

AGENDA - IHAP

Meeting:	Georges River Independent Hearing Assessment Panel (IHAP)
Date:	Thursday, 23 February 2017
Time:	4pm
Venue:	Council Chambers, Civic Centre, Kogarah
Participants:	Adam Seton (Chairperson) Paul Vergotis (Panel Member) Juliet Grant (Panel Member) Cameron Jones (Community Representative)
Additional Invitees:	Meryl Bishop (Director – Environment and Planning) Tina Christy (Manager – Development and building) Cathy Mercer (Admin Assistant) Monica Wernej (Admin Assistant)

1. On Site Inspections - 1.00pm –3.30pm

- a) 25 Old Forest Road Lugarno
- b) 11A Letitia Street Oatley
- c) 53 Allawah Avenue Carss Park

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. Reports and IHAP Deliberations in Closed Session - 6.30pm

Item:	DA No:	Address:	Description:
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3.1	DA2016/0314	25 Old Forest Road Lugarno	Demolition of existing structures and construction of a two storey child care centre for 45 children
3.2	DA2016/0053	11A Letitia Street, Oatley	Mixed use development involving retention of existing lodge room, demolition of rear hall and construction of new four (4) storey building containing ground floor lodge facilities and ten (10) apartments above on the subject site
3.3	2016/0198	53 Allawah Avenue, Carss Park	Demolition of existing dwelling and construction of a new three storey dwelling with swimming pool and cabana

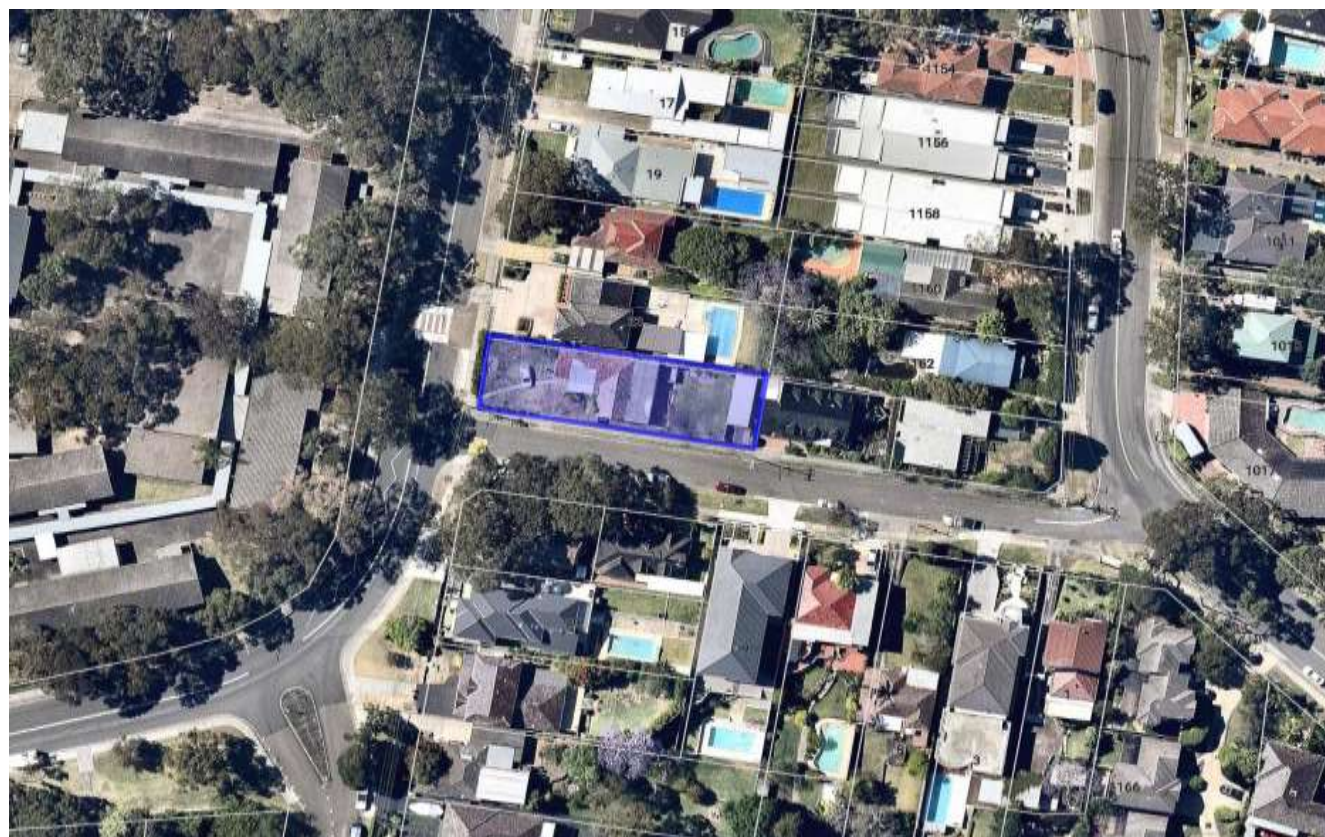
4. Confirmation of Minutes by Chair

**REPORT TO GEORGES RIVER COUNCIL
IHAP MEETING OF THURSDAY, 23 FEBRUARY 2017**

IHAP Report No	3.1	Application No	DA2016/0314
Site Address & Ward Locality	25 Old Forest Road Lugarno Peakhurst Ward		
Proposal	Demolition of existing structures and construction of a two storey child care centre for 45 children		
Report Author/s	Senior Development Assessment Officer, Paula Bizimis		
Owners	Oxford Number 1 Pty Ltd		
Applicant	Mr George Antoniou		
Zoning	Zone R2 - Low Density Residential		
Date Of Lodgement	18/11/2016		
Submissions	16 submissions including a petition with 131 signatures objecting to the development		
Cost of Works	\$675,000.00		
Reason for Referral to IHAP	Non-compliance with Hurstville LEP, DCP 1, submissions received		

Recommendation	THAT the application be refused for the reasons stated in the report.
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Site Plan



EXECUTIVE SUMMARY

1. Development consent is sought for the demolition of existing structures and construction of a two (2) storey child care centre for forty five (45) children.
2. The application has been assessed against the relevant planning instruments and Development Control Plan and does not comply with the objectives and floor space ratio of the Hurstville Local Environmental Plan and various requirements of Development Control Plan No 1 for child care centres.
3. The application was notified to twenty eight (28) residents/owners in accordance with the requirements of Hurstville Development Control Plan No 1 and sixteen (16) submissions including a petition with one hundred and thirty one (131) signatures were received in reply. The issues raised in the submissions are detailed in the report.

DESCRIPTION OF THE PROPOSAL

1. The application seeks approval for the demolition of existing structures and construction of a two (2) storey child care centre for forty five (45) children. Details of the proposed child care centre are as follows:-

Number of children: Forty five (45) children comprising twelve (12) children 0-2 years old, thirteen (13) children 2-3 years old, twenty (20) children 3-5 years old

Hours of operation: 7.00am to 6.30pm Monday to Friday with 6.30pm to 7.00pm being for cleaning up and educator meetings only

Number of staff: Eight (8) staff

Fences: 1.8m high acoustic fence on the Old Forest Road and part of the Hillcross Street frontages and north (side) and east (rear) boundaries of the site. 1.8m – 2.4m high acoustic fence on perimeter of first floor play area

Car park level: Five (5) parent car spaces including one (1) accessible space, four (4) staff car spaces, storage, bicycle parking for five (5) bicycles, services room, lift, stairs, pram parking area

Ground floor plan: Entry area, lift, stairs, office, accessible toilet, playroom for 0-2 year olds, playroom for 2-3 year olds with associated toilets, storerooms, cot rooms. Outdoor play area for twenty five (25) children is located adjoining the Old Forest Road and Hillcross Street frontage and side boundaries of the site.

First floor plan: Lift, stairs, staff room, laundry, accessible toilet, kitchen, storage cupboard, shower room, playroom for 3-5 year olds with associated toilets. Outdoor play area for twenty (20) children located within a part covered terrace area located adjoining the Old Forest Road and Hillcross Street frontages and part of north (side) boundary.

Operational Management Plan: A plan of management has been submitted with the application which provides details of the operation and management of the child care centre.

HISTORY

- 2. 4 Aug 16 Development Application No DA2015/0082 approved for alterations and additions to the existing dwelling for use as a child care centre for nineteen (19) children.
- 18 Nov 16 Development Application lodged.
- 5 Dec 16 Development application is notified to residents/owners. Notification period finished 27 January 2017.
- 4 Jan 17 Class 1 Appeal against the deemed refusal of the application lodged in the Land and Environment Court

DESCRIPTION OF SITE AND LOCALITY

- 3. The subject site known as 25 Old Forest Road is located on the eastern side of Old Forest Road on the corner of Hillcross Street, Lugarno. The site comprises one (1) allotment, described as Lot 3 in Deposited Plan 15582. The site has a frontage to Old Forest Road of 14.415m, a frontage to Hillcross Street of 48.77m and a site area of 702.9sqm. The site has a slope of approximately 2m from the Old Forest Road front boundary to the rear boundary.

The site is occupied by a single storey dwelling house with detached outbuildings including a carport and garage which adjoin the rear boundary with access from Hillcross Street.

Adjoining the site on the northern boundary on Old forest Road is a two (2) storey dwelling house with swimming pool at the rear of the site. Adjoining the site on the eastern boundary on Hillcross Street is a two (2) storey dwelling house. On the opposite side of Old Forest Road is Lugarno Public School with the main entrance to the school and vehicular access being from Old Forest Road. On the opposite side of Hillcross Street are dwelling houses. The wider locality is characterised low density housing.

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

- 5. The subject site is zoned R2 – Low Density Residential and the proposed development being the construction of a child care centre is permissible in the zone with the consent of Council. The relevant clauses of the Local Environmental Plan which apply to the proposed development are detailed below.

Clause	Standard	Proposal	Complies
1.2 – Aims of the Plan	In accordance with Clause 1.2 (2)	The proposed development is not consistent with the aims of the plan	No (1)
1.4 - Definitions	“Child Care Centre”	The proposed development is defined as a Child Care Centre	Yes
2.3 - Zone objectives and Land Use Table	Meets objectives of R2 Low Density Residential Zone Development must be permissible with consent	Development is permissible with consent but it is considered that it does not meet the objectives of the zone	No (2)

2.7 - Demolition	Demolition is permissible with consent	The proposed demolition can be supported with standard conditions of consent	Yes
4.3 – Height of Buildings	9m as identified on Height of Buildings Map	8.35m	Yes
4.4 – Floor Space Ratio	0.6:1 as identified on Floor Space Ratio Map	FSR = 0.679:1	No (3)
4.5 – Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	In accordance with Cl. 4.5	Yes
5.9 – Preservation of Trees or Vegetation	Trees to be removed are specified in DCP1	The site contains no trees	Yes
5.10 (5) – Heritage Assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The subject site is not within the vicinity of any heritage items	N/A
6.3 – Limited development on foreshore area (foreshore area means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody)	Only extension, alteration, or rebuilding or existing buildings; if site features make it appropriate; boatshed, pools or other recreational facilities	No development within the foreshore area	N/A

	Matters to which Council must be satisfied		
6.4 – Foreshore Scenic Protection Area	Objectives of clause	It is considered that the proposed development is not consistent with the objectives for the foreshore scenic protection area	No (4)
	Matters for consideration: Impact on topography and vegetation; visual impact; environmental heritage; maintenance of dominance of landscape over built form	The development has been considered against the matters for consideration, and the proposed development will result in adverse visual impact and does not promote the dominance of landscape over built form	No (4)
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: * Supply of water, electricity and disposal and management of sewerage * Stormwater drainage or on-site conservation * Suitable vehicular access	Adequate facilities for the supply of water and for the removal of sewage and drainage are available to this land. The proposed development can drain to the street. subject to conditions of consent. One (1) new driveway crossing from Hillcross Streey proposed (standard conditions for the submission of separate vehicular crossing applications and driveway design).	Yes

(1) Aims of the Plan

6. The Aims of the plan are:

1.2 Aims of Plan

(1) *This Plan aims to make local environmental planning provisions for land in Hurstville in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*

(2) *The particular aims of this Plan are as follows:*

(a) *to encourage and co-ordinate the orderly and economic use and development of land that is compatible with local amenity,*

- (b) *to provide a hierarchy of centres to cater for the retail, commercial, residential accommodation and service needs of the Hurstville community,*
- (c) *to provide a range of housing choice that:*
 - (i) *accords with urban consolidation principles, and*
 - (ii) *is compatible with the existing environmental character of the locality, and*
 - (iii) *is sympathetic to adjoining development.*
- (d) *to conserve, protect and enhance the environmental heritage, cultural heritage and aesthetic character of Hurstville,*
- (e) *to maintain and enhance the existing amenity and quality of life of the Hurstville community,*
- (f) *to ensure development embraces the principles of quality urban design,*
- (g) *to ensure development is carried out in such a way as to promote the efficient and equitable provision of public services, infrastructure and community facilities,*
- (h) *to protect and enhance areas of remnant bushland, natural watercourses, wetlands and riparian habitats,*
- (i) *to retain, and where possible extend, public access to foreshore areas and link existing open space areas for environmental benefit and public enjoyment,*
- (j) *to ensure development embraces the principles of ecologically sustainable development,*
- (k) *to strengthen the role of Hurstville City Centre as a major business, retail and cultural centre of southern Sydney,*
- (l) *to encourage a range of employment, services, housing and recreation to meet the needs of existing and future residents of the Hurstville City Centre,*
- (m) *to concentrate intensive land uses and trip-generating activities in locations most accessible to transport and centres,*
- (n) *to foster economic, environmental and social well being so that the Hurstville City Centre continues to develop as a sustainable and prosperous place to live, work and visit.*

It is considered that the proposed development is not consistent with the following aims:

- (a) *to encourage and co-ordinate the orderly and economic use and development of land that is compatible with local amenity,*
- (d) *to conserve, protect and enhance the environmental heritage, cultural heritage and aesthetic character of Hurstville,*
- (e) *to maintain and enhance the existing amenity and quality of life of the Hurstville community,*
- (f) *to ensure development embraces the principles of quality urban design,*

The proposed development is not considered to be compatible with the local amenity in that it has a bulk and scale that is reflective of a commercial development and not a child care centre that is consistent with the scale anticipated by the planning controls. In its context the proposed development is not compatible with the predominant residential character of the area. The proposed development is likely to result in privacy, noise and traffic impacts due to the number of children proposed in the centre and the necessity to have additional outdoor play areas and car parking on the site. The design of the development promotes built form over landscaping and in this regard is inconsistent with the aesthetic character of the foreshore scenic protection area which the site is located

within. The issues relating to the proposed development are discussed further in the report below.

(2) Zone objectives

7. The objectives of the R2 Low Density Residential zone are:

- 1 *Objectives of zone*
 - *To provide for the housing needs of the community within a low density residential environment.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To encourage development of sites for a range of housing types, where such development does not compromise the amenity of the surrounding area, or the natural or cultural heritage of the area.*
 - *To ensure that a high level of residential amenity is achieved and maintained.*
 - *To encourage greater visual amenity through maintaining and enhancing landscaping as a major element in the residential environment.*
 - *To provide for a range of home business activities where such activities are not likely to adversely affect the surrounding residential amenity.*

The proposed development is contrary to the following zone objectives:

- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To encourage greater visual amenity through maintaining and enhancing landscaping as a major element in the residential environment.*

The proposed development is likely to compromise the residential amenity of the surrounding developments in terms of privacy and noise impacts, in particular to the adjoining property immediately to the north at 23 Old Forest Road, and to the surrounding developments in terms of traffic impacts. This is discussed further in the report below.

The proposed development compromises the visual amenity of the site and the area by providing extensive paved areas to the site with negligible deep soil landscaping and planting to the front of the site and side and rear boundaries.

(3) Floor space ratio

8. The proposed development includes acoustic fencing to the perimeter of the outdoor play area (147sqm) on the first floor which is between 1.8m and 2.4m high. Under the provisions of the Hurstville Local Environmental Plan 2012:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

...

but excludes:

...

(i) terraces and balconies with outer walls less than 1.4 metres high

The first floor terrace contributes to the bulk of the building and it is appropriate to consider it in the floor space ratio. Should the 147sqm terrace on the first floor be included in the floor area of the building in accordance with the definition of gross floor area, the development results in a floor space ratio of 0.679:1 which exceeds the 0.6:1

floor space ratio development standard under the Hurstville Local Environmental Plan 2012.

(4) Foreshore scenic protection area

9. The objectives for the foreshore scenic protection area are:

- (1) *The objectives of this clause are:*
 - (a) *to recognise, protect and enhance the natural, visual, environmental and heritage qualities of the scenic areas of Hurstville and the Georges River,*
 - (b) *to protect significant views to and from the Georges River,*
 - (c) *to reinforce the dominance of landscape over built form.*

- (2) *This clause applies to land identified as “Foreshore scenic protection area” on the Foreshore Scenic Protection Area Map.*

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered how the development would:*
 - (a) *affect the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation, and*
 - (b) *affect the visual environment, including the views to and from the Georges River, foreshore reserves, residential areas and public places, and*
 - (c) *affect the environmental heritage of Hurstville, and*
 - (d) *contribute to the scenic qualities of the residential areas and the Georges River by maintaining the dominance of landscape over built form.*

The proposed development is contrary to the zone objectives (1)(a) and (1)(c) in that the proposed development does not enhance the visual or scenic qualities of the foreshore scenic protection area. The proposed development has excessive bulk and scale and presents as a commercial building which is contrary to the residential character of the area and the expectations of the planning controls which restrict child care centres to one (1) storey.

The development provides excessive hard surfaces with negligible deep soil landscaping which does not reinforce the dominance of landscape over built form.

The proposed development is contrary to considerations (3)(b) and (3)(d) to be made for development within the foreshore scenic protection area. The proposed development will adversely impact the visual environment and residential areas due to its excessive bulk and scale.

The bulk and scale of the development is exacerbated by the proposed acoustic fencing which is between 1.8m and 2.4m high. The acoustic fencing is required to the perimeter of the ground floor play area on the front boundaries of the site and to the first floor terrace which projects from the building. The development has a poor interface with the street and is inconsistent with the surrounding residential developments which primarily consist of low fences and landscaping at the street frontage.

The proposed development provides negligible deep soil landscaped area which does not contribute to the scenic quality of the site and the residential area.

STATE ENVIRONMENTAL PLANNING INSTRUMENTS

10. Compliance with the relevant state environmental planning policies is detailed in the table below.

State Environmental Planning Policy	Complies
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes
State Environmental Planning Policy 55 – Remediation of Land	Yes
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	N/A

Draft Environmental Planning Instruments

DRAFT STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

11. On 14 December 2016 the Department of Planning and Environment placed on exhibition the above draft State Environment Planning Policy (SEPP). The SEPP is on exhibition until 24 March 2017. The subject development application was lodged on 18 November 2016 prior to the SEPP being on exhibition. The SEPP is not considered to be imminent or certain and as such the proposed development has not been assessed against the provisions of the SEPP.

Any other matters prescribed by the Regulations

12. The Regulations prescribe the following matters for consideration for development in the Hurstville Council area:

Demolition

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

Development Control Plans

13. The provisions of development Control Plan No 1 (DCP1) applies to the proposed development with the relevant sections below.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 3.1 VEHICLE ACCESS, PARKING AND MANOEUVRING

14. The extent to which the proposed development complies with the car parking provisions is outlined in the table below.

Section 3.1	Requirements	Proposed	Complies
DS1.3 General	1 space per 2 staff (8 staff) = 4 car spaces Short term drop off and pick up spaces at 1 space per 10 children (no drive-through provided) (45 children) = 5 car spaces Total required = 9 car spaces	Total provided: 9 car spaces including 1 accessible space (4 for staff and 5 for parents)	Yes
DS1.5 and	To comply with the	Compliance with the	Yes

DS1.6 Layout, Circulation, Access and Egress	Australian Standard. Does not encourage but will consider stacked parking	relevant Australian Standards can be achieved	
DS1.9 and 1.10 Ramps, transitions and driveways	To comply with the Australian Standards	Compliance with the relevant Australian Standard can be achieved	Yes
DS1.16 and DS1.17 Parking for people with a disability	To comply with the Australian Standards. Provision of parking beyond the AS is encouraged	1 car space provided which meets the AS, however access to this car space needs clarification	No (1)
DS2.1 ,DS2.2 and DS2.3 Environmental Design	-Landscape plan to be prepared by qualified landscape architect illustrating means to soften the visual impact of parked cars -Significant environmental features to be retained and incorporated -Landscaping required includes planting beds 1m wide fronting a street or public place, shade trees to be provided in open parking areas, certain plant species to be avoided	Landscape plan submitted with the application however, 1m wide landscaping fronting the street has not been provided	No (2)
DS2.5 and DS2.6 Drainage	Adequate drainage to be provided in accordance with Council's Drainage Code	Drainage is acceptable	Yes
DS2.8 Streetscape	If parking area adjoins a residential property fencing and/or mounding to be included to protect the privacy of the residential property and reduce noise	Common boundary fencing shown on the plan however floor level of the car parking area not shown and therefore an assessment of the potential impacts on adjoining residential properties cannot be determined	No (3)
PC3 Safer by Design	Development to comply with the safer by design requirements included in PC3 including visibility, safety, security, pedestrians and car park layouts	The development generally complies with the safer by design requirements except in that insufficient information has been provided on how the car park will operate when full	No (4)

(1) Parking for people with a disability

15. The design of the accessible car space may not allow direct access within the site from the car space to the building. It appears that users of the accessible car space have to exit the car park through the driveway area, traverse the footpath and enter the building from Hillcross Street. This results in potential conflicts between vehicles and pedestrians within the car parking area and on the footpath.

(2) Environmental Design - Landscaping

16. Landscaping has not been provided to the front setback area of the site adjoining the street frontages except for a portion adjoining the entry to Hillcross Street which is 0.5m wide and a 1.6m wide planter box. This does not provide sufficient landscaping to soften the view of the development from the street.

(3) Streetscape

17. The proposed finished floor level of the car parking area is not shown on the plan to appreciate how this area of the development will relate to adjoining developments. Perimeter and screen planting is not provided to the side and rear boundaries adjoining residential developments.

(4) Safer by Design

18. Insufficient information has been provided as to how the car park will operate and be accessed when full. For example, if all the car spaces are full, vehicles that have entered the car park have to reverse out of the site as there is no turning area provided.

A Traffic and Parking Impact Assessment has been submitted with the development application, prepared by McLaren Traffic Engineering (reference 16562.01FA, dated 18 November 2016). The report concludes as follows:

In view of the foregoing, the subject proposal for 45 children and 8 staff (as depicted in ANNEXURE A) is fully supportable in terms of its traffic and parking impacts. The following outcomes of this traffic impact assessment are relevant to note:

- *The supply of 9 off-street car spaces, including 4 staff spaces and 5 parent pick-up/drop-off spaces complies with the requirements of Council's DCP and the RMS Guide to Traffic Generating Developments 2002. The development hence achieves safe, convenient and efficient parking provision with minimal amenity change for other road users and is supportable.*
- *The proposed car spaces have been designed in accordance with relevant Australian Standards including the provision of a single disabled space compliant with the BCA and AS2890.6:2009. The parent pick-up/drop-off spaces have the added benefit of a pedestrian footpath between each space and the child care entrance.*
- *The traffic generated by the site is moderately low and will have minimal impact to the surrounding road network in terms of intersection performance, traffic flow efficiency and safety considerations.*

The application was reviewed by Council's Traffic Consultant Colston Budd Rogers and Kafes Pty Ltd who has advised that further information is required as the traffic assessment is inadequate for the following reasons:

- *The parking provision complies with the DCP requirements.*
- *There is no turning bay provided on site so that if the car park is full a car would have to reverse out onto the street. This is unsafe in the context of the*

pedestrian and vehicular activity that occurs on Hillcross Street during school set down/pick up (this could be addressed through the provision of sign at the entry that is advising when the car park is full).

- *The traffic assessment is inadequate as it did not include an assessment of the Forest Road/Hillcross Street intersection, which a proportion of traffic from the proposed child care centre will use to travel to/from the site.*
- *The traffic assessment is inadequate as it does not cover the school pick up period (traffic surveys started at 3.00pm and the school ends at 2.50pm). Updated afternoon traffic counts required starting at 2pm.*
- *The traffic assessment has not addressed issues of safety noting that the applicant has previously submitted to Council a Road Safety Audit (dated 5/9/16) on parking and pedestrian conditions in Hillcross Street. The RSA identified a number of safety issues (illegal parking, double parking, pedestrian risk crossing mid-block, and contradictory signage) that the traffic assessment has not addressed.*
- *The traffic assessment is inadequate as it has not included any assessment of pedestrian movements along Hillcross Street or at the pedestrian crossing in Old Forest Road.*
- *The design of the driveway does not comply with AS2890.1-2004 as the sight lines splays are not provided on the exit side of the driveway (this could be addressed by providing a mesh or similar see through fence along the boundary, east of the driveway).*

In light of the issues raised above, the applicant has not sufficiently demonstrated that the proposed child care centre will not result in traffic conflicts on Old Forest Road and Hillcross Street.

DEVELOPMENT CONTROL PLAN NO 1 – SECTION 3.3 ACCESS AND MOBILITY

19. The proposed development complies with the provisions of section 3.3 as follows.

Section 3.3	Requirements	Proposed	Complies
Access requirements	Access for all persons through the principal entrance and access to appropriate sanitary facilities and common areas in accordance with the BCA and relevant Australian Standards	Access from accessible car space to the entrance is convoluted and from the footpath. No access report submitted.	No (1)
Accessible car spaces	1 space per 20 spaces or part thereof, where parking areas have more than 20 spaces but less than 50 spaces (9 spaces) = No spaces required as less than 20 provided	1 accessible space is provided	Yes

(1) Access requirements

20. An access report has not been provided to identify if the proposed development provides appropriate access and facilities for people with a disability. As previously discussed, the design of the accessible car space may not allow direct access within the site from the car space to the building. Users of the accessible car space have to exit the car park through the driveway area, traverse the footpath and enter the building from Hillcross Street.

DEVELOPMENT CONTROL PLAN NO 1 – SECTION 3.4 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

21. The extent to which the proposal complies with the requirements of this section of Development Control Plan No 1 is outlined in the table below.

Section 3.4	Requirements	Proposed	Complies
PC1 Site and building layout	<p>a. ensures that the way in which the site, and the buildings within the site, are laid out enhance security and feelings of safety.</p> <p>b. ensures that private and public spaces are clearly delineated</p> <p>c. ensures that the design of the development allows for natural surveillance to and from the street and between individual dwellings or commercial units within the site</p> <p>d. provides entries that are clearly visible and avoid confusion</p> <p>e. avoids blind corners in pathways, stairwells, hallways and car parks</p> <p>f. provides natural surveillance for communal and public areas</p> <p>g. ensures that design for natural surveillance also provides for a suitable streetscape appearance</p> <p>h. where permitted, provides appropriate mixed uses within buildings to increase opportunities for natural surveillance, while protecting amenity</p> <p>i. locates public services (ATMs, telephones, help points, bicycle storage etc) in areas of high activity</p> <p>j. designs car parks to allow for natural surveillance and ensure clear sight lines, ease of access and safety at the entrance and within the car park</p>	<p>The development generally complies with these requirements. These include:</p> <ul style="list-style-type: none"> -No blind corners evident. -Windows of the indoor play areas and staff areas provide surveillance of the child care centre. -The entry to the child care centre is clearly defined. -The building addresses the street frontage. <p>Notwithstanding the above, natural surveillance of the street is not readily available. This is due to the proposed fencing to the street frontages which is 1.8m high.</p>	No, for surveillance
PC2 Lighting	a. enhances the amenity and safety of a site after	Can be conditioned to satisfy these	Yes

	<p>dark by increasing opportunities for casual surveillance, deterring unauthorised access and reducing feelings of fear and vulnerability of legitimate site user</p> <p>b. enhances the amenity and safety of a site after dark by increasing opportunities for casual surveillance, deterring unauthorised access and reducing feelings of fear and vulnerability of legitimate site users</p> <p>c. is provided to enable natural surveillance, particularly in entrances/exits, service areas, pathways and car parks</p> <p>d. clearly identifies all exist and entries after dark</p> <p>e. ensures service areas such as garbage areas and loading bays are well lit</p> <p>f. is designed so it doesn't produce areas of glare and shadow</p>	requirements, should the application be approved	
PC3 Landscaping	<p>a. does not reduce the security of a site</p> <p>b. where used to delineate private space, is used in a way which enhances safety</p> <p>c. does not obstruct casual surveillance and allows intruders to hide</p> <p>d. uses vegetation as barriers to deter unauthorised access</p> <p>e. avoids large trees/shrubs and buildings works that could enable an intruder to gain access</p>	The landscape plan submitted with the application has been prepared by a landscape architect however sufficient landscaping has not been provided on the perimeter of the site or screen planting for the adjoining residential developments	No, this has been discussed in the report above
PC4 Fencing	<p>a. does not restrict casual surveillance between the site and the street due to its height, location and design</p> <p>b. where on the front boundary, should be designed to maximise opportunities for casual</p>	The proposed fencing to the Old Forest Road frontage and part of the Hillcross Street frontage is an acoustic fence 1.8m high comprising 1.2m solid material and glass panels above. Information	No

	surveillance between the site and the street and minimise opportunities for concealment	has not been provided as to whether the glass panels contain clear or translucent glazing. The provision of glass does not necessarily allow for natural surveillance as even clear glazing would have glare that obstructs viewing.	
PC5 Security and operational management	<p>a. ensures an appropriate level of security is achieved</p> <p>b. provides an appropriate level of security for individual buildings and communal areas to reduce opportunity for unauthorised access</p> <p>c. ensures individual dwellings are equipped with appropriate security devices</p> <p>d. ensures an appropriate level of security is achieved in communal areas</p> <p>e. provides adequate security to commercial premises with extended hours of operation</p>	Sufficient level of security provided	Yes
PC6 Building Identification	<p>a. ensures buildings are clearly identified by street number to prevent unintended access and to assist persons trying to find the address</p> <p>b. ensures that parking areas are clearly identified by signage to prevent unintended access and to assist persons trying to find their car</p> <p>c. ensures that signage is clearly visible, easy to read and simple to understand</p>	Can be conditioned to satisfy these requirements, should the application be approved	Yes
PC7 Building ownership	<p>a. designed to promote a sense of site ownership and to encourage responsibility in making sure the site is well looked after and cared for</p> <p>b. designed to promotes pride and sense of place and ownership and reduce</p>	Fencing, landscaping, entry area and driveways indicate ownership	Yes

	illegitimate use/entry		
PC8 Building Materials	a. minimise opportunities for criminal damage and can be easily maintained b. reduce the opportunity for intruder access c. minimise opportunities for vandalism d. are regularly maintained and include swift removal of graffiti to enhance 'cared for' image	Proposed building materials are appropriate in terms of crime prevention	Yes
PC9 Building Maintenance	a. creates the impression that the site is well looked after and well cared for b. uses materials that reduce the opportunity for vandalism	Conditions of consent can require the long term maintenance of the building	Yes

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 3.5 LANDSCAPING

22. There are no trees on the site. The application is accompanied by a landscape plan prepared by a landscape architect which shows the proposed landscaping to the site. The proposed landscaping primarily includes artificial turf, pathways and some deep soil planting to the site.

The proposed landscaping to the site is not consistent with the requirements of section 3.5 which requires:

- landscaping of the front setback area which is minimum 2m wide (DS4.1)
- landscaping of the entire length of the rear boundary which is 2m wide (DS5.1)
- landscaping within and around the perimeter of the car parking area which is minimum 1m wide (DS7.1 and DS7.3).

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 3.7 STORMWATER

23. The development can drain to the street via gravity. Appropriate conditions of consent can be attached to any consent granted.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 5.3 CHILD CARE CENTRES

24. The proposed child care centre has been assessed against the requirements of section 5.3 as shown below.

Section 5.3	Standard	Proposed	Complies
General PC1. The site is adequate for the purpose of a Child Care Centre	DS1.1 The site: -Is 500sqm or larger -Has a minimum street frontage (as measured for the depth of the parking and manoeuvring area at the front of the building) of: - 18m where a separate entry and exit one way drive-through access is proposed.	-Site area = 702.9sqm -Street frontage = 14.415m -Not on a State Road	No (1)

	<ul style="list-style-type: none"> - 20m where an at grade single vehicular access point to the on-site car parking area is proposed to allow for the provision of two separate pedestrian paths (refer to the Access and Parking requirements contained in this section of the DCP). - 15m for R3 Medium Density Residential areas where parking is provided at basement level. -Does not have any property boundary on a State Road. 		
<p>Locational Criteria</p> <p>PC2.</p> <ul style="list-style-type: none"> -Quality child care facilities are located on appropriate sites. -Minimise impacts from child care centres on surrounding residential areas. -Sites used for the purposes of a child care centre are compatible with the environment in which they are situated. -Due consideration is given to Section 79C of the EPA Act 1979 - the social and economic effect of that development in the locality -The location of Child Care Centres in community focal points enhances accessibility to the broader population, and generally results in less impact than locating in a quiet residential 	<p>DS2.1. Child care centres should be located close to or adjacent to community focal points such as local shopping centres, community buildings (libraries, churches, halls etc.), parkland, sports grounds and schools (where there is no major traffic conflict).</p> <p>DS2.2. Sites less than 500sqm will not be considered.</p> <p>DS2.3. Sites will not be considered for a child care centre use unless they have a minimum street frontage (as measured for the depth of the parking and manoeuvring area at the front of the building) of:</p> <ul style="list-style-type: none"> -18m where a separate entry and exit one way drive-through access is proposed. -20m where an at grade single vehicular access point to the on-site car parking area is proposed to allow for the provision of two separate pedestrian paths (refer to the Access and Parking requirements contained in this section of the DCP). -15m in R3 Medium Density Residential areas where parking is provided at basement level. If a proposal will result in an adjoining lot being left isolated, evidence 	<ul style="list-style-type: none"> -The subject site is located opposite Lugarno Public School. A potential traffic conflict however may exist with the proposed development as the Traffic and Parking Impact Assessment submitted with the application does not provide sufficient information for a thorough assessment of the potential traffic impacts. -Street frontage = 14.415m -The subject site meets other criteria 	<p>No (2)</p>

<p>environment</p> <p>-Proposals for child care centres which are located away from the following undesirable or hazardous features will be favoured in terms of compliance with location criteria:</p> <p>-tele-communications towers</p> <p>- large over-head power wires</p> <p>-any other area which may reasonably be considered inappropriate if located near a child care centre</p>	<p>must be submitted of negotiations with the owner and the issue will be considered as part of the assessment.</p> <p>DS2.4. Steeply sloping sites will not be considered due to issues relating to access.</p> <p>DS2.5. Child Care Centres are not permitted on sites with any property boundary to a State Road (as listed under Appendix 1) due to reasons of traffic safety and amenity impacts (including air quality and noise).</p> <p>DS2.6. Approval is unlikely to be given for centres within 300m of the following features, unless the applicant can demonstrate evidence to support a variation to this requirement:</p> <p>-telecommunications towers</p> <p>-large over-head power wires</p> <p>-any other area which may reasonably be considered inappropriate if located near a child care centre</p> <p>DS2.7. Approval will not be given to a child care centre located closer than 55m to a LPG above ground gas tank or tanker unloading position.</p> <p>DS2.8. An analysis of any existing and/or potential site contamination is required to be submitted with any application for a child care centre.</p> <p>DS2.9. Where sites are, or may be contaminated, a report is to be submitted with the application prepared by a suitably qualified consultant.</p> <p>DS2.10. Approval will not be given to Child Care Centres located in cul-de-sacs or closed</p>		
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	<p>roads within residential area.</p> <p>Note: <i>the primary reason for this is to avoid adverse amenity impacts in cul-de-sacs or closed roads in residential areas. Due to their closed nature, cul-de-sacs are more adversely affected by the double traffic and parking impacts resulting from child care centres. Generally cul-de-sacs lack adequate space for pick up/drop off, resulting in queuing & traffic impact unless the property has a double street frontage with a drive through capability.</i></p> <p>DS2.11. Child Care Centres are not to be located on bushfire or flood prone land, or located adjoining injecting rooms, drug clinics and any other such uses that may be inappropriate next to children.</p> <p>DS2.12. Proposals for Child Care Centres must be accompanied by a Traffic Impact Statement provided by a qualified Traffic or Transport Consultant.</p> <p>DS2.13. Child Care Centres located adjoining the IN2 Light Industrial Zone or a Light Industrial use will be considered on their merits. Applicants are required to submit evidence that there will be no amenity impacts from existing or likely future industries.</p>		
<p>Cumulative Impacts from Child care Centres in Residential Areas</p> <p>PC3. Where in a residential zone, the potential</p>	<p>DS3.1. Only one child care centre is permitted at an intersection.</p> <p>DS3.2. Child Care Centres shall not be located on land adjoining any other existing or approved Child Care Centre.</p>	<p>The child care centre meets this criteria in relation to other child care centres.</p>	<p>Yes</p>

<p>cumulative impacts on residential amenity including traffic and parking, visual and acoustic privacy are minimised</p>	<p>DS3.3. Only 1 Child Care Centre is to be located on each street block. <i>Note: a street block is defined as those properties on both sides of a street between intersections with cross streets.</i></p> <p>DS3.4. The cumulative impacts of proposed child care centres within residential areas, especially traffic impacts, are required to be addressed in the statement of environmental effects submitted with the application.</p>		
<p>Consideration of Provisions of Child Care Centres within Large Developments</p> <p>PC4. To encourage provision of child care facilities in appropriate developments in order to meet the demand for child care facilities and encourage their establishment in appropriate locations</p>	<p>DS4.1. Applicants for larger commercial and residential developments are required to demonstrate that they have considered the need for child care facilities and the option of including a child care centre within the proposed development.</p>	N/A	N/A
<p>Size of Centres and Child Age Groups</p> <p>PC5. The size of child care centres and child age groups: -are of a manageable size of overall number of children and minimise adverse impacts on the amenity of the surrounding residential areas. -ensure that the</p>	<p>DS5.1. The maximum number of children to be accommodated in a child care centre within Residential zones are as follows: -R2 Low Density Residential: 40 children. Council will consider a variation to the controls under this Clause for Child Care Centres in the R2 zone where the site is located adjacent to a retail/commercial area or other non-residential zoning. -R3 Medium Density Residential: 60 children.</p> <p>DS5.2. The maximum number</p>	<p>The proposed child care centre is for 45 children which exceeds the maximum number of children identified in DCP1 as 40.</p> <p>0-2 year olds = 16 required (35%) Provided = 12 places (26.7%)</p>	No (3)

<p>number of spaces for under 2 year olds reflects the demographics of the local government area</p>	<p>of children to be accommodated within other zones where Child Care Centres are permissible will be considered on its merits. Consideration will be given to the likely impacts on adjoining lands, compliance with the objectives of this plan, compliance with the objectives of the adjoining land zones, and Hurstville LEP 2012.</p> <p>DS5.3. The minimum number of places for children in the under 2 year old age group is to be the same as the % of under 2 year olds in the 0-5 year old population as measured at the most recent census (at the 2011 census this was 35%). Where calculations produce a fraction their requirement is to be rounded to the nearest whole number.</p>		
<p>Built Form and Appearance</p> <p>PC6. -Appropriate scale and building design that is sympathetic to the streetscape character. -A high level of amenity to adjoining and surrounding properties. -Buildings take into account the natural environment, topography, street hierarchy, urban form and adjoining development. -Ensure no bright colours on building finishes</p>	<p>DS6.1. For Residential Zones, the maximum height is: -R2 Low Density Residential: One (1) storey. A variation to this control will only be considered where the centre is located adjacent to commercial or other non-residential zonings and where the proposal complies with the building form objectives.</p> <p>-R3 Medium Density Residential: Two (2) storeys</p> <p>DS6.2. For other zone, centres are restricted to a maximum height of two (2) storeys (unless located within a large scale commercial / residential development as permitted under Hurstville LEP 2012).</p> <p>DS6.3. Where a Child Care Centre is within a dwelling house, the maximum height is two (2) storeys (with the Child Centre component a maximum</p>	<p>-Height required = 1 storey Proposed = 2 storeys</p> <p>-Front setback = 6m Secondary frontage = 2m</p> <p>-Side setback = 900mm ground floor 1.2m first floor</p> <p>-Rear setback = 10.19m but car park located within this setback and no landscaping.</p> <p>-The design of the development is likely to result in privacy and noise impacts.</p> <p>-The design is not considered to be consistent with the streetscape and the expectations of the planning requirements</p>	<p>No (4)</p>

	<p>of one (1) storey).</p> <p>DS6.4. Where in a residential zone, front setbacks are as follows: -The minimum setback to the primary street frontage is 5.5m in the R2 Low Density Residential zone and 6m in the R3 Medium Density Residential zone (see Section 4.5) -On corner sites, Council will determine the primary frontage and the required front boundary setback will be to that primary frontage. A reduced setback may be allowed to the secondary frontage of not less than 2m.</p> <p>DS6.5. Where in a residential zone, side setbacks are as follows: -In the R2 Low Density Residential zone = 0.9m -In the R3 Medium Density Residential zone = 0.9m for ground floor level, 1.5m for upper storey</p> <p>DS6.6. Where in a residential zone, rear setbacks are as follows: -In the R2 Low Density Residential zone = 3m -In the R3 Medium Density Residential zone = 6m</p> <p>DS6.7. In other zones where Child Care Centres are permissible, setbacks are to be considered on their merits. Consideration will be given to the likely impacts on adjoining lands, compliance with the objectives of this plan, compliance with the objectives of the adjoining land zones, and Hurstville LEP 2012.</p> <p>DS6.8. When considering the</p>	<p>for child care centres.</p>	
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	<p>possible impacts on adjoining properties, particular consideration must be given to the location of:</p> <ul style="list-style-type: none">-Active outdoor play areas.-Classrooms and indoor play areas.-Windows and doors, particularly those associated with indoor play areas.-Verandahs.-Points of entry.-Pick-up and drop-off points; and-Any plant equipment which may be required within the context of the centre. <p>DS6.9. Openings such as windows and doors should not correspond with existing openings on adjoining properties. Particular consideration should be given to living areas of adjoining dwelling houses when selecting the location of classrooms and playgrounds.</p> <p>DS6.10. Appropriate building orientation and good design will ideally eliminate the need for privacy screens. Privacy screens will be considered where it is deemed to be in the public interest and where they complement the overall appearance of the building.</p> <p>DS6.11. The impacts of privacy and overshadowing on adjoining properties must be considered. Proposals should comply with visual privacy and acoustic amenity contained in this section of the DCP.</p> <p>DS6.12. The design of buildings should minimise the overshadowing of neighbouring private open spaces and/or windows to habitable rooms.</p>		
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	<p>DS6.13. Where a new building is being constructed for a child care centre or alterations and additions are proposed, the building must not unreasonably obscure sunlight to the windows of habitable rooms, solar collectors or rear yards of adjoining properties. Design should allow at least 3 hours of sunlight between 9am and 3pm midwinter (21 June) to adjoining private open space.</p> <p>DS6.14. Where a new building is being constructed for a child care centre or alterations and additions proposed which are greater than single storey, shadow diagrams must be prepared and submitted showing the impact of a proposal on adjoining sites. Shadow diagrams need to illustrate the shadows cast at 9am, 12 noon and 3pm on 21 June, with particular emphasis on the impact on adjoining habitable rooms. Such diagrams must be prepared by an architect or surveyor and be based on an accurate survey of the site and adjoining development.</p> <p>DS6.15. Where adjoining development relies on solar access for heating or cooling systems, that access should be preserved.</p> <p>DS6.16. Each application must outline a brief assessment of streetscape and the design principles used to improve the existing streetscape. New construction work must have appropriate regard to building form, proportions of openings, roof form, setbacks and height.</p>		
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	<p>DS6.17. The design of the centre must allow for strong visual links between indoor and outdoor spaces. Windows and fixtures are to be provided at a scale appropriate to children. Full-length glass, with safety glass below 1000mm is encouraged particularly where play areas or gardens are located outside these windows.</p>		
<p>Access and Parking</p> <p>PC7. -Vehicular and pedestrian movements take place within a safe environment. -Provide little or no congestion on adjoining streets and inconvenience to nearby residents. -Parking does not significantly modify the visual quality and character in residential areas. -Clearly communicated and legible vehicular and pedestrian entry points. -To provide a reduced on-site parking rate for Child Care Centres with a separate entry and exit one way drive-through configuration</p>	<p>DS7.1. Staff parking is provided at a rate of 1 space for every 2 staff members on site at any one time. On-site staff parking spaces are to be clearly marked and sign posted.</p> <p>DS7.2. Parents parking is provided as follows: -For proposals where no drive-through is provided (ie those involving single access driveways), 1 space per 10 children in the child care centre, as short-term drop off and pick up (to be used for a period of no more than 15 minutes by 1 vehicle) -For proposals where a separate entry and exit one way drive-through access is provided, 1 space per 15 children in the child care centre, as short term drop off and pick up (to be used for a period of no more than 15 minutes by 1 vehicle) Note: <i>Stacked parking arrangements will be permitted where no more than 2 vehicles are involved in total. For example, an arrangement of 3 sets of 2 stacked car is permitted.</i></p> <p>DS7.3. In special circumstances, Council may consider approving an application where pick-up and drop-off is not provided on the site, but only where it is satisfied that:</p>	<p>-1 space per 2 staff (8 staff) = 4 car spaces</p> <p>Short term drop off and pick up spaces at 1 space per 10 children (no drive through provided) (45 children) = 5 car spaces</p> <p>Total required = 9 car spaces</p> <p>Provided 9 spaces</p> <p>-1m wide landscaped strip along frontage not provided.</p> <p>-Disabled access not appropriately provided between accessible space and entrance.</p> <p>-Potential issues with the operation of the car park as identified by Council's traffic consultant.</p>	<p>No (5)</p>

	<p>-An alternative arrangement is available within the road reserve or on adjoining land; or traffic and parking in the street is such that on-site pick-up and drop-off is not necessary; and it is in the public interest to do so;</p> <p>-The subject site and general residential amenity is enhanced by doing so;</p> <p>-All aspects of pedestrian safety have been satisfactorily dealt with;</p> <p>-Car entry and exit from the car parking site is preferred from two separate points to allow for a steady flow of traffic.</p> <p>DS7.4. The car park must be sited so as to minimise wastage of space, eg turning circles.</p> <p>DS7.5. Parking patterns must allow for vehicles to be driven in a forward direction when entering and leaving the premises.</p> <p>DS7.6. Provision must be made for bike racks. Where parking is provided at a rate less than 1 space for every staff member, bike racks are to be provided to complement parking spaces.</p> <p>DS7.7. Driveway crossings associated with corner allotments must not be located closer than 9m to the property alignment adjacent to that intersection, to ensure appropriate viewing distances to the intersection and reduce conflict with turning vehicles.</p> <p>DS7.8. Landscaping and paving design associated with driveways must achieve the following:</p> <ul style="list-style-type: none"> -a high level of pedestrian safety and visibility; -a level, hard surfaced, non-slip 		
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	<p>passage from vehicles to the main entry point; -satisfactory manoeuvrability for persons with disabilities and/or prams; and -clear delineation between the driveway and yard areas</p> <p>DS7.9. Applications must include a “Neighbourhood Parking Policy” that details measures to be undertaken to encourage staff and parents to park responsibly and in a safe manner. This policy will include measures to ensure on-site staff parking spaces are occupied by staff before on street parking is used.</p> <p>DS7.10. A physical demarcation is required to be provided between pedestrians and vehicular access ways to ensure pedestrian safety.</p> <p>DS7.11. A “Motor Vehicle and Pedestrian Risk Assessment Report” prepared by a suitably qualified traffic consultant is required to be submitted with all applications for child care centres. The report is to address areas of potential conflict and safety measures including physical separation of pedestrians from vehicular turning and reversing movements and potential obstruction of the driver’s line of sight by fencing and landscaping.</p> <p>DS7.12. Council will give due consideration to the impacts of the development on traffic and safety.</p> <p>DS7.13. Applicants are advised to outline any initiatives within their proposals which alleviate traffic impacts on the local area, especially during peak</p>		
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	<p>times of 7.30- 9am and 3.30- 6pm.</p> <p>DS7.14. A 1m wide landscaped area is required to be provided along the front setback (excludes driveways and pedestrian paths.)</p> <p>DS7.15. Access for persons with disabilities and limited mobility must be provided to the main entrance of the child care centre from the street alignment at a gradient of, no more than 1:14.</p> <p>DS7.16. Where topography permits, 1m wide access ramps at a gradient of no more than 1:14 must be provided to playground areas. Large ramps across playground areas to achieve this access will not be permitted.</p>		
<p>Landscaping</p> <p>PC8. -Attractive landscaped areas providing visual links to nearby open space areas. -Landscaped areas which provides innovative play opportunities, is harmless to children and attracts native animals and birds. -Well defined play areas and functions within the playground. -Planting which provides natural shade and a high level of interest in terms of branch and trunk formation. -Landscaped areas</p>	<p>DS8.1. A 1m wide landscaped area is required to be provided along the frontage of the site (excludes driveways and pedestrian paths).</p> <p>DS8.2. For centres in the R2 Low Density Residential and R3 Medium Density Residential zones, any land within the site that is not required for car parking or other purposes is to be landscaped area.</p> <p>DS8.3. Screen planting is to be provided along the side boundaries.</p> <p>DS8.4. Clause 5.9 Tree Management and Preservation of Hurstville LEP 2012 applies. Council’s Tree Management Officer will provide comments in relation to any significant tree on the site and these comments will be considered in the assessment of the application.</p>	<p>The proposed development does not comply with the provisions of DCP1 in that:</p> <p>-A landscape strip in accordance with the requirements has not been provided. -Screen planting has not been provided to the majority of the side/rear boundaries. -The proposed landscaping to the site does not reflect the objectives of the foreshore scenic protection area in that the majority of the site comprises artificial turf and pathways with negligible deep soil areas.</p>	<p>No (6)</p>

<p>which enhances the visual quality of the site, the street presentation of the property and visual attractiveness of the playground area and screening to adjoining properties</p>	<p>DS8.5. Tree retention and new planting must take into account:</p> <ul style="list-style-type: none"> -Complementing the built environment. -Effect on solar access, shading, wind deflection and temperature moderation. -Reduction of soil erosion. -Definition of play zones; and -Incorporation as play or educational features <p>DS8.6. The landscaped area within other zones where Child Care Centres are permissible will be considered on its merits. Consideration will be given to the likely impacts on adjoining lands, compliance with the objectives of this plan, compliance with the objectives of the adjoining land zones, and Hurstville LEP 2012</p> <p>DS8.7. The play space must be capable of rapid clearance of surface water. Conceptual drainage plans are to be outlined at the Development Application stage, however, detailed requirements will be requested with the Construction Certificate.</p> <p>DS8.8. Where on-site detention is required, exposed drains must be suitably covered to ensure that children cannot gain access to the drain.</p> <p>DS8.9. Council's Engineering Division is to be consulted on appropriate drainage requirements.</p>		
<p>Design and Spatial Requirements</p> <p>PC9. -Provide indoor and outdoor areas which allow for</p>	<p>DS9.1. Positively contribute to the physical, sensory, intellectual, creative and emotional development of each child.</p> <p>DS9.2. Suitably integrate with indoor play areas, allowing for</p>	<p>The proposed development generally complies with these requirements with the facilities provided within the child care centre being subject to licensing requirements.</p>	<p>Yes</p>

<p>play. -Ensure Child Care Centres are safe and secure.</p>	<p>attractive indoor and outdoor spaces.</p> <p>DS9.3. Incorporate adequate screening delineating several outdoor play areas - some for quiet play, some for active play, some for seating and some for shelter.</p> <p>DS9.4. Incorporate a variety of surfaces, suitable shading and allows for a range of varied play options.</p> <p>DS9.5. Allow for adequate supervision of the playground both from the yard area and indoors.</p> <p>DS9.6. Be safe, functional and incorporate undulations, natural shade and attractive landscaping.</p> <p>DS9.7. Entry/Exit points within the centre must be legible and appropriately located. Particular consideration is to be given to child security, with one secure entry/exit point which is to incorporate a transitional space.</p>		
<p>Hours of Operation</p> <p>PC10. -To ensure that the hours of Child Care Centres preserve the character and amenity of residential zones. -To enable extended hours of operation for Child Care Centres that meet the numerical and vehicular access requirements of this plan and minimize the associated</p>	<p>DS11.1. For existing Child Care Centres in residential zones with a street frontage of less than 18m, (as measured for the depth of the parking and manoeuvring area of the front of the building) the approved or licensed operating hours of a child care centre must not extend outside the core hours of 7.00am to 6:30pm.</p> <p>DS11.2. For all new Child Care Centres and existing Child Care Centres in residential zones with an 18m or greater frontage (as measured for the depth of the parking and manoeuvring area of the front of the building) and separate</p>	<p>The proposed hours of operation are: 7.00am to 6.30pm Monday to Friday with 6.30pm to 7.00pm being for cleaning up and educator meetings.</p>	<p>Yes, subject to a condition of consent that 6.30pm to 7.00pm is for staff activities only with the centre being closed to the public before 7.00am and after 6.30pm.</p>

amenity impacts	<p>one-way drive-through vehicular access points, the approved or licensed operating hours of a child care centre must not extend outside the core hours of 7.00am to 6:30pm.</p> <p>DS11.3. Extensions to these core hours will be considered on merit where a centre is proposed in a Neighbourhood Centre or Local Centre zone.</p>		
<p>Visual Privacy and Acoustic Amenity</p> <p>PC11. -Aural and visual privacy to adjoining properties -Residential amenity maintained to sites in proximity to a child care centre -Adequate visual and/or acoustic screening on the perimeter of the site</p>	<p>DS12.1. Provide screenings by trees, fencing and window coverings to minimise noise and overlooking impacts to adjoining properties.</p> <p>DS12.2. Locate any play equipment at least 3m from any boundary with a residential property.</p> <p>DS12.3. For traffic noise, the following criteria are recommended (measured as the maximum L10 (1 hour): -Indoor noise levels must not exceed 48dB(A); and -Outdoor noise levels should not generally exceed a range of 55-60 dB(A) when measured at 1.5m above the ground level in the centre of any outdoor play area.</p> <p><i>Note: Noise readings (measured at any point on the boundary of the site between the proposed Child Care Centre and adjoining property), should not exceed 10dBA above the background noise level during the hours of operation of the Centre. The noise readings are to be measured over a 15-minute period and are to be undertaken in accordance with the requirements of the NSW Department of Environment and Climate Change. No “offensive noise” as defined</i></p>	<p>The proposed development does not comply with the provisions of DCP1 in that:</p> <p>-Screen planting is not provided to the majority of the side and rear boundaries. The proposed development is likely to result in adverse privacy impacts to the adjoining residential developments.</p> <p>-Issues have been identified with the Traffic and Parking Impact Assessment submitted with the application as identified by Council’s traffic consultant.</p> <p>-Issues have been identified with the Acoustic Assessment submitted with the application as identified by Council’s acoustic consultant.</p> <p>-The proposed fencing to the site comprises acoustic fencing on the Old Forest Rd frontage and on part of the Hillcross St frontage.</p>	No (7)

	<p><i>within the provisions of the Protection of the Environment Operations Act 1997, shall be emitted from the premises as a result of the use of activities associated with the site.</i></p> <p>DS12.4. Council requires a suitably qualified acoustic consultant to undertake an acoustic assessment, which is to include recommended noise attenuation measures.</p> <p>DS12.5. Fencing around large corner sites must be carefully designed. Where it is essential that side street boundaries be fully fenced, these are to be designed to enable landscaping along the boundary. This may be achieved by:</p> <ul style="list-style-type: none"> -combination brick and timber fences incorporating planter boxes; -fences with varied setbacks, enabling landscaping between the fence and the street; -fences designed in appropriate modules with capping in bricks or timber; -fences which are setback slightly from the boundary to enable mass planting to the street; and -high quality fences which may be considered a landscape element in their own right. <p>DS12.6. Colourbond fencing will only be considered by Council where there is adequate justification that noise issues are addressed including submission of an acoustic report prepared by a suitably qualified person.</p>	<p>The fencing results in a poor interface with the public domain and adversely impacts the streetscape.</p>	
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(1) Frontage

25. Development Control Plan No 1 requires that the site has a minimum street frontage (as measured for the depth of the parking and manoeuvring area at the front of the building) of:

- 18m where a separate entry and exit one way drive-through access is proposed.
- 20m where an at grade single vehicular access point to the on-site car parking area is proposed to allow for the provision of two separate pedestrian paths (refer to the Access and Parking requirements contained in this section of the DCP).

The site has a width of 14.415m which does not meet this minimum requirement. The proposed car parking area has a single vehicular access point which, under the provisions of Development Control Plan No 1 requires the site to have a minimum frontage of 20m. The depth of the car parking area is 14.415m and comprises the width of the site along the rear boundary.

The reduced frontage of the site compromises the design of the development in terms of excessive hard surfaces, negligible deep soil landscaping and screen planting to the site's boundaries, and the necessity to provide outdoor play areas within the front setback area and on a first floor terrace. In relation to the car parking area, there is no setback to the common boundaries with adjoining residential developments and there is no perimeter screen planting of the car park. The additional frontage/width of the site would allow for a greater setback to the boundaries that can be appropriately landscaped and soften the development.

(2) Locational Criteria

26. The subject site is located opposite the Lugarno Public School with the primary entrance to the school being on Old Forest Road. Development Control Plan No 1 identifies that child care centres '*should be located close to or adjacent to community focal points such as local shopping centres, community buildings (libraries, churches, halls etc.), parkland, sports grounds and schools (where there is no major traffic conflict)*'. The Traffic and Parking Impact Assessment Report has been assessed by Council's traffic consultant who has identified the following potential issues with the development:

- *There is no turning bay provided on site so that if the car park is full a car would have to reverse out onto the street. This is unsafe in the context of the pedestrian and vehicular activity that occurs on Hillcross Street during school set down/pick up (this could be addressed through the provision of sign at the entry that is advising when the car park is full).*
- *The traffic assessment is inadequate as it did not include an assessment of the Forest Road/Hillcross Street intersection, which a proportion of traffic from the proposed child care centre will use to travel to/from the site.*
- *The traffic assessment is inadequate as it does not cover the school pick up period (traffic surveys started at 3.00pm and the school ends at 2.50pm). Updated afternoon traffic counts required starting at 2.00pm.*
- *The traffic assessment has not addressed issues of safety noting that the applicant has previously submitted to Council a Road Safety Audit (dated 5/9/16) on parking and pedestrian conditions in Hillcross Street. The RSA identified a number of safety issues (illegal parking, double parking, pedestrian risk crossing mid-block, and contradictory signage) that the traffic assessment has not addressed.*
- *The traffic assessment is inadequate as it has not included any assessment of pedestrian movements along Hillcross Street or at the pedestrian crossing in Old Forest Road.*
- *The design of the driveway does not comply with AS2890.1-2004 as the sight lines splay are not provided on the exit side of the driveway (this could be*

addressed by providing a mesh or similar see through fence along the boundary, east of the driveway).

In light of the issues raised above, the applicant has not sufficiently demonstrated that the proposed child care centre will not result in traffic conflicts on Old Forest Road and Hillcross Street.

(3) Size of Centres and Child Age Groups

27. Development Control Plan No 1 limits the number of places within child care centres in the R2 Low Density Residential zone to forty (40) children. The proposed development proposes forty five (45) children.

Development Control Plan No 1 also requires that the minimum number of places for children in the under 2 year old age group is to be 35% of the places proposed. This equates to sixteen (16) places. The development proposes twelve (12) places. The application has provided the following justification for the variation to these requirements:

The proposal is located in the R2 Low Density Zone, however, is adjacent to a non-residentially zoned land. The Lugarno Public School is zoned SP2 – Educational Establishment and therefore allows a variation to the Design Solution of 40 children. The proposal is for 45 children and is considered acceptable as compliance with the performance criteria are met as the size of the centre is:

“of a manageable size of overall number of children and minimise adverse impacts on the amenity of the surrounding residential areas.”

The proposal minimises adverse impacts on the surrounding residential areas. There are no tangible impacts on:

- 1. Overshadowing/Privacy*
- 2. Acoustic – See Acoustic report*
- 3. Traffic – See Traffic Report*

...Children aged in the 0-2-year-old bracket may be considered 35% of the population of children in the 0-5-year-old bracket however it is not correct to assume that the same proportion of 0-2 year olds attend long day care as their older counterparts. This is because children generally don't begin child care until they are at least 1 year old. The number of children in each bracket also allows for ease of transition from one age bracket to the next. The proposed break up of children is a superior outcome for the design and operation of the centre. Refusal of the proposal based on the numerical non-compliance with 35% of places being allocated to 0-2 years would contradict the Council's objective to increase the places of child care spots. For a suburb that has no long day care it should be considered on merit that the variation to this control should be supported.

It is considered that the development does not adequately meet the exemption criteria identified in the Development Control Plan to justify the higher level of occupancy proposed. The site is located opposite the Lugarno Public School however the predominant scale of Old Forest Road and the surrounding area is of one (1) and two (2) storey dwelling houses with landscaped yards and low fences. The proposed development presents as a commercial building with high fences at the street frontages and negligible deep soil plating to the site. The provision of more children on the site

results in a larger footprint required for indoor and outdoor play areas, and additional car parking to the site.

It is considered that the intention of the Development Control Plan is for “larger” centres to be potentially considered on sites that have an interface with retail/commercial zones which characteristically have higher floor space ratios and heights than residential zones. In its context, the proposed development would be an anomaly amongst the dwelling houses and the predominant residential character of the area.

In addition, the proposed increase in the number of child enrolments will potentially result in an excessive generation of traffic movements to and from the site compared to that considered appropriate for a low density residential area in the R2 zone. As discussed in the report above, the applicant has not sufficiently demonstrated that the proposed development will not result in traffic conflicts.

The justification for the reduced number of places for under 2 year olds is not sufficient to justify the variation. It is understood that Development Control Plan No 1 identifies the minimum number of places to be allocated to under 2 year olds based on there being a high demand for these places that cannot be met through existing child care centres. As such the requirement was adopted in the Development Control Plan so that new child care centres provide places that reflect the community need.

(4) Built Form and Appearance

28. The development does not satisfy the provisions of Development Control Plan No 1 relating to built form and appearance that restricts child care centres to one (1) storey in height.

The building is two (2) storeys on all elevations. The height and bulk of the development is exacerbated by the extensive first floor terrace and associated roof which projects significantly from the building. The provision of acoustic fencing between 1.8m and 2.4m high on the perimeter of the ground floor and first floor play areas, including at the street frontage, further increases the bulk and scale of the development. The development is of a scale and design that is associated with commercial buildings and is not consistent with the predominant character of the street which is residential.

The provision of a play area in the north west corner of the first floor level will likely result in adverse acoustic impacts and overlooking to neighbouring land to the north, to 23 Old Forest Road. The provision of a car parking area adjoining the northern (side) and rear boundary of the site will result in potential noise impacts and overlooking of the private open space of the neighbouring land to the north, to 23 Old Forest Road.

The development provides a deficient rear setback to the rear boundary of the site. Although the building is setback 10.19m from the rear boundary, the car parking area for the development is located within this area and up to the rear boundary. The intention of providing a rear setback is to provide spatial separation between the development and the adjoining developments which can be landscaped. The design of the proposed development results in spatial separation and no opportunity for deep soil planting and landscaping of the rear setback area. The “rear” setback area contains a car parking area which is of high activity in terms of noise and potential privacy impacts. It is noted that the plans do not identify the finished floor level of the car park and in this regard an assessment of potential overlooking of the adjoining residential developments cannot be thoroughly undertaken.

(5) Access and Parking

29. As discussed previously in the report Council's traffic consultant has identified issues with the Traffic and Parking Impact Assessment Report submitted with the application. In addition to this the design of the accessible car space may not allow direct access within the site from the car space to the building. It appears that users of the accessible car space have to exit the car park through the driveway area, traverse the footpath and enter the building from Hillcross Street. This results in potential conflicts between vehicles and pedestrians within the car parking area and on the footpath. It is also not consistent with the principles relating to disabled access whereby people with a disability are to be provided with equitable access to the principle entry to a building.

(6) Landscaping

30. The proposed development does not comply with the provisions of Development Control Plan No 1 in that a landscape strip in accordance with the requirements has not been provided. Screen planting has not been provided to the majority of the side and rear boundaries. The majority of the site comprises artificial turf and pathways with negligible deep soil areas.

(7) Visual Privacy and Acoustic Amenity

31. The issues relating to privacy impacts from the proposed development have been discussed in the report above under *Built Form and Appearance*. In addition to this the existing ground levels are not shown on the plans, in particular the elevations and sections, to identify proposed cut and fill to the site and to appreciate how the proposed development will relate to adjoining developments. Survey levels of neighbouring land are not provided and are necessary to appreciate the relationship of windows to boundary fencing and the height of windows adjacent to fencing.

In terms of acoustic impacts, the applicant has submitted an Acoustic Assessment (prepared by Renzo Tonin and Associates (reference TJ425-01F02r5, dated 17 November 2016)). The report concludes:

Operational noise from the proposed development to the potentially most affected noise sensitive locations has been assessed. The key findings of this study are;

Outdoor play noise

Noise levels from a maximum of 2-hour outdoor play per day are predicted to comply at all surrounding receivers. Noise predictions assume the use of acoustically rated fences, as detailed in Section 5.1.

Indoor play noise breakout

Noise breakout from indoor play areas is predicted to comply at the surrounding receivers.

Internal noise amenity

The internal play rooms will require windows and sliding doors of RW 25 to be closed during the peak traffic period of 7:45-9:30am.

External noise amenity

The predicted noise levels from external noise sources impacting on outdoor play areas are predicted to comply with the AAAC noise intrusion goal.

Car park noise

Noise levels from traffic movements within the Centre's car park are predicted to comply with AAAC noise goal.

Site generated traffic noise

Noise levels from traffic accessing the site comply with the noise goal for site generated traffic during both the AM and PM peak hour periods.

Council's acoustic consultant, Atkins Acoustics, has reviewed the acoustic assessment and has provided the following comments:

Tonin - (Table 1) refers to reference assessment locations for assessing noise emitted from the centre.

Response - Locations identified as R4, R5 and R6 are referenced to the front yard and assessed at 1.5m above natural ground level. The residences constructed at R4 and R5 are two storey, noise exposure for the first floor windows has not been assessed. With respect to R6 the floor level of the single story dwelling is elevated above natural ground level. Noise exposure for R6 has not been assessed at 1.5m above the finished floor level or the balcony at the side of the dwelling.

Tonin - (Section 3) refers to long term noise monitoring to establish ambient background noise levels.

Response - Agreed.

Tonin - (Section 4) refers to Council DCP and AAAC Guidelines for the determination of Noise Objectives. Tonin (page 8) concludes that the criteria in the AAAC guidelines are more conservative than those of the Council DCP and adopted for the assessing noise from the proposed development.

Response - Agreed.

Tonin - (Section 5.1) refers to source sound power levels and outdoor noise levels predicted using CadnaA computer software.

Response - The source sound power levels referenced in Tonin (Table 4) are in accordance with the AAAC recommendations. Agreed.

Tonin - (Section 5.1.2) refers to recommended noise mitigation options designed with the project architect and adopted for noise modelling on the assumption that outdoor play time would be limited to 2 hours a day.

Response - The acoustic fence/barrier heights referenced to the residential properties across Hillcross Street have been determined on the assumption that the receptors are at ground level and should be reviewed acknowledging that the noise receptor locations are referenced to 1.5m above finished floor level (two storey buildings) and 1.5m above balconies.

Tonin - (page 10) refers the acoustic rated fences being of solid construction without gaps between panels, continuous and extend to the ground with no gaps.

Response Tonin (Figure 5-2) and Nordon.Jago (DA100C) show the acoustic fence adjacent to the fire stair as a slatted louvered structure. Additional detail is requested to demonstrate compliance with Tonin (Section 5.1.2) design details.

Tonin - (Table 5) presents a summary of predicted noise levels from outdoor play activities.

Response - Referenced to the adjoining residential property (23 Old Forest Road) further information is requested to support the Tonin predictions, including the

assumed location of the first floor windows in the residence, the distribution of children on the outdoor play areas, the allocated sound power levels for each group, source heights and assumptions adopted to reduced reflected noise.

Preliminary noise modelling by Atkins assuming five (5) children playing in the vicinity of the first floor cubby house and a sound power level 85dBA, predicted for the first floor window (adjoining residence) without secondary noise mitigation (screens/barriers) or corrections for reflected noise levels of 60-61dBA. Referring to the Tonin predicted level of 39dBA, a resultant 21dB (60-39) noise reduction from the acoustic screen wall/barrier without contributions from the other 40 children is considered to be impractical.

Noise modelling (Tonin) for three (3) residence in Hillcross Street is referenced to the front yards. Residences 9 and 11 Hillcross Street are two storey and the noise predictions should have been referenced to the first floor windows. Noting that the noise attenuation from the proposed acoustics screens/walls would be less effective to the upper levels of the residences compared to ground level. Similar the Tonin noise predictions for 27 Old Forest Road are referenced to the front yard. It is noted that the ground floor of the residence and the level of the side balcony are elevated above natural ground level.

Tonin - (Section 5.2) refers to indoor activities comprising free play and workers raised voices with a sound pressure level of 65dBA @ 1 m and indoor games/music with an internal level of 80dBA. Modelling outputs for the reference noise receptors are presented in Tonin (Table 7).

Response - As discussed above (14.0) the heights of the referenced noise receptors are questioned. In addition the source noise levels used for modelling are questioned with respect room average levels and facade levels at the open doors/windows.

Tonin - (Section 5.3) refers to car park noise referenced to nine (9) movements in a fifteen (15) minute period and presents predicted noise level contributions to the referenced noise receptors.

Response - As discussed above (14.0 and 15.0) the heights of the referenced noise receptors are questioned. Additionally Tonin provides no description of the assumed noise sources or source sound power levels adopted for modelling. On the understanding that the centre would operate from 7.00am it is assumed that staff members would arrive prior to 7.00am. On that understanding cars and people noise would be generated from the car park area and should be assessed in terms of sleep arousal for the exposed residential properties.

Tonin - (Section 5.4) refers to mechanical plant being located at ground level on the eastern wall of the centre and recommends that noise from the plant will need to be assessed at the CC stage.

Response - Agreed

Tonin - (Section 5.5) refers to site generated traffic noise and modelling based on free flow traffic conditions. Tonin (Table 9) presents a summary of predicted traffic noise levels referenced to the AM peak traffic flow projections.

Response - Predicted traffic levels reported in Tonin (Table 9) show that noise exposure for the Hillcross Street residences (LAeq 1 hour 50dBA) is marginal in terms of compliance with the noise limit 50dBA. In the first instance clarification is required with respect to the modelling incorporating a +2.5dBA façade correction.

Additionally Tonin states that the modelling was conducted for free flow traffic conditions. With access to the car park in close proximity to the Old Forest Road intersection it would be more reasonable to expect that traffic flow conditions would not be free flowing. The modelling assumptions adopted by Tonin should be justified with support from the traffic consultant.

Tonin - (Section 6 dot point 1) refers to restricted outdoor play being limited to 2 hours per day. The Operation Management Plan (OMP) Proposed Timetable (page 3) refers to outdoor playtime between 10.30am-11.30am and 2.30pm-5.00pm (Total 3.5 hours). The OMP (page 4) refers to the outdoor play area is to be used for a maximum of 2 hours per day per child between 9.00am and 4.00pm.

Response - The OMP does not reflect the Tonin recommendation restricting the outdoor play activities to a maximum of 2 hours a day.

Tonin - (Section 6.0) presents a summary of findings and recommendations from the noise assessment.

Response - From the information provided in Tonin we are not in a position to support a recommendation to approve the proposal. Additional support information and modelling are required from the Applicant to justify and support the Tonin findings and conclusions.

Based on the information and comments provided by Council's acoustic consultant additional information is required for the applicant to sufficiently demonstrate that the proposed child care centre will not result in adverse noise impacts.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 5.5 SIGNAGE

32. The proposed signage to the development has been assessed against the provisions of section 5.5 and is consistent with these provisions.

DEVELOPMENT CONTROL PLAN NO 1 - LGA WIDE - APPENDIX 1 - SECTION 7 WASTE MANAGEMENT

33. A waste management plan has been submitted with the application that is not consistent with the provisions of Development Control Plan No 1. The provision of an appropriate waste management plan can be required as a condition of any consent granted.

DEVELOPMENT CONTROL PLAN NO 1 - LGA WIDE - APPENDIX 1 - SECTION 8 ENERGY EFFICIENCY

34. In terms of overshadowing the proposed development complies with the solar access requirements of Development Control Plan No 1 in that adjoining developments will receive at least 3 hours solar access to the principal private open space area between 9am and 3pm on 21 June. The windows on the side elevation of the adjoining developments will not be further overshadowed by the proposed development between 9am and 3pm on 21 June.

DEVELOPMENT CONTROL PLAN NO 1 - LGA WIDE - APPENDIX 1 - SECTION 9 PRESERVATION OF TREES AND VEGETATION

35. This has been discussed in the report above under the heading *Section 3.5 Landscaping*.

DEVELOPMENT CONTROL PLAN NO 1 - LGA WIDE - APPENDIX 2 – SECTION 2 FENCES ADJACENT TO PUBLIC ROADS

36. A front fence generally meets the requirements of Development Control Plan No 1 in terms of height at the street frontage however the proposed fencing to the Old Forest Road frontage and part of the Hillcross Street frontage is an acoustic fence 1.8m high

comprising 1.2m solid material and glass panels above. Information has not been provided as to whether the glass panels contain clear or translucent glazing. The provision of clear glazing does not necessarily allow for natural surveillance as even clear glazing would have glare that obstructs viewing.

Impacts

Natural Environment

37. The proposed development is likely to result in an adverse impact on the natural environment. The proposed development provides negligible deep soil planting to the site, with the majority of the site having artificial turf, paving and hard surfaces. The proposed development is not consistent with the objectives of the zone and the objectives of the foreshore scenic protection area which promotes landscaping over the built form.

Built Environment

38. The proposed development is likely to have an adverse impact on the built environment in that it is of a bulk and scale that is inconsistent with the predominant residential character of the street and the surrounding area. The development presents as a commercial building and is two (2) storeys which exceeds the one (1) storey height limit identified by the planning requirements. The proposed development proposes child care places in excess of the maximum requirements which requires a larger building and a large first floor terrace which exacerbates the bulk of the development. When compared to a two (2) storey dwelling, the built form is very different to that expected of a two (2) storey building in a low density zone.

Social Impact

39. The proposed development is likely to result in noise and privacy impacts to adjoining developments as discussed in the report above.

Economic Impact

40. The proposed development has no apparent economic impacts.

Suitability of the Site

41. The proposed child care centre is permitted on the subject site. However, it is considered that development of the site for a child care centre should reflect the requirements established for child care centres and respond positively to the existing and desired character of the surrounding area. The proposed child care centre is not consistent with the bulk and scale anticipated by the planning requirements.

REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST

Resident

42. The application was notified to twenty eight (28) residents/owners in accordance with the requirements of Hurstville Development Control Plan No 1 and sixteen (16) submissions including a petition with one hundred and thirty one (131) signatures were received in reply objecting to the development. The issues raised in the submissions are summarised as follows.

Traffic, Parking and Safety

- 43.
- Pedestrian and safety impacts especially given proximity to the school and the traffic during peak drop off and pick up periods

- Conflict with pedestrian crossing in front of the site on Old Forest Road
- Increased parking requirements close to the school and child care centre
- Increased traffic congestion
- Hillcross Street is too narrow only allowing traffic in one direction at any time due to parking on side of the road
- Recent vehicle accidents in the area
- Buses unable to negotiate through school traffic as it is
- Conflict with increased construction traffic in the area
- The traffic report does not consider vehicles during peak drop off and pick up times
- Loading/deliveries of goods
- Proposed development does not provided enough car parking on site
- Traffic impacts form construction process and excavation
- Parking levy to be imposed on operator for parking inspections to be undertaken

Comment: As detailed in the report, Council's traffic consultant has reviewed the Traffic and Parking Impact Assessment report submitted with the application and has advised that more information is required to determine the traffic impacts of the development on the road network and surrounding area. In this regard the applicant has not satisfactorily demonstrated that the development will not have adverse traffic impacts.

Use is incompatible with the area

44.

- The building and number of children is not conducive to the location. It's a massive structure.
- The building does not fit into the current landscape as it is of a commercial design.
- Significant overdevelopment of the site.

Comment: Child care centres are permissible in the R2 Low Density Residential zone however as detailed in the report the bulk and scale of the development is not considered to be consistent with the built form anticipated by the planning requirements for child care centres. The bulk and scale of the development is incompatible with the residential character of the area and is reflective of a commercial building which will be an anomaly in the streetscape.

Vegetation

45. Two (2) mature trees have been removed from the site.

Comment: The trees removed from the site were subject to separate approval.

Acoustic Impacts and Report

46.

- Significant impacts on neighbouring properties
- Residents should not be subjected to additional noise
- The acoustic report does not address noise from mechanical plant, and there is inconsistency with the proposed hours of operation.

Comment: As detailed in the report Council's acoustic consultant has reviewed the Acoustic Assessment submitted with the application and has advised that there are deficiencies in the report. On this basis, the applicant has not satisfactorily demonstrated that the child care centre will not result in acoustic impacts on surrounding developments.

Waste

47. Waste storage and disposal has not been addressed

Comment: The waste management plan submitted with the application is not consistent with the requirements of Development Control Plan No 1. However an appropriate waste management plan can be submitted as a condition of any consent granted as it is not critical at the assessment stage of the application.

Demand for Child Care Centre

48.

- Object to claims of demand for child care services in the area
- A child care centre is of no benefit to the community

Comment: The proposed use is permissible in the zone and the application meets the criteria of Development Control Plan No 1 relating to its proximity from existing child care centres.

Impact of excavation on adjoining developments

49. Excavation will affect the current environment and adjoining properties.

Comment: The levels of the site have not been provided on the plans, particularly the elevations and sections to determine the proposed cut and fill to the site. As such a thorough assessment of the potential impact of excavation of adjoining developments cannot be undertaken.

Non compliances with the LEP and DCP

50.

- Non compliances with relevant requirements including floor space ratio, height, setbacks, no landscaping provided to boundaries, number of children, age group of children, which result in adverse impacts on the character of the area and amenity impacts
- No clause 4.6 assessment has been submitted for the variation the floor space ratio
- Development fails to comply with the aims of the LEP and zone objectives

Comment: As discussed in the report, the proposed development results in numerous non compliances with the requirements of the relevant planning instrument and Development Control Plan. As such the development cannot be supported.

Existing development consent

51. There is an existing development consent on the site for a child care centre for nineteen (19) children. This application more than doubles the number of children and extends the hours of operation.

Comment: There is an existing development consent for the site, however it is not a matter for consideration in the assessment of this application.

Council Referrals

Senior Environmental Health and Building Surveyor

52. Council's Senior Environmental Health and Building Surveyor has raised no objection to the proposed development subject to conditions of consent being attached to any consent granted.

Development Engineer

53. Council's Development Engineer has advised that the proposed development can drain to the street subject to conditions of consent being attached to any consent granted.

Traffic Consultant

54. The comments from Council's traffic consultant have been discussed in the report above.

Acoustic Consultant

55. The comments from Council's acoustic consultant have been discussed in the report above.

External referrals

56. No external referrals were required for this application.

CONCLUSION

57. The proposed development seeks approval for the demolition of existing structures and construction of a two (2) storey child care centre for forty five (45) children. The proposed development has been assessed against the requirements of the relevant planning instruments and Development Control Plans and does not comply with numerous requirements relating to child care centres. It is also considered that the proposed development is inconsistent with the objectives of the R2 Low Density Residential zone and the objectives of the foreshore scenic protection area which the subject site is located within. The proposed development is of a bulk and scale that is not consistent with the surrounding residential area, but rather is reflective of a commercial development. It is also considered that the proposed development will result in adverse privacy and noise impacts to the adjoining developments and adverse traffic impacts to the surrounding area.

Sixteen (16) submissions including a petition with one hundred and thirty one (131) signatures objecting to the development were received in reply to the resident notification of the application. The issues raised in the submissions are summarised in the report above.

Based on the developments non compliances with the relevant requirements and the issues discussed in the report, the application cannot be supported and is recommended for refusal for the reasons detailed below.

DETERMINATION

58. THAT pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Council refuse development consent to Development Application DA2016/0314 for demolition of existing structures and construction of a two storey child care centre for 45 children on Lot 3, DP 15582 and known as 25 Old Forest Road Lugarno, for the following reasons:
1. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the aims of the Hurstville Local Environmental Plan 2012.
 2. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the objectives of the R2 Low Density Residential Zone of the Hurstville Local Environmental Plan 2012.
 3. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the objectives of the Foreshore

Scenic Protection Area of the Hurstville Local Environmental Plan 2012.

4. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 4.4 of the Hurstville Local Environmental Plan 2012 relating to floor space ratio.
5. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 6.4 of the Hurstville Local Environmental Plan 2012 relating to the Foreshore Scenic Protection Area.
6. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following clauses of Hurstville Development Control Plan No 1 – LGA Wide:
 - Section 3.1 – Vehicle Access, Parking and Manoeuvring
 - Section 3.3 – Access and Mobility
 - Section 3.4 – Crime Prevention through Environmental Design
 - Section 3.5 – Landscaping
 - Section 5.3 – Child Care Centres
 - Appendix 1 – Section 7 – Waste Management
 - Appendix 2 – Section 2 – Fences Adjacent to Public Roads
7. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development will result in unreasonable privacy and noise impacts negatively impacting on the amenity of adjoining properties.
8. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development will result in unreasonable traffic impacts negatively impacting on the movement of traffic in the local road system and the amenity of the surrounding area.
9. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal would have adverse impacts on the natural and built environment.
10. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest as it is inconsistent with provisions of the relevant controls and is likely to set an undesirable precedent with respect to similar sites in the locality, when considering the non compliances.
11. Having regard to the previous reasons noted above and the number of submissions received by Council against the proposed development, pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.
12. Pursuant to the provisions of the Environmental Planning and Assessment Regulation 200, Schedule 1, the development application provides insufficient information for a full and thorough assessment of all aspects of the application.

ATTACHMENTS

- Attachment [View1](#) Landscape/Site Plan - 25 Old Forest Rd Lugarno
- Attachment [View2](#) Ground and first floor plans - 25 Old Forest Rd Lugarno
- Attachment [View3](#) Elevations - 25 Old Forest Rd Lugarno
- Attachment [View4](#) Perspective - 25 Old Forest Rd Lugarno
- Attachment [View5](#) Streetscape analysis - 25 Old Forest Rd Lugarno





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DEVELOPMENT APPLICATION		
NO.	DESCRIPTION	DATE
1	PRELIMINARY DEVELOPMENT APPLICATION	10/01/17
2	DEVELOPMENT APPLICATION	10/01/17

NOT For Construction



Proposed Ground and First Floor Plans

25 Old Forest Road Lugarno NSW 2210

DA 100 C



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DEVELOPMENT APPLICATION		
NO.	DESCRIPTION	DATE
1	Site Plan	10/02/2017
2	North Elevation	10/02/2017
3	South Elevation	10/02/2017
4	East Elevation	10/02/2017
5	West Elevation	10/02/2017

NOT For Construction

25 Old Forest Road Lugarno NSW 2210

Elevations

Client	DA300C
DOB	08/01/2017
Scale	1:50
Date	10/02/2017
DA.300.C	



DEVELOPMENT APPLICATION		
Rev	Description	Date
A	Issue for Client Review	21/10/2016
B	Issue for DA	10/11/2016

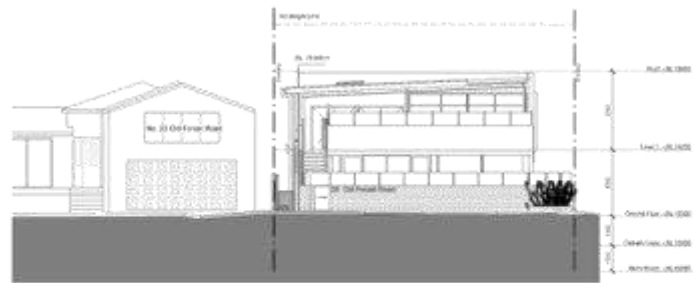
NOT For Construction

25 Old Forest Road Lugarno NSW 2210	
JOB No	25/10/2016
DATE	01/Nov/2016
SCALE	A3 @
DWG No	DA.921 B

Perspective View From Hillcross St



1 Hillcross Street Elevation
 1:50



2 Old Forest Road Elevation
 1:50

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DEVELOPMENT APPLICATION		
NO.	DESCRIPTION	DATE

NOT For Construction

25 Old Forest Road Lugarno NSW 2210

Streetscape analysis

DATE	09/02/17
DRN	DA301A
SCALE	1:50
CLIENT	

**REPORT TO GEORGES RIVER COUNCIL
IHAP MEETING OF THURSDAY, 23 FEBRUARY 2017**

IHAP Report No	3.2	Development Application No	DA2016/0053
Site Address & Ward Locality	11A Letitia Street, Oatley Blakehurst Ward		
Proposal	Mixed use development involving retention of existing lodge room, demolition of rear hall and construction of new four (4) storey building containing ground floor lodge facilities and ten (10) apartments above on the subject site		
Report Author/s	Director Environment and Planning, Meryl Bishop		
Owners	Masonic Holdings Limited		
Applicant	Oatley Masonic Centre - C/O Roland Martinez (JPR Architects)		
Zoning	R3 – Medium Density Residential		
Date Of Lodgement	31/03/2016		
Submissions	One (1)		
Cost of Works	\$5,153,362		
Reason for Referral to IHAP	Variation to draft height limit exceeding 10%, heritage listed item, lack of setback to rear boundary adjoining Oatley Hotel.		

Recommendation	That the application be refused for the reasons included in the report.
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Site Plan



Executive Summary

Proposal

1. Council is in receipt of an application for the construction of a mixed use development involving retention of existing lodge room, demolition of rear hall and construction of new four (4) storey building containing ground floor lodge facilities and ten (10) apartments above on the subject site.

Site

2. The site comprises a rhomboid shaped pair of allotments located on the western side of Letitia Street, Oatley. The site has a total area of 1333.5 square metres with a gradual fall to the rear of the site.
3. Currently existing on the site is the locally significant heritage item, Oatley Masonic Lodge. There are some insignificant trees on the rear boundary and two significant street trees at the front of the site.

KLEP 2012

Clause 2.1 – Land Use Zones

4. The subject site is zoned R3 - Medium Density Residential and the proposal is a permissible form of development with Council's consent. The proposed development satisfies the objectives of the zone.

Clause 5.10 – Heritage Conservation

5. The subject site is listed as a locally significant heritage item in Schedule 5 of KLEP.

New City Plan

6. The New City Plan proposes to rezone the site to B2 – Local Centre. The proposal is permissible with consent and satisfies the objectives of the zone.
7. The New City Plan proposes a height limit of 12m and FSR of 2.5:1.
8. The proposal is within the draft FSR limit though is 15.4m high, exceeding the draft height limit by 3.4m. The variation is considered unacceptable.

Kogarah Development Control Plan 2013 (KDCP 2013)

9. The proposal does not comply with the existing relevant provisions of KDCP 2013 relating to height, density and setback. The proposal has a shortfall in parking for the masonic hall. The variations to height, setback and car parking are not supported.

Submissions

10. One (1) submission was received raising the following concerns:

1. Acoustic issues
2. Visual impact
3. Tree removal

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. 53/2016 should be refused.

Report in Full

Proposal

12. Council is in receipt of an application for the construction of a mixed use development involving the retention of the existing lodge room, demolition of the rear hall and construction of new four (4) storey building containing ground floor lodge facilities and ten (10) apartments above on the subject site.

The Site and Locality

13. The site comprises a rhomboid shaped pair of allotments located on the western side of Letitia Street, Oatley. The site has a total area of 1333.5 square metres with a gradual fall to the rear of the site.
14. Currently existing on the site is the locally significant heritage item, Oatley Masonic Lodge. There are some insignificant trees on the rear boundary and two significant street trees at the front of the site.
15. The site is situated adjoining the Oatley local shopping centre with its southern boundary adjoining the public car park. Adjoining to the rear is the Oatley Hotel and adjoining residential development comprises townhouses with older 2-3 storey residential flat development characterising the eastern and northern streetscape.

Background

16. On 16 October 2014 a Development Advisory Service (DAS No.24/14) meeting was held with the applicants and Council staff for the proposed development. A number of issues with landscape provision, setback and parking design were raised.
17. On 31 March 2016 the Development Application subject of this report was lodged with Council.
18. On 5 April 2015 the applicant was sent a “Stop the Clock” letter, advising that the following was required to proceed with assessment of the application:
 - Shadow diagrams showing all adjoining properties at both Spring Equinox and Winter Solstice at 9am, noon and 3pm.

- Payment of an advertising fee due to the proposal involving partial demolition of a heritage item.
 - Submit documentation and payment of appropriate fee for referral to the St George Design Review Panel.
19. From 29 April to 13 May 2016 the application was placed on neighbour notification and an advertisement was placed in the local newspaper (*The Leader*).
20. On 6 June 2016 the applicant was sent a letter requesting that the following issues be addressed:
- Design and drafting issues requiring clarification, particularly in the assessment of the impact of the rear wall to the boundary.
 - Heritage issues
 - Issues raised by the Design Review Panel.
 - Trees
 - Traffic issues, including the requirement to submit a traffic and parking assessment.
 - Stormwater issues
 - Building Code of Australia issues
 - Waste management
21. On 29 and 31 August 2016 the applicant submitted additional information and amended plans in response to the above issues.
22. On 11 October 2016 the applicant submitted further information on the operating hours of the Masonic Hall.
23. On 1 November 2016 the applicant submitted amended stormwater plans in response to Council's issues.
24. The amended plans and supplementary information are relied upon for assessment in this report.

Section 79C Assessment

25. 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

26. The subject site is zoned R3 - Medium Density Residential and *residential flat buildings* and *community facilities* are permissible forms of development with Council’s consent. The Masonic lodge, which is to be retained and added to, is considered to satisfy the definition of *community facilities in KLEP 2012 as it is a building or place:*
- (a) *owned or controlled by a public authority or non-profit community organisation, and*
 - (b) *used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*
27. The proposed development satisfies the objectives of the R3 zone which are:
- *To provide for the housing needs of the community within a medium density residential environment.*
 - *To provide a variety of housing types within a medium density residential environment.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents*



Fig 1 – Zoning map

Part 4 – Principal Development Standards

Clause 4.1A – Minimum lot sizes for dual occupancies, multi-dwelling housing, residential flat buildings and seniors housing

28. In accordance with Clause 4.1A of KLEP 2012 the minimum lot size for a residential flat building in the R3 zone is 1,000m². With an area of 1333.5m², the subject site meets this requirement.

Part 5 – Miscellaneous Provisions

Clause 5.9 – Preservation of Trees or Vegetation

29. The proposed development involves the removal of nine (9) trees subject to the provisions of this clause.

30. The application was referred to Council's Parks and Recreation Coordinator, who made the following comments:
31. *All trees are numbered in accordance with the Arboricultural Impact Assessment prepared by Urban Forestry Australia in October 2015.*
32. *Comments regarding trees:*
- *Tree 1: Water Gum, Street tree to be retained*
 - *Tree 2: Water Gum, Street tree to be retained*
 - *Tree 3: Sweet Pittosporum on site at 11A Letitia Street could be removed.*
 - *Tree 4: Large – leaved Privet (Noxious weed) on site at 11A Letitia Street could be removed.*
 - *Tree 5: Camellia on site at 11A Letitia Street could be removed.*
 - *Tree 6: Camphor laurel located on neighbouring property could be removed, consent required from owners.*
 - *Tree 7: Large – leaved Privet (Noxious weed) located on neighbouring property could be removed.*
 - *Tree 8: Large – leaved Privet (Noxious weed) located on neighbouring property could be removed*
 - *Tree 9: Sweet Pittosporum located on neighbouring property could be removed, consent required from owners*
 - *Tree 10: Water Gum located on neighbouring property could be removed, consent required from owners*
 - *Tree 11: Water Gum located on neighbouring property could be removed, consent required from owners*
 - *Trees 12, 13 & 14- All trees located on neighbouring property and not affected by proposed development.*

*The applicant requires written consent from the owners of trees **6, 9, 10 & 11** as the proposed basement works compromise the stability of these trees. If consent is not submitted changes may be required to be made to proposed basement.*

The applicant should also look at incorporating screen planting along back boundary and replacement tree due to the loss of tree 3 within the site.

33. The applicant has provided email correspondence with Oatley Hotel Management agreeing to removal of trees 6, 9, 10 and 11 subject to the agreed works to replace trees and provide screening planting on the boundary as shown on the amended plans.
34. The proposal satisfies Clause 5.9 of KLEP 2012. Should the application be approved it is recommended that suitable conditions be imposed to ensure suitable replacement trees and protection of trees on site and in the street.
35. 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

36. The site accommodates Oatley Masonic Lodge, a locally significant heritage item listed in KLEP 2012.

37. In accordance with Clause 5.10(2) of KLEP 2012 development consent is required for demolishing or moving or altering the exterior of any of a heritage item (including, in the case of a building, making changes to its detail, fabric, finish or appearance).
38. Under Clause 5.10(4) of KLEP 2012 the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

Clause 5.10(10) of KLEP 2012 states that:

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
 - (b) *the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
 - (c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
 - (d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
 - (e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*
39. The application is accompanied by a Heritage Impact Statement (*Urbis*, dated September 2015) and the application was referred to Council's Heritage Consultant, who made the following comments:

"The place has historic significance as the building was purpose built as a Masonic Lodge, and has been continuously used as such from 1922 to the present. At a Local level of significance it is rare, being the only Masonic Lodge in the LGA. It may have some special meaning to older residents who attended dances and other social functions in the rear Hall. Although architecturally not outstanding, it does never-the-less make a positive contribution to the streetscape.

The proposal includes preservation of the Lodge Room, demolition of the rear Hall, and the construction a four-storey addition attached to the rear of the Lodge Room accommodating ground floor facilities for the Freemasons with apartments on the upper levels. There also minor alterations to the front boundary fence.

This proposal appears to be similar to the pre-DA proposal reviewed in 2014 which was given qualified support:

With the development of units, the proposal aims to provide financial security and ensure continued long-term tenure of the Masons on the site. This would be a positive outcome from a heritage point of view. The negative aspect of the proposal is the demolition of half the building, albeit the rear Hall which comparatively is of lesser significance than the Masonic Room. Weighing up the positive and negative aspects of the proposal preserving

the Masonic Room and maintaining the occupation of the Freemasons on the site is of far greater importance than the loss of the rear Hall.

My view of the current proposal overall has not changed, overall it can be supported with some improvements which will be discussed below.

Regarding the impacts of the proposed four-storey addition on the setting of the heritage item and streetscape:

- a) There is a significant scale disparity with the heritage item. This is somewhat minimised by its siting behind the Lodge which preserves the open garden setting of the heritage item. The Lodge will still remain visually prominent in short-range views from Letitia Street, albeit with a large attached addition behind it.*
 - b) The façade and side elevations are well-articulated which assists in minimizing bulk.*
 - c) The use of brickwork to the base of the addition, with rendered elements to upper levels is complimentary with the heritage item. The selection of Dulux Manorburn is considered too strong and in contrast to the selected brickwork could be more recessive in nature.*
 - d) The visual prominence and significance of the existing entrance to the heritage item has been diminished by the loss of significant elements including rendered stringcourse and roof eaves. As a minimum, preserve the rendered stringcourse above the entrance roof.*
- 4) The proposal has not included any conservation works to the place, which must be included to gain full support.*

RECOMMENDATIONS:-

Overall there is qualified support for the proposal as the primary significance of the place is preserved. However, to gain full support the following additional works should be included in the proposal:

- i) Prepare an outline Schedule of Works for internal and external fabric, with a detailed schedule to be submitted at Construction Certificate stage. This includes but is not limited to repairs to the front boundary fence; inspection of the sub-floor and roof spaces to identify any defects and scheduling of repairs; door and window repairs; removal of redundant services and intrusive elements including security screens to Lodge Room windows; repointing of external brickwork; works to the eaves and roof sheeting; and repainting of all internal and external finishes. The above is to be prepared by a heritage consultant with demonstrated experience in scheduling conservation works to significant buildings.*

The following amendments to the proposal should be implemented:

- ii) Further to point 3c above, select a more recessive external colour to Dulux Manorburn.*
- iii) Preserve the rendered stringcourse above entrance roof.*

- iv) *The proposed entry ramp to the heritage item is to be constructed in a manner which preserves the existing steps. Provide note on the Plan.*
- v) *Provide note on Plans that the heritage item is to be conserved in accordance with the approved Schedule of Works.*

The following should be included in the Conditions:

- vi) *As recommended in the HIS prepare an Interpretation Plan and Strategy to implement the Plan. The above should be provided and approved by Council prior to the issue of a Construction Certificate. The interpretative works are to be installed prior to the issue of an Occupation Certificate.*
- vii) *The heritage item is to be subject to archival recording including preparation of ‘as existing’ architectural plans and preparation of an ‘existing’, ‘during’ and ‘after’ photographic record in accordance with Department of Environment and Heritage published guidelines. Provide one copy of the above to Council on completion of the project.*
- viii) *On completion of the project, the applicant is to issue a Certificate prepared by an experienced heritage consultant acknowledging that all conservations works have been completed in accordance with the approvals.*

Finally, the elevations of the preserved heritage item are to be amended to accurately depict/include existing significant details including rendered string course, base course, window sills; and part-rendered front gable; and façade signage.”

Officer Response

- 40. The applicant has amended the plans to address the above issues. The render colour has been changed from *Manorburn* to Dulux ‘*Parita*’ GR9, which satisfies the recommendation for a more recessive colour. The plans note that the pedestrian entry ramp preserves the existing steps and also note that item is to be conserved with the approved schedule of works.
- 41. The other recommendations may be addressed through the imposition of suitable conditions.
- 42. However, it is considered that insufficient existing fabric of the existing item is retained and protected to warrant the proposed variations to height and setbacks.
- 43. The proposed development does not comply with objective (b) of Clause 5.10(1) of KLEP 2012, which is “to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views” and should be refused.

Part 6 – Additional Local Provisions

Clause 6.1 – Acid Sulfate Soils

- 44. 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

45. 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.

Clause 6.3 – Flood Planning

46. The subject site has not been identified as a flood planning area on the Flood Planning Maps.
47. 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.

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

48. 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 65 – Design Quality of Residential Flat Development (SEPP No 65)

49. The proposed development is subject to the provisions of SEPP No 65, which aims to improve the quality of residential flat design in NSW.
50. 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.*
51. The application was referred to the St George Design Review Panel for consideration at their meeting of 19 May 2016. The following comments were provided with respect to the design quality principles set out in the Policy:

“Context

This is a challenging site with a Council carpark to the south, a hotel beer garden to the west and a two storey apartment block to the north which is setback less than the current ADG. The building itself is heritage listed and therefore has major associated design constraints.

Built Form and Scale

The Masonic hall at the front of the site is proposed to be conserved and a four (4) storey mixed residential/lodge/hall will be constructed of the rear portion of the site.

This is appropriate for the surrounding context of predominantly three (3) storey apartment buildings. The proposed building is four storeys in height and exceeds the 12 metre height control plan by almost one (1) level. Given that the fourth level is setback from all boundaries, will have no adverse environmental impacts, and the overall FSR is well below that permissible for the site the panel feels that it could be accepted in this particular context.

It should be noted that the proposal builds to side (southern) carpark boundary and to (western) hotel boundary. This is non-compliant but likely to be acceptable in this context.

Density

This density is well under that permitted.

Sustainability

To comply with BASIX

Landscape

The open space between the street and the masonic hall is currently shown merely as a grassed area. This should be landscaped in a more decorative and functional manner but in consultation with the Heritage Architect. Planting of one or two large flowering trees should be considered, as well as provision of a children's play area in the future residential apartments.

The panel observed the opportunity for roof areas to the north on levels 2 and 3 to be green roofs.

The panel recommends a communal open space be considered to the north corner close to the residential entry and partially over the access driveway. Opportunity exists for a semi-permeable shade structure with seating, sun access and BBQ's etc.

It would seem possible to connect the Letitia Street footpath to the building foyer without any access ramps or stairs. This should be investigated particularly in the context of any heritage requirements relating to the masonic hall access.

Amenity

The following matters should be addressed:

- *Provide natural light and ventilation to the carpark if possible.*
- *Provide roof light/vents to top level internal bathrooms.*
- *Provide natural light and ventilation to lift lobby, at least at the top level, and to all if it is possible to open the staircase.*
- *The bedroom window/double glazing Juliette windows need further consideration with regard to openings, accessibility, ventilation and usability.*

Please see landscaping comments above.

Safety

After-hours security requires further consideration. At least the access to the colonnade adjoining the foyer and halls will need to be secured after hours. Consideration should be given to securing the pedestrian access path to the communal area and the residential lobby.

Housing Diversity and Social Interaction

Acceptable.

Aesthetics

The architectural characteristics of the design complement the existing heritage hall and generally the selection of materials, finishes and architectural detail is of excellent quality.

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

Comment

52. The Panel’s comments on the appropriateness of the height and density are noted, however, the proposal is not supported as it is incompatible with the existing and draft height limit of 12m. It would set a precedent to vary the draft LEP provisions.
53. With respect to the Panel’s landscaping comments, the amended plans provide a communal open space terrace with barbeque facilities in the northern corner above the carpark entrance. The plans show a note on the front lawn “possible future play area” in response to the Panel’s recommendation that a play area be provided on site. However this is potentially problematic if play equipment is erected that will obstruct the visual appreciation of the heritage item in its setting from the public domain. It is therefore recommended to delete this reference. The Panel’s critique that the front area of the hall is lawn only seems to disregard the selected landscaping of low bushes to the sides that enhance and not obstruct views of the heritage item. The street trees are also retained, which assist in framing the view of the item and enhancing the landscape setting.
54. The amended plans address the Panel’s comments under Amenity.
55. The proposal does not satisfy the design principles for Context or Built Form and Scale as the height is in excess of the existing and desired future scale of development for the locality.

Deemed State Environmental Planning Policy – Georges River Catchment

56. 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**
57. A Planning Proposal for the New City Plan to amend Kogarah LEP 2012 is on exhibition from Monday 30 March 2015 until Friday 29 May 2015.

58. 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.
59. Specifically, the New City Plan proposes to rezone the site to B2 – Local Centre from its current R3 zoning. Development standards for height and floor space ratio are also incorporated, being 12m and 2.5:1 respectively.
60. The proposal is a permissible use in the B2 zone and is not contrary to the objectives of the zone.

Height

61. The proposal has a maximum height of 15.4m, which varies from the existing and proposed height limit of 12m.
62. The variation to height is not supported as it is incompatible with both the existing and future desired scale and height for the locality and sets an undesirable precedent.

Floor Space Ratio

63. The proposal has a floor space ratio of 1.11:1 (1483m²) which is well within the nominated density of 2.5:1 under the New City Plan.
64. The proposal is not inconsistent with floor space ratio provisions of the New City Plan.
65. 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)

66. 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.

C2 – Medium Density Housing Requirements

Density

67. The permitted site density requires 1.1m² of site area per m² of dwelling area or 1211.8m² of “dwelling area”. Given the heritage item contains a mixed use, including dwellings and a hall, the total combined area is calculated for assessment. The proposal has a density of 0.92m² of site area per m² of dwelling density or 1483m² of gross floor area (927m² of dwelling area).
68. Whilst not complying with the above density requirement, the proposal is well below the FSR of 2.5:1 under the New City Plan. The variation to the density is not in itself sufficient to warrant refusal. However, it is evident that the proposal relies heavily on the Draft Kogarah LEP 2012 provisions which have not been gazetted at time of completing this report.

Height

69. A maximum height envelope of 10.5m (H1) and 12m (H2) applies to the proposal. The proposed maximum height of 15.4m does not comply with this requirement, resulting in a variation of 3.4m. The variation is not supported, resulting in a height that is incompatible with both the existing and proposed under the New City Plan.
70. The proposal provides compliant floor to ceiling heights of at 2.7 – 2.9m on residential levels and 3.9m to the ground floor level (Hall). The generous floor height of the ground floor level does contribute to the height, but is necessary in retaining the use associated the heritage item to ensure its ongoing viability. Deletion of the upper floor would allow compliance with height whilst maintaining viable floor to ceiling heights.

Site Coverage

71. A maximum site coverage of 45% (600m²) applies to residential flat buildings.
72. The proposal has a site coverage of 56.3% (752m²), resulting in a variation of 152m².
73. The variation is acceptable as the proposal is not a residential flat building but a mixed use development where the ground floor community facility containing a heritage item takes up a considerable proportion of the site and the site is identified as a commercial (B2 zoned) property under the New City Plan, which is not subject to the residential flat building requirements. A reduction to site coverage would result in minimal potential for any redevelopment of the site without breaching the height limit further than currently proposed.

Building Setbacks

74. The proposal is not subject to the front setback requirement of 5-7m for residential flat buildings as the retention of the front part of the Masonic Hall maintains and informs the building's setback from the street boundary at 8.74 – 10.23m.
75. The upper levels of the proposal comprising new building work are setback 23 – 25.5m from the street, providing significant visual relief from the street behind the portion of the hall to be retained.
76. The existing part of the Masonic Hall retains the existing side setbacks of 10.6m to the northern boundary and 6.17m to the southern boundary.
77. To the side and rear boundaries, residential flat buildings are required to be setback 3m + quarter of the wall height over 3m ($3+1/4h>3$). The required setback is 3m on the ground floor and 5.3m on the first and second floors and up to 6m on the top floor.
78. The proposal provides a reduced setback to the rear (western) boundary stepping as follows:
 - Basement Level - protrudes 1.5 – 2m above ground level at the rear of the site and adopts a zero setback.
 - Ground Floor (Level 1) – zero setback
 - Level 2 – Articulated setback of 0.8 – 2.6m.
 - Level 3 – Articulated setback of 1.2 – 2.7m
 - Level 4 – 3 – 5.2m



Fig.2 – northern elevation of proposal showing stepping of building form away from the rear boundary.

79. To the northern side boundary the proposal is setback as follows:

- Basement Level - 0m
- Ground floor (L1) – a varied setback of 1.6 at the hydrant Booster Pump Room and 3.5 – 5.01m to the hall addition.
- Level 2 – 6.01m (with the fire stair setback 3.8m)
- Level 3 – 6 – 6.12m (with the fire stair setback 3.8m)
- Level 4 – 8.4m (with the fire stair setback 3.8m)

80. To the southern boundary, the proposal is setback as follows:

- Basement Level - 0m
- Ground floor (L1) – 0m to colonnade and 3.2m to the building wall.
- Level 2 – 3m
- Level 3 – 3 -3.2m
- Level 4 – 5.9m (excluding 800mm Juliet balcony protrusions)

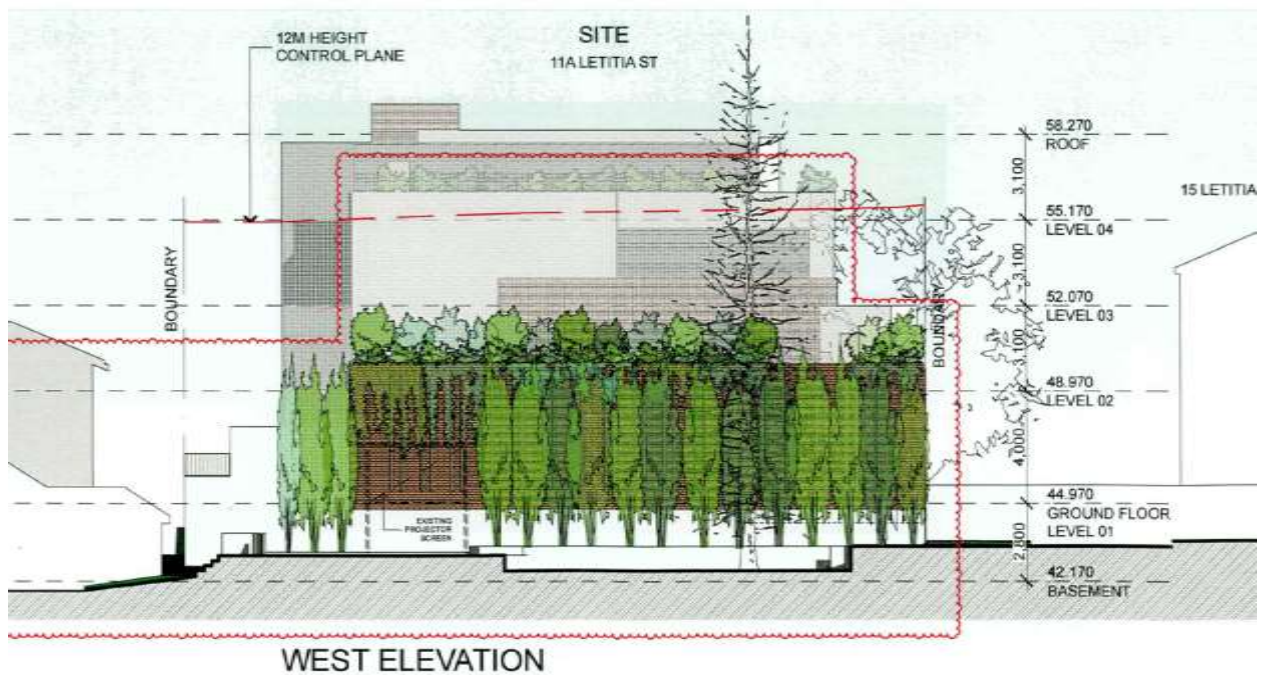


Fig.3 – rear elevation and section

81. The proposal results in what is effectively a four (4) storey wall on the boundary, with a setback upper level. In addition to the height non-compliance, the non-compliance with side and rear setbacks result in significant building mass being apportioned to the rear of the site. The proposal is not supported.

Open Space

82. A maximum impervious area of 55% (733.1m²) applies to residential flat buildings. The proposal does not comply with this requirement, resulting in 79.3% (1058.7m²) of the site comprising impervious areas.
83. A variation is acceptable in this instance for the following reasons:
- The proposal is not a residential flat building but a mixed use development where the ground floor community facility containing a heritage item takes up a considerable proportion of the site.

- The site is identified as a commercial (B2 zoned) property which is not subject to the residential flat building requirements for development in the R3 zone.
 - The upper level planters absorb water and provide greenery to break up the built form.
84. For residential flat buildings, communal open space is to be provided at the rate of 30m²/dwelling for dwellings having balconies as the only form of private open space, with a minimum overall area of 75m², and with minimum dimensions of 5m.
85. The proposal locates a communal open space area to the northern side of the site above the carpark entry, which has been positioned to provide a small area with high amenity that will not detract from the visual appreciation of the item from the public domain. The communal area is 20m² in area. There is also a large grassed area (126m²) in the front setback zone that can be used as a communal area. Combined, the 146m² is 14.6m² per dwelling.
86. If the number of units were reduced, the extent of variation to the communal open space would be lessened and provide better amenity for the future occupants of the site.

Vehicular access, Parking and Circulation

87. For residents, parking is to be provided at a rate of 1.5 space per 2-bedroom dwelling and 1 space per 1 bedroom dwellings or 14.5 (15) residential spaces and 2 visitor spaces (at a rate of 1 space per 5 dwellings).
88. The proposal provides 15 residential spaces and 2 visitor spaces, complying with residential parking requirements.
89. With respect to the parking requirements for the Masonic Hall, there are no numerical requirements. Four (4) spaces are proposed in the basement carpark for the hall users.
90. The application was referred to Council's Traffic Engineer who were not supportive of the proposal, stating that the submitted Traffic and Parking Assessment (prepared by Transport and Traffic Planning Associates, dated September 2015) did not provide details of the number of visitors,, the times of day that the Masonic Temple operates, parking requirements and availability and the traffic generation impact on the surrounding street network.
91. The applicant submitted a supplementary Traffic and Parking Assessment (Transport and Traffic Planning Associates, dated August 2016). The report does not provide parking surveys but does provide detail on the use of the Masonic Hall. The report states that the average cars on site varies from 3-6, with an average attendance at meetings of 6-18 members.
92. The supplementary report was referred back to Council's Traffic Engineer who raised the following issues:
- *No calculations have been provided on the existing parking requirements or the proposed parking requirements of the Masonic Hall.*
 - *An assumption has been made with no surveyed evidence of the number of members in attendance and the number of vehicles that will be accessing the site. Calculating a parking rate as a community space required 1 space per 40m², resulting in a requirement of 14 spaces (10 more than provided).*

- *No on-street parking surveys have been included in the report and as a result no comments can be provided by Council.*

93. The applicant's Planning Consultant (Sutherland Associates, email dated 7/10/16) responded with the following justification:

- *The current use of the site does not provide any formal on-site car parking provision at all for the current Lodge activities and so the proposal with its dedicated 4 spaces represents a significant improvement in relation to the current use. It is noted that the current use is an authorised use and in fact this development application is not seeking consent for this use as it already exists on the site. Accordingly, irrespective of the traffic generation associated with this component of the development, the proposed outcome must be seen as a positive improvement compared to the current situation.*
- *Notwithstanding the above, whilst the Revised Assessment of Traffic and Parking Implications prepared by TTPA does not include a specific survey of car parking demand, it nonetheless includes a detailed Masonic Activities Schedule summary at Appendix A and the advice from the Lodge is that there is a high degree of car sharing particularly due to assistance required by elderly members such that it is asserted that there is a normal parking demand of 3-6 spaces. Council's traffic engineer has suggested that a rate of 1 car per 40sqm which would require 14 car spaces might be more appropriate, however, of the total of 160 meetings per year, only 45 (i.e. 28%) have an attendance of 14 or more people. It is reasonable to assume some level of car sharing based on feedback from the actual Lodge itself and therefore there would be very few if any situations where there would be a demand as high as 14 spaces associated with the Lodge activities and clearly this figure is excessive.*
- *It is asserted by TTPA that there is an average demand of maximum 6 spaces associated with the Lodge activities. Even if this figure was slightly higher at approximately 10 spaces peak demand for instance, with the provision of 4 (new) spaces on site for the Lodge activities there will be an off-site parking demand of approximately 2 to 6 spaces (noting this is a reduction in demand of 4 spaces due to the new 4 spaces which will be provided on the site where they are currently not provided).*
- *The majority of Lodge meetings occur at night from 6pm onwards. This is outside usual business trading hours for the commercial and retail premises in Oatley. The site is located immediately adjacent to a public car park which contains approximately 44 car parking spaces. These spaces are no longer in demand during the Lodge meetings and so the use of approximately 2 to 6 of the 44 car parking spaces by the Lodge members represents an entirely appropriate and reasonable outcome.*
- *Finally, the footprint of the basement car park on the site has been maximised having regard to the constraint of the existing heritage item which is being retained on site and therefore it cannot be simply increased to provide additional parking on site.*

In summary, irrespective of the finite parking demand resulting from the use of the lodge building, the proposal is considered to be satisfactory in relation to car parking provision as it (a) represents an improvement in relation to the current situation, (b) there is more than ample car parking capacity within the adjacent car park to cater for the additional car parking, and (c) it is not physically possible to increase the basement car park on the site due to heritage constraints.

94. The above justification is not supported as no survey has been undertaken to support the argument provided. The issues raised by Council's Traffic Engineer are concurred with and the proposal should be refused.

95. However, should the application be approved, it is recommended the hall and rooms behind should not be used for functions (such as birthday parties etc). The hall should be used for Masonic Hall purposes so as not to further increase parking demand beyond that already anticipated. It is recommended that this be effected through the imposition of a condition.
96. Council's Traffic Engineer raised no objection to the layout, parking design and driveways.

Solar Access

97. The proposal provides good solar access to most units and provides communal open space with good solar access that receives at least 3 hours of sunlight on June 21 between 9am and 3pm.
98. The proposal predominantly overshadows Council's public carpark adjoining to the south, resulting in minimal impact on adjoining residential properties.
99. The proposal satisfies the provisions of KDCP 2013 with respect to solar access.

Views and View Sharing

100. No issues are raised with respect to views.

Adaptable and Accessible Housing

101. The proposal provides one (1) adaptable unit in the development, complying with the adaptable housing requirements of KDCP 2013.
102. The proposal satisfies the accessibility requirements of KDCP 2013 and relevant Australian/NZ standards.

Kogarah Development Control Plan 2013 Compliance Table

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

Performance Criteria	Design Solution	Proposed	Complies?
Height and Building Envelope			
Height			
• H1	10.5m	12 – 13.5m	No
• H2	12m	15.4m	No
Max. Residential Levels	3	3 (+ ground floor hall level)	No
Site and Density Requirements			
Density	1.1m ² site area / m ² dwelling area (910m ²)	0.92m ² site area / m ² dwelling area (1449m ²)	No
Minimum site width	20m	26.82m	Yes
Setbacks			
• Front	Maintain Existing	8.7 – 10m (existing)	Yes
• Rear	3 – 6m	0 – 5.2m*	No
• Side (N)	3 – 6m	0 – 8.4m*	No
• Side (S)	3 – 6m	0 – 5.9m* *see body of report for detailed discussion.	No
Site Coverage			
Maximum Site Coverage	45%	56%	No
Car Parking			
• Resident	14	15	Yes
• Visitor	2	2	Yes
• Masonic Hall	No specified requirement	4	No
Other			
Maximum Impervious Area	55% (733.1m ²)	79.3% (1058.7m ²)	No

Section 94 Contributions

104. The proposed development requires payment of \$109,873.12 in Section 94 contributions based on the provisions of Section 94 Contributions Plans for Open Space 2006, Road and Traffic Management and Kogarah Libraries.

105. The contribution amount is based on the construction of 2 x 1-bedroom unit, 7 x 2-bedroom units and 1 x 3-bedroom unit.

(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,

106. 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,

Noise

107. The site adjoins the Oatley Hotel, with its rear wall on the boundary adjoining the beer garden. Consequently there are potential noise impacts not only on surrounding neighbours from the proposal (in terms of plant equipment and use of the hall) but from the Hotel on the prospective residents of the proposal.

108. The application is accompanied by an Acoustic Assessment prepared by Renzo Tonin & Associates (18/12/15) that identifies the following acoustic issues:

- Traffic noise associated with Letitia Street into the development.
- Music and patron noise associated with Oatley Hotel beer garden on the western boundary
- Mechanical and plant noise from Oatley Hotel
- Mechanical plant noise from the proposal to neighbouring properties.

109. The application was referred to Council's Environmental Health Officer who raised no objection to the proposal subject to suitable conditions being imposed to ensure that the development is implemented in accordance with the Renzo Tonin Acoustic Assessment and suitable conditions of consent.

110. The use of the existing lodge room is to be unaltered with operations being outlined by the applicant as follows:

"The Masonic Lodges meeting/business hours are usually from 5:00PM till 11:00PM.

In regards to the management of the Masonic Hall, the future proposal is to have a caretaker to manage the property and this will be outsourced through a professional building manager. Hence, the operating hours for this will be done outside of Masonic premises (sic).

For the management of the individual Lodges' affairs, this will be done by the lodge secretary. A small convertible meeting/office room is provided in the Hall which can be used by individual Lodge's secretary/management from 9:00AM to 6:00PM, Monday to Friday.

111. The proposed hours are considered reasonable. It is recommended that the above hours be reinforced through the imposition of a condition of consent.

112. Further, the following condition is recommended:

The use of the Masonic hall and associated rooms are prohibited for hiring of rooms for entertainment (ie parties, Non-masonic functions etc). The use of the ground floor premises only used for lodge meetings, associated administrative and Masonic functions so as not to further increase on-street parking demand and amenity impacts on surrounding neighbours.

(c) the suitability of the site for the development,

113. The minimal setbacks of the proposal, non-compliant height and the insufficient provision of parking for the masonic hall is result in a proposal that is unsuitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments. The proposal should therefore be refused.

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

114. 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. The amended plans were not re-notified as the amendments were undertaken in consultation with the objector (Oatley Hotel) and do not result in any significant additional impacts on adjoining neighbours.

115. One (1) submission was received from a planning consultant (Design Collaborative) on behalf of Oatley Hotel, raising the following concerns:

1. Tree removal

Comment

116. The objectors raise concern that the works on the boundary impact on and result in removal of trees in the Oatley Hotel beer garden.

117. The concern is valid and the applicant has undertaken extensive liaison with Hotel management to resolve the issue.

118. The amended plans involve removal and replacement of trees and installation of screen planting along the boundary.

119. Whilst the works shown on the amended plans are accepted by the objector and address the concerns raised, the objector's property does not form part of the site subject of this application and therefore cannot legally form part of any consent associated with this application.

2. Noise impacts

Comment

120. The objector (Design Collaborative Consultants) on behalf of Oatley Hotel raises noise impacts in two ways:

- The first being Oatley Hotel as an emitter of noise and the proposal introducing new residents to that noise source. The objector is concerned that new residences adjoining the Hotel may complain about noise from the Hotel resulting in future issues and restrictions on the Hotel.
- The second being the proposed blank wall on the boundary acting as a noise reflector, where noise from the beer garden is reflected and amplified, impacting on existing neighbours adjoining to the side of the Hotel.

121. As a solution, the objector recommends screening planting along the boundary to buffer noise (in addition to reducing visual impact) within a setback zone. As discussed above, the applicant and Oatley Hotel management have agreed to works along the rear boundary within the Oatley Hotel site to provide screening planting that will reduce any noise 'reflectivity'.

122. With respect to impacts from the Hotel on residents of the subject development, the objector acknowledges the Acoustic Report submitted with the application and recommends conditions requiring acoustic attenuation of the units.

3. Visual Impact of Rear Wall

Comment

123. The objector (Design Collaborative Consultants) on behalf of Oatley Hotel raises issue with the visual impact of the proposed wall on the boundary adjoining the beer garden.
124. As discussed under the acoustic issues above, planting work undertaken along the boundary will ameliorate the impact of a blank wall. However, the visual impact of the upper levels of the proposal is considered onerous and not supported.

Mediation/Public Meeting

125. The issues have been discussed by telephone with Oatley Hotel management. Further, the applicant and objector have undertaken their own mediation over the treatment of the rear wall abutting the beer garden with the amended plans showing the agreed outcome.

(e) *the public interest.*

126. The precedent set by contravening the height limit of the New City Plan is not considered to be in the public interest. .

Conclusion

127. 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.
128. The proposal is considered an overdevelopment on the site, providing poor amenity for the future occupants and having little regard to the impact on the surrounding locality.
129. Following detailed assessment it is considered that Development Application No 53/2016 should be refused.

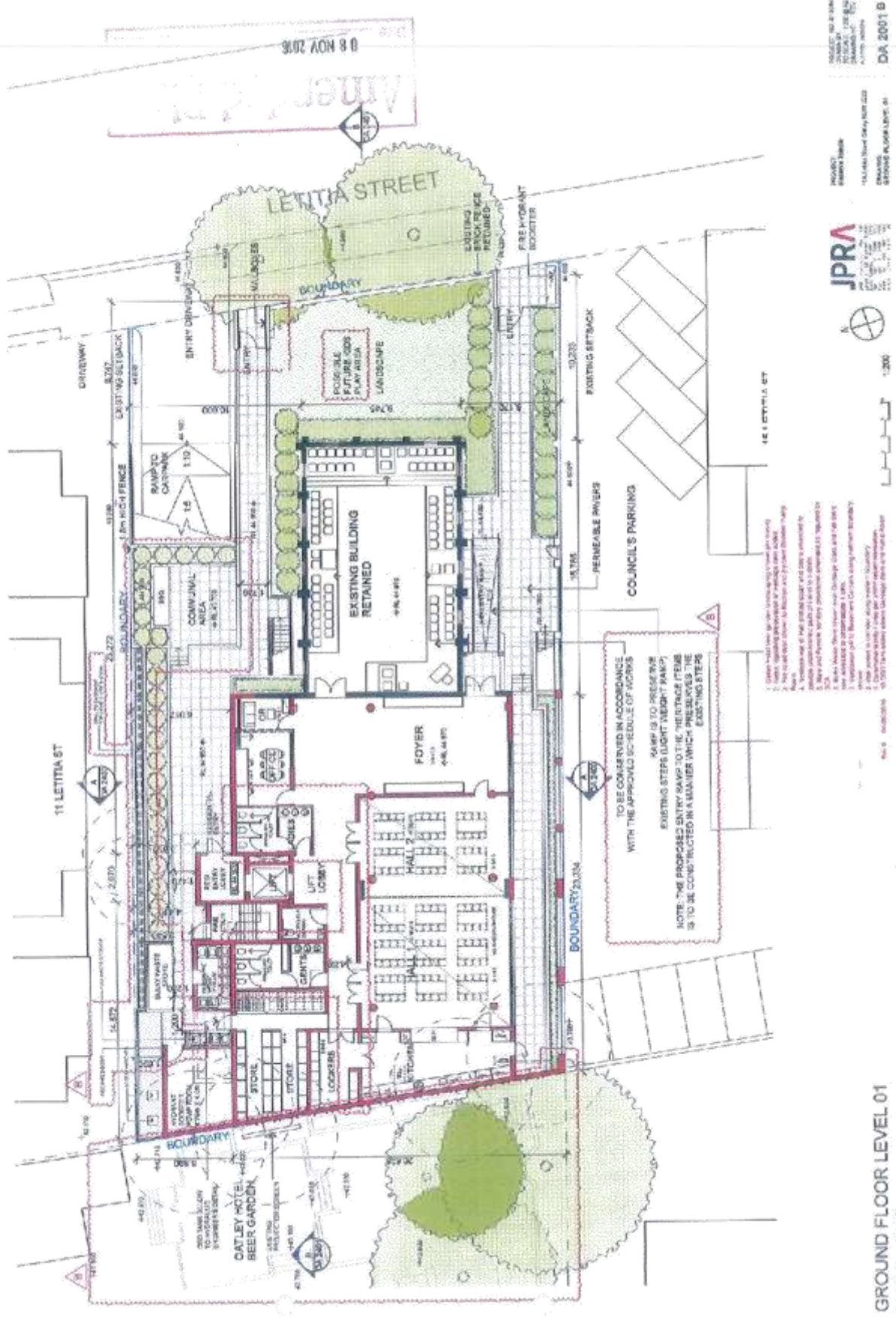
Recommendation:

- - a) That Council, as the consent authority and pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979, refuse Development Application No. 53/2016 for the construction of a mixed use development involving retention of existing lodge room, demolition of rear hall and construction of new four (4) storey building containing ground floor lodge facilities and ten (10) apartments at 11A Letitia Street, Oatley for the following reasons:
 1. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the height of the building does not satisfy the Context and Built Form and Scale Principles of State Environmental Planning Policy No. 65 - Design of Residential Flat Buildings.
 2. Pursuant to Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with height limit specified for the site under the draft amendment no.2 to KLEP 2012 (New City Plan)

3. Pursuant to Section 79C(1)(a)(iii) the proposed development does not comply with the 12m height limit in Kogarah Development Control Plan 2013.
 4. Pursuant to Section 79C(1)(a)(iii) the proposed development does not comply with the required setbacks in Kogarah Development Control Plan 2013.
 5. Pursuant to Section 79C(1)(a)(iii) the proposed development does not comply with the required communal open space provisions.
 6. Pursuant to Section 79C(1)(a)(iii) the proposed development does not comply with the minimum car parking requirements in Kogarah Development Control Plan 2013.
 7. Pursuant to Section 79C(1)(c) the Environmental Planning and Assessment Act 1979, the minimal setbacks of the proposal, non-compliant height the insufficient provision of parking and insufficient communal open space provision, make the proposal unsuitable for the site.
 8. Pursuant to Section 79C(1)(e) the Environmental Planning and Assessment Act 1979, the height of the proposal in contravention of the height limit set in the New City Plan sets an undesirable precedent for the locality and is therefore not in the public interest.
- b) That the applicant be advised of their right of appeal to the Land and Environment Court with regard to Council's decision in this matter.
- c) That those parties who made a submission be advised of Council's decision in this matter.

ATTACHMENTS

Attachment [View1](#) A4 Plans



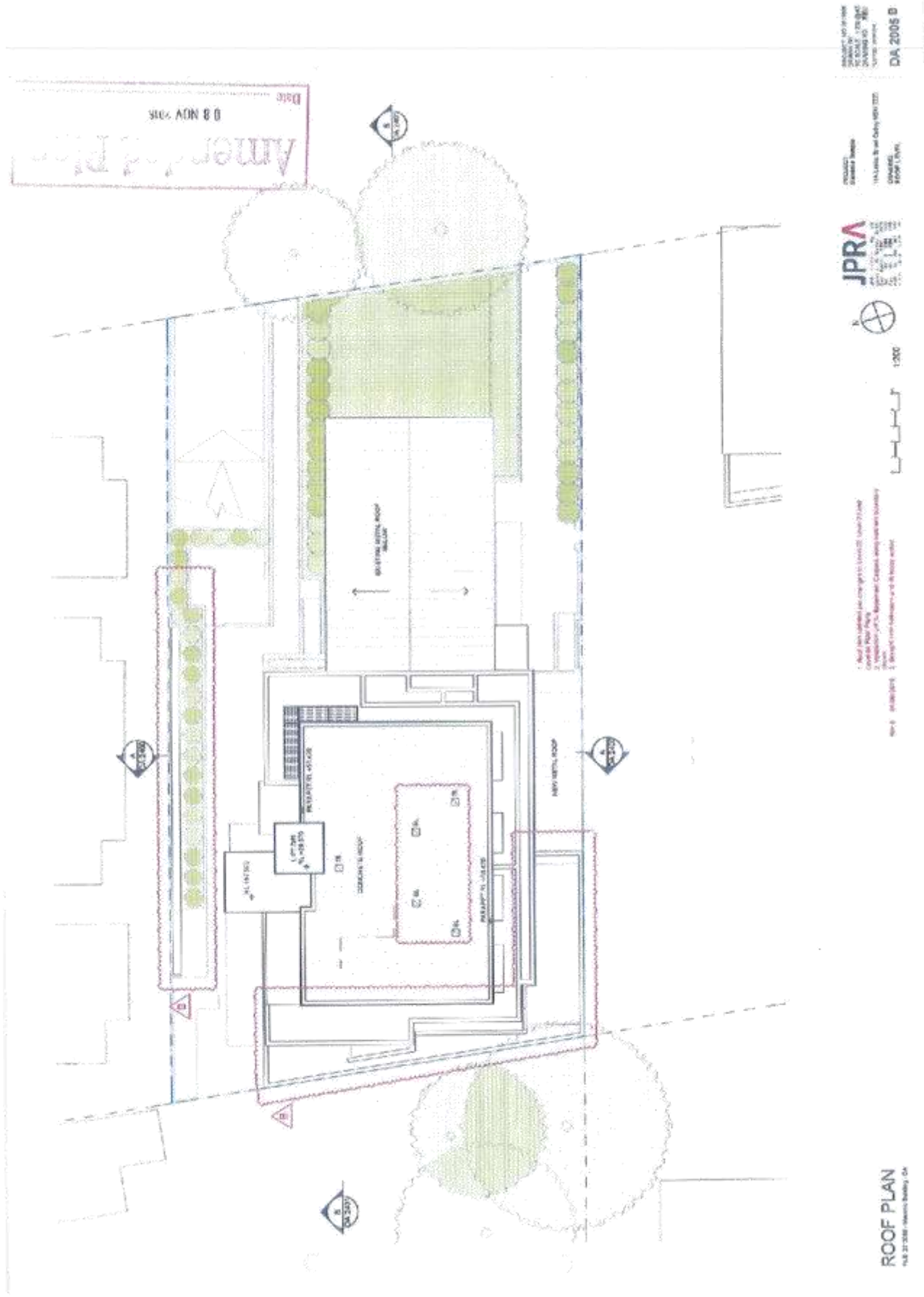
GROUND FLOOR LEVEL 01
1:500 (SEE NOTES FOR SCALE)

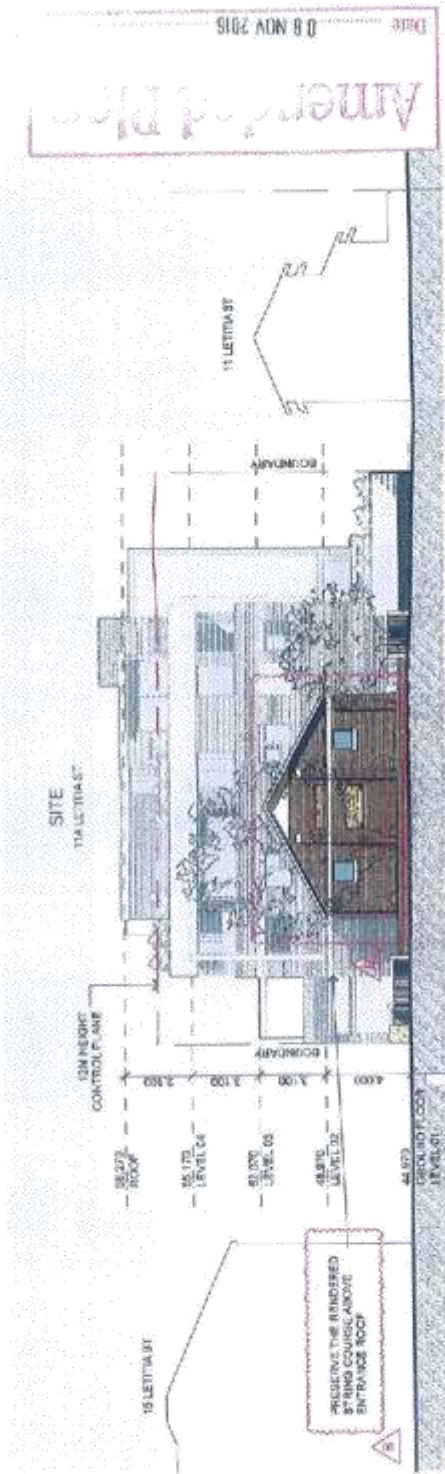
PROJECT NO: 2016-01
DATE: 08 NOV 2016
DRAWN: J. SMITH
CHECKED: J. SMITH
APPROVED: J. SMITH
DA: 2001 B

JPRA
JAMES PEARCE ARCHITECTS
11/1111 Street City NSW 2222
02 9511 1111
www.jprra.com.au

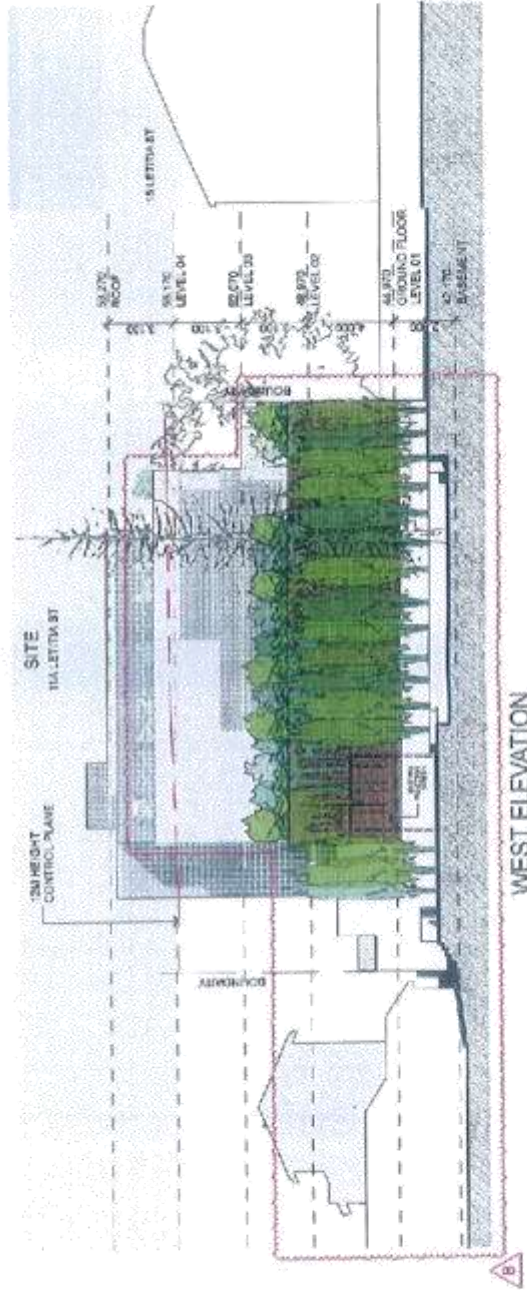


1:500





EAST (STREET) ELEVATION



WEST ELEVATION

- 1. All drawings are subject to planning or other controls of the local council.
- 2. This drawing is for information only and does not constitute a contract.
- 3. The client is responsible for ensuring that all necessary approvals are obtained.
- 4. The client is responsible for ensuring that all necessary approvals are obtained.

EAST & WEST ELEVATIONS

DA 2300 B

J.P.R.A. ARCHITECTS
 11A LETITIA STREET OATLEY NSW 2222
 PH: (02) 9511 1111
 FAX: (02) 9511 1112
 WWW: J.P.R.A. ARCHITECTS.COM.AU

J.P.R.A. ARCHITECTS





JPRA
 JAMES PEARCE ARCHITECTURE
 11/11A LETITIA STREET, OATLEY NSW 2222
 PH: 02 9550 8888 FAX: 02 9550 8889
 WWW.JPRA.COM.AU

PROJECT: 11A Letitia Street, Oatley NSW 2222
 DRAWING: SOUTH & NORTH ELEVATIONS
 DATE: 08 NOV 2015

Scale: 1:200
 North Arrow

NORTH & SOUTH ELEVATIONS
 FILE: 301006 - 11A Letitia St.dwg

Amended Plan
 08-NOV-2015

SITE AREA 1353 m²

ALLOWABLE FSR 0.91
 ALLOWABLE GFA 1198.7 m²

GFA CALCULATIONS

EXISTING	EXISTING GFA		PROPOSED GFA		TOTAL GFA
	Ground Floor	EXISTING HALL	NEW HALL EXTENSION	RESIDENTIAL	
LEVEL 1	402	143	406	8	556
LEVEL 2				328	328
LEVEL 3				331	331
TOTAL	402			219	1434

EXISTING FSR 0.30:1

PROPOSED FSR 1.08:1

PROPOSED FSR EXCLUDING EXISTING HALL 0.97:1

UNIT NO.	1 BEDROOM	2 BEDROOM	3 BEDROOM	NET-AREA	BALCONY
LEVEL 1					
UNIT 01	1			70	30
UNIT 02	1			75	14
UNIT 03	1			92	10
UNIT 04	1			75	28
LEVEL 2					
UNIT 05	1			66	30
UNIT 06		1		79	11
UNIT 07		1		85	12
UNIT 08		1		62	11
LEVEL 3					
UNIT 09		1		62	13
UNIT 10			1	57	37
TOTAL	7	7	1	730	
	20%	70%	30%		

PARKING PROVIDED 21 (5 TANDEM)

BUILDING FOOTPRINT 607 #2 (EXCLUDING BASEMENT POOL/UM AND DRIVEWAY)
 45.54%

1. All figures are based on the information provided in the application.
 2. Proposed GFA and FSR are subject to the approval of the Council.
 3. Use of the JVA ID (shown) is not available for this site.



NORTH ELEVATION FINISHES



F1: BORAL BRICK
 'ESCURAVELEUR'
 'BROWN'



F2: PAINT DULUX
 'PARTITA' 'GREY'



F3: PAINT DULUX
 'TIMELESS GREY' 'PG1F4'



F4: PAINT DULUX
 'OPEN SEASIDE' 'P14G2'



F5: METAL FRAMED
 LOUVERED AWNING



F6: PAINT DULUX
 'TIMELESS GREY' 'PG1F4'



F7: POWDER COATED
 ALUMINIUM FRAMED
 WINDOW

JPRA
 JAMES PEARCE ARCHITECTURE
 11/11/17
 11/11/17

PROJECT: 11A LETITIA STREET
 OATLEY NSW 2147
 SUBJECT: 11A LETITIA STREET
 EXTERNAL FINISHES

DATE: 27/10/18

1: 1/2 hour fire rated
 2: 45 min fire rated

**REPORT TO GEORGES RIVER COUNCIL
IHAP MEETING OF THURSDAY, 23 FEBRUARY 2017**

IHAP Report No	3.3	Application No	2016/0198
Site Address & Ward Locality	53 Allawah Avenue, Carss Park Blakehurst Ward		
Proposal	Demolition of existing dwelling and construction of a new three storey dwelling with swimming pool and cabana		
Report Author/s	Senior Development Assessment Officer, Ben Latta		
Owners	Mr N L & Mrs S J Wight		
Applicant	Alex Pappas Architects Pty Ltd		
Zoning	R2 Low Density		
Date Of Lodgement	23/09/2016		
Submissions	Nil		
Cost of Works	\$981,602.00		
Reason for Referral to IHAP	Non-compliance with height limit exceeds 10%		

Recommendation	That Council as the Consent Authority pursuant to Section 80(1)(a) Environmental Planning & Assessment Act 1979, grant consent to Development Application No 198/2016 for Demolition of existing dwelling and construction of a new three storey dwelling with swimming pool and cabana at No 53 Allawah Avenue CARSS PARK subject to conditions.
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Site Plan



Executive Summary

Proposal

1. Council is in receipt of an application for demolition of the existing dwelling and construction of a new three storey dwelling with swimming pool, cabana and front fence on the subject site.

Site and Locality

2. The site is a generally rectangular parcel of land with splayed rear boundary, located on the south-western side of Allawah Avenue, Carss Park, near the intersection of Carwar Avenue. The site yields an area of 701.9 square metres and has a steep fall from rear to the street. The frontage is 13.41 metres wide and there are no street trees at the front of the property.

Zoning and KLEP 2012 Compliance

3. The site is zoned R2 Low Density Residential under KLEP 2012 and the proposal is a permissible form of development with Council's consent. The proposed development satisfies all relevant clauses contained within KLEP 2012.

Kogarah Development Control Plan 2013 (KDCP 2013)

4. The proposed development satisfies the provisions of Section 1.1 – Streetscape Character of KDCP 2013 and complements the existing streetscape character. However, the proposal does not comply with Councils controls for height of building, setback of carport to side boundary and proportion of glazing to the street.

Submissions

5. No submissions were received.

Conclusion

6. 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. 198/2016 should be approved subject to the imposition of conditions.

Report in Full

Proposal

7. Council is in receipt of an application for demolition of the existing dwelling and construction of a new three storey dwelling with swimming pool, cabana and front fence on the subject site.

The Site and Locality

8. The site is a generally rectangular parcel of land with splayed rear boundary and is located on the south-western side of Allawah Avenue, Carss Park, near the intersection of Carwar Avenue. The site yields an area of 701.9 square metres and has a steep fall from rear to the street. The frontage is 13.41 metres wide and there are no street trees at the front of the property.
9. Currently existing on the site is a two-storey dwelling with steeply pitched 'Cape Cod' style roof containing the upper floor. The site is accessed via a single width driveway to an attached carport at the south-eastern side of the dwelling.
10. The streetscape is characterised by a mix of older one and two storey brick and tile examples and more contemporary two and three level rendered flat roofed dwellings. Low to medium height front fencing is common, with a mix of materials and styles. There is a high fence (being the rear fence) of the dwelling on the corner across the road at 101 Carwar Avenue.



Fig.1 – Aerial photo of site with site outlined in yellow

Background

11. On 23 September 2016 the Development Application subject of this report was lodged with Council.

12. From 10 October to 27 October 2016 the application was placed on neighbour notification.
13. On 18 November 2016 the applicant was sent a letter advising that the following issues were to be addressed:
 - Reduce height of building to comply,
 - Amend carport and driveway levels and grades to comply with AS/NZ standards.
14. On 22 December 2016 the applicant submitted amended plans that reduced the height of the building and addressed issues raised with the carport and driveway.
15. The amended plans are relied upon for assessment in this report.

Section 79C Assessment

16. 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

17. The subject site is zoned R2 Low Density and the proposal is a permissible form of development with Council's consent. The proposed development satisfies the objectives of the zone.



Fig.2 – Zoning map in KLEP 2012. Site outlined in yellow

Part 5 – Miscellaneous Provisions

Clause 5.9 – Preservation of Trees or Vegetation

18. The proposed development does not involve the removal of any tree or vegetation subject to the provisions of this clause.
19. 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

20. 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.

Part 6 – Additional Local Provisions

Clause 6.1 – Acid Sulfate Soils

21. The subject site is identified as partially within the 100m buffer on the Acid Sulfate Soil Map. However, the works proposed to be carried out excavate to RL 8.5m AHD, predominantly into the rock as it rises steeply from street level and are therefore not likely to lower the water table.

Clause 6.2 – Earthworks

22. The proposed earthworks are substantial, resulting in up to 3.5m depth of excavation at the rear of the dwelling footprint, though averages at less than 2.2m. The proposed excavation is 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.

Clause 6.3 – Flood Planning

23. The subject site has not been identified as a flood planning area on the Flood Planning Maps.
24. 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.

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

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

Deemed State Environmental Planning Policy – Georges River Catchment

26. 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***
27. 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.
 28. 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.
 29. Specifically, the New City Plan proposes to maintain the R2 zoning and incorporates height and floor space ratio controls of 9m and 0:55:1 (as a sliding scale) respectively.
 30. The proposal is generally consistent with the relevant objectives and provisions of the New City Plan.
 31. 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)

32. 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.

Streetscape Character

Building Scale and Height

Objectives

- (a) Ensure that new buildings and alterations and additions respect the dominant building forms and scale through the use of innovative architectural responses.
- (b) Distribute building height and bulk on the site so as to ensure there is no significant loss of amenity to adjacent sites, open space and public streets.
- (c) Ensure that building heights respond to the scale of the street and surrounding buildings.
- (d) Ensure that the height of buildings does not overly impact on the streetscape or neighbouring properties.

- 33. A maximum floor space ratio (FSR) of 0.53:1 (373.07m²) is permitted on the site. The proposed development complies with this requirement.
- 34. The maximum number of residential levels is two (2), except where the site has a slope exceeding 1:8 (12.5%), where the maximum number of residential levels is three (3).
- 35. The site has a slope of 26.5%, permitting construction of 3-levels. The proposal reduces apparent scale by minimising the uppermost floor with generous setbacks from the street and side boundaries.
- 36. A height limit of 7.8m to the top of the parapet applies to flat roofed dwellings. The proposal has a maximum height of 8.88m, which results in a 1.08 variation to the height limit. The diagram below shows the extent of the non-compliance from the south-eastern elevation shaded yellow and the red dashed outline showing the existing dwelling to be demolished.



Fig.3 – South-eastern elevation showing non-compliant element shaded yellow.



Fig.4 – 3D perspective of proposal showing recessive form of upper floor

37. The variation satisfies all of the objectives for building scale and form and is acceptable for the following reasons:
- The non-compliant element projects forward for a small part of front (street-facing) end of the master bedroom, due to the fall in the land. The non-compliant triangular portion extends up to 3m forward of the 7.8m height plane, which is not considered significant as a proportion of the 24m long building footprint.
 - The proposal maintains a two storey wall height to the both sides and the street, reducing visual impact on surrounding properties and the street. The top floor is setback 8.5m from the street façade, and 3.6m (from the non-compliant part) to the south-eastern boundary and 3.1m to the north-western boundary.
 - The second floor forms a small part of the overall building footprint and is sited to reduce impacts on neighbouring properties, both with respect to visual and overshadowing impacts.
 - The setbacks and minimal footprint ensures the building reads as two storeys from the street.
 - The steep fall of the land results in the proposal being perceived as part single storey, part two storey from the rear yard of the site and adjoining properties. Pushing the second floor rearward would interrupt the floor plan due to the design of the internal lift and stair circulation and pushes bulk rearward. This is likely to impact neighbouring properties.
 - The overall height of the building is lower than the ridge of the existing dwelling on the site and comparable to a number of other three level dwellings in the street, including No.51 adjoining to the north-west.
 - The 8.88m height is compliant with the draft amendment to KLEP 2012 (New City Plan) height limit of 9m.
38. Where proposed development includes a two (2) residential level element, then the second level should not extend beyond 60% of the depth of the allotment measured from the street boundary. The proposal complies with this requirement. The first floor is a ground floor at the rear of the site and the second floor, which reads as a two storey element from the rear, extends 22.8m or 43% into the site.

Rhythm of Built Elements in the Streetscape

39. The primary building façade should not exceed 40% of the overall width of the total frontage and the secondary building façade should be set back a minimum of 1.5 metres from the primary building façade.
40. The proposal does not satisfy this requirement numerically, as the ground floor comprises a single façade and the first floor is split into a double façade. The façade confers further articulation through the balcony elements which provides an overall high level of articulation and satisfies the objective, which states that:

Where the dominant street front elevation of the buildings provides for a double fronted or articulated front façade, new buildings and additions should provide an articulated front façade

Building Setbacks

Objectives

- (a) Preserve significant vegetation, which contributes to the public domain, and allows for street landscape character to be enhanced.*
- (b) Integrate new development with the established setback character of the street by ensuring front setbacks are consistent with adjoining buildings.*
- (c) Maintain a reasonable level of amenity for neighbours with adequate access to sunlight.*
- (d) Ensure adequate separation between buildings, consistent with the established character and rhythm of built elements in the street.*

41. Front setbacks are to be consistent with those of adjoining dwellings. The proposal satisfies this requirement, adopting a front setback of 5.2m, consistent with No.55 Allawah Avenue. Part of the ground floor balcony protrudes forward of this setback line and is 4m from the street boundary, however this is generally consistent with No.55 Allawah Avenue, which has a bay window projecting forward that is setback 4.2m from the street boundary.
42. Side setbacks are to be 1.2m where the wall height exceeds 3.5m in height. For walls under 3.5m in height, a setback of 900mm applies.
43. To the north-western boundary, the proposal is setback 1.2m on the lower two floors and 2.1 to 3.1 metres on the top floor.
44. To the south-eastern boundary the proposal is setback 1.2 – 3.2 metres ground floor, 1.8m on the first floor and 3.1 to 3.6 metres on the top floor. The carport is set on the boundary with no setback.
45. The nil setback to the carport is acceptable as it is an open form structure and replaces an existing carport on the side boundary. The proposal is not a solitary example as No.55 Allawah Avenue also has a side carport on the boundary. The proposal is well integrated to the design of the building and does not detrimentally impact the streetscape or adjoining property in any significant way.
46. The proposal complies with the required rear setback of 8.1m (15% of the site depth).

Fenestration and External Materials

47. The proposal complies with the requirement that new buildings should present a primary building façade and roofing that is constructed of materials, and within a colour range, that is complementary to the dominant character of buildings in the streetscape.
48. The proposal does not have a garage, only a single width tandem carport and therefore complies with the requirement that garage doors should not dominate the street front elevation.
49. The proposed flat roof is similar to the angle of pitch, materials and colour of roofs of other contemporary dwellings in the streetscape.
50. The proposal complies with the requirement that the colours of garages, window frames, and balustrading on main facades and elevations are to be integrated with the external design of the building.
51. The proposal incorporates a highly glazed façade, which does not comply with the requirement that glazing be limited to a maximum 35% of the total area of the overall street front façade.

Street Edge

52. The proposal provides a new front fence that is complimentary to the dominant streetscape.
53. There are no street trees that would otherwise be affected by the proposal.

Open Space

54. The proposal complies with the requirement to provide at least 15% of the site as deep soil landscape area.
55. The proposal provides highly usable areas of private open space that is accessible from living areas, though on a different level due to the topography of the site. Existing high quality landscape areas and rock outcrops at the rear of the site are retained.

Vehicular access, Parking and Circulation

56. The proposal complies with the requirement to park two (2) cars off street, through the provision of a tandem carport.
57. The application was referred to Council's Traffic Engineer who raised a number of issues with the levels and gradient of the driveway and carport. The amended plans resolve the issues with the exception of two levels that require correction:
 - The boundary level at the south-eastern edge of the driveway shall be RL 7.480. The next change of grade on the south-eastern edge shall be 4.4m from the boundary level and be at RL 8.300.
 - The boundary level at the south-western edge of the driveway shall be RL 7.630. The next change of grade on the south-western edge shall be 4.4m from the boundary level and be at RL 8.300.

58. The above correction to the levels can be resolved as conditions of consent. Subject to the above being satisfied, the proposal satisfies the provisions for parking and vehicular access in KDCP 2103 and the relevant Australian/NZ standards.

Privacy

59. Windows facing the sides of 'active' rooms are offset from those of adjoining dwellings or utilise highlight windows to minimise potential overlooking impacts.
60. The proposal does not include any rear balconies, though does include a top floor terrace off the Master bedroom (a 'non-active' room) that is situated behind the building line. The terrace is setback in excess of 3m from side boundaries, complying with setback requirements, though does not comply with the maximum depth limit of 2.5m. However the numerical guidelines are not given weight as the privacy requirements of KDCP 2013 state that:

Notwithstanding the above, where rooms on the upper levels are "non-active", no consideration will be given with respect to privacy issues.

61. The proposal satisfies the privacy requirements of KDCP 2013.

Solar Access

62. The proposal complies with the requirement that where the neighbouring properties are affected by overshadowing, at least 50% of the neighbouring existing primary private open space or windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on 21 June

Views and View Sharing

63. No issues are raised with respect to views.

Ancillary Structures

64. The proposed development is subject to the specific controls for ancillary structures contained within Section 4 – Ancillary Structures of KDCP2013. The following comments are made with respect to the proposal satisfying the relevant objectives and controls contained within the DCP.

Fences and Walls

65. The proposal satisfies the provisions for fences and walls in KDCP 2013. A 1.2 – 1.4m high rendered masonry front fence is proposed, with open form metal vehicular and pedestrian gates. The fence also includes stepped elements with planters to break up the massing of the fence and allowing it to present a lower (500-800mm) high edge to the street.

Outbuildings

66. The proposed development includes the construction of a cabana at the rear of the site, adjacent to the proposed pool.

- 67. The cabana is partially excavated into the site with a maximum height of 2.2m above existing ground level, complying with the maximum height limit of 3.5m.
- 68. The proposal complies with the minimum setback of 900mm.

Swimming Pools, Spas & Associated Enclosures

- 69. The proposed development includes the construction of a new inground swimming pool in the rear yard, located between the proposed dwelling and cabana.
- 70. The proposal complies with the requirement that the top of the swimming pool is as close to the existing ground level as possible. On sloping sites this will often require excavation of the site on the high side to obtain the minimum out of ground exposure of the swimming pool at the low side.
- 71. Swimming pool coping is not to be protrude more than 1m above ground level (existing) on steeply sloping sites. The proposed pool is fully excavated into the site with a maximum excavation depth of 1.5m, satisfying this requirement.

Kogarah Development Control Plan 2013 Compliance Table

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

Performance Criteria	Design Solution	Proposed	Complies?
Building Scale			
Height <ul style="list-style-type: none"> • Ceiling • Parapet 	7.2m 7.8m	8.2m 8.88m	No No
No of Levels	3	3	Yes
Floorspace Ratio	0.53:1 (373.07m ²)	0.53:1 (372.8m ²)	Yes
Max rearward extension of second storey	60%	43%	Yes
Rhythm of Buildings			
Setbacks <ul style="list-style-type: none"> • Front • Rear/FBL • Side (NW) • Side (SE) 	5.2m 8.1 1.2m 1.2m	5.2m 22m	Yes Yes
Fenestration & External Materials			
Amount of glazing to street	35% max		
Other			
Deep Soil Landscaping	15% (105.15m ²)	37.2% (262.59m ²)	Yes

Balconies			
• Width	2.5m		
• Setback	3.0m		
• Total Area	40sqm		
Swimming Pool			
• Waterline setback	1.5m	1.8m	Yes
• Coping Setback	0.9m	1.0	Yes
• Height of coping	1m	-0.5 – 1.5m below	Yes
Outbuilding			
• Max height	3.5m	2.2m	Yes
• Min setback	0.9m	1.0m	Yes

Section 94A Contributions

73. The proposed development requires payment of \$9,816 in Section 94 contributions based on the provisions of Kogarah Section 94A Contributions Plan.

(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,

74. 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,

75. The proposed development is of a scale and character that is in keeping with other dwellings 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,

76. 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,

77. 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. No submissions were received.

(e) the public interest.

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

Conclusion

79. 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.
80. Following detailed assessment it is considered that Development Application No 198/2016 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 Alec Pappas Architects, Job No. J02-16, Drawing Nos. A-01, A-02, A-03, A-04, A-05, A-06, A-07, A-08, A-09, A-10, A-11, Rev.A, dated December 2016.
- (ii) Landscape plans – prepared by Zenith Landscape Designs, Drawing No. 16-3298 LO1, dated 22/08/16.
- (iii) Stormwater plans – prepared by John Romanous and Associates Pty Ltd, Drawing No. 1744 – S1/3, S2/3, S3/3, Rev.B dated 16/09/2016.

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 \$1,900.00
- *Builders Long Service Levy of \$3,435.00
- Driveway Design and Inspection Fee (Dwelling) of \$ 515.00
- Asset Inspection Fee of \$ 110.00
- Section 94A Contributions of \$9,816.02

*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) Section 94A Contributions

As at the date of Development Consent a contribution of \$9,816.02 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 Section 94A Contributions Plan may be inspected at Council's Customer Service Centres or online at www.georgesriver.nsw.gov.au.

(4) 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.

(5) 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.

(6) 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.

(7) Amended Driveway Levels

The architectural plan prepared by Alec Pappas Architects (Job No. J02-16, dated December 2016) shall be amended to alter driveway grades and levels as follows:

- The boundary level at the south-eastern edge of the driveway shall be RL 7.480. The next change of grade on the south-eastern edge shall be 4.4m from the boundary level and be at RL 8.300.

The boundary level at the south-western edge of the driveway shall be RL 7.630. The next change of grade on the south-western edge shall be 4.4m from the boundary level and be at RL 8.300.

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.

(8) 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.

(9) Sydney Water (DA & CC)

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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

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.

(16) Inspections - New Dwelling

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

- at the commencement of building works
- after excavation for, and prior to the placement of, any footings, and
- prior to pouring any in-situ reinforced concrete building element, and
- prior to the covering of the framework for any floor, wall, roof or other building element, and
- prior to covering waterproofing in any wet areas, and
- prior to covering any stormwater drainage connections, and
- after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- in the case of a swimming pool, as soon as practicable after the barrier (if one is required under the Swimming Pools Act 1992 has been erected.

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
- Landscaping

(17) 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.

(18) 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.

(19) 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.

(20) 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.

(21) 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*'.

(22) 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.

(23) 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.

(24) 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.

(25) 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.

(26) 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.

(27) 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.

(28) 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.

(29) 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.

(30) 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.

(31) Swimming Pool/Spa shall be Fenced

The proposed swimming pool and/or spa shall be fenced and constructed in accordance with the Swimming Pools Act, 1992 and the Swimming Pools Regulation 2008. If required, you may confer with Council for assistance with respect to the location of pool fencing.

(32) Pool Filter/Pump no Offensive Noise

Pool plant and equipment shall be enclosed in a sound absorbing enclosure or installed within a building to minimise noise emissions and possible nuisance to nearby neighbours.

The pool plant and equipment shall not be operated during the following hours if noise emitted can be heard within a habitable room in any other residential premises or as otherwise stated in the *Protection of the Environment Operations (Noise Control) Regulation 2008*:

- Before 8:00am or after 8:00pm on any Sunday and public holiday;
- Before 7:00am or after 8:00pm on any other day.

(33) Building Finishes

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

(34) 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. The line must pass through a silt arrestor pit.

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.

(35) 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.

(36) 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.

(37) Compliance with the Building Code of Australia

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

(38) 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.

(39) 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.

(40) 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.

(41) 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.

(42) 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.

(43) Demolition Conditions-Asbestos

- (a) Demolition of buildings where asbestos is determined to be present should only occur 7am – 5pm Monday to Saturdays, and must not occur on Sundays or Public Holidays, to ensure that the persons carrying out the work have access to WorkCover professionals if required.
- (b) All asbestos removal shall be undertaken in accordance with the requirements of WorkCover's 'How to Safely Remove Asbestos' Code of Practice and Council's Asbestos Policy.
- (c) Written notice must be provided to Georges River Council five (5) working days (excluding public holidays) prior to commencement of any works.

Written notice is to include the following details:

- Date the demolition will commence
- Name, address, contact details (including after hours) and licence number of the demolisher and asbestos removalist (if different)

Work must not commence prior to the nominated demolition date.

Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

- (d) The owner is to notify all owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification is to be clearly written on A4 size paper stating the date the demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date and time stated in the notification.
- (e) A demolition or asbestos removal contractor licensed under the *Work Health and Safety Regulations 2011* must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

- (f) Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS

REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

- (g) All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.
- (h) A Clearance Certificate or Statement, prepared by a suitably qualified occupational hygienist must be provided to Council upon completion of demolition and asbestos related works, which confirms that the relevant legislative requirements in relation to safe removal and disposal have been satisfied.
- (i) A Work Cover Licensed Demolisher is to be engaged to carry out any demolition works using mechanical equipment where the structure is over 4 metres in height or to carry out any manual demolition works on a structure over 10 metres in height.
- (j) The provision of temporary fences and footpath crossing pads prior to commencement of demolition operations. Further, no waste materials or bins are to be placed on Council's roadways or footpaths.
- (k) No waste materials are to be burnt on site.
- (l) No trees as defined by Council's Tree Preservation Order being removed or damaged on the site without the prior written approval of Council.
- (m) Compliance with the provisions of Australian Standard AS 2601-1991:"The Demolition of Structures", which requires notification of demolition to be submitted at least seven (7) days prior to demolition to the NSW Workcover Authority.
- (n) Effective erosion and sediment control measures are to be undertaken during the course of demolition and building works in accordance with Council's 'Environmental Site Management Policy'. Failure to implement appropriate measures may result in a \$750 Penalty Infringement Notice (individual) and/or \$1,500 (corporation) being issued and/or the incurring of a maximum penalty of \$250,000 (corporation) or \$120,000 (individual) through the Land and Environment Court.
- (o) Appropriate measures are to be implemented on site to control dust and other air borne matter and demolition material is to be stored and stacked in a manner so as to minimise the risk of damage or nuisance to neighbouring properties.
- (p) Council being notified upon completion of the demolition works so that an inspection can be made of the roadway and footpath.
- (q) All non-recyclable demolition material being disposed of at an approved waste disposal depot. Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept as evidence of approved method of disposal.

- (r) 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

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) 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.

(vi) Property Address

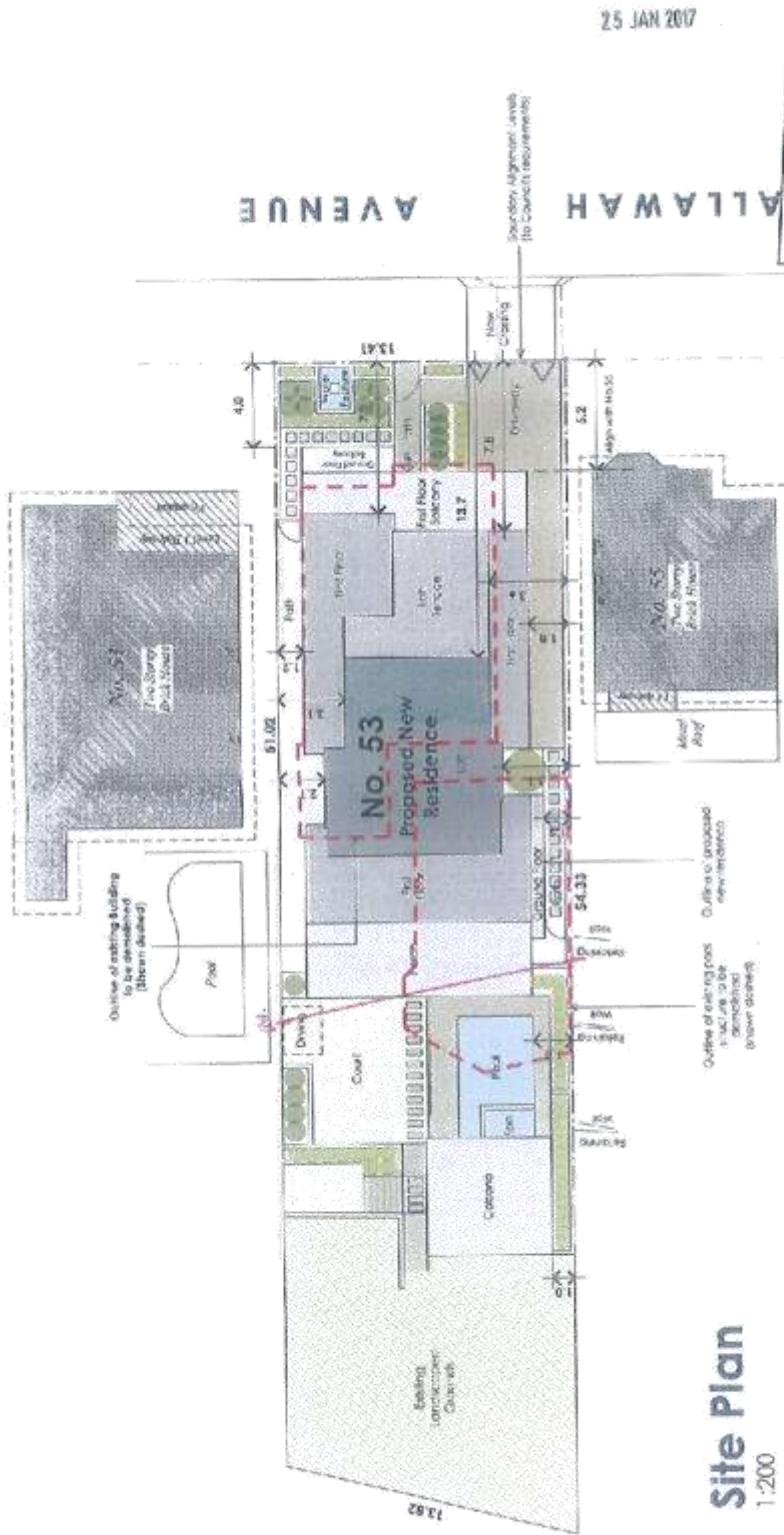
Property addresses shall be allocated by Council in accordance with the Addressing Standard AS/NZS 4819:2011.

(vii) Onsite Detention Not Required

It has been assessed that the storm water runoff from the property will not impact on any other residential property prior to it entering Carss Park. As such On-site Detention is not required.

ATTACHMENTS

Attachment [View1](#) A4 Plans



Site Plan
1:200

Proposed New Residence at

53 Allawah Avenue Carss Park

GEORGES RIVER COUNCIL
 Customer Service Centre
 22 DEC 2018
 Time 10:34 AM
 Doc. No.

Total Site Area 706.34m²

	<p>Alec Pappas Architects Pty Ltd</p> <p>110/112 Macquarie Street Sydney NSW 2000 Ph: (02) 955 1233 F: (02) 955 1234 Email: info@alecpappas.com.au www.alecpappas.com.au</p>	<p>Client: Alex Wright</p>	<p>Consultants: Jovir Associates & Associates (Stormwater) Jenith Landscape Design Building & Energy Consultants Australia (BECH)</p>	<p>Project: Proposed New Residence 53 Allawah Ave Carss Park</p>	<p>Date: Sep 16 Issue: 1 Jacks: 1 Drawn: J Check: J Date No.: 200-002-16 Doc. No.: A-03</p>
<p>DESIGN INTENT FOR COUNCIL (DA)</p>		<p>Site Plan</p>			



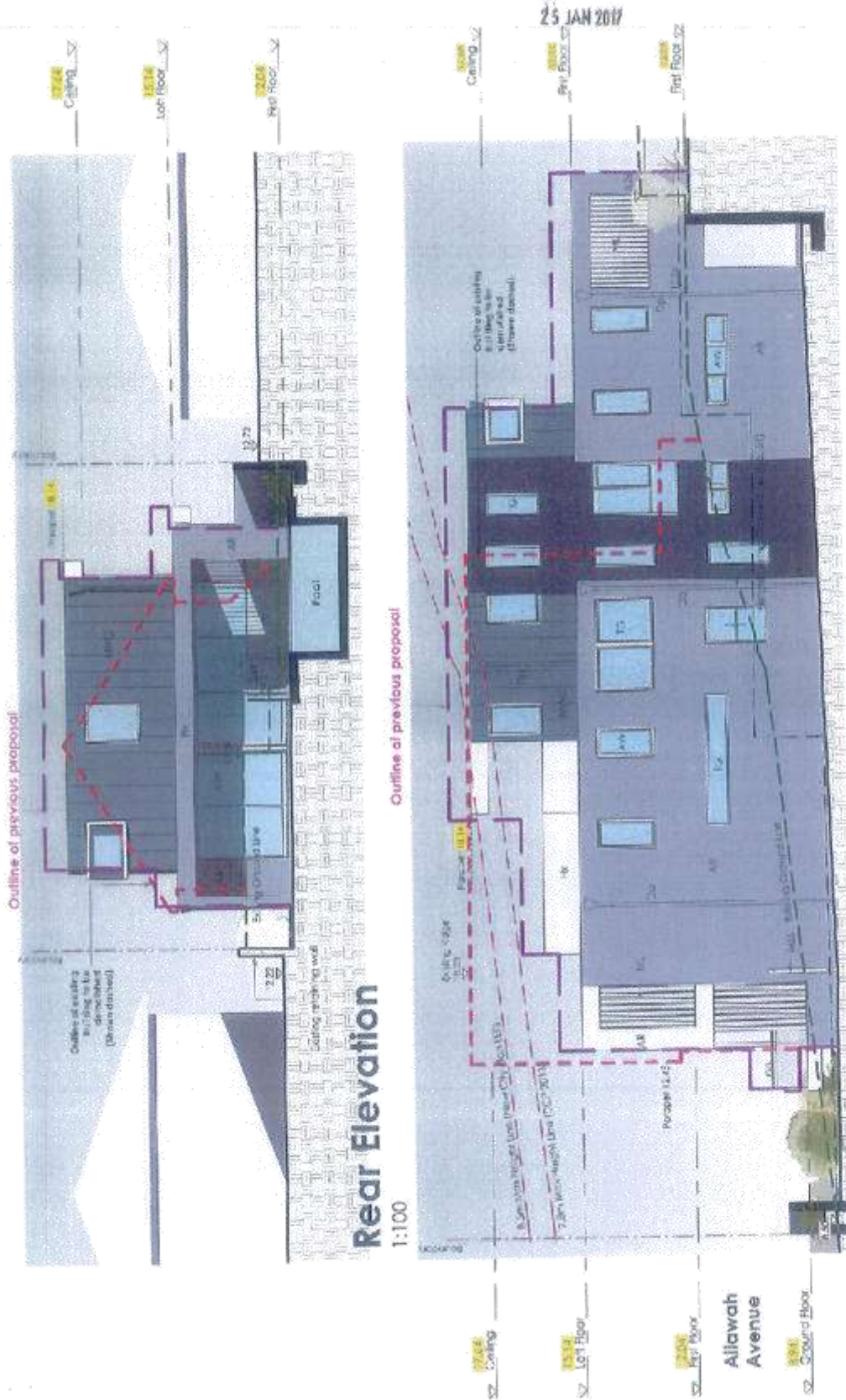
Front Elevation (To Allawah Avenue)
 1:100

<p>Client (Full Name)</p>	<p>Consultants John Romagnolo & Associates (planning) Zenith Landscape Design Building & Energy Consultants Australia (BASIG)</p>	<p>Project Proposed New Residence 53 Allawah Ave Carss Park</p>	<p>Scale Site: 1:6 Block: 1:100 Final: 1:100</p>
<p>DESIGN INTENT FOR COUNCIL (DA)</p>		<p>Architect Alec Pappas Architects Pty Ltd Elevations</p>	<p>Drawn By Date</p>

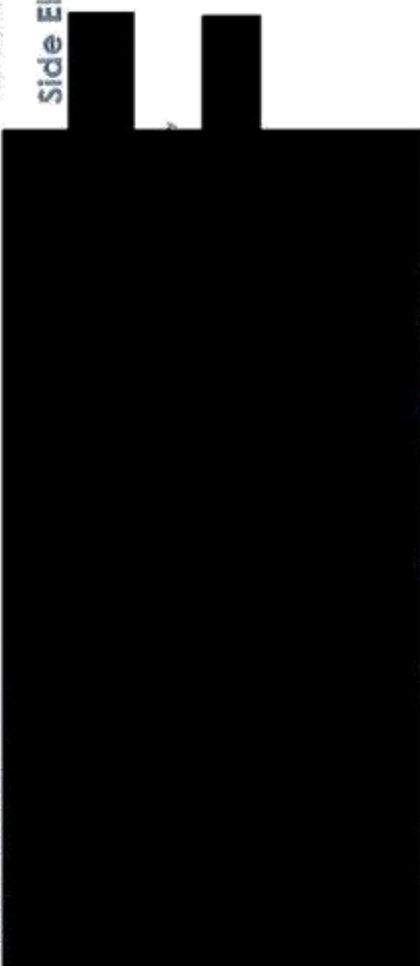
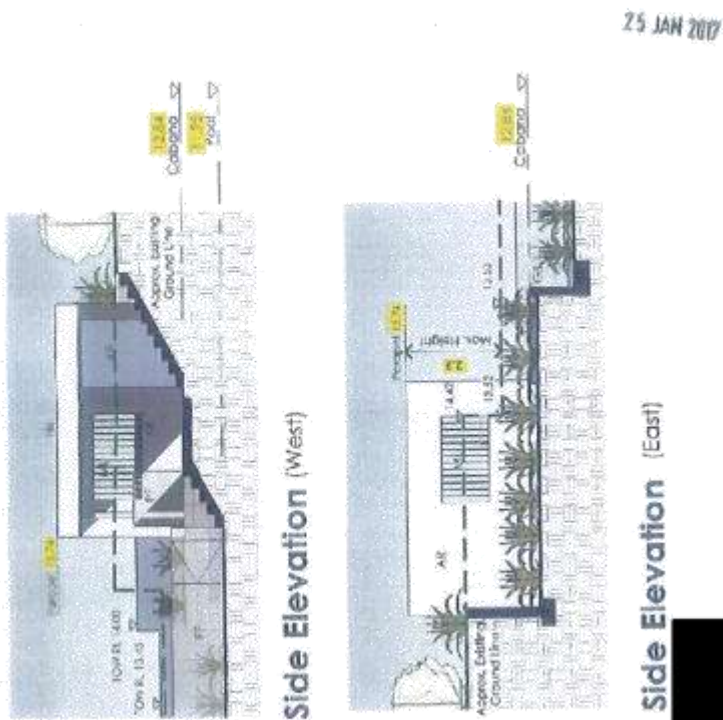


Side Elevation (East)
 1:100

<p>Client: Neil Wright</p> <p>Consultants: John Rimmerous & Associates (Planners), Zander Landscape Design, Building & Energy Consultants Australia (B&E)</p>	<p>Project: Proposed New Residence 53 Allawah Ave Carss Park</p> <p>Scale: 1:100 (A4) 16</p> <p>Date: 25/01/17</p> <p>Job No. 1100</p> <p>Drawn by: AUR</p>
<p>DESIGN INTENT FOR COUNCIL (DA)</p>	<p>Alec Pappas Architects Pty Ltd Elevations</p>



<p>Client: No. 1101</p> <p>Consultants: John Kormanous & Associates (Pty) Ltd 7th/7th Landscaping Design Building & Energy Consultants Australia (BESA)</p>	<p>Project: Proposed New Residence 53 Allawah Ave Carss Park</p>	<p>Date: Sep 16</p> <p>Scale: 1:100</p> <p>Draw No: A-09</p>
<p>alec pappas architects ply ltd ALEC PAPPAS ARCHITECTS PLY LTD MEMBER OF THE AUSTRALIAN ARCHITECTURAL ASSOCIATION</p>		
<p>DESIGN INTENT FOR COUNCIL (DA)</p>		



Cabana Elevations & Section

<p>Client: Newburgh</p> <p>Consultants: John Boncompagni & Associates (planning), Leehy Landscape Design, Nalring & Energy, Cantalunga Architects (ASB)</p> <p>Project: Proposed New Residence, 53 Allawah Ave Carss Park</p> <p>Architect: Alec Pappas Architects Pty Ltd</p> <p>Scale: 1:100</p> <p>Date: 25 JAN 2017</p>	<p>Project: Proposed New Residence, 53 Allawah Ave Carss Park</p> <p>Architect: Alec Pappas Architects Pty Ltd</p> <p>Scale: 1:100</p> <p>Date: 25 JAN 2017</p>	<p>Client: Newburgh</p> <p>Consultants: John Boncompagni & Associates (planning), Leehy Landscape Design, Nalring & Energy, Cantalunga Architects (ASB)</p> <p>Project: Proposed New Residence, 53 Allawah Ave Carss Park</p> <p>Architect: Alec Pappas Architects Pty Ltd</p> <p>Scale: 1:100</p> <p>Date: 25 JAN 2017</p>
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