Public Health Act 2010;
- e) The Public Health Regulation 2012;
- f) Australian Standard 3666.1 - 2002;
- g) Australian Standard 3666.2 - 2002;
- h) Australian Standard 3666.3 - 2000.

Details of all mechanical and /or natural ventilation systems, along with specific certification, provided by an appropriately qualified person, verifying compliance with the abovementioned requirements.

(19) Structural Engineer's Details

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

(20) Protection of Site – Hoarding

A hoarding or fence must be erected between the work site and the public place if:

- the work involved in the erection or demolition of a building is likely to cause obstruction or inconvenience to pedestrian or vehicular traffic in a public place; or
- if it involves the enclosure of a public place.

If necessary an awning is to be erected which is sufficient to prevent any substance from or in connection with the work from falling into a public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

If the work site is likely to be hazardous to persons in a public place, it must be kept lit between sunset and sunrise.

(21) Ground Anchors

Should the proposed development require the installation of ground anchors to a road reserve the following must be complied with:

- The appropriate Roads Act 1993 approvals shall be obtained.
- The anchoring is to be de-stressed once no longer required.
- The work is to be clear of all services contained within the public roadway and the required dial before you dig investigations are to be undertaken in relation to any services that may be in the proposed anchor locations.
- Public liability insurances being held by the builder/ developer with a copy being submitted to Council.
- A works-as-executed plan showing the exact location of all anchoring points being submitted to Council upon their installation.

It is to be noted that if anchoring into adjacent private properties is required any such approval would need to be obtained from the owners of this property.

(22) Driveway

In respect to vehicular access to the proposed development the gutter crossing and driveway are to be reconstructed between the kerb and street alignment to Council's specifications.

In this regard a separate driveway application is to be lodged with Council for works outside the property boundary. Furthermore the design boundary level is to be received from Council prior to construction of the internal driveway.

(23) Council Infrastructure Inspection

Prior to the commencement of any works an authorised representative of the applicant is to organise and attend a meeting on site with Council's Infrastructure Compliance Co-ordinator to discuss protection of Council's infrastructure. To organise this meeting contact Council's Customer Service Centre on 9330 6400.

(24) Public Liability Insurance

All nominated contractors / applicants carrying out driveway and/or restoration works on Council property must carry public liability insurance with a minimum cover of twenty million dollars (\$20,000,000.00). In this regard, prior to commencement of works, the principal contractor is to lodge an "Application for the Construction of Work by Private Contractor" to Council, which includes submitting evidence of their current insurance. The principal contractor must ensure that sub-contractors are also adequately insured.

(25) Soil Erosion Controls

Prior to commencement of any site works, erosion and sediment controls are to be installed in accordance with Environmental Site Management Policy and any approved Soil & Water Management Plan and shall incorporate:

- Measures to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways;
- Controls to prevent tracking of sand, soil, aggregates, etc, by vehicles onto adjoining roadways.

(26) Detailed Stormwater Plan

The submitted stormwater plan has been assessed and approved as a concept plan only. No detailed assessment of the design has been undertaken. A Detailed Stormwater Plan and supporting information of the proposed on-site stormwater management system is to be submitted. The required details in this Plan and the relevant checklist are presented in Council's Water Management Policy.

The design parameters and the general concept of the proposed on-site stormwater management system are to be the same as documented in the approved Concept Stormwater Plan for the proposed development. Any conceptual variations to the stormwater design will require written approval from Council and will require to be justified and supported by appropriate details, calculations and information to allow for proper assessment.

The Detailed Stormwater Plan is to address the following issue(s):

- a) There is to be a maximum of three piped stormwater connections across the council footway.
- b) The On-Site Detention tank layout is to be amended to allow for the landscaping to be installed above it.

(27) Road Occupancy Permit / License - RMS

A Road Occupancy Permit / License shall be obtained from the Roads and Maritime Services Transport Management Centre for any works that may impact on traffic flow on Railway Parade during demolition and construction at the site.

(28) Road Closure Application

A Road Closure Application form and associated documents shall be submitted to Council for approval at least 5 business days prior to any proposed lane usage for concrete pours, cranes or other activities involved in the demolition, excavation and construction on the site.

(29) Stage 2 Detailed Investigation for Contamination

Prior to demolition and prior to any excavation, the person with the benefit of the consent is to undertake a Stage 2 detailed investigation of the site in accordance with the Contaminated Lands Management Act 1997, SEPP 55– Remediation of Land and “Sampling Design Guidelines for Contaminated Sites” NSW EPA.

(30) Remediation works & Validation Report

If the Stage 2 detailed site investigation report identifies that remediation works are required, a Remediation Action Plan (RAP) is to be prepared by suitably qualified person, submitted to Principle Certifying Authority (PCA) and RAP must implemented according to the Contaminated Lands Management Act 1997 & SEPP 55 – Remediation of Land.

On completion of the remediation works identified on Stage 2 detailed site investigation, a validation report shall be prepared by suitably qualified person and be submitted to Principle Certifying Authority. Validation report shall be prepared in accordance with the Contaminated Lands Management Act 1997 & SEPP 55 – Remediation of Land.

SECTION D – Construction and Operational Conditions

The conditions that follow in this Section D of the Notice of Determination are imposed to ensure the development is constructed and operates having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment during the construction phase or the operation of the use.

(31) Inspections -Multi Unit

The following lists of inspections are the **MANDATORY CRITICAL STAGE INSPECTIONS** that **MUST** be carried out by the Principal Certifying Authority (PCA).

- (a) at the commencement of building works
- (b) prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- (c) prior to covering any stormwater drainage connections, and
- (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Certificates from your engineer or subcontractor are **NOT** acceptable in the first instance for the above inspections. Failure to have your PCA carry out these inspections could result in a delay or refusal to issue an Occupation Certificate.

In addition to the above, it is recommended that the following inspections be carried out for the subject development;

- Erosion Control
- Earthworks/Excavation
- Building setout
- Concrete reinforcement
- Timber and/or steel framework
- Mechanical/Hydraulic work
- Driveways
- Landscaping
- External Finishes

(32) Storage of materials on Public Road

All building materials or waste containers must be stored within the confines of the site. The storage of such building materials, waste containers or equipment associated with the project upon the public roadway, including the pedestrian footway or unpaved verge, is prohibited.

(33) Use of Crane on Public Road

Prior approval must be obtained from Council a minimum of 24 hours before the use on any site of a crane, hoist or similar machinery that will be used to transfer materials across Council's footpath. This includes cranes that are situated on roadways, footpaths and road reserves.

Any application for approval must be accompanied by the following information:-

- Site sketch indicating the proposed location of the crane, pedestrian controls and traffic controls;
- A copy of current public liability insurance with minimum cover of twenty million dollars (\$20,000,000) indemnifying Council in the event of an incident;
- A copy of an RMS accredited traffic control plan;
- Proof that the local area command of the NSW Police have been advised of the proposal.

The use of a crane, hoist or similar machinery on any site without prior approval is prohibited.

(34) Building Height - Surveyors Certificate

The proposed building is not to be erected at a height greater than that indicated on the approved plan. A certificate from a Registered Surveyor verifying the correct Reduced Level of the ground floor slab and boundary clearances shall be submitted prior to inspection of the steel reinforcement.

(35) Excavation of Site

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. In this regard, all excavated waste materials shall be disposed of at an approved Waste Depot (details are available from Council).

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

(36) Stormwater to Kerb

Any stormwater connections to the kerb and gutter are to be in accordance with Council's '*Specification for Construction by Private Contractors*'.

(37) Redundant Driveway

All existing vehicular crossings adjacent to the subject premises that have become redundant shall be removed and the footway and kerb and gutter reinstated at the developer/applicants expense.

(38) Work within Road Reserve

A Development Consent or any related Construction Certificate does not allow for the erection of a structure or to carry out work in, on or over a public road. Should a structure or work be required a separate approval under S138 of the Road Act 1993 must be granted by Council prior to the commencement of any works within the road reserve. Applications may be made at Council's Customer Service Centre.

(39) Damage within Road Reserve & Council Assets

The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.

(40) Public Utility & Telecommunication Assets

The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

(41) Stormwater Drainage

All roof water and surface water from paved or concreted areas being disposed of to the street gutter by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3.2. The line must pass through a silt arrestor pit, a standard design is available within Council's Water Management Policy.

(42) Garbage Room

The proposed garbage room being provided with the following:-

- a) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- b) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- c) The door being close fitting to prevent the access of rats and mice.
- d) A cold water hose cock being provided for the cleaning of containers and the room itself.
- e) Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- f) A sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Details of an acceptable wording for the sign are available from Council.

(43) No Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.

(44) Hours of Construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

(45) Restriction on Hours of Excavation (other than single residential dwelling)

Despite the general hours of construction above,

- a) The hours where rock breaking, cutting, hammering and drilling occur shall be limited to 9:00am – 4:00pm on weekdays only.
- b) A noise management plan for the above works, prepared by a suitably qualified acoustical practitioner in accordance with the Interim Noise Construction Guidelines prepared by the Department of Environment & Climate Change NSW, must be submitted to Council prior to commencement of any excavation works.

(46) Provision of Amenities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site or as specified by Workcover requirements .

- each toilet provided must be a standard flushing toilet and must be connected:
- to a public sewer; or
- if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
- if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities must be completed before any other work is commenced.

(47) Letter Boxes

Suitable letter box facilities (including Owner's Corporation in the case of strata units) shall be provided in accordance with Australia Post specifications.

(48) Oil/Silt Separator

An oil/silt separator sized to the catchment area must be specified on the Stormwater Detailed Plans and located downstream of the proposed basement car park and prior to discharge to councils stormwater system.

(49) Car Wash

To ensure that waste water is treated in an acceptable manner the car wash bay shall be designed and constructed to ensure that waste water is discharged to the sewer in accordance with the requirements of Sydney Water. Evidence of a permit issued by Sydney Water shall be submitted.

(50) Basix Certificate Details – DA Only

Construction of building works given Development Consent must be carried out in accordance with a valid and current BASIX certificate and all required commitments must be satisfied.

(51) Air Conditioning / Offensive Noise

Air conditioning plant and equipment shall be installed and operated so as to not create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

(52) Building Finishes

The building finishes are to be constructed in accordance with the colour board and perspective submitted with the Development Application.

(53) Allocation of Car Parking Spaces

A minimum of fifty seven (57) off street car parking spaces shall be constructed, drained, marked and maintained at all times in accordance with the approved plans. These spaces shall be allocated as follows:

- a) Forty five (45) are to be allocated to the residential units.
- b) Eight (8) are to be allocated as visitor parking spaces.
- c) Four (4) are to be allocated to the retail/commercial units.

(54) Residential Car Parking Spaces – Town Centre

A minimum of one (1) unrestricted car parking space shall be allocated to each residential unit.

(55) Commercial/Retail Parking Spaces

The required commercial/retail car parking spaces shall be allocated evenly amongst the commercial/retail units based on the gross floor area of each unit.

(56) Visitor Parking

A directional sign shall be provided at the front of the site indicating the availability of visitor and/or customer parking on site. Those visitor and/or customer spaces shall be marked or signposted.

(57) Disposal of Stormwater

All roof water and surface water from paved or concreted areas are to be disposed of in accordance with the Stormwater Plan by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3:2015.

(58) Vehicle Safety Barriers in Basement Car Park

The vehicle safety barriers on the Basement 1 and 2 levels shall comply with the requirements of *AS/NZS 2890.1:2004 - Off Street Car Parking, Section 2.4.5.3*.

(59) Noise & Vibration

To minimise the impact of noise and vibration from adjoining major road and railway corridor on the occupants, the proposed development constructed in accordance with the recommendations of the acoustic report project number 3003, prepared by Koikas Acoustic Pty Ltd, titled "*DA stage: Environmental noise assessment: Proposed mixed-use development 218-222 Railway Parade Kogarah NSW*" dated 5 August 2016 and submitted as a part of the development application.

(60) Acoustic Validation Report

A report prepared by an accredited Acoustic Consultant shall be submitted to Principal Certifying Authority (PCA) certifying that the development complies with the requirements of State Environmental Planning Policy (Infrastructure) 2007, conditions of development consent and recommendations of acoustic report project number 3003, prepared by Koikas Acoustic Pty Ltd, titled "*DA stage: Environmental noise assessment: Proposed mixed-use development 218-222 Railway Parade Kogarah NSW*" dated 5 August 2016. The validation report shall include post construction validation test results.

(61) Street Trees

Street tree planting in Railway Parade will be undertaken by Council and comprise four (4) trees at the front of the site with the species selected in consultation with Council's Parks and Recreation Department. All costs associated with the planting of the trees shall be met by the applicant/owner and paid to Council.

(62) Sydney Airport Corporation – Maximum Height

The building **must not exceed** a maximum height of **64.7 metres AHD**, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

(63) Sydney Airport Corporation – Obstacle Lighting 1

The building **must be obstacle lit by low intensity steady red lighting** during the hours of darkness at the highest point of the building. Obstacle **lights** are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 - Aerodromes (MOS Part 139).

(64) Sydney Airport Corporation – Obstacle Lighting 2

The proponent **must ensure** obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.

(65) Sydney Airport Corporation – Notification of Commencement of Activity

The proponent **must** advise Airservices at least 3 business days prior to the controlled activity commencing by emailing pds.obs@airservicesaustralia.com and quoting "SY-CA-380".

(66) Sydney Airport Corporation – Separate Approvals

Separate approval **must be sought** under the Regulations for any cranes required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

(67) Sydney Airport Corporation – Certificate of Finished Height

At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

SECTION E – Prior to Occupation or Subdivision Certificate Conditions

The conditions that follow in this Section E of the Notice of Determination relate to conditions that ensure that the development is completed in accordance with the requirements of the Development Consent prior to the issue of either an Occupation Certificate or a Subdivision Certificate.

(68) Adaptable Housing Certification

Certification shall be provided by a person suitably accredited by the Association of Consultants in Access Australia, verifying that the development has been constructed in accordance with the requirements of AS4299 - *Adaptable Housing* and AS1428 - *Design for Access and Mobility* and in accordance with the report and checklist submitted with the Construction Certificate.

(69) SEPP No 65 Certification

A design verification statement from a qualified designer shall be submitted verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principals of State Environmental Planning Policy No. 65.

(70) Completion of Landscaping

Certification shall be provided from a suitably qualified and experienced Landscape Designer or Landscape Architect. This Certification shall verify that the landscape works have been completed in accordance with the approved detailed landscape plan and relevant conditions of this consent.

Note: A Landscape Designer is a person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

(71) Consolidation of Lots

The lots covered by this development consent shall be consolidated into one lot and proof of registration of the consolidation shall be submitted to Council.

(72) Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act, 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.

(73) Stormwater Compliance Certificate

A Stormwater Compliance Certificate is to be obtained for the constructed on-site stormwater management systems in conjunction with the works-as-executed drawings and the final inspection. This Certificate is to be signed by an accredited hydraulic engineer (preferably be the original design consultant) and submitted to the Principal Certifying Authority. Copy of the standard Stormwater Compliance Certificate is shown in Council’s Water Management Policy.

If the proposed works involve Council owned stormwater infrastructure (or infrastructure to be owned by Council), then the applicant should organise inspection with Council and pay Council the appropriate inspection fee. Inspection is to be carried out at the following specified stages:

- Prior to backfilling of pipelines trenches.
- Prior to backfilling of drainage connection to pipeline or channels.
- Prior to casting pits and other concrete structures including kerb and gutter, aprons, pathways, vehicular crossings, dish crossings and pathway steps.

(74) Positive Covenant

A Restriction on Use of the land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owner of the land. The terms of the instrument are to be generally in accordance with the Council’s standard terms and conditions for Restriction on Use of the land and Positive Covenant shown in Council’s Water Management Policy.

(75) Maintenance Schedule

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

(76) Fire Safety Schedule

Certain items of equipment or forms of construction shall be nominated as "fire safety measures" within the building.

Upon completion of works, and before occupation of the building, each of the fire safety measures is required to be certified by an appropriately competent person (chosen by the owner of the building). The certificate is to state that the measure was inspected and found to be designed, installed and capable of operating to a standard not less than that required by the relevant regulations.

Further, it is the responsibility of the owner of the building that each fire safety measure is again inspected and certified as to its condition every twelve (12) months following the submission to Council of the original certification.

(77) BASIX Completion Receipt

In accordance with clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the certifying authority must apply to the Director-General for a BASIX completion receipt.

SECTION F – Prescribed Conditions

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

(78) Compliance with the Building Code of Australia

The development must be carried out in accordance with the provisions of the Building Code of Australia.

(79) Insurance Requirements under Home Building Act 1989

The builder or person who does the residential building work must comply with the applicable requirements of Part 6 of the Home Building Act, 1989. This means that a contract of insurance must be in force in accordance with Part 6 of that Act before any building work authorised to be carried out by the consent commences.

It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6 of the Home Building Act, 1989.

If Council is the Principal Certifying Authority it will not carry out any inspections until a copy of the insurance certificate is received.

(80) Erection of Signs

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(81) Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

(82) Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

The above condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

(83) Council Notification of Construction

The erection of a building which is the subject of a Development Consent must not be commenced until:

- a) Detailed plans and specifications of the building have been endorsed with a construction certificate by Council or an accredited certifier.
- b) the person having the benefit of the development consent has:
 - appointed a Principal Certifying Authority (PCA), and
 - notified Council (if Council is not the PCA) *in writing* of the appointment, and
 - given at least 2 days notice to Council of their intention to commence the erection of the building. The notice may be in writing or by phone.

SECTION G – Demolition Conditions

The following conditions are imposed to ensure the demolition associated with the proposed development is carried out having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment.

nil

END CONDITIONS

Advisory Notes

(i) Worksite Safety

It is usually the owner/applicant's responsibility to ensure that the development site is a safe working environment. This may be by the engagement of an appropriately competent principal contractor. There are various legislative and WorkCover requirements with respect to maintaining a safe work-site. Details of these requirements and legislation, as well as, guidance and advisory material, can be found on the WorkCover Website www.workcover.nsw.gov.au.

(ii) Worksite Safety Scaffolding

Council is committed to worksite safety and requiring that all scaffolding is installed by competent and qualified professionals with the relative appropriate standards. The applicable Australian Standards for the scaffolding is AS/NZS1576 in respect of the design of the scaffolding and AS/NZS4576 with respect to the erection of the scaffolding. Also, you should ensure that those erecting scaffolding are appropriately qualified and have the appropriate qualifications to erect scaffolding. For further information regarding this please see www.workcover.nsw.gov.au.

(iii) Kid Safe NSW

Kidsafe NSW has produced Safer Homes for Children Design and Construction Guidelines for builders, renovators and home owners. The guidelines identify common hazards for children and recommended practical design applications to improve child safety for all areas of the home. Free copies of the Guidelines are available from Council's Customer Service Centre, or contact Kidsafe on (02) 9845 0890 or their website <http://www.kidsafensw.org/homesafety/index.htm> for more information.

(iv) Dial Before You Dig

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.

(v) Disability Discrimination Act

This authorisation does not imply that the proposal complies with *Disability Discrimination Act 1992*. The Proponent is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 – Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under *The Disability Discrimination Act 1992*.

(vi) Demolition Waste

Sorting your construction and demolition waste will save you money. For pricing and disposal options for sorted loads of tiles, bricks, timber concrete or asphalt call Waste Service NSW on 1300 651 116.

(vii) NSW Police

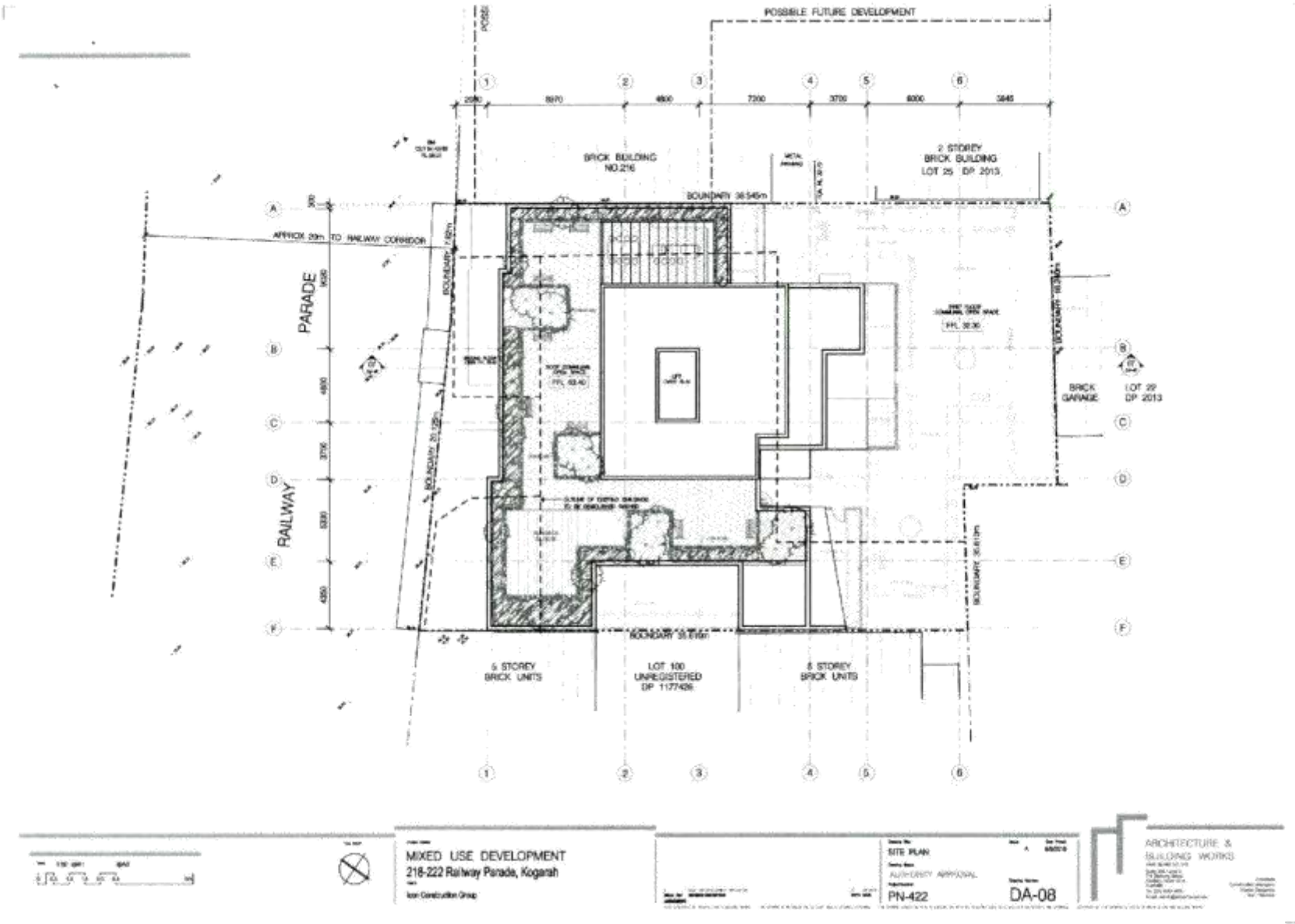
The development shall be carried out having regard to the recommendations of the NSW Police with respect to crime prevention and safety as specified in their letter dated ?. A copy of the recommendations made by the NSW Police is attached to this consent.

(viii) Property Address

Property addresses shall be allocated by Council in accordance with the Addressing Standard AS/NZS 4819:2011.

ATTACHMENTS

Attachment [View1](#) Architectural Plans - 218 Railway Parade Kogarah







1:10 @ A4 1:20 @ A3
150' LINE OF ADJACENT NEIGHBOUR (218 Railway Parade)

MIXED USE DEVELOPMENT
218-222 Railway Parade, Kogarah
East Coast Urban Group

REVITATIONS
DATE: 2016-11-01
AUTHORITY APPROVAL
PN-422

DA-31

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