

AGENDA - LPP

Meeting:	Georges River Local Planning Panel (LPP)
Date:	Thursday, 18 July 2019
Time:	4.00pm
Venue:	Council Chambers, Civic Centre, Hurstville
Panel Members:	Adam Seton (Chairperson) John Brockhoff (Expert Panel Member) Helen Deegan (Expert Panel Member) George Vardas (Community Representative)
Council Staff:	Meryl Bishop (Director Environment and Planning) Ryan Cole (Manager Development and Building) Nicole Askew (Coordinator Development Assessment) Cathy Mercer (PA to Manager Development and Building) Sue Matthew (Team Leader DA Admin)

1. On Site Inspections - 1.00pm –3.30pm

- a) 87a Jubilee Avenue Beverly Park
- b) 41 Edward Street Carlton
- c) 2 Dardanelles Street Mortdale

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 LPP Deliberations in Closed Session - 6.30pm

- LPP020-19 87a Jubilee Avenue Beverley Park (Beverley Park Golf Club) - DA2017/0471**
(Report by Independent Assessment)
- LPP021-19 87a Jubilee Avenue Beverley Park (Beverley Park Golf Club) - DA2017/0472**
(Report by Independent Assessment)
- LPP022-19 2 Dardanelles Street Mortdale - DA2018/0291**
(Report by Contract Planner)
- LPP023-19 41 Edward Street Carlton - DA2018/0046**
(Report by Senior Building Surveyor)

4. Confirmation of Minutes

LPP020-19

**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 18 JULY 2019**

LPP020-19

LPP Report No	LPP020-19	Development Application No	DA2017/0471
Site Address & Ward Locality	87a Jubilee Avenue Beverley Park (Beverley Park Golf Club) Kogarah Bay Ward		
Proposed Development	Development Application for the erection of new perimeter fencing and gates associated with the Beverley Park Golf Course		
Owners	Georges River Council; NSW Department of Industry		
Applicant	Frank Bates, on behalf of Beverley Park Golf Club Limited		
Planner/Architect	No Planner or Architect was used in preparation of this development application		
Date Of Lodgement	9/10/2017		
Submissions	152 submissions received – 75 submissions in support, 77 submissions of objection		
Cost of Works	\$435,270.00		
Local Planning Panel Criteria	Georges River Council is the landowner of many of the allotments forming part of the subject site; also the development is the subject of ten (10) or more unique submissions by way of objection.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Kogarah Local Environmental Plan 2012, Kogarah Development Control Plan 2013, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, State Environmental Planning Policy 55 – Remediation of Land; State Environmental Planning Policy (Infrastructure) 2007; State Environmental Planning Policy (Coastal Management) 2018 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, Draft State Environmental Planning Policy (Environment); Roads Act 1993		
List all documents submitted with this report for the Panel's consideration	Fence Location and Elevation Plans Manufacturer's Specifications of Proposed Fencing		
Report prepared by	Independent Assessment		

Recommendation	THAT the application be refused in accordance with the reasons stated in the report
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied	Yes

about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, as the recommendation of this report is refusal
Site Photo	



**SUBJECT SITE -
BEVERLEY PARK
GOLF CLUB**

Aerial Photo – Beverley Park Golf Course

Executive Summary

Proposal

1. The development application (DA2017/0471) proposes the construction of security fencing and gates associated with the Beverley Park Golf Course. According to the “Manufacturer’s Specifications” (submitted with the development application), the fence is to be constructed of pre-galvanised steel panels, generally to a height of 2100mm and panel widths of 2400mm between galvanised steel posts. The fence is proposed to have a “sharp spear” top profile. Details of the fence panelling and a sample photo is provided in the body of the report see figure 1 and 2 below.

2. The fence is proposed to be constructed around the entire perimeter of the Beverley Park Golf Course with a total length of around 2.4km, to replace the existing “Koppers log” fence which is generally around 700mm in height. According to the applicant’s DA documentation, the reasons given for the proposed new fencing includes to prevent vandalism/damage to the Course, to prevent unauthorised entry including golfers entering the course without paying green fees (such players are not covered by insurance), to prevent people from unauthorised entry to the course for purposes other than playing golf.
3. In addition to this DA for the perimeter fencing (DA2017/0471), the applicant has lodged a separate DA for a new maintenance shed/staff amenities building at the eastern side of the site (near Weeney Street). This separate DA (DA2017/0472) for the maintenance shed/ staff amenities building is the subject of a separate report on this agenda.

Site and Locality

4. The subject site has a street address of 87a Jubilee Avenue, Beverley Park, and is more commonly known as Beverley Park Golf Course. The entire Golf Course consists of some 34 allotments of land generally bounded by Jubilee Avenue (northern side), Battye Avenue, Weeney Street, Burgess Street and Targo Road (eastern side), Ramsgate Road (southern side), and a drainage channel adjacent to Harslett Crescent, and Ferry Road (western side).
5. The subject site has an area of approximately 2.93ha (29,300sqm), and is generally level/flat except for minor undulations throughout the golf course. The site contains a number of structures typical of a golf course (including a club-house, site maintenance buildings, toilet facilities etc).
6. In terms of vegetation, areas of the site where golfing facilities are located either contain structures and/or are cleared, though areas between the fairways and around the perimeter of the course are heavily vegetated with predominantly mature vegetation.
7. The locality surrounding the golf course is predominantly residential in nature, consisting of low-density (typically dwelling houses and some dual occupancy developments) either adjacent to the golf course and/or across adjoining streets, while there are also sporting fields and open space to the south and north of the golf course.

Zoning and Permissibility

8. The subject site is located within the RE1 Public Recreation zone under Kogarah Local Environmental Plan (LEP) 2012. The proposed development is permissible with Council’s development consent.
9. With the exception of land adjoining the southern boundary that is also zoned RE1, and two allotments to the south zoned SP2 Infrastructure (Water Supply Systems), all other land surrounding the Golf Course is zoned R2 Low Density Residential.
10. Development on surrounding land largely reflects their respective zoning regimes, with the RE1 zone containing community facilities and the R2 zones containing low density residential development.

Submissions

11. The development application has been advertised and notified to neighbours in accordance with Kogarah DCP 2013, and a significant number of submissions have

been received, both in support of the proposed development and objecting to the proposed development. In total, 152 submissions were received – 75 submissions in support and 77 submissions by way of objection were received. These are discussed in detail in the body of the report.

Reason for Referral to the Local Planning Panel

12. The DA is referred to the Local Planning Panel for determination, as the DA is subject to 10 or more unique submissions by way of objection as referenced in Section 9.1 (Environmental Planning and Assessment Act 1979) Minister's Direction dated 23 February 2018. Further, referral to the Local Planning Panel is also required because many of the allotments comprising the subject site are owned by Georges River Council (and/or the allotments are under Council's care, control and management).

Issues of Concern

13. The main issues of concern in relation to this DA are summarised as follows, (and these are discussed in more detail in the body of the report):
- Tree removal and natural environment issues:
 - Encroachment on road reserves:
 - Land Owner's consent from Sydney Water:
 - Acid sulphate soils:
 - Objectives of the RE1 zone:
14. The proposal as currently submitted is unacceptable in relation to these issues. Further, in relation the issue of tree removal and encroachment on road reserves, there has been insufficient information submitted to Council to enable a full and detailed assessment to be made.

Conclusion

15. The application has been assessed having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans.
16. As a result of the key issues identified above, the subject DA has been recommended for refusal. The detailed reasons for refusal are contained in the body of this report.

Report in Full

Proposal

17. The development application proposes the construction of perimeter security fencing and gates associated with the Beverley Park Golf Course. According to the "Manufacturer's Specifications" (submitted with the development application), the fence is to be constructed of pre-galvanised steel panels, generally to a height of 2100mm and panel widths of 2400mm between galvanised steel posts. The fence is proposed to have a "sharp spear" top profile. The total length of the fence would be approximately 2.4km being the perimeter of the Golf Course.
18. Below are details of the fence panelling and a sample photo, as provided by the applicant:



Figure 1 – Fencing specifications



Figure 2 – photomontage of the proposed fencing

19. The applicant's DA documentation also includes a plan showing the location of fencing and gates, as well as the opening times and usage of each of the gates. This plan is provided below, together with details of the gates, opening times and usage:



Figure 3 - An extract from the applicant's site map/plan.

20. Details of gates, opening times and usage, as shown in the above site map/plan is provided below:

Gate 1:

- Located adjacent to Ferry Avenue.
- For use by golfing/social members for golf/clubhouse activities and other events.
- In use from 5:30am until the clubhouse closes.

Gate 2:

- Located adjacent to Ferry Avenue (opposite 26 Ferry Avenue).
- For use by course and Council staff for maintenance of the drainage channel.
- In use from 7:00am to 5:00pm

Gate 3:

- Located adjacent to Ferry Avenue (opposite 66 and 68 Ferry Avenue).
- For use by course and Council staff for maintenance of the drainage channel.
- In use from 7:00am to 5:00pm

Gate 4:

- Located adjacent to Harslett Crescent (opposite 78 Harslett Crescent).
- For use by emergency vehicles, course and Council staff for maintenance of the drainage channel.
- In use from 7:00am to 5:00pm

Gate 5:

- Located adjacent to Ramsgate Road.
- For use by Sydney Water employees.
- In use from 7:00am to 5:00pm

Gate 6:

- Located adjacent to Ramsgate Road.
- For use by Council staff and Sydney Water employees.
- In use from 7:00am to 5:00pm

Gate 7:

- Located adjacent to Ramsgate Road.
- For use by Council staff and Sydney Water employees.
- In use from 7:00am to 5:00pm

Gate 8:

- Located adjacent to Burgess Street (opposite 56-58 Burgess Street).
- For use by emergency vehicles, course staff and Council staff.
- In use from 7:00am to 5:00pm

Gate 9:

- Located adjacent to Burgess Street (opposite 56-58 Burgess Street).
- For use by course staff, contractors, deliveries for soil and sand, emergency vehicles and Council staff.
- In use from 5:00am to 5:00pm, Monday to Saturday.

Gate 10:

- Located adjacent to Jubilee Avenue.
- For use by course staff, emergency vehicles and Council staff.
- In use when required, seven days.

Gate 11:

- Located adjacent to Jubilee Avenue.

- For use by social members and public visiting for golf and clubhouse activities and during other events staffed by club management.
 - In use from 5:30am until the clubhouse closes.
21. As part of the proposal, 116 trees are proposed to be removed (excluding other trees that have previously been approved for removal by Council), with a further 38 to be pruned. Submitted information indicates that replacement trees would be planted, however the number of trees to replace those being removed is unclear (information within the application responses to submissions suggest that 217 replacement trees would be planted, however the submitted Arboricultural assessment indicates that replenishment trees are to be planted at a 1:1 ratio (ie 116 trees).
22. **NOTE:** It should be noted that under Council's current Tree Management Policy, replacement planting is now required to be undertaken at a ratio of 2:1. However, there is an area of inconsistency between the applicant's submitted information and the Arborist report.

The Site and Locality

23. The subject site has a street address of 87a Jubilee Avenue, Beverley Park, and is more commonly known as Beverley Park Golf Course. The entire Golf Course consists of some 34 allotments of land generally bounded by Jubilee Avenue (northern side), Battye Avenue, Weeney Street, Burgess Street and Targo Road (eastern side), Ramsgate Road (southern side), and a drainage channel adjacent to Harslett Crescent, and Ferry Road (western side).
24. The subject site comprises 34 irregularly-shaped allotments, which are listed and shown as follows:

• Lot 161, DP 19098	• Lot 1, DP 1115160	• Lot 2, DP 723730
• Lot 1, DP 1115657	• Lot 1, DP 1122814	• Lot 3, DP 723730
• Lot 2, DP 1115657	• Lot 1, DP 1127867	• Lot 4, DP 723730
• Lot 1, DP 1115465	• Lot 1, DP 724240	• Lot 5, DP 723730
• Lot 1, DP 457030	• Lot 1, DP 1148376	• Lot 6, DP 723730
• Lot 1, DP 669359	• Lot 2, DP 1148376	• Lot 7, DP 723730
• Lot 1, DP 669358	• Lot 9, DP12389	• Lot 55, DP 3097
• Lot 1, DP 1115626	• Lot 10, DP12389	• Lot 56, DP 3097
• Lot 1, DP1114452	• Lot 2, DP 230426	• Lot 57, DP 3097
• Lot 2, DP 1114452	• Lot 7031, DP 93155	• Lot 58, DP 3097
• Lot 2, DP 1115160	• Lot 4, DP 230427	
• Lot 1, DP 1122814	• Lot 1, DP 723730	

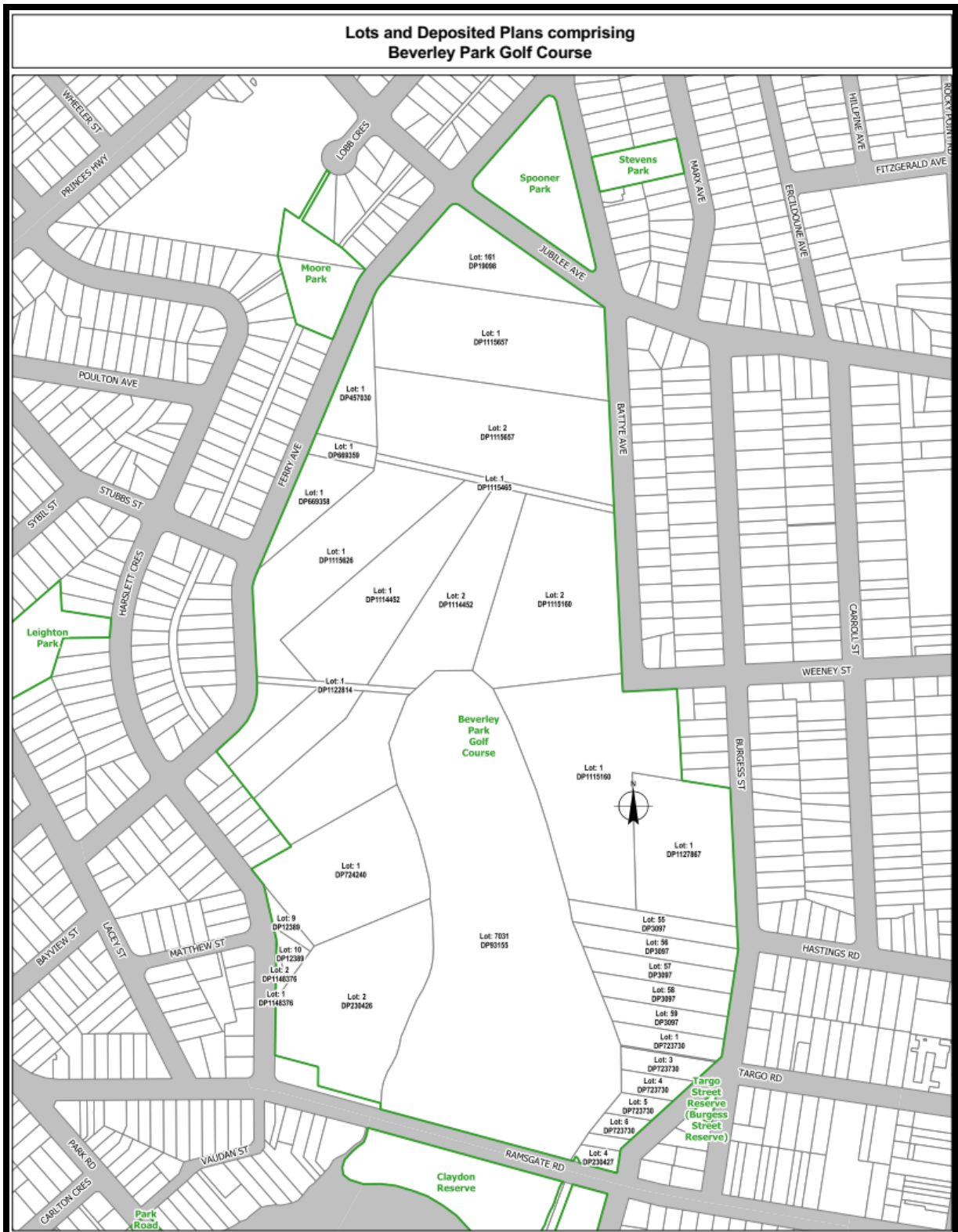


Figure 4 – Details of the lot and DP's across the site.

25. The subject site has an area of approximately 29,300sqm (excluding encroachments on public road reserves). The topography of the site is mostly level, with some undulating sections where the site has been modified to incorporate certain features (e.g. topographical features, golfing hazards, etc.). Development on the site includes features and structures associated with the Beverly Park Golf Club (BPGC), and includes the following:
- A large clubhouse, which includes facilities including a pro-shop, restaurant, bar, gaming and function facilities;

- Car parking facilities;
 - Site maintenance facilities, and facilities which support the operation of onsite equipment, which are located within the centre on eastern sides of the site;
 - Toilet facilities;
 - Golfing fairways, tee-off areas, putting greens and associated features (i.e. sand bunkers, water hazards, etc.); and
 - Pathways and associated site infrastructure.
26. In addition to the above, there are other features on the site that include the following:
- An open drainage channel that traverses the southeast side of the subject site into the Georges River;
 - Flood mitigation facilities;
 - Water network assets, including a sewage pumping station at the southern end of the subject site.
27. In terms of vegetation, areas of the site where golfing facilities are located either contain structures and/or are cleared, though areas between the fairways and around the perimeter of the course are heavily vegetated with predominantly mature vegetation.
28. The locality surrounding the golf course is predominantly residential in nature, consisting of low-density (typically dwelling houses and some dual occupancy developments) either adjacent to the golf course and/or across adjoining streets, while there are also sporting fields and open space to the south and north of the golf course.

Background

29. 9 October 2017 – The subject DA (DA2017/0471 for the proposed fencing) was lodged with Council. Also lodged on this date was DA2017/0472 for the construction of a new maintenance shed and staff amenities near Weeney Street on the eastern side of the golf course. A separate report for the maintenance shed/staff amenities building appears in this agenda.
30. The DA was neighbour notified and referred to a number of officers within and outside Council. The notification period was from 6 March to 22 March 2018 (which was later extended until 4 April 2018). In total, 152 submissions were received – 75 submissions in support and 77 submissions by way of objection were received, as discussed in the Submissions section of this report, below.
31. On 12 April 2018, Council Officers advised the applicant of a number of deficiencies with the level of information submitted for assessment with the DA. The applicant was requested to provide the following information:
- site analysis;
 - plans and elevations of the proposed fence (photomontage provided however it is not to scale and does not show the height of the proposed structure);
 - landscape plan;
 - arborist report;
 - golf course safety evaluation (to take into account the course layout and proposed removal of existing trees which may act as a buffer to shield surrounding residences);
32. In addition, the applicant was further advised as follows:

There may appear to be valid reasons for the erection of the fence (ie general safety and security reasons) however these need to be carefully balanced with the zoning of the land (being RE1 Public Recreation) and relevant objectives in order to evaluate the competing interests.

As such, it would be reasonable for the applicants to address the full range of available options to meet their objectives for the erection of the fence to determine whether or not there is scope to consider a revised proposal that may still provide public access at certain locations (near entrances where staff are present to discourage unauthorized use of the course and vandalism) at particular times. In this regard, relevant options could be discussed and/or eliminated.

A public information session and/or workshop would be required to canvas these options. Again, it would have been prudent for the applicant to undertake pre-DA consultations with surrounding residents to discuss potential options.

33. The applicant was requested to provide the additional information by 3 May 2018; however on request from the applicant, this period was extended until 17 May 2018 due to the nature of information requested.
34. On 10 July 2018, the applicant requested a meeting with Council officers to discuss the nature and content of the additional information request, and whether their information was sufficient.
35. Also at this stage, it became apparent that several locations of the existing “Koppers log” fencing encroached within the road reserve, and this would have implications for the proposed fencing. This was being investigated by staff in Council’s Property Team and General Counsel, and this issue was discussed separately with the applicant.
36. Meeting was held between the applicant and Council officers on 31 July 2018. In relation to the DA for the perimeter fencing, the following issues were discussed:
 - Document provided on the analysis of alternate security arrangements
 - Arborist report provided – 116 trees to be removed (50 immediately due to risk) and 36 trees require pruning. The report identified that trees need to be planted to replace those tree that have been removed. Though the Arborist report was submitted, it was noted that the Arborist report contained no plans showing tree locations.
 - No landscape plan was provided – the club was told that a Landscape Plan is required.
 - Design and elevation of 2 fence profiles provided – 19mm and 25mm.
 - Issues relating to the encroachment of the existing “Koppers Log” and proposed steel fencing into the road reserve, in various locations, was discussed.
37. On 6 August 2018, the applicant submitted additional information in relation to Council’s previous additional information requests. This additional information included an Arboricultural assessment, mapping, and land owner’s consent from the NSW Department of Industry – Crown Lands and Water.
38. On 26 November 2018, Council considered a report in relation to the encroachment of existing (and proposed) boundary fences onto the surrounding public road reserve, and

made the following resolution with regard to matter FIN099-18 (Property Matter – Proposed Lease of Road Reserve – Beverley Park Golf Course):

“That a lease not be granted to Beverley Park Golf Club for parts of the golf course currently encroaching upon surrounding road reserves, in order to formalise occupation.”

39. The lease arrangement is an independent approval process to that of the DA. Owners consent has been provided for the lodgement of this application.
40. A meeting was held with the applicant on 2 April 2019, to discuss outstanding matters associated with the application. In relation to the issue of concern regarding encroachment of the proposed fencing into the road reserve, Council officers suggested to the applicant a number of options including:
 - 1) Retain current design of fencing (as currently submitted with the DA);
 - 2) Re-design of the fencing, with the fence to remain in current location. Potential changes to the design could include reduction in height, a different style of fencing (e.g. chain wire etc.);
 - 3) Same fence design but in a different location – i.e. entirely within property boundaries;
 - 4) Stage the fence construction so as to obtain approval for the fencing on current property boundaries and separate/subsequent approval of fencing for land within the road reserve;
 - 5) Withdraw the current DA.
41. Also at the meeting on 2 April 2019, the applicant was requested to provide the following information which remained outstanding from Council’s previous additional information requests:
 - Site analysis;
 - Plans and elevations of the fence;
 - Arborist report – in particular the location of trees to be removed, pruned and replaced
 - Landscape plan;;
 - Survey plan clearly showing the position of the fencing in relation to property boundaries; and
 - Golf course safety evaluation.

The applicant was requested to provide this information by 29 April 2019 to enable the DA to be referred to the Local Planning Panel for determination.

42. The applicant responded on 17 April 2019 to request additional time to provide the requested information (as above); however, to date the applicant has not provided the information required. This information is fundamental to Council officers’ assessment.
43. In summary, various additional information has been requested for submission from the applicant throughout the processing of the application, most notably the location of trees to be removed, pruned and replaced, as well as survey information clearly showing the location of the fence in relation to property boundaries.
44. In order to progress this development application, this report has been prepared on the basis of the information currently submitted to Council. As noted elsewhere in this

report, the assessment has been conducted by external town planning consultants because the land is owned by (and/or is under care, control and management of) Georges River Council.

PLANNING ASSESSMENT

45. The site has been inspected and the proposed development has been assessed under the relevant Section 4.15(1) Matters for Consideration under the Environmental Planning and Assessment Act 1979.

APPLICABLE PLANNING CONTROLS

- Environmental Planning and Assessment Act 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Coastal Management) 2018
- State Environmental Planning Policy No 55 - Remediation of Land
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Kogarah Local Environmental Plan (LEP) 2012
- Kogarah Development Control Plan (DCP) 2013
- Roads Act 1993

State Environmental Planning Policies

46. Compliance with the relevant state environmental planning policies is summarised and discussed in the table below.

Discussion on the SEPPs relevant to the development

State Environmental Planning Policy No 19—Bushland in Urban Areas

47. While the former Kogarah Local Government Area (LGA) is subject to the provisions of this SEPP, and the concerns about large-scale tree clearing by objectors are noted, 'Bushland' is defined by the SEPP as follows:
48. *"bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation."*
49. The vegetation that is proposed to be removed from the site is not a remainder of natural vegetation of the land, nor is it considered to be representative of the native structure and floristics of the locality. As such, the SEPP is not considered to be applicable to the subject DA.

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

50. A review of the site history indicates that the land was vacant until the 1940s, after which time it was developed into (and continually operated as) a golf club with associated development (i.e. a club house, maintenance/grounds keeping facilities, etc.). This review also suggests that land surrounding the subject site has also been continually used for predominantly residential development during that period of time. It is acknowledged that the proposed works would not occur in close proximity to areas where at least some contamination could be identified (i.e. maintenance/storage areas, storage tanks, etc.).

51. The scale of the ground works necessitated by the proposal is also noted, which would be limited to minor excavation for fence footings, and replacement vegetation planting.
52. In the event the DA was approved, an unexpected finds condition could be imposed to address any contaminants. As such, the proposal is considered to satisfy the relevant provisions of SEPP No. 55.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

53. The site is within the area affected by the Greater Metropolitan Regional Environmental Plan No 2 — Georges River Catchment. The proposal, including the disposal of stormwater, is considered to be consistent with Council's requirements for the disposal of stormwater in the catchment.
54. If approved, the proposal would not have a foreseeable impact on river bank disturbance, flooding, urban stormwater runoff and/or local water quality (subject to Council's Development Engineer conditions that could be imposed that would help with runoff and sedimentation). Whilst the proposal would be mostly consistent with the provisions of the Plan, as indicated within the assessment of the clause 6.1 (Acid Sulfate Soils) of LEP (see above), insufficient information has been provided to demonstrate that there would be no disturbance of acid sulphate soils, which are mapped by the LEP as potentially being present on the subject site. Unless it can be demonstrated that acid sulphate soils are not present/would not be disturbed by the development, the proposal would therefore fail to satisfy clause 9(1) of the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment.

State Environmental Planning Policy (Infrastructure) 2007

55. The subject site is not in close proximity to a classified road, nor would the proposed development affect the use of the site in a manner that would constitute 'traffic generating development' in accordance with Schedule 3 of the SEPP; a referral to Roads and Maritime Services (RMS) is therefore not required. No information has been sighted to suggest that an external referral to the energy supply authority is required pursuant to clause 45 of the SEPP.

State Environmental Planning Policy (Coastal Management) 2018

56. The far south west area of the site is identified as being within the 'coastal environment area'. An assessment of Division 3 of the SEPP is therefore as follows.

Clause	Standard	Proposed	Complies
13 Development on land within the coastal environment area	(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following: (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and	An assessment of each of the relevant provisions within subclause (1) is as follows: The proposal would not foreseeably affect surface and groundwater processes and the	Yes

	<p>ecological environment,</p> <p>(b) coastal environmental values and natural coastal processes,</p> <p>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p>	<p>ecological environment.</p> <p>The proposal would not have any foreseeable impact on coastal processes.</p> <p>In the event that the application could be approved, conditions could be applied to ensure that construction works do not affect local water quality.</p> <p>Despite the removal of some native vegetation, the areas of the site affected by the coastal zone are within a highly developed and disturbed area; the proposal is therefore unlikely to have a significant impact on vegetation within the coastal area and associated ecological processes. There are no rock platforms and/or headlands within the vicinity of the works.</p> <p>There are a number of structures (including fences and restricted access areas such as the sewage pumping station) that would broadly prevent public access to the part of the subject site affected by the coastal zone. The proposal is</p>	
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	<p>(f) Aboriginal cultural heritage, practices and places,</p> <p>(g) the use of the surf zone.</p>	<p>therefore unlikely to have a significant adverse impact on accessibility to coastal and foreshore areas.</p> <p>The proposal would have no foreseeable impact on aboriginal sites or locations. Refer to the assessment of cl. 5.10 of LEP.</p> <p>There are no surf zones in close proximity to the site.</p>	
	<p>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>As indicated by the assessment above, the proposal should not foreseeably affect any of considerations within subclause (1).</p>	Yes

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

57. The objectives of the SEPP are to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This policy applies pursuant to Clause 5(1) of the SEPP as the site is within both the Georges River Council and the RE1 Public Recreation zone. Pursuant to Clause 8(1) of the SEPP, clearing does not require an authority as it is a type of clearing that is authorised under Section 60O of the Local Land Services Act 2013 (specifically, that associated with a development consent issued under Part 4 of the Act).

Draft State Environmental Planning Policies

Draft Remediation of Land SEPP

58. The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.
59. The main changes proposed include the expansion of categories of remediation work which requires development consent, a greater involvement of principal certifying authorities particularly in relation to remediation works that can be carried out without development consent, more comprehensive guidelines for Councils and certifiers and the clarification of the contamination information to be included on Section 149 Planning Certificates.
60. Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land.
61. Assessment commentary was provided earlier in this report in terms of assessment under SEPP 55 – Contamination of Land, where it was noted that the site has been continually operating as a golf course since the 1940s.
62. The scale of the ground works necessitated by the proposal is also noted, which would be limited to minor excavation for fence footings, and replacement vegetation planting.
63. In the event the DA was approved, an unexpected finds condition could be imposed should any contaminants be encountered during construction.

Draft Environment SEPP

64. The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018.
65. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.
 - Changes proposed include consolidating the following seven existing SEPPs:
 - State Environmental Planning Policy No. 19 – Bushland in Urban Areas
 - State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
 - State Environmental Planning Policy No. 50 – Canal Estate Development
 - Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
 - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
 - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
 - Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.
66. Generally, as discussed throughout this report, there has been a lack of information submitted in relation to tree removal and replacement plantings. In particular:
 - No survey plan has been submitted to demonstrate the locations of the fences and trees to be removed in relation to relevant property boundaries;
 - No survey and/or landscape plan(s) has been submitted to identify the locations of trees to be removed and/or the location of replacement tree plantings;

- Information submitted by the applicant makes inconsistent reference to the number of trees that are to be replaced.

Kogarah Local Environmental Plan 2012

Zoning and Permissibility

67. The subject site is located within an RE1 Public Recreation zone under Kogarah LEP 2012. The proposed development is permissible subject to Council's development consent.
68. With the exception of land adjoining the southern boundary that is also zoned RE1 and two allotments to the south zoned SP2 Infrastructure (Water Supply Systems), all other surrounding land is zoned R2 Low Density Residential.
69. The following is an extract of the zoning map of the subject site and surrounding properties.

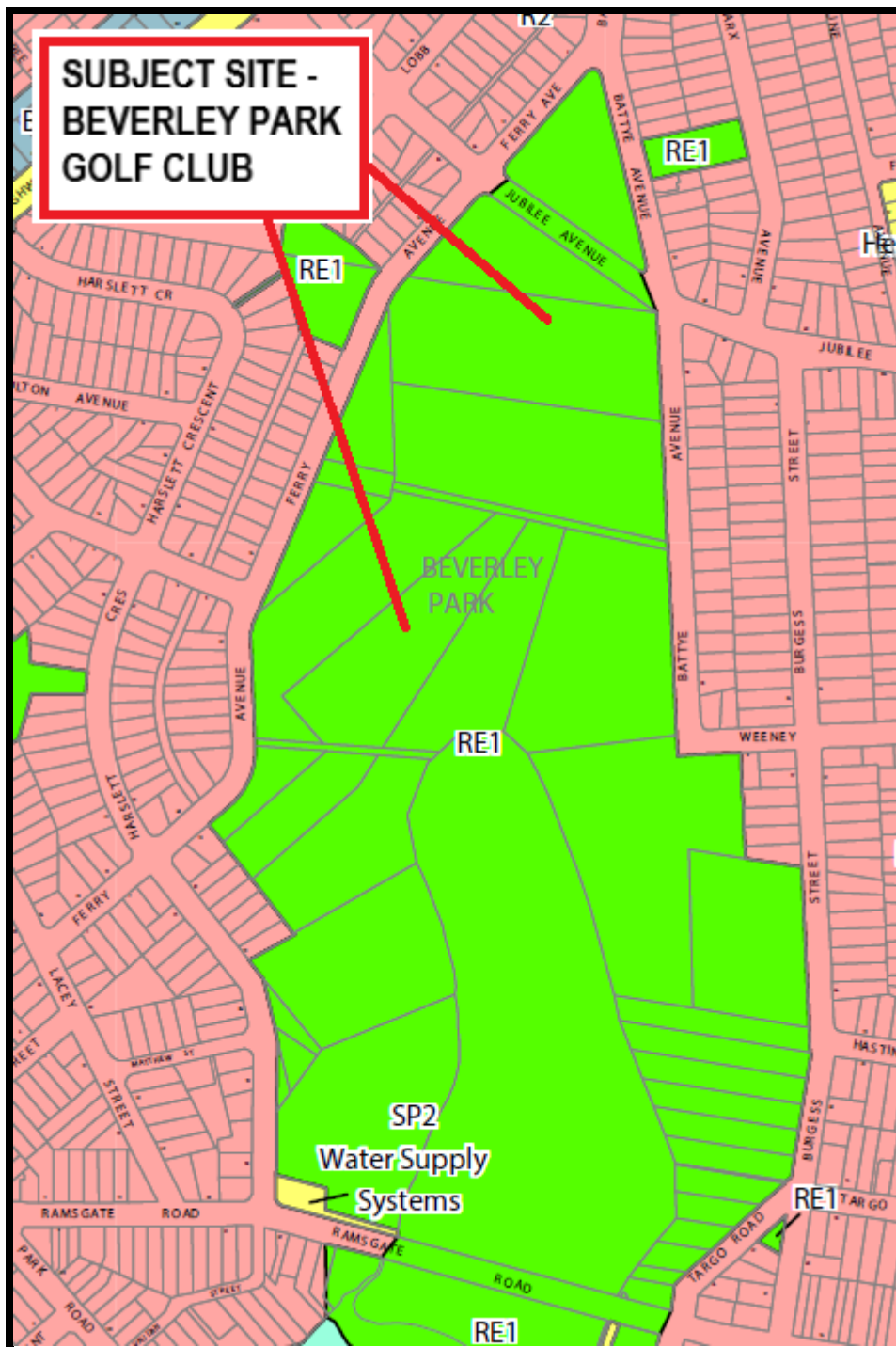


Figure 5 - Zoning Map

Planning Controls in Kogarah LEP 2012

70. An assessment of the proposal in terms of the relevant standards of the LEP is outlined in the table below.

Clause	Standard	Proposed	Complies
Part 2 – Permitted or Prohibited Development	RE1 Public Recreation zone	<p>The proposal does not seek to change the existing use of the site.</p> <p>There is no dictionary definition for a ‘fence’ (or similar) within the LEP. The fence would</p>	Yes

		however be ancillary and associated with a 'golf course', which is a land use activity contained within the 'recreation facility (outdoor)' definition; such a land use is permissible with consent within the RE1 zone.	
RE1 zone Objectives	<p>Objectives of the Zone</p> <ul style="list-style-type: none"> • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. 	<p>The proposal would satisfy the first of the two zone objectives, as it continues to enable the site to be used for public open space and recreational purposes (i.e. public golfing and associated activities).</p> <p>Given fencing could be readily removed sometime in the future, should an alternative recreation use for the course be proposed, the proposed works would not inhibit this.</p> <p>The application does not however satisfy the third objective. Information submitted to date has not adequately demonstrated that the proposal would enhance the natural environment for recreational purposes.</p> <p>As covered with Council's DCP, the erection of fences is an insufficient reason for the removal of trees.</p> <p>There is also a lack of information (such as survey and landscape plans) to enable an assessment to confirm both the location and health status of affected trees. Whilst it is noted that replacement trees are proposed, given that their replacement locations are unknown it cannot be confirmed if they would satisfactorily enhance the natural environment for recreation purposes.</p> <p>It is therefore concluded, based</p>	No

		on the information currently submitted for assessment, the proposal does not satisfactorily address the objectives of the RE1 zone under Kogarah LEP 2012.	
4.3 Height of Buildings		<p>Maximum height of the fence: 2100mm.</p> <p>No height limit applies to the site pursuant to cl.4.3(2) of the standard.</p>	Yes
5.10 Heritage conservation		<p>The site does not contain a heritage item and is not within a heritage conservation area; there are no heritage items within the immediate vicinity of the subject site.</p> <p>Further, the National Trust no longer identifies the site and/or surrounding area as being a heritage conservation area. Heritage provisions therefore do not apply to the site.</p> <p>The site is highly modified, and it is unlikely that items of indigenous heritage would be present.</p> <p>An 'Extensive Search' has also been undertaken using the AHIMS database and identified no Aboriginal sites or places being located at the subject site. In the event that the application could be approved, a condition could be applied requiring that works cease if items are uncovered until the relevant authorities have been consulted.</p>	Yes
6.1 Acid sulfate soils	(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in	The site is affected by Class 2 and Class 3 acid sulphate soils; some of the works would occur within areas affected by Class 2 acid sulphate soils, which pursuant to cl.6.1(2) requires that an Acid Sulphate Soils Management Plan (ASSMP) be undertaken for "any works	No

	accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	<p><i>below natural ground surface</i>". The submitted documentation indicates that the following works would occur below natural ground level:</p> <ul style="list-style-type: none"> • Excavation for the footings of the fence, which based on submitted information would extend to approximately 300mm; • Excavation (to an unknown depth) to enable the compensatory planting of trees. <p>Neither an ASSMP or a preliminary assessment have been submitted. Pursuant to cl. 6.1(3) the consent authority cannot grant consent to the application unless such documentation has been prepared.</p> <p>With regard to cl. 6.1(6), information has not been provided to demonstrate that less than one (1) tonne of soil would be disturbed. Given the length of the fence (and the subsequent number of footings to be dug) and the number of replacement trees that are to be planted, it is considered likely that more than one tonne of soil would be disturbed by the proposal.</p>	
6.2 Earthworks		The level and scale of the earthworks proposed are limited to the fence footings and replacement planting. Given the considerable size of the site, these earthworks are considered minor and will not contravene the development standards under this clause.	N/A
6.3 Flood planning		The proposed fences are not habitable buildings. As covered within Council's engineering referral response later in this report, as open structures, the	Yes

		fences would not foreseeably affect flood behaviour, nor would they reduce water storage within the flood catchment area. As such, it is unlikely that the fences would increase risk to life or property, and are therefore considered to be acceptable.	
6.4 – Foreshore Scenic Protection Area	Council cannot grant consent to the carrying out of development on land within a Foreshore Scenic Protection Area unless consideration has been made of the following: “(3)(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 site is not within the foreshore area.	N/A

Development Control Plans

Kogarah Development Control Plan 2013

71. An assessment of relevant provisions within Kogarah DCP 2013 are contained within the table below. An assessment of particular issues and non-compliances is provided following the table.

KDCP 2013	Proposed	Complies
Part B – General Controls		
B2 Tree Management & Green Web		
1 Preservation of Trees and Vegetation		
1.1 Tree Management		No
<p>(1) Compliance with provisions of Clause 5.9 Preservation of Trees or Vegetation of KLEP 2012 must be achieved.</p> <p>(2) Development consent or a Council permit is required to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree, whether on private or public land, which has:</p> <p>(i.) A height greater than 3.5m, or</p> <p>(ii.) A branch spread exceeding 3 metres in diameter</p> <p>(3) An application to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree shall contain the following information:</p> <p>(i.) An application on the prescribed form.</p> <p>(ii.) The written consent of the land owner unless the application is for pruning a tree over the applicant's property from a tree on the neighbouring property.</p> <p>(iii.) Details as to the reasons for the pruning/removal of the tree.</p> <p>(iv.) A description of trees to be removed/pruned which includes:</p> <ul style="list-style-type: none"> • A site plan showing trees and existing structures. • The species type – common and full scientific names if known. • Approximate height, trunk and canopy spread. <p>(4) Irrespective of Clause (2) above,</p>	<p>A detailed assessment of the control is contained within the main body of this report. That assessment does not address control (1), as clause 5.9 of the LEP has been repealed since the DCP control was drafted and replaced by a SEPP.</p> <p>Development consent has been sought for the removal or pruning of the affected trees.</p> <p>Irrespective of the boundary encroachment onto surrounding road reserves, as such land is also owned by Council it is considered that owner's consent has been submitted for the assessment associated with the removal of trees.</p> <p>The details of the trees to be removed or pruned has been provided, though as indicated by Council's Consultant Arborist, such information is insufficient as it does not enable them to verify the specific locations of the affected trees, confirm the health of such vegetation and concur with the recommendations of the project arborist.</p>	

<p>the following tree works do not require Council approval when undertaken in accordance with relevant Australian Standards for the pruning of amenity trees.</p> <ul style="list-style-type: none"> (i.) Trees that have been declared an undesirable species and identified in List 1 below may be removed or pruned without the need for development consent or a Council permit, provided the tree has not been identified as possessing heritage significance. (ii.) Works undertaken in response to an emergency by the State Emergency Service, Rural Fire Service or another Authority. (iii.) Trees that require pruning in accordance with the Electricity Supply Act 1995. <p>(5) Council will be satisfied that a tree is dead and/or a risk to life or property when:</p> <ul style="list-style-type: none"> (i.) The tree is not within the Green Web habitat corridor or habitat reinforcement corridor and a report by a qualified Arborist (minimum AQF Level 5 Arboriculture), including photographs of the tree, is submitted which concludes that the tree is dead or dying; or (ii.) It can be proven that the pruning or removal work is the only reasonable option to avoid an immediate threat of injury or damage to life or property and the works were undertaken to the minimum extent necessary to manage that threat; and (iii.) Recorded proof of that threat, in the form of a report (Tree Hazard Assessment (THA)) by a qualified Arborist (minimum AQF Level 5 Arboriculture) including photographs of the tree and detailing the cause 		
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<p>of danger. Where a trunk or limb defect assessment is undertaken, strength loss calculations and cross section mapping must be included in the THA.</p> <p>(iv.) In the event of tree removal, the arborist report is forwarded to Council immediately following the removal.</p> <p>(v.) In the event of pruning, the arborist report is made available to Council on request within three (3) months after the pruning works.</p>		
<p>1.2 Matters for consideration when determining an application for tree removal</p> <p>(1) The existing and likely future amenity of the area.</p> <p>(i.) Is the tree significant as a single specimen or as part of a group of trees;</p> <p>(ii.) Is the tree of historic or cultural significance;</p> <p>(iii.) Is the tree registered on Council's Significant Tree Register;</p> <p>(iv.) Is the tree prominent due to its height, size, position, or age;</p> <p>(v.) Is the tree endemic, rare, or endangered;</p> <p>(vi.) Does the tree provide a significant visual screen;</p> <p>(vii.) Is the tree part of an important wildlife habitat.</p> <p>(2) The health and safety of the tree(s).</p> <p>(i.) If there are structural cracks and fractures on the branches or fractures or cracks at the junction between two trunks and these problems cannot be rectified without a significant loss to the tree;</p> <p>(ii.) The tree has a large number of epicormic shoots that are poorly attached through</p>	<p>A detailed assessment of the control is contained within the main body of this report. That assessment does not address control (4), as no information has been submitted to suggest that the trees proposed for removal are/will damage property and assets on surrounding sites (irrespective of the issue regarding boundary encroachment).</p>	<p>No</p>

<p>incorrect previous pruning activities and pruning cannot rectify the problem;</p> <p>(iii.) There is a fruiting body of pathogenic fungi apparent and there is a consecutive decline of the cambium around the wound (a canker) and the rate of decay is exceeding the rate of growth of new tissue;</p> <p>(iv.) The tree has moved in the ground, or there is an obvious lifted mound with exposed broken roots; or</p> <p>(v.) Many large branches or the trunk has been broken as a result of a storm event.</p> <p>(vi.) The presence of insects is not a basis for removal of a tree, but may be a warning to provide some form of remedial treatment.</p> <p>Inspection and recommendation should be sought from an AQF 5 qualified Arborist prior to applying for tree removal.</p> <p>(3) The physical characteristics of the tree - This includes the current and potential height, branch spread, trunk diameter, the growing environment and life expectancy</p> <p>(4) The damage or potential damage the tree may cause.</p> <p>(i.) The damage the tree, its trunk, or its root system is causing to a structure and where such damage cannot be controlled by measures such as the installation of a root barrier;</p> <p>(ii.) The tree is damaging other properties, retaining walls and the like, and precautionary root pruning or modification of the property cannot stop future damage;</p> <p>(iii.) Council will not consider the removal of trees that have entered a drainage or sewer</p>		
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<p>system where the system is found to be in poor condition or in disrepair.</p> <p>(5) Invalid reasons to remove a tree:</p> <ul style="list-style-type: none"> (i.) To erect a front fence, internal fence or a fence adjoining a public reserve. (ii.) To avoid leaf drop into gutters, downpipes or pools. (iii.) To increase natural light. (iv.) To improve the effect of street light. (v.) To enhance views. (vi.) To reduce shade. (vii.) To reduce fruit, resin or bird droppings. (viii.) Minor lifting of driveways or paths. (ix.) Unapproved bushfire hazard control. (x.) Potential damage to services without written expert advice. (xi.) To increase sunlight access to solar panels. 		
<p>1.3 Trees and development sites</p> <p>Where a DA includes the removal of a substantial tree/trees, an Arborist Report must be submitted in accordance with Australian Standard AS 4970- 2009: Protection of Trees on Development Sites. This report must substantiate the tree works, removal, pruning, protection and/or ongoing management of affected trees.</p> <p>As part of the development assessment process, a Site Analysis must be undertaken to identify site constraints and opportunities, including trees located on the site and neighbouring sites. In planning for a development, consideration must be given to the building/site design so that suitable trees are retained. Council does not normally allow the removal of trees to allow a development to proceed.</p> <p>The site analysis must also describe</p>	<p>Whilst not originally provided, an Arboricultural assessment (prepared by McArdle Arboricultural Consultancy, dated 20 April 2018) has been submitted as part of amended and additional information.</p> <p>A discussion of plans and associated documentation is contained within the main body of the report.</p>	<p>No</p>

<p>the impact of the proposed development on neighbouring trees. This is particularly important where neighbouring trees are close to the property boundary. The main issues are potential damage to the roots of neighbouring trees (possibly leading to instability and/or health deterioration) and canopy spread/shade from neighbouring trees that must be taken into account during the landscape design of the new development.</p> <p>Where an application proposes the removal of substantial trees, the applicant is required to demonstrate that an alternative design, achieving the retention of any tree(s), is not feasible. It must also be proven that it is not possible to provide adequate clearance between the tree(s) and the proposed building envelope and/or any structures/hard surfaces.</p>		
2. Green Web Requirements		
design open space to reflect and integrate the natural heritage and underlying ecological processes of the landscape through site layout, grading, planting, landscape material, access and view lines.	There is a lack of detail (in terms of access, replacement tree locations and associated sightlines) to be able to assess the control. Amended plans would be required for an assessment to be undertaken.	No
wherever possible, design open space to conserve indigenous vegetation and habitat on site and retain indigenous trees, understorey and groundcovers as a priority in the site layout. Select bushland area to preserve the most intact and sustainable areas of vegetation and prevent fragmentation of habitat.	There are no bushland areas and/or areas if indigenous habitat on the site.	N/A
design vegetation to enhance and link existing vegetation and habitat within the site and adjacent sites.	There is insufficient information to identify whether areas of vegetation could be linked. An amended survey and landscape plan would be required to confirm the suitability of replacement locations.	No
design access to reduce pressures that have potential to cause degradation of vegetation, habitat,	Whilst there is limited detail, the proposed locations of the gates suggest that such access points	Yes

water quality and soil.	would not degrade vegetation. Other considerations could potentially be addressed through conditions of consent in the event that the application could be approved.	
use indigenous plant stock and, preferably, locally sourced plant material to preserve local genetic diversity	Noted. Compliance with such requirements could be addressed through conditions in the event that the application could be approved.	Yes
maximise use of indigenous plant material and preferably use exclusively indigenous plants adjacent to remnants. Arrange plants to form plant associations based on the structure and distribution of indigenous plant communities using a diverse range of plants, including understorey and groundcovers, to form a viable habitat for flora and fauna	Noted. Compliance with such requirements could be addressed through conditions in the event that the application could be approved. Additional comments would be required in terms of the creation of an understoreys (if possible).	Yes
<p>(a) In addition, the following criteria need to be applied to create a sustainable and diverse habitat:</p> <p>(i.) maintain and enhance diversity in plant communities and subcommunities, species, habitat niches and structure of the plant community. Most importantly, maintain and/or restore understorey species.</p> <p>(ii.) include and retain water holes, ponds, dams, creeks and damp spots in habitat areas. In some cases there will be numerous benefits in creating artificial dams or ponds which may include stormwater control facilities. Artificial water bodies should not involve in-stream works but should be additional to natural watercourses</p> <p>(iii.) retain old or dead trees as these provide (or will in the future) nesting holes,</p>	<p>The criteria of the guidelines are assessed as follows:</p> <p>(i.) Additional information would likely be required; however enhancement of species diversity could be addressed through conditions if the application were approved.</p> <p>(ii.) The proposal would not affect the retention of existing water bodies.</p> <p>(iii.) Dead and over-mature trees are proposed for removal. Current information is</p>	Yes

<p>hollows and perches. If there is a lack of tree holes, install nesting boxes for a range of native species. Hollow logs or old pipes can provide shelter for ground dwelling animals and can be mounted in trees to assist arboreal species and birds.</p> <p>(iv.) create dense plantings of shrubs, including prickly or spiky species in areas of little use (eg. corner back areas), to provide safe nesting sites for small birds and protect them from cats and larger predatory birds such as currawongs and ravens.</p> <p>(v.) arrange tree plantings so their canopies touch to allow smaller birds and mammals, such as possums and sugar gliders, to cross roads and areas of open grass without having to move across open ground where they are vulnerable to attacks by predators. Ropes and wires can be used as bridges for animals where tree canopies do not touch eg. possums have frequently been observed using electricity supply wires for travelling in urban areas.</p> <p>(vi.) clear weed infested areas in stages rather than all at once to maintain shelter and nesting sites provided by existing invasive plants. Observe whether nesting activities are taking place or other resident fauna is present in the understorey and take care not to disturb these areas when nesting is occurring. As a general</p>	<p>insufficient to allow for an assessment of the retention of such trees; the suitability of the trees for retention as potential nesting places would require additional assessment by Council's Consultant Arborist once information was provided to enable such an assessment</p> <p>(iv.) Noted. This requirement could be conditioned in the event that the application could be approved.</p> <p>(v.) Additional information is required to enable an assessment of the placement and subsequent separation of trees. Other requirements regarding ropes and wires could be addressed by conditions of consent once the suitability of replacement tree locations is confirmed.</p> <p>(vi.) Clearance of weeds (if not already managed) could be addressed via conditions of consent.</p>	
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<p>rule, never clear more than one third of the site for replanting to ensure that resident animals are not left without food and shelter. Some rubbish, such as car bodies, sheets of corrugated iron and timber can provide habitat and refuges from predators for reptiles, such as blue tongue lizards, and small mammals, such as bandicoots and bush rats.</p> <p>(vii.) install artificial shelter structures, where stable populations of birds or reptiles reside, as part of your landscape design. They can be piles of timber logs or rocks, wire mesh structures imitating densely branched shrubs or of pipes imitating hollow logs. These shelters may also act as nesting sites.</p> <p>(viii.) retain leaf litter and fallen branches. They provide an important habitat for reptiles and insects, foraging grounds and shelter against heat and predators.</p> <p>(ix.) plant a range of indigenous flowering trees and shrubs to provide flowers and nectar throughout the seasons to maintain bird diversity and populations. During certain seasons, some birds rely on particular insect types that are dependent on particular plant species, thereby controlling insect populations, including those which are responsible for dieback in trees.</p> <p>(x.) select plants with thick</p>	<p>(vii.) Artificial structures (if not already managed) could be addressed via conditions of consent.</p> <p>(viii.) Retention of leaf litter and branches (if not already done) could be addressed via conditions of consent.</p> <p>(ix.) Specific plant species could be addressed via conditions of consent.</p> <p>(x.) Specific plant species could</p>	
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<p>and furrowed bark, high foliage nutrient and different flowering and fruiting seasons to provide food throughout the whole year.</p> <p>(xi.) minimise use of fertilisers and irrigation to prevent nitrification and invasive exotic plants destroying native bushland.</p>	<p>be addressed via conditions of consent.</p> <p>(xi.) Not applicable in the context of the subject application.</p>	
B5 – Waste Management & Minimisation		
<p>1. Waste Management Plan</p> <p>(1) Submit a Waste Management Plan with DAs involving:</p> <ul style="list-style-type: none"> • demolition; • construction of a new building(s); or • change of use or alterations/additions to existing premises (only when this would result in a change of waste generation). <p>(2) Illustrate on the DA plans/drawings:</p> <ul style="list-style-type: none"> • the location and space allocated for the storage of demolition and construction waste or materials; • waste collection point(s) for the site; and • path of access for collection vehicles. <p>(3) Prepare the Waste Management Plan in accordance with the requirements in Kogarah Waste Not Plan 2012.</p> <p>(4) Demonstrate in the Waste Management Plan the use of second hand building materials and recycled building products during building design and construction.</p> <p>(5) Retain records (including receipts) on site demonstrating recycling and lawful disposal of waste.</p>	<p>A waste management plan has not been submitted with the application. The only noted reference to waste within the applicant's SEE is a comment stating "<i>there will be no waste products, odours or noise generated by the development</i>". Such a statement disregards the following waste generation associated with the development:</p> <ul style="list-style-type: none"> • The demolition of the existing "Koppers Log" fences; • Any excavated soil and associated waste products (noting that acid sulphate status of the soil is unknown); • The felling and likely mulching of trees and vegetation; and • Any waste generated by excessive fencing materials (offcuts, etc.). <p>Given the length of fencing that is to be removed and, the number of trees to be removed and the significant number of footings to be excavated (and the associated removal of soil), it is expected that a significant amount of waste would be generated. No information has been provided to support this.</p>	No
2. Waste and Recycling Requirements	Not applicable to the type of development being proposed.	N/A

Key non-compliances

72. B2 Tree Management & Green Web (1.1 Tree Management)

73. While some details of the trees to be removed or pruned has been provided, as indicated in the referral response by Council's Tree Consultant Arborist such information is insufficient as it does not enable the officer to verify the specific locations of the affected trees, confirm the health of such vegetation nor concur with the recommendations of the project arborist. This is discussed in the Referrals section of this report.

74. B2 Tree Management & Green Web (1.2 Matters for consideration when determining an application for tree removal)

Control	Assessment
(1) The existing and likely future amenity of the area.	A planning assessment of the provisions are as follows; note that this assessment is based on the information contained within the submitted Arboricultural assessment, the findings and recommendations of which are not currently supported by Council's Consultant Arborist.
(i.) Is the tree significant as a single specimen or as part of a group of trees;	(i.) A detailed site plan showing the specific locations of affected trees has not been provided; the photos within the Arboricultural assessment suggests however that both individual and groups of trees are proposed to be felled or pruned.
(ii.) Is the tree of historic or cultural significance;	(ii.) None of the affected trees have been identified as being of historic or cultural significance.
(iii.) Is the tree registered on Council's Significant Tree Register;	(iii.) None of the affected trees are registered as being on Council's significant tree register.
(iv.) Is the tree prominent due to its height, size, position, or age;	(iv.) Despite their height, most of the affected trees are not prominent. Six affected trees have moderate-to-high retention values, and these are to be retained (albeit pruned). All trees proposed to be removed have moderate to very low retention ratings.
(v.) Is the tree endemic, rare, or endangered;	(v.) None of the trees proposed to be removed are identified as being rare, endemic or endangered.
(vi.) Does the tree provide a significant visual screen;	(vi.) Whilst a number of the trees provide a line of vegetation, they are not considered to form a visual screen, the primary purpose of which is to filter/screen surrounding residences from unsightly development. A number of the objecting submissions indicate that the trees provide a protective screen against golf balls, but there is no information to indicate that their

<p>(vii.) Is the tree part of an important wildlife habitat.</p>	<p>removal would create issues with regard to the exposure of unsightly features.</p> <p>(vii.) Despite objecting submissions indicating otherwise, there is no information to indicate that the trees to be removed form part of an important wildlife habitat. This is reflected by Council's internal referral comments.</p>
<p>(2) The health and safety of the tree(s).</p> <p>(i.) If there are structural cracks and fractures on the branches or fractures or cracks at the junction between two trunks and these problems cannot be rectified without a significant loss to the tree;</p> <p>(ii.) The tree has a large number of epicormic shoots that are poorly attached through incorrect previous pruning activities and pruning cannot rectify the problem;</p> <p>(iii.) There is a fruiting body of pathogenic fungi apparent and there is a consecutive decline of the cambium around the wound (a canker) and the rate of decay is exceeding the rate of growth of new tissue;</p> <p>(iv.) The tree has moved in the ground, or there is an obvious lifted mound with exposed broken roots; or</p> <p>(v.) Many large branches or the trunk has been broken as a result of a storm event.</p> <p>(vi.) The presence of insects is not a basis for removal of a tree, but may be a warning to provide some form of remedial treatment. Inspection and recommendation should be sought from an AQF 5 qualified Arborist prior to applying for tree removal.</p>	<p>The condition of the trees varies considerably, however an outline of the health issues identified by the Arboricultural assessment is outlined below (note: some trees are affected by more than one of the following):</p> <ul style="list-style-type: none"> • Damage to roots; • Physical damage to the trees at varying heights; • Tree canopies are unbalanced; • The trees contain a lean towards the adjacent road reserve; • The tree(s) is at risk of being 'windthrown' (i.e. broken, uprooted and/or felled by the wind); • The tree(s) is dying/dead; • Epicormic growth/leaders have failed; • The tree(s) has become over-mature; • The tree(s) is poorly developed. <p>Whilst such issues are noted, an assessment by Council's Consultant Arborist (see below) has concerns with the detail in the assessment. No survey and/or landscape plan(s) have been submitted, and the following issues have been raised:</p> <ul style="list-style-type: none"> • As there is no survey plan identifying both the locations of the fence and affected trees, the arborist could not have properly assessed where the fence would be located and what subsequent impacts the fence would have on the trees. • The locations of the affected trees cannot be ascertained; therefore it is not possible to clearly identify specific trees, their health and whether the project arborist's findings can be substantiated. <p>With regard to the above, the proposal is unable to be supported by Council's Consultant Arborist until such a time that amended information has been provided.</p>

<p>(3) The physical characteristics of the tree - This includes the current and potential height, branch spread, trunk diameter, the growing environment and life expectancy.</p>	<p>The size, height, canopy spread and trunk diameter and life expectancy/maturity have been considered by the Arboricultural assessment, however as detailed above the submitted information is insufficient and concurrence with the project arborist's findings are unable to be made by Council's Consultant Arborist.</p>
<p>(5) Invalid reasons to remove a tree:</p> <ul style="list-style-type: none"> (i.) To erect a front fence, internal fence or a fence adjoining a public reserve. (ii.) To avoid leaf drop into gutters, downpipes or pools. (iii.) To increase natural light. (iv.) To improve the effect of street light. (v.) To enhance views. (vi.) To reduce shade. (vii.) To reduce fruit, resin or bird droppings. (viii.) Minor lifting of driveways or paths. (ix.) Unapproved bushfire hazard control. (x.) Potential damage to services without written expert advice. (xi.) To increase sunlight access to solar panels. 	<p>Most of the invalid reasons stated by the control are not applicable to the subject application, and therefore have not been discussed further.</p> <p>As indicated below, the proposed tree removal has been sought as a result of the erection of the new fence. A letter from the course superintendent which accompanies the application indicates that;</p> <p><i>"Trees marked for removal and/or trimming are either on or over the boundary and impede the works at a height of 2.1 metres (i.e. the height of the fence) as identified in the development application."</i></p> <p>The submitted Arboricultural assessment also states that:</p> <p><i>"A new fence is required as part of the Development Application which will impact on trees according to the summary."</i></p> <p>If the proposed tree works were undertaken as a result of the construction of the fence, then the reasoning for the assessment would be invalid (particularly as alternatives that would have a lesser impact have not been investigated, as detailed below) and the proposal would therefore be non-compliant in this regard.</p> <p>As such, this non-compliance with the control shall form part of the reasons for refusal.</p>

75. To summarise, the proposal would not satisfy the DCP requirements relating to tree removal and associated considerations. The rationale and validity of the reasons for removing the trees would be non-compliant, as the feasibility of alternative proposals has not been considered. Further, insufficient information has been submitted to both enable a detailed assessment of the proposed tree removal and confirm whether such removal could be supported.

76. B2 Tree Management & Green Web (1.3 Trees and development sites)

77. The control requires that “...a Site Analysis must be undertaken to identify site constraints and opportunities, including trees located on the site and neighbouring sites. In planning for a development, consideration must be given to the building/site design so that suitable trees are retained. Council does not normally allow the removal of trees to allow a development to proceed.” Further, the control stipulates that “Where an application proposes the removal of substantial trees, the applicant is required to demonstrate that an alternative design, achieving the retention of any tree(s), is not feasible. It must also be proven that it is not possible to provide adequate clearance between the tree(s) and the proposed building envelope and/or any structures/hard surfaces.”
78. The Arboricultural report indicates that one hundred and sixteen (116) trees are to be removed, with a further thirty-eight (38) to be pruned. Of those trees to be removed, the report indicates that fifty (50) “...have structural issues and must be removed due to the decline of the supporting stems or rootplate. All populous trees have major structural issues and are high risk having demonstrated failed stems, cavities and high occupation. Immediate action is required for the safety of general public for these trees on this list.”
79. While the above is noted, a site analysis and/or plans have not been provided which shows the locations of:
 - Trees to be removed within each section;
 - Trees to be retained within each section (if any); and
 - The locations of new/replacement trees.
80. It is also noted that the applicant’s Arboricultural assessment recommends that a landscape plan be provided to portray tree replenishment on the site; such a document has not been provided by the applicant.
81. Further, the submitted information does not include any type of analysis to identify whether a redesign and or relocation of the fencing (i.e. further within the site boundaries and the treeline) is feasible to prevent unnecessary tree removal (noting comments above which indicate that the proposed tree removal is in part related to the construction of the fence).
82. Due to a lack of such information, it is not possible to determine the proportion of trees to be retained within each section. It is also not possible to identify the site/landscape layout, particularly given the inconsistency of information regarding tree replacement rates.
83. B5 – Waste Management & Minimisation (1. Waste Management Plan)
84. A waste management plan has not been submitted with the application. The only noted reference to waste within the applicant’s SEE is a comment stating “*there will be no waste products, odours or noise generated by the development*”. Such a statement disregards the following waste generation associated with the development:
 - The demolition of the existing “Koppers Log” fences;
 - Any excavated soil and associated waste products (noting that acid sulphate status of the soil is unknown);
 - The felling and likely mulching of trees and vegetation; and
 - Any waste generated by excessive fencing materials (offcuts, etc.).

85. Given the length of fencing that is to be demolished, the number of trees to be removed, and the significant number of footings to be excavated (and the associated removal of soil), it is expected that a significant amount of waste would be generated. No information has been provided to support this.

Roads Act 1993

86. As noted in the Background section of this report (above), during the assessment of the DA, it became apparent that parts of the golf course encroached onto adjoining local road reserves. The encroachment is demarcated by the existing “Koppers Log” fences around the perimeter of the site; this fencing is intended to be replaced by the proposed metal spear-top fencing. This existing fencing extends beyond the boundaries of the site, i.e. into the road reserve, by up to approximately 6 metres.
87. The levels of encroachment into the road reserves vary, however based on a survey undertaken by Council in late 2018, it was found that the total area of encroachment into the surrounding road reserves is approximately 6,137sqm, with most of that encroachment occurring on the eastern and western sides of the site. The encroachment into the road reserve does not involve encroachment into the road corridor (i.e. areas of the road reserve occupied by traffic lanes), only encroachment into the area between the boundary and the traffic lanes (mostly footpath area).

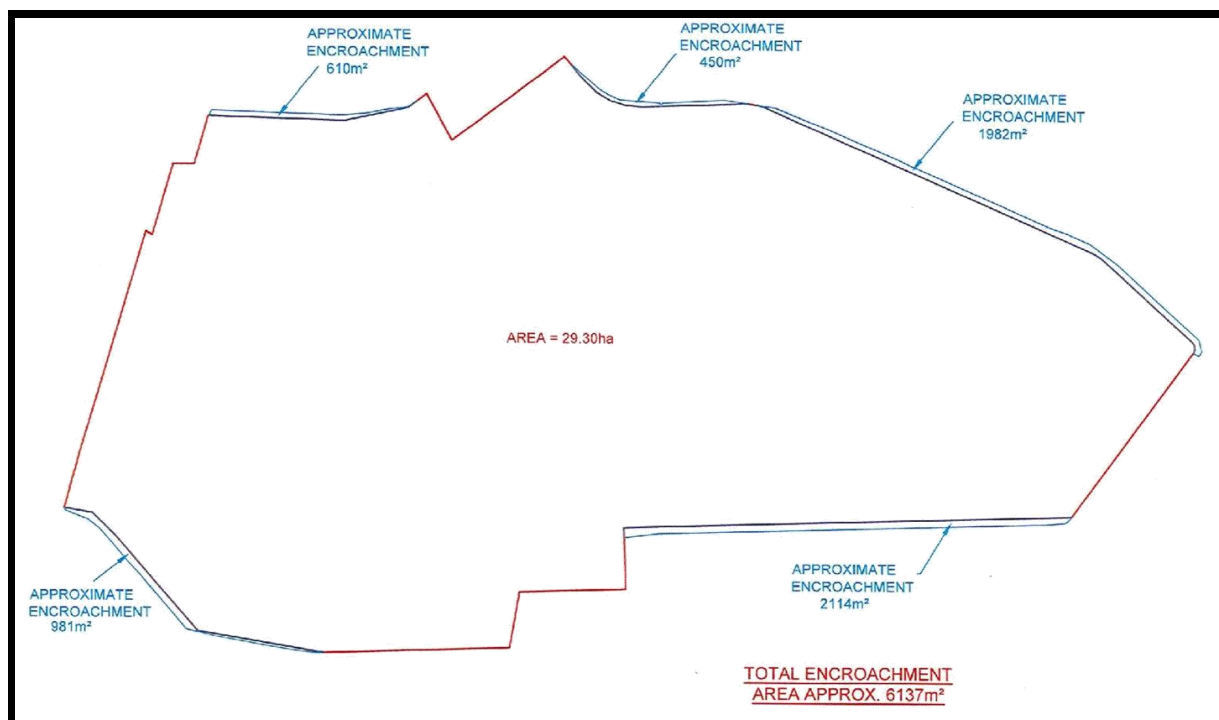


Figure 6 - Extract of the survey plan from Finance and Governance Committee meeting dated 12 November 2018

88. The identified encroachments were not covered by the lease to the golf course from Council. The leasing arrangement is a separate approval process to that of the DA assessment for works. In this regard owners consent has been provided to enable the lodgement of this application.

Environmental Planning and Assessment Regulations 2000

89. With regard to Schedule 1 (Forms) of the Environmental Planning & Assessment Regulations 2000, a review of the documentation originally lodged with the DA indicates there were deficiencies in the type and quality of information that was originally

submitted to Council. Such issues included the lack of land owners' consent, and plans not prepared in accordance with Schedule 1 of the Regulations. The deficient information included:

- Formal descriptions of all affected allotments on the DA form;
- Detailed plans showing the location, boundary dimensions and site area of the land;
- The locations of existing vegetation and trees on the land;
- Existing levels of the land in relation to buildings and roads;
- The location and uses of buildings on site and adjoining the land;
- Sketches of the locations of the works are not clearly shown in relation to the land's boundaries (noting the boundary issues discussed above) and adjoining development, and
- Proposed landscaping and treatment of the land (indicating plant types, locations and their height and maturity).

90. Owner's consent for all affected allotments was also not submitted at the time of lodgement, however owner's consent from the NSW Department of Industry (dated 4 July 2018) has since been submitted for the Crown Land (Lot 7031, DP 93155, Part Beverley Park R R70596 for Public Recreation) that is located within the central/southern part of the subject site. However, the proposed fence would encompass a small allotment (Lot 3, DP 230427) on the southern side of the site; Council's records indicate that this allotment is owned by Sydney Water, however owner's consent for this allotment has not been provided and will form part of a reason for refusal.
91. Aside from the non-compliance with the Regulations, the failure of the applicant to submit appropriately detailed plans affects the ability for a full and proper assessment to be undertaken. As a result, the insufficient information forms a recommended reason for refusal.

IMPACTS

Natural Environment

92. Due to insufficient information, it is unclear whether the proposal would have significant and/or long-term detrimental impact on the natural environment. The proposal would result in significant tree removal, however as assessed above the submitted information does not enable a detailed assessment to be undertaken that could confirm the health of the trees proposed to be removed. Further, due to insufficient information, both the numbers and locations of the replacement trees is unclear, as is the suitability of the locations of those replacement trees.
93. The removal of a significant number of trees (including those on adjoining public land that are not covered by the lease of the golf course) for the construction of a fence is not considered to be an appropriate reason, particularly given that:
- There is insufficient information to confirm the health of the trees and their suitability for removal;
 - There is insufficient information to identify impacts of the proposed tree removal and the suitability of the locations of replacement trees; and
 - The submitted information does not identify alternative fence locations (and their feasibility and suitability) that may otherwise limit impacts on existing trees and reduce the number of trees to be removed.

94. As such, it is not possible to definitively conclude that the proposal would have an acceptable level of impact on the natural environment.

Built Environment

95. The applicant has indicated that the chosen fencing design is consistent with similar such fencing that has been used to enclose other public facilities within the surrounding area such as Jubilee Stadium and local public schools (e.g. Carlton South Public School).
96. The fencing would be more visually obtrusive than the existing “Koppers Log” fences; however it is noted that other golf clubs (e.g. Hurstville Golf Course, Bexley Golf Club and Canterbury Golf Course) are enclosed by fences that are of a similar height to that being proposed and read recessively. Compared to the aforementioned examples the proposed fence would also be constructed of higher quality materials than the ‘chain link’ (or similar) fencing and according to the applicant has been specifically chosen to lessen instances of deterioration and associated maintenance.

Social Impact

97. Based on comments from the St George LAC’s Crime Prevention Officer, the proposal would generally be in accordance with Crime Prevention Through Environmental Design (CPTED) principles, and may reduce instances of anti-social behaviour and associated impacts. Representations from the applicant and submissions in support of the proposal also suggest that safety risks may be improved by preventing access to the course while golf is being played and stopping people from entering the site and potentially falling into bodies of water. The proposal could therefore likely have some beneficial social impacts.
98. A large number of objections raise concern with the fence restricting the ability of local residents from entering the site for recreational (i.e. walking and exercise) opportunities outside of golfing hours. Whilst the land is publicly owned, despite objections claiming to the contrary the assessing planner has not sighted information suggesting that the lessee (i.e. the applicant) is to provide free and unfettered access to the general public for purposes other than playing golf. It is also noted that there are other public recreational facilities within the area surrounding the subject site (examples of which include Claydon Reserve, Leo Smith Reserve, Scarborough Park, Spooner Park and Stevens Park). Any prevention of general entry to the golf course for purposes other than the playing of golf would therefore not deprive local residents of good access to public parks and reserves.

Economic Impact

99. As part of their justifications for the proposal, the applicant has requested approval for the fence on the basis that the fence would assist to reduce the incidences of vandalism (and associated costs for repairing acts of vandalism) and non-paying golfers using the course. In turn, this would subsequently assist the economic performance of the golf club.
100. Future patronage and financial figures provided by the applicant (in terms of future viability and expenditure to rectify instances of anti-social behaviour) are not able to be verified, however comments from both the applicant’s security consultant and the St George LAC’s Crime Prevention Officer suggest that the fence (in addition to other measures) may be successful at preventing instances of anti-social behaviour, and thereby supports the claims by the applicant and supporting submissions that the fence

would have long-term economic benefits (i.e. by preventing unauthorised access resulting in a loss of income and financial resources being saved through not having to rectify vandalism or theft).

101. It is noted that submissions raised objection with the sourcing of finance for the proposal, the appropriateness of potential funding options and the period of time for the investment to be recouped; such considerations are not planning matters for consideration under the Act. Further, no information has been sighted (including information submitted by those objecting to the proposal) that the development would have adverse economic impacts.
102. The proposal would therefore likely have beneficial long-term economic benefits for the Golf Club.

Suitability of the Site

103. Due to the lack of information submitted by the applicant, it cannot be confirmed that the development (as currently submitted for approval in this DA) is suitable for the site.
104. A detailed site analysis has not been submitted to demonstrate potential impacts associated with the proposed fence and associated tree removal or that the site is suitable for the works being proposed. The submitted information has not shown the specific locations of the trees to be removed or the locations of replacement plantings, therefore the suitability of the tree removal and replacement with regard to any site limitations is unable to be confirmed.
105. Further, the applicant's information indicates that the proposed tree removal would be associated with the construction of the fence; the removal of 116 trees is not considered to be an appropriate outcome when it has not been demonstrated that alternative fence locations and/or designs are either unviable and/or physically impossible to implement.
106. As such, it has not been demonstrated that the objectives of the RE1 zone (specifically, those relating to the protection and enhancement of the natural environment for recreational purposes) have been satisfied. The proposed development is therefore not considered to be suitable for the site, and shall form part of the reasons for refusal.

SUBMISSIONS AND THE PUBLIC INTEREST

107. The subject application was originally notified for fourteen (14) days from 8 March 2018 to 22 March 2018 (later extended until 4 April 2018).
108. A total of 152 submissions were received – 75 submissions in support and 77 submissions by way of objection.
109. The issues of concern raised in the submissions have been summarised and discussed as follows.
110. ***Land Ownership***
111. *There are three owners of the site, being Georges River Council (formerly Kogarah Council), The Crown (NSW State Government) and Sydney Water. The Crown and Sydney Water have not signed the application form.*
112. Officer Comment: The Crown Land (i.e. Lot 7031, DP 93155 – Part Beverly Park R R70596) and Lot 3, DP 230427 (which is not part of the subject site but which would be included within the proposed fence) are owned by the Crown and Sydney Water

respectively. All other land affected by the subject application (including surrounding road reserves) are owned by Council.

113. It is noted that Council (as land owner) granted consent for the lodgement of the subject DA, though it is noted that the legal addresses of the lots affected by the proposal were not nominated on the signed DA form. Crown land owner consent (i.e. the Department of Industry) dated 4 July 2018 was later submitted by the applicant for the aforementioned Crown Land.
114. Sydney Water consent for development on Lot 3, DP 230427 has not been submitted.
115. The DA cannot be supported in the absence of Land Owner's consent from Sydney Water and this forms the basis for one of the reasons for refusal of this DA.
116. ***Inadequate Information***
117. *The description of the proposed development on the DA form only states 'boundary fence'; it does not state the height and type of fence, which are matters of great significance. The proposal also fails to mention tree removal. This makes the DA invalid.*
118. Officer Comment: The description on the DA form describes the proposal as "Erect a perimeter security fence & gates on the boundaries of Beverley Park Golf Course". Whilst the specifics of the proposal are not indicated on the form, there is no requirement for such specifics under Schedule 1 of the *Environmental Protection and Assessment Regulation 2000*.
119. ***Inadequate Information – lack of detail on Lot and DP numbers of the subject land:***
120. *The DA form did not have any lot or DP numbers completed.*
121. Officer Comment: The DA form does not provide the formal particulars of title of all affected allotments to which the DA relates. This contravenes Part 1(1)(1)(c) within Schedule 1 of the Regulations.
122. ***Unclear information***
123. *The streetscape images included within the SEE are misleading, and depict a fence that is higher than that proposed.*
124. Officer Comment: Whilst such comments are noted, it is noted that the photomontages are largely for illustrative purposes only, and have not been used as the sole basis for the assessment of the DA. The detailed information indicates the fencing is to be 2100mm in height.
125. ***Inadequate Information***
126. *The information submitted is inadequate to facilitate a proper assessment. The submitted documentation fails to satisfy the DCP, in that it does not include:*
- *Streetscape analysis*
 - *Site analysis plan*
 - *No arborist report on the health or otherwise mentions the trees*
 - *No survey plan showing the exact boundaries of the golf course*
 - *There is no site plan identifying exactly what trees are proposed to be removed, their height or canopy spread.*

- *There is no flora and fauna report identifying exactly what trees are to be removed, their height and canopy spread.*
- *There is very little detail in the SEE.*

127. Officer Comment: As noted elsewhere within this assessment, there is a considerable amount of information that has not been submitted by the applicant; such DA information is required under the Regulations, and ordinarily to facilitate an appropriate assessment of the proposal. The lack of such information forms part of the reasons for refusal.
128. An Arboricultural impact assessment by a qualified arborist was submitted after the lodgement of the DA, however the locations of both the trees to be removed and the replacement plantings are not provided; it is also acknowledged that the applicant's arborist report recommends that a landscape plan be prepared, which has not been undertaken.
129. It is agreed that the SEE is somewhat lacking in detail, particularly with regard to the development's likely impacts and how the proposal would address such issues – this is a requirement of the Regulations under Schedule 1.
130. ***Owner's consent should have been issued by Council, not the administrator***
131. *Council should not have given landowner's consent for the lessee to lodge the application. With Council under administration for 16 months just prior, the consent should have been decided by Councillors to maximise transparency.*
132. Officer Comment: The reasons or rationale for the owner (in this instance, Council) to consent to the lodgement of the DA is not a matter for consideration under the Act. The Administrator was the authorised officer of the Council at the time owners consent was sought. Irrespective of the timing of lodgement, transparency of processes associated with the assessment and determination of the application would not be affected. The application would have been notified in the same manner, and objectors would still be provided with an opportunity to make representations before the Panel.
133. The provision of owner's consent is a legislative requirement for submission of all development applications.
134. ***Lack of consultation***
135. *The golf course management have made no attempts to consult with the community.*
136. Officer Comment: While encouraged, there is no requirement for the applicant to consult with the public prior to the lodgement of the DA. Neighbour notification and public participation is facilitated by Council's neighbour notification and advertising processes under Kogarah DCP 2013 as the manner in which the public is advised of the application.
137. ***Not in the public interest***
138. *The proposed development fails to satisfy Part 4.15(e) of the Act because it is not in the public interest and should be refused. Ex Gratia P/L v Dungog Council (NSWLEC 148) established that the question that needs to be answered whether there is a public benefit is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".*

The proposed outcome denies public access to the Beverley Park Golf Course for passive recreation opportunities (ie walking throughout the course outside of playing times).

139. Officer Comment: A response to the considerations of Section 4.15 of the Act (which includes the public interest) and which addresses the concerns of this issue is contained within the main assessment body of this report.
140. ***Lack of Survey Information***
141. *Information contained within the application states that the new fence is proposed to replace the existing “Koppers Log” fence. This reasoning cannot be accurately relied upon because there is no detailed survey plan to ascertain the exact location of the existing fence so as to determine the location of the proposed replacement fence.*
142. Officer Comment: As discussed earlier, the ‘boundary’ demarcated by the Koppers Log fences has been found to encroach onto Council’s road reserves. The lack of a survey plan would prevent accurate placement and measurements of the site boundaries in contravention of Schedule 1 of the Regulations. Further, Council’s Tree Management Officer has also advised that the lack of accurate survey information prevents a detailed assessment of affected trees from being undertaken.
143. ***Objectives of the RE1 Zone***
144. *The proposal is contrary to the objectives of the RE1 zone as it fails to enhance the natural environment for recreation purposes.*
145. Officer Comment: A detailed response to the objectives of the RE1 zone is contained earlier in this report when responding to the LEP provisions. Objective 3 is considered not to have been satisfied.
146. ***Cost of Development***
147. *The construction of a 2,090m x 2.1m meter high fence at a cost of approximately \$500,000 constitutes capital works.*
148. Officer Comment: The estimated cost of the proposed works is \$435,270, and not within the thresholds of Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011* to necessitate determination by a regional planning panel.
149. ***Probity***
150. *Are any members of the management team at Georges River Council in any way connected with the Golf Club? Are any elected officials of Georges River Council in any way, or in any capacity, connected with this golf club?*
151. Officer Comment: Given that the site is partially owned by Council, assessment of the application has been outsourced to an external town planning consultancy firm, and the determination will be made by the Georges River Local Planning Panel where the members have been endorsed by the Department of Planning and the elected Councillors.
152. ***Tree Removal***
153. *The removal of 156 trees and the replacement of those trees with a metal fence would have a significant and detrimental impact to the whole Beverley Park streetscape. It may take two to three decades for the replacement trees to reach the height of most*

trees that will be removed. Hundreds of trees would be removed and the feel of the suburb would change.

154. **Officer Comment:** It is noted that both objectors and the applicant have made inconsistent reference to the number of trees to be removed and the number of trees to be replaced. Despite objections claiming that 156 trees are to be removed, based on the Arboricultural assessment, the application proposes the removal of 116 trees (though it is acknowledged that a separate consent has been issued for other trees to be removed from the site). Conversely, the applicant and a significant number of supporting submissions claim that 217 replacement trees will be planted, though the Arboricultural report recommends a 1:1 replacement ratio, and no landscape plan has been provided to clearly demonstrate how many replacement trees would be planted and where.
155. **NOTE:** It should be noted that under Council's current Tree Management Policy, replacement planting is now required to be undertaken at a ratio of 2:1. However, there is an area of inconsistency between the applicant's submitted information and the Arborist report.
156. It is difficult to quantify the level of visual impact that the proposal would have. The photomontages provided by the applicant only shows selected locations and given that they do not appear to show the visual impact of the proposed tree removal, it is unlikely that they provide an accurate visual representation. Due to a lack of information (i.e. a landscape/detailed site plan), it is not known how many trees would be retained adjacent to certain boundaries; it is however likely that some trees/significant vegetation would be retained along some boundaries, thereby lessening the visual impact of the trees that are proposed to be removed. Additional plantings are also proposed, however their number, locations and the effectiveness at reducing the visual impact of the proposal are currently unknown.
157. Further information in accordance with the Regulations and the recommendations of the applicant's arborist would be required for a better understanding of the visual impact associated with the proposed removal of trees.
158. Without details on the tree planting locations and species selection, it is not possible to properly undertake an assessment in terms of tree removal.
159. **Tree replacement**
160. *The number of, particularly mature trees that are to be removed (and albeit replaced) is considerable. What will be important is what varieties and number of plants that are chosen as replacements. It is important that Council uses species that were common in this area.*
161. **Officer Comment:** In the event that the application could be approved, then conditions could be applied that would require any replacement plantings to consist of locally endemic (i.e. native) species.
162. **Tree Removal**
163. *The course is a landmark in the LGA and the mass tree cull will be used as a precedent for developers. Council's proposed Tree Canopy Enhancement Program and a rigorous compliance enforcement regime are urgently needed.*

164. Officer Comment: Each DA submitted to Council must be assessed on its own merits. Tree removal that takes place as part of one particular DA does not necessarily establish a precedent, particularly given tree species; health, condition and landscape significance can vary from site to site.
165. In any event, the proposed tree removal under the subject DA is not currently being supported.
166. Issues regarding Council's Tree Canopy Enhancement Program and compliance enforcement are outside the scope of this assessment.
167. ***Breach of lease conditions***
168. *The proposal is in breach of the following lease conditions:*
- *Section 4.3(c); the removal of 156 trees breaches the lessee will avoid as far as damaging, destroying or interfering with any tree that is subject to Council's Tree Reservation Order.*
 - *Section 4.11(a), which requires the lessee to obtain permission from the lessor to erect any building or structure on the land. Consent from the Crown for the Crown land has not been obtained.*
 - *Section 4.2, which requires the lessee to protect native flora and fauna and to reasonably prevent damage to flora and fauna by those attending the course. The proposed removal of trees would have a long-term negative impact on fauna.*
 - *Section 4.34, which requires the lessee to have regard for public safety in terms of golf balls leaving the course. The removal of the trees would increase the number of golf balls being sent over the boundary.*
 - *Section 4.36(b), in that the lessee must not undertake significant work that is not shown on the master plan.*
 - *Section 4.44(b), in that the Council will cause its TMO to inspect all trees marked by the Lessee for removal or significant lopping. If the TMO does not approval such works, the lessee must obtain and submit an independent arborist report. The DA makes no request for the removal of 156 trees and no arborist report has been submitted.*
169. Officer Comment: A brief response to each of the objector issues raised is provided in the order that they have been listed above:
- While the applicant proposes the notable pruning and removal of trees on the subject site, the lease does allow for such actions to occur with the prior consent of Council. Consent has been sought for the removal of the trees; however it is not currently supported owing to insufficient information.
 - Consent from two affected landowners (ie Council and the Crown) have been obtained. As indicated elsewhere within this assessment, information submitted by the applicant does not identify which allotments are the subject of the proposal, while consent from the Crown was submitted at a later date. The plans indicate that the lot owned by Sydney Water would be included within the area of works, and land owner's consent has not been obtained.
 - Section 4.2 of the lease is not related to matters regarding native flora and fauna.
 - The matter of trees providing a buffer against golf balls leaving the site has been addressed elsewhere within responses to submissions. Whilst their comments do not appear to directly related to the lease, it is noted that the applicant has indicated that the fence has been proposed in part to prevent persons entering the site and

being placed at risk of being hit by golf balls within the course and falling into the site's waterways (i.e. water hazards and flood mitigation works).

- As indicated elsewhere within the response to submissions, documentation has been sighted from Council which confirms that the development is not considered to be 'significant' development.
- An arboricultural impact assessment has been submitted following a request for such information from Council, however due to insufficient information the proposed tree removal is not supported (refer to the DCP assessment and Council's Consultant Arborists comments for further information).
- If this application was to be supported, it is acknowledged that a new/modified lease would be required, this is an independent assessment and approval process to the DA.

170. **Breach of Beverley Park Plan of Management**

171. *Section 6.7 of the Beverley Park Plan of Management (2006) (PoM) states, "Where Crown land has been reserved or dedicated for a public purpose then any development or improvements must be ancillary to the public purpose of the reservation". It goes on to say, "Access to cross Crown land should be freely available as a right". Blockage of the Crown Land by the fence therefore contravenes the PoM.*

172. *The PoM also states 'that there are no plans for any major development or changes to the Club House, Proshop, Workshop or Greenkeepers shed'.*

173. *In respect to the lease between the Golf Club and Council which expires at the end of 2020, it states in part; 'notwithstanding any other provision of the lease, the lessee must not undertake on the premises (i.e. the golf course) any significant work that is not shown on the Master Plan.' The PoM does not indicate any major works for a workshop or high fence around the perimeter of the course.*

174. *As these matters are Property Matters and not part of the Act and therefore are not Heads of Consideration that the LPP will use to make their determination, the DA's cannot be considered by the LPP and should be withdrawn until the above matters are resolved.*

175. Officer Comment: In response to comments regarding 'major development', it is considered that the proposed fence is not considered to be 'major development'; with such advice, the proposal would not breach the PoM or lease as suggested above. Further, the lease does permit alterations (including erection of structures), subject to consent being provided by the lessor; such consent issued by Council as land owner for the issue of a DA would not affect Council's ability to determine any such application in accordance with statutory and legal obligations. As such, Council would not be in a position to determine the DA, in accordance with ministerial directions such determination would be made by the independent LPP.

176. References to Development Application No. DA2017/0472 and associated development are not addressed, as that is the subject of a separate assessment.

177. **Loss of public access**

178. *The terms of the golf course lease stipulate that as a publicly owned golf course, free access across that land is to be maintained. Local residents should have the right to walk into the golf course to enjoy the open space.*

179. *The golf course itself is not owned by the BPGC, but is Crown Land that is a public asset and local residents should have the right to walk into the golf course (e.g. at sunset after golfers are finished) to enjoy the open space and the serenity of the course itself.*
180. Officer Comment: Whilst the site is land that is under the ownership of Council and the Crown, the operation of the site as a golf course and associated access are currently subject to a lease, the lessor of which is Council as per a resolution of Council on 8 February 1999.
181. It is noted that with regard to admission of the public, the lease allows the lessee to permit members of the public, social clubs, school children and organised parties to play golf upon the golf course no less than 50% of the playing times available in any week (subject to other requirements). Information has not been sighted which advises that the lessee is to provide more general access to the golf course (i.e. activities that do not relate directly to golf) to members of the public at other times during the week. It is not known which part of the lease that the objectors are referring to in terms of free access for more generalised activities (ie walking, gatherings, picnics, etc.).
182. ***Breach of Plan of Management/Lack of landowner's consent from Sydney Water***
183. *Table 7 on page 38 of the PoM states 'That portion of parkland that is Sydney Water land is to remain open space. No Capital Works are permitted on this portion of land without the consent of the Corporation. No letter of approval from Sydney Water has been included, nor has the DA form been signed by Sydney Water.'*
184. Officer Comment: Table 7 as identified above does not specify whether the land in question is land owned by Sydney Water or land which contains Sydney Water Assets; based on the content of Table 1 however it is assumed that such requirements apply to land in 'third party ownership' and that the comments above relate to Lot 3, DP 230427. As indicated within the main body of the report, the land is identified as being within Sydney Water's ownership, however the submitted site plans indicate that this lot is to be enclosed within the confines of the proposed fence; owner's consent has not been received from Sydney Water, and comments received from Sydney Water do not currently support the enclosure of their assets within the site.
185. ***Breach of Plan of Management/Heritage Conservation***
186. *One of the core strategies outlined in the PoM is for the lessee to prepare architectural design guidelines based on the criteria of the National Trust Heritage Conservation for Beverley Park. One of the key principles of for leasing and licencing the golf course set out on Table 6 of Page 32 of the PoM is 'Aesthetics', which states "Building form and Aesthetics shall be in keeping with the previous "Heritage Conservation Area" initiatives as described for Beverley Park by the National Trust. The tree-lined canopy surrounding the golf course is the reason the National Trust gave this area a Heritage Conservation Area Listing. The 2.1-meter-high spear top fence, especially along Battye Avenue, Ferry Avenue and Burgess Street will decimate the streetscape and goes against the principles and ideals of the classification.*
187. Officer Comment: The PoM was drafted in 2006. Since this time, the National Trust no longer identifies this area as being a heritage conservation area, and further, Council's LEP indicates that the land is not identified as a Heritage Item or within a Heritage Conservation Area. The heritage provisions to which the submissions refer are therefore not applicable to the subject site or the wider area more generally.

188. ***Breach of Plan of Management/Impacts on Flora and Fauna***

189. *The PoM promotes the site as a native flora and fauna habitat. The removal of 156 trees is in direct contravention to this. The PoM states that performance measures are to increase in the total area of native flora for sustaining identified and potential local and migratory fauna species. The removal of 156 trees will deplete the stock of native flora and goes directly against this performance measure.*

190. Officer Comment: The submitted Arboricultural report indicates that there are health issues affecting most trees that are proposed for removal, while some trees (such as species of Oleander) are not native and would need to be removed regardless. A minimum 2:1 tree replacement ratio would be required, and all species would be required to consist of locally endemic species. If appropriately placed and planted, the site would be better promoted as a native flora habitat. It is again noted the DA currently includes insufficient information, in terms of both tree removal and replacement planting, to be able to support the proposal.

191. ***Plan of Management***

192. *Under Section 9.3 of the PoM, the Green-Web Sydney states that the Beverley Park Golf Course has been identified by Council as a 'Habitat Reinforcement Area' As a consequence Council requires the planting of native trees and vegetation to establish a green-web link to provide for migration and habitat around the foreshore areas of Kogarah Bay.*

193. Officer Comment: With regard to the above, it is noted that none of the site is located within a foreshore area and does not contain any remnant bushland. If the proposal were capable of being approved, it would be done in accordance with conditions that would both require information showing the locations of replanted trees to Council satisfaction and would require the planting of native/locally endemic tree species; such measures would be considered as consistent with Section 9.3 of the PoM.

194. ***Plan of Management***

195. *Section 10.6.1 of the PoM states that there is an opportunity to increase the diversity of native species within the park. Trees provide a number of recognised benefits both in terms of the park, surrounds and the local area; with cultural, environmental, wildlife, visual perceptual and economic values associated with the trees. The proposed removal of the trees would adversely affect these values. The large canopies of the existing trees cannot be replicated with the planting of small replacement trees; the perimeter planting around the boundary of the course is what makes Beverley Park and the golf course so special.*

196. Officer Comment: It is agreed that Section 10.6.1 of the PoM states that there is an opportunity to increase the diversity of native tree species within the park. This section of the PoM does however go on to state that "The general condition of the trees in the park range from poor to good. Poplar species (*Populus pyramidalis*) located on the perimeter of the 7th, 10th and 11th fairways are in state of internal decay. In addition, several trees in the interior of the parkland are in a poor state of health possibly owing to the landfill. These trees need attention in order to improve their condition while those that are severely decayed or beyond saving need to be removed and replaced. The pruning or removal of trees is considered under the provisions of Council's Tree Preservation Order."

197. With regard to the above, the PoM does allow for the pruning and/or removal of trees that are in poor health, which appears to be reflected by the submitted Arboricultural

assessment. Whilst a notable number of permitter trees are proposed to be removed, the DA is unclear on how many trees would be retained near site boundaries (if any), therefore the visual impact of such tree removal works is currently difficult to quantify.

198. ***Non-compliance with SEPP 19***

199. *The proposed removal of 156 trees and the erection of a permitter fence is not in the public interest, and would therefore fail to comply with Clause 6 of SEPP 19 – Bushlands in Urban Areas.*

200. Officer Comment: As indicated within the assessment above, SEPP No. 19 is not applicable to this application.

201. ***Crown Lands Act 1989***

202. *The construction of the fence would be in contravention of the Crown Lands Act 1989.*

203. Officer Comment: The Crown Lands Act 1989 was repealed in June 2018.

204. ***Category of site***

205. *The Beverley Park Golf Course is categorised as a sportsground. The proposed fence contravenes the core objectives within Section 36F (Core objectives for management of community land categorised as a sportsground) of the Local Government Act 1993.*

206. Officer Comment: Section 36 of the Act relates to the preparation of plans of management for community land. Whilst the objectives are noted, the provisions of Section 36F of this Act are not directly applicable to the subject DA.

207. ***Tree Removal could increase stray golf balls***

208. *High canopy trees around the site act as a physical barrier which reduce the number of golf balls potentially hitting and damaging private homes and cars and potentially injuring residents.*

209. Officer Comment: Whilst the issue of golf ball causing damage was raised by a number of submissions, the information provided is largely unquantifiable, and it is not possible to identify what impact the removal of trees would have on surrounding properties in terms of increased risk. Due to the applicant's lack of information, it is not known how many trees would be retained adjacent to certain boundaries or the level of effectiveness that such remnant vegetation would have at minimising risk to surrounding sites. Given the variability of tree canopies, it is however unlikely that the presence of trees would have the effectiveness of a customised structure (i.e. a high fence or a net) that is designed to prevent golf balls from leaving the course; this is reflected by the specific example provided within the submission, which suggests that existing trees alone do not prevent golf balls leaving the course.

210. ***Contravenes strategic direction by Greater Sydney Commission***

211. *This DA contravenes the strategic direction set by the Greater Sydney Commission (i.e. larger spaces in public ownership should be retained as open space and transition to shared open space and facilities, including for organised sports).*

212. Officer Comment: With regard to this comment, the relevant section of Greater Sydney Commission's South District Plan (as part of Planning Priority S16 – Delivering high quality urban space) reads as follows:

213. *“Urban renewal and infrastructure programs should result in a net increase in open space. Where the future of any larger spaces used for activities such as golf courses are uncertain, due to declining membership and attendance figures, any land or facilities in public ownership should be retained as open space and transition to shared open space and facilities including for organised sports. For land in private ownership, there may be opportunities for part of the land to be repurposed or set aside for open or shared spaces.”*
214. Further to the above, the relevant actions within Action 71 are as follows:
215. *“71 Maximise the use of existing open space and protect, enhance and expand public open space by:*
- a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow*
 - b. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space*
 - c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved*
 - d. planning new neighbourhoods with a sufficient quantity and quality of new open space*
 - e. delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses*
 - f. delivering on or complementing the Greater Sydney Green Grid*
 - g. providing walking and cycling links for transport as well as leisure and recreational trips.”*
216. With regard to the proposal, a point-by-point response to the overarching strategy outlined above is as follows:
- The proposal does not include urban renewal and/or infrastructure programs, therefore this point is not of relevance to this assessment;
 - This assessment does not consider the feasibility and future of the golf course; for the purpose of providing a response however, the proposal would not change the amount of land and/or facilities that would be retained as open space (i.e. while under lease, the land would continue to be public owned and zoned as an RE1 Public Recreation zone).
217. The proposal is also not considered to be inconsistent with the relevant actions of the strategic plan (where applicable), as the fences are structures that should not foreseeably:
- Prevent opportunities for the future conversion of the golf course into open, accessible and high-quality urban space;
 - Affect opportunities to provide additional open space for residential areas in the future; and
 - Affect the delivery of co-located sports and recreational facilities within a repurposed golf course.

218. In summary, the proposal would not contravene the strategic directions set by the Greater Sydney Commission, as it would not constitute works that would prevent the future repurposing of the golf course for open, accessible and high-quality urban space.
219. ***Alternatives have not been considered***
220. *There are many alternative ways the BPGC could address their concerns regarding security, safety and loss of revenue without the construction of a fence, such as the following suggestions:*
- *Install a small 1.2m pool fence around internal waterways within the course*
 - *Install CCTV security cameras*
 - *Employ a Course Marshall as the club has done previously to monitor the course usage and evasion of green fees*
 - *Have random security at night to monitor any malicious intent*
221. Officer Comment: The applicant has submitted information that includes a Security and Risk Assessment (prepared by Cardinal Consulting Group, dated May 2018) and a security assessment (prepared by the Crime Prevention Officer of St George Local Area Command (LAC) dated 4 October 2017. Alternative measures like those outlined above were investigated and discussed. Given that such measures have not been proposed by the applicant, the planning assessment is unable to assess hypothetical alternatives to the works being proposed.
222. ***Adverse Aesthetic impact***
223. *The proposed fence is a Spear Top Metal Fence, 2100mm (7ft) high in Charcoal colour. Aesthetically the fence will be unsightly.*
224. Officer Comment: Given the zoning and use of the site, there are few development controls which are applicable to the proposal; any assessment of fences (or similar such structures) is therefore largely merit based. It is noted that the design of the fence (i.e. an 'optically permeable' design) is consistent with the recommendations of both the NSW Police Crime Prevention Officer and the security consultant contracted by the applicant; the design of the fence also appears to have been selected to prevent access while reducing potential maintenance and deterioration. The dark colour will read as recessive and is considered an acceptable colour for fencing of this kind.
225. It is also noted that the Security and Risk Assessment indicates that the fence is similar to that utilised by other golf courses and public sites.
226. ***Pedestrian/Vehicle Safety***
227. *The fence will visually affect the safety of pedestrians and traffic, specifically erection of the fence adjacent to the intersection of Burgess Street and Targo Road.*
228. Officer Comment: Despite encroachment onto the road reserve (which would be subject to separate approvals irrespective of the determination of this application), no pedestrian pathways or part of any road corridor would be located within the demarcated boundaries. In terms of encroachment on the road reserve and visibility, the Koppers Log fences and trees already encroach onto such areas; it is therefore unclear how a new fence in the same location would create an additional hazard for road users.
229. ***Hydraulic/flooding impact***

230. *There is no hydraulic assessment included to show the impact of the flooding levels or impact with the proposed fence. There is no Hazard Assessment included showing the risk to emergency access/egress if flooding occurs once this fence is erected.*
231. Officer Comment: The fence is an open picket-style design that includes 65mm-wide posts spaced 2145mm apart. Council's Drainage Engineer has reviewed the proposal and has not raised any concerns regarding the fence and impacts on stormwater and flood behaviour, subject to conditions.
232. **No need for fencing**
233. *The fence appears to be an overreaction to instances of vandalism. Good urban design to prevent vandalism rarely uses fences, and solutions include lighting and active neighbourhood monitoring.*
234. Officer Comment: Fencing is one of a number of treatment options (in addition to measures such as business identification signage, landscaping, and lighting) contained within the NSW Police referral prepared by the St George LAC Crime Prevention Officer. The fencing is the design requested by this application.
235. **Inappropriate expenditure**
236. *The amount of expenditure being proposed is disproportionate to damages of \$230,000 over 16 years. The spending of \$435,000 constitutes a gross misuse of Council funds that could be better spent on projects elsewhere.*
237. Officer Comment: The source and appropriateness of expenditure for works approved by a DA are not matters for consideration under the Act. The fencing is not being funded by Council.
238. **Traffic Disruption**
239. *Construction work would create major traffic disruption.*
240. Officer Comment: The site does not adjoin a classified road. In the event that the application could be approved, conditions could be imposed that would require appropriate road-closure approvals be obtained prior to commencement of any works to minimise traffic impacts during works.
241. **Location of fence**
242. *If the fence is approved, why cannot it be built behind the trees inside the course?*
243. Officer Comment: The information submitted by the applicant has not demonstrated if an alternative design and/or a relocation of the fence would be feasible in order to mitigate impacts on trees in accordance with Section 1.3 (Trees and development sites) within Part B of the DCP. The non-compliance with this control is addressed in detail earlier in this report.

REFERRALS

Council Referrals

244. Consultant Arborist
245. The application was referred to Council's Consultant Arborist, who has provided the following comments.

246. *Findings and recommendations are as follows:*
247. *1 - An Arborist Report from Mc Cardle Arboricultural Consultancy has been provided and dated 20th April 2018. This report I have read and is named an Arborist Impact Assessment and Tree Risk Assessment of trees on the Boundary. The first issue I see is the report being labelled an "Arborist Impact Assessment". The boundary lines have not been defined as yet by the way of a survey plan, so the Arborist could not properly assess where the fencing would be sited? Council would need a proper survey plan to undertake a proper assessment of the boundary lines and what impact the fence would have on any trees that may be in the line of this fence.*
248. *The Arborist reports Executive Summary mentions that 116 trees shall be removed, 50 have structural issues, 45 trees are exempt and 7 trees are toxic. The is hard to quantify until a survey plan is provided, a walk around with the Author of the Arborist to identify all trees in relation to the report and to agree/ disagree with the author findings.*
249. *To add, for the purposes of impacts from the fence on the trees, I can only assume the fencing type construction proposed would be metal posts with chain wire attached at nominated heights and specifications. The impacts, apart from interruption to the trees canopy/ branching at 2.1 or 2.4 metres, the inground impacts I predict would be minimal. The poles would be hand dug and concreted into position, under guidance to minimise impacts to any trees. Again without a survey plan, an assessment cannot be undertaken.*
250. *2 – I could not find a survey plan of the site, in addition to other material to assess this proposal. I have found a document from W. Buxton PTY LTD, Land Surveyors, dated 9th May 2018. This is a brief document for the purposes of widths relating to two locations only along Battye St and is of no use for assessing the actual boundary lines of the site as a whole.*
251. *Recommendations –*
252. *A survey plan be prepared with tree locations upon this plan, so Council can determine which trees shall be affected as a total loss, need of pruning, or removed due to structural integrity.... Or the fencing moved inwards to retain trees and minimise potential visual impacts upon the residents opposite.*
253. Development Engineer
254. The application was referred to Council's Development, who advised if the application was to be supported conditions would be imposed.

External

255. Sydney Water
256. The subject site both adjoins a site owned by Sydney Water and contains a number of assets which are operated by Sydney Water and are outlined as follows:
- A sewer pumping station is located at Lot 1, DP 230426 (a site adjoining the southwest boundary of the subject site);
 - An easement for a Sewer protecting the sewer pipe box at Lot 7031, DP 93155 (i.e. the Crown Land within the centre/southern section of the site);

- A 375mm water main burdens both Lot 55, DP 3097 and Lot 7031, DP 93155 (i.e. two allotments within the southern part of the subject site); and
- A 375mm sewer main burdens Lot 2, DP 2320426 Lot 7031, DP 93155 (i.e. an allotment within the southwest part of the subject site).

257. Correspondence from Sydney Water dated 28 May 2018 states “...*that the fence will be built over Sydney Water land and easements. The applicant is required to engage with Sydney Water’s Network Operations and Acquisitions team and submit detailed plans of fencing near Sydney Water’s land, to ensure that the proposed structures do not interfere with our operations or damage our easements.*”
258. No information has been sighted to suggest that Sydney Water’s requirements have been satisfied and/or that Sydney Water has indicated that they are now satisfied with the proposal.

CONCLUSION

259. The application has been assessed having regard to the matters for consideration under Section 4.15 of the Act, provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans. The application seeks approval for proposes the construction of security fencing and gates associated with the Beverley Park Golf Course.
260. For the reasons outlined within the recommendation below, the DA has been recommended for refusal.

DETERMINATION AND STATEMENT OF REASONS:

261. Statement of Reasons:

- Insufficient information has been submitted to enable a full and proper assessment to be made in terms of the development and its impacts.
- The submissions from neighbouring property owners contain many valid issues of concern, and it cannot be adequately determined that the development can ameliorate those concerns, based on the level of information currently submitted with the application.

Determination:

262. THAT pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act, 1979*, as amended, the Georges River Local Planning Panel **refuses** development consent to Development Application No. DA2017/0471 for proposes the construction of security fencing and gates associated with the Beverley Park Golf Course known as 87A Jubilee Avenue, Beverley Park (Lot 161, DP 19098, Lot 1, DP 1115657, Lot 2, DP 1115657, Lot 1, DP 1115465, Lot 1, DP 457030, Lot 1, DP 669359, Lot 1, DP 669358, Lot 1, DP 1115626, Lot 1, DP1114452, Lot 2, DP 1114452, Lot 2, DP 1115160, Lot 1, DP 1122814, Lot 1, DP 1115160, Lot 1, DP 1122814, Lot 1, DP 1127867, Lot 1, DP 724240, Lot 1, DP 1148376, Lot 2, DP 1148376, Lot 9, DP12389, Lot 10, DP12389, Lot 2, DP 230426, Lot 7031, DP 93155, Lot 4, DP 230427, Lot 1, DP 723730, Lot 2, DP 723730, Lot 3, DP 723730, Lot 4, DP 723730, Lot 5, DP 723730, Lot 6, DP 723730, Lot 7, DP 723730, Lot 55, DP 3097, Lot 56, DP 3097, Lot 57, DP 3097, Lot 58, DP 3097) for the following reasons:

1. The plans propose works on, and enclosure of, an allotment (Lot 3, DP230427) for which land owner's consent has not been obtained.
2. The proposal has been submitted without details that are required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000. Required information that has not been submitted includes (but is not limited to) the following:
 - The address, and formal particulars of title, of the land on which the development is to be carried out;
 - A list of any approvals of the kind referred to in section 4.46 (1) of the Act that must be obtained before the development may lawfully be carried out (specifically, approval under Section 138 of the *Roads Act 1993* to erect a structure or carry out works over a public road);
 - Evidence that the owner of the land on which the development is to be carried out consents to the application;
 - A site plan containing details as required under Schedule 1 of the Regulations; and
 - A sketch plan containing details as required under Schedule 1 of the Regulations.
3. Insufficient information has been submitted to enable a detailed assessment of the proposal and its associated effects. Specifically:
 - No survey plan has been submitted to demonstrate the locations of the fences and trees to be removed in relation to relevant property boundaries;
 - No landscape plan has been submitted to identify the locations of trees to be removed and/or the location of replacement tree plantings;
 - Information submitted by the applicant makes inconsistent reference to the number of trees that are to be replaced.
4. The site is affected by acid sulphate soils; however an acid sulphate soils management plan or a preliminary assessment (as required by Clauses 6.1(3) and 6.1(4) of Kogarah Local Environment Plan 2012 respectively) has not been submitted. Pursuant to clause 6.1(3) of Kogarah Local Environment Plan 2012, consent must not be granted to the proposal.
5. The proposal is inconsistent with the objectives of the RE1 Public Recreation zone within Kogarah Local Environment Plan 2012, pursuant to clause 2.3(2) of Kogarah Local Environment Plan 2012.
6. The proposal is inconsistent with the objectives of and controls of Section 1.2 Matters for Consideration when determining an application for tree removal within Part B2 Tree Management and Green Web of Kogarah Development Control Plan 2013. Specifically, the construction of fences is considered to be an invalid reason to remove trees when no potential alternatives have been investigated.
7. It has not been demonstrated that the site is suitable for the proposal pursuant to Section 4.15(c) of the Environmental Planning and Assessment Act 1979.
8. Given that the impacts associated with the proposal have not been demonstrated and a detailed assessment is unable to be undertaken due to a lack of information, the proposal is therefore not considered to be in the public interest – refer Section 4.15(e) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

Attachment Golf Course - Fence Location and Elevation



Attachment Memorandum to Georges River Council from CPS – Report Clarification –
2 number of Submissions (*Published in separate document*)

THE SITE PLAN – A3





Proposed Charcoal coloured security fence – Battye Avenue & view to 7th Fairway

**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 18 JULY 2019**

LPP021-19

LPP Report No	LPP021-19	Development Application No	DA2017/0472
Site Address & Ward Locality	87a Jubilee Avenue Beverley Park (Beverley Park Golf Club) Kogarah Bay Ward		
Proposed Development	Demolition work and the construction of a new maintenance building and staff amenities building, on grade carparking, bin store area, tree removal and landscaping works		
Owners	Georges River Council		
Applicant	Frank Bates, on behalf of Beverley Park Golf Club		
Planner/Architect	Planner – MJB Urban Planning; Architect – Dickson Designs		
Date Of Lodgement	9/10/2017		
Submissions	30 submissions from 18 submitters objecting to the development		
Cost of Works	\$990,000.00		
Local Planning Panel Criteria	Georges River Council is the landowner of many of the allotments forming part of the subject site; also the development is the subject of ten (10) or more unique submissions by way of objection		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Environmental Planning and Assessment Act 1979; Environmental Planning and Assessment Regulation 2000; Kogarah LEP 2012, Kogarah DCP 2013, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, State Environmental Planning Policy 55 – Remediation of Land, Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, Draft State Environmental planning Policy (Environment)		
List all documents submitted with this report for the Panel's consideration	Location Map, Site Plan, Floor Plans, Elevations, Landscape Plan, Shadow Diagrams		
Report prepared by	Independent Assessment		

Recommendation	THAT the application be refused in accordance with the reasons stated in the report
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards	

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, as the recommendation of this report is refusal

Aerial Photo



The location of the development outlined in red

EXECUTIVE SUMMARY

1. The subject development application (DA) has been lodged by Frank Bates on behalf of Beverley Park Golf Club Limited, and seeks consent for demolition work and the construction of a new maintenance building and staff amenities building, on grade car parking, bin store area, tree removal and landscaping works to replace the existing building within the Beverley Park Golf Course. As part of the proposal, consent is also sought for the removal of six (6) trees.
2. The key issues and considerations of the application are as follows:

- **Council-owned land** – The land owner is the Council, the subject application is to be determined by the Georges River Local Planning Panel (LPP) in accordance with the Minister's direction dated 23 February 2018.
- **Contentious development** – The application is a contentions application, having attracted 30 submissions from 18 submitters by way of objection as a result of the notification of the DA. The application is required to be determined by the LPP, given the submissions received exceed 10 outlined within the Minister's direction dated 23 February 2018.
- **Acid sulfate soils** – The proposed works are within areas affected by Class 2 acid sulfate soils, cl.6.1(2) of Kogarah Local Environment Plan (LEP) 2013 requires that an Acid Sulfate Soils Management Plan (ASSMP) or preliminary assessment be undertaken for any works within Class 2 land and below natural ground surface.

Works are proposed below the natural ground surface, the requires assessment required by cl.6.1(2) has not been submitted, and the application is unlikely to be excluded from such a requirement under to cl.6.1(6) of the LEP.

Pursuant to cl.6.1(3) of the LEP, consent must not be granted to the development as the relevant documentation has not been prepared. Further, pursuant to Clause 9(1) of Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment, it has not been demonstrated that acid sulfate soils would not be disturbed by the proposed works.

- **Acoustic Impacts** – The proposal has the potential to generate acoustic impacts on neighbouring residential properties, no acoustic assessment has accompanied the application. In addition, there is no specific information provided on the ongoing operations of the facility (no plan of management) to demonstrate that the ongoing use of the premises will not create additional operational acoustic impacts to the nearby premises, given the concentration of activity proposed on the western side of the proposed building.
 - **Potential contamination** - The current fuel and chemical storage areas are most likely to be contaminated to some extent and a Preliminary Site Investigation (PSI) under the provisions of State Environmental Planning Policy 55 – Remediation of Land.
 - **Waste Management** – the submitted waste management plan has not adequately described the waste management procedures for the proposed development, and there is an inconsistency between the plans and documentation provided.
3. The subject application was originally notified for 14 days from 8 March 2018 to 22 March 2018; the original notification made reference to the incorrect development, being DA2017/0471 which relates to proposed fencing for Beverly Park Golf Course (BPGC). Subsequently, the application was renotified for 14 days from 19 March 2018 to 4 April 2018.
 4. Upon receiving amended plans, the application was renotified for 14 days from 23 April 2019 to 10 May 2019.

5. In response to the three (3) notifications of the application a total of thirty (30) submissions have been received from eighteen (18) submitters.
6. A significant number of separate issues were raised, and responses to such matters are contained within this planning assessment.
7. The application has been assessed having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act), the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans.
8. Having regard to the deficiencies in the information accompanying the application, which includes acid sulfate soils, contamination, noise impacts, and waste management procedures, it is not able to be concluded that the impacts of the proposal will be appropriate in this sensitive location, and the subject DA has therefore been recommended for refusal.

DESCRIPTION OF THE PROPOSAL

9. The subject DA seeks consent for demolition work and the construction of a new maintenance building and staff amenities building, on grade car parking, bin store area, tree removal and landscaping works within the Beverley Park Golf Course.
10. The existing staff amenities building, which covers an area of approximately 150sqm, is to be demolished and replaced by a new maintenance and staff amenities building covering an area of approximately 570sqm.
11. The upgraded building will contain the following:
 - Staff lunchroom/kitchen;
 - Toilets;
 - Supervisors Office;
 - Workshop and Machinery Store;
 - Maintenance Garage (including a fuelling bay and wash down bay);
 - Fuel Storage Area;
 - Pump Room; and
 - Cart Storage Area.
12. External works will consist of a verandah along the northern façade of the building, bitumen paving to the area surrounding the new building, a bin storage area, and a number of small garden beds scattered around the building. The site will be provided with ten (10) formal car parking spaces.
13. Figure 1 below contains an extract of the site plan.

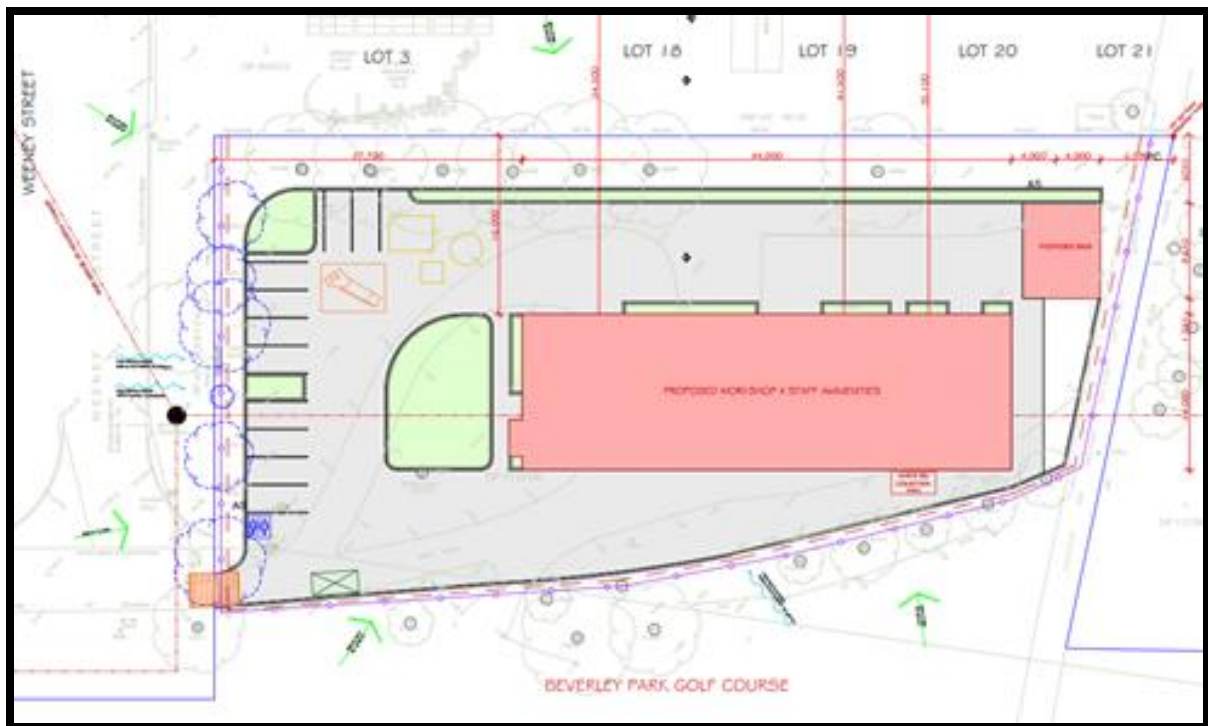


Figure 1 - An extract from the submitted site plan

14. The proposal seeks approval for the removal of six (6) trees, with replacement tree planting included as part of the proposal.

HISTORY

15.

9 October 2017	Subject development application lodged.
8 March 2017	Notification of the subject application undertaken for a fourteen (14) day period. This notification period was later extended until 4 April 2018.
6 August 2018	Amended and additional information submitted to Council (arboricultural assessment, mapping, land owner's consent from the NSW Department of Industry – Crown Lands and Water).
23 April 2019	Re-notification of the subject application undertaken until 10 May 2019.

DESCRIPTION OF THE SITE AND LOCALITY

16. The subject application is located in a portion of the Beverley Park Golf Club (BPGC) and will replace and enhance the existing facilities. The site has the following description, and known as 87a Jubilee Avenue, Beverley Park. The subject allotment being Lot 1, DP1115160, is located within the eastern portion of BPGC where it borders Battye Avenue and Weeney Street. Five (5) residential properties adjoin to the east of the allotment, being 8 Weeney and 43-49 Burgess Street.
17. The BPGC consists of some 34 allotments of land generally bounded by Jubilee Ave (northern side), Battye Avenue, Weeney Street, Burgess Street and Targo Road (eastern side), Ramsgate Road (southern side), and a drainage channel adjacent to Harslett Crescent, and Ferry Road (western side).

18. The subject site comprises 34 irregularly-shaped allotments, which are listed and shown as follows:

• Lot 161, DP 19098	• Lot 1, DP 1115160	• Lot 2, DP 723730
• Lot 1, DP 1115657	• Lot 1, DP 1122814	• Lot 3, DP 723730
• Lot 2, DP 1115657	• Lot 1, DP 1127867	• Lot 4, DP 723730
• Lot 1, DP 1115465	• Lot 1, DP 724240	• Lot 5, DP 723730
• Lot 1, DP 457030	• Lot 1, DP 1148376	• Lot 6, DP 723730
• Lot 1, DP 669359	• Lot 2, DP 1148376	• Lot 7, DP 723730
• Lot 1, DP 669358	• Lot 9, DP12389	• Lot 55, DP 3097
• Lot 1, DP 1115626	• Lot 10, DP12389	• Lot 56, DP 3097
• Lot 1, DP1114452	• Lot 2, DP 230426	• Lot 57, DP 3097
• Lot 2, DP 1114452	• Lot 7031, DP 93155	• Lot 58, DP 3097
• Lot 2, DP 1115160	• Lot 4, DP 230427	
• Lot 1, DP 1122814	• Lot 1, DP 723730	



Figure 2 - Details of the lot and DP's across the site

19. The entire golf course has an area of approx. 23,300sqm (excluding encroachments on public road reserves). The topography of the site is mostly level, with some undulating sections where the site has been modified to incorporate certain features (e.g. topographical features, golfing hazards, etc.). Development on the site includes features and structures associated with the BPGC, and includes (but is not limited to) the following:
- A small staff amenities building;

- Site maintenance facilities in the form of landscape material storage;
- Informal car parking facilities;
- Club house;
- Golfing fairways, tee-off areas, putting greens and associated features (i.e. sand bunkers); and
- Pathways and associated site infrastructure.

20. Areas of the site where golfing facilities are located either contain structures and/or are cleared, though areas between the fairways are heavily vegetated with predominantly mature vegetation. The portion of the site containing the proposed works is also largely cleared with the exception of mature vegetation lining the boundary of this 'portion'. A low 'copper log' fence traverses the boundary of the site where it adjoins Weeney Street and Battye Avenue.
21. The subject allotment is affected by flooding and Class 2 acid sulfate soils; however, the LEP does not identify other significant environmental considerations and/or hazards. The site does not contain a heritage item and is not within a heritage conservation area; there are also no other heritage items within the surrounding area.

ZONING

22. The site is located within an RE1 Public Recreation zone, whilst the area directly surrounding the site is zoned R2 Low Density Residential.



Figure 3 - Development area outlined in red

APPLICABLE PLANNING CONTROLS

- Environmental Planning and Assessment Act 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment
- State Environmental Planning Policy No 55 - Remediation of Land
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Kogarah Local Environmental Plan (KLEP) 2012
- Kogarah Development Control Plan (KDCP) 2013

PLANNING ASSESSMENT

23. The site has been inspected and the proposed development has been assessed under the relevant Section 4.15(1) "Matters for Consideration" of the Act.

Environmental Planning Instruments

State Environmental Planning Policies

24. Compliance with the relevant state environmental planning policies is detailed and discussed in the table below.

Discussion on the SEPPs relevant to the development

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

25. A review of the site history indicates that the subject site was vacant until the 1940s, after which time it was developed into (and continually operated as) a golf club with associated development. This review also suggests that land surrounding the subject site has also been continually used for predominantly residential development during that period of time. However, it is acknowledged that the site is likely to contain localised contamination due to the existing diesel tank on the land. Accordingly, a Preliminary Site Investigation (PSI) is required to be submitted with this application under State Environmental Planning Policy – Remediation of Land.
26. The applicant's written response, dated 29 April 2019, indicates that they had offered to meet Council on site for an inspection in order to address this issue. However, a PSI, also known as a Stage 1 report, is a report that must be prepared by an environmental scientist or someone similarly qualified and would ordinarily be expected to be prepared in accordance with the Managing Land Contamination Planning Guidelines, pursuant to SEPP 55. No information is currently available to indicate that a PSI should be foregone for this development.
27. As the above information has not been provided as part of this application, it is not possible to determine whether the proposal is suitable for the site, or whether the proposal will have an adverse impact on the natural environment. The DA in its current form will therefore not satisfy the relevant provisions of SEPP 55.

State Environmental Planning Policy No 19—Bushland in Urban Areas

28. While the former Kogarah Local Government Area (LGA) is subject to the provisions of this SEPP, and the concerns about large-scale tree clearing by objectors is noted, 'Bushland' is defined by the SEPP as follows:

*"**bushland** means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation."*

29. The vegetation that is proposed to be removed from the site is not a remainder of natural vegetation of the land, nor is it considered to be representative of the native structure and floristics of the locality. As such, the SEPP is not considered to be applicable to the subject DA.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

30. As part of the application, six trees are proposed to be removed from the site to accommodate the proposed development. Submitted information indicates that replacement trees would be planted; however, the number of trees to replace those being removed is unclear, noting that the landscape plan refers to existing trees where

they do not exist, whilst the proposed number of trees stated does not match what is depicted on the plan.

31. Council's Tree Management Officer has reviewed the application and raised no objection to the proposed tree removal, subject to conditions requiring amendments to the landscape plan, including five (5) additional tree plantings. Tree management conditions are recommended to protect trees that are to be retained. However, given the other deficiencies of the proposal the application is recommended for refusal.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

32. The site is within the area affected by the Greater Metropolitan Regional Environmental Plan No 2 — Georges River Catchment. The proposed Concept Stormwater Plan is considered to be consistent with Council's requirements for the disposal of stormwater in the catchment. However, it is noted that conditions of consent would require the submission of a Detailed Stormwater Plan and supporting information of the proposed on-site stormwater management system in accordance with 'Water Management Policy, Kogarah Council, August 2006' prior to the issue of a Construction Certificate.
33. The proposal would not have a foreseeable impact on river bank disturbance, flooding, urban stormwater runoff and/or local water quality (subject to conditions to the imposition of the aforementioned conditions). Whilst the proposal would be mostly consistent with the provisions of the Plan, as indicated within the assessment of the clause 6.1 (Acid Sulfate Soils) of the LEP, insufficient information has been provided to demonstrate that there would be no disturbance of acid sulfate soils, which are mapped by the LEP as potentially being present on the subject site. Unless it can be demonstrated that acid sulfate soils are not present/would not be disturbed by the development, the proposal would therefore fail to satisfy clause 9(1) of the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment.

Draft Environmental Planning Instruments

Draft Remediation of Land SEPP

34. The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.
35. The main changes proposed include the expansion of categories of remediation work which requires development consent, a greater involvement of principal certifying authorities particularly in relation to remediation works that can be carried out without development consent, more comprehensive guidelines for Councils and certifiers and the clarification of the contamination information to be included on Section 149 Planning Certificates.
36. Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land.
37. The subject site has a history of residential use and as such, site contamination is not suspected. In this regard, no further assessment is warranted with regards to site contamination.

Draft Environment SEPP

38. The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018.

39. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.
- Changes proposed include consolidating the following seven existing SEPPs:
 - State Environmental Planning Policy No. 19 – Bushland in Urban Areas
 - State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
 - State Environmental Planning Policy No. 50 – Canal Estate Development
 - Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
 - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
 - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
 - Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.
40. The proposal is consistent with the provisions of this Draft Instrument given there is no vegetation impacted by the proposed development.

Kogarah Local Environmental Plan 2013

41. The extent to which the proposal complies with the relevant standards of Local Environmental Plan is outlined in the table below.

Clause	Standard	Proposed	Complies
Part 2 – Permitted or Prohibited Development	RE1 Public Recreation zone	<p>The proposal does not seek to change the existing use of the site, maintaining the existing arrangements which provide for a staff amenities and maintenance building which are already ancillary to the Beverley Park Golf Club.</p> <p>A golf club is a type of recreation facility (outdoor) which is permissible with consent within the RE1 Zone.</p>	Yes
RE1 zone Objectives	<p>Objectives of the Zone</p> <ul style="list-style-type: none"> • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and 	<p>The proposal is considered to meet the first two objectives of the RE1 zone by providing services and facilities that support the operation of the BPGC which provide recreational facilities.</p> <p>However, the DA includes insufficient information to demonstrate the proposal will be consistent with the third objective of the zone. The development seeks consent for a wash down area, fuel storage area, and fuel filling pad within</p>	No

	enhance the natural environment for recreational purposes.	<p>the proposed building.</p> <p>The applicant has failed to provide documentation that outlines the methodology for managing fuel spills on the fuel filling pad, or details of how the wash down area would capture pollutants in the soil and water run-off. It is also noted that site is also likely to contain localised contamination due to the existing diesel tank on site. Accordingly, a Preliminary Site Investigation is required to be submitted with the DA under State Environmental Planning Policy – Remediation of Land.</p> <p>As the above information has not been provided, as a result it is not possible to determine whether the proposal will have an adverse impact on the natural environment.</p>	
4.3 Height of Buildings	<p>No standard applies.</p> <p>However, adjoining sites have a maximum building height of 9m.</p>	The proposed building will have a maximum height of 5m where the north-eastern most portion of the roof ridge at 7.30 AHD is located above the existing ground level of 2.30 AHD.	Yes
4.4 Floor Space Ratio	No standard applies.	The proposed building contains a gross floor area of approximately 550sqm, resulting a floor space ratio of approximately 0.02:1 over the 23,300sqm lot.	Yes
4.5 Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	Noted	N/A
5.10 Heritage conservation		<p>The site does not contain a heritage item and is not within a heritage conservation area; there are no heritage items within the immediate vicinity of the subject site.</p> <p>Further, the National Trust no longer identifies the site and/or surrounding area as being part</p>	Yes

		<p>of a heritage conservation area. Heritage provisions therefore do not apply to the site.</p> <p>The site is highly modified, and it is unlikely that items of indigenous heritage would be present.</p> <p>An 'Extensive Search' has also been undertaken using the AHIMS database and identified no Aboriginal sites or places being located at the subject site.</p> <p>In the event that the application could be approved, a condition could be applied requiring that works cease if items are uncovered until the relevant authorities have been consulted.</p>	
6.1 Acid sulfate soils	(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	<p>The site is affected by Class 2 acid sulfate soils, which pursuant to cl. 6.1(2) requires that an Acid Sulfate Soils Management Plan be undertaken for "<i>any works below natural ground surface</i>". The submitted documentation indicates that the following works would occur below natural ground level:</p> <ul style="list-style-type: none"> • Excavation for the footings, which based on submitted information would extend to approximately 600mm; • Excavation (to an unknown depth) to enable the planting of trees. <p>Neither an ASSMP nor a preliminary assessment has been submitted. Pursuant to cl. 6.1(3) the consent authority cannot grant consent to the application unless such documentation has been prepared.</p> <p>With regard to cl. 6.1(6), information has not been</p>	No

		provided to demonstrate that less than one (1) tonne of soil would be disturbed nor that it would have no effect on lowering the watertable.	
6.2 Earthworks	<p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p>	<p>Excavation for the footings will reach a depth of approximately 600mm for the proposed building in accordance with the submitted information.</p> <p>Although the extent of the proposed earthworks is relatively minor in nature, they are located within an area affected by Class 2 acid sulfate soils, which pursuant to cl. 6.1(2) requires that an Acid Sulfate Soils Management Plan be undertaken for “<i>any works below natural ground surface</i>”.</p> <p>Neither an ASSMP nor a preliminary assessment have been submitted. Pursuant to cl. 6.1(3) the consent authority cannot grant consent to the application unless such documentation has been prepared.</p>	No , refer above

	<p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>		
6.3 Flood planning	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates</p>	<p>The proposed development has been assessed as being compatible with the flood hazard of the land and is not likely to significantly affect flood behaviour.</p> <p>The site is affected by a 1 in 100 year ARI flood level of 1.80 AHD and a flood planning level of 2.30 AHD. The proposed maintenance and staff amenities complex have a minimum floor level above both these levels at 2.50 AHD, whilst the entire portion of the site to be redeveloped is currently located above the 1 in 100 year ARI flood level at 2.24 AHD.</p> <p>The proposal is not expected to significantly affect the environment or cause avoidable erosion or siltation. It is not likely to result in any unsustainable social and economic costs to the community as a consequence of flooding.</p>	Yes

	<p>appropriate measures to manage risk to life from flood, and</p> <p>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p>		
6.4 – Foreshore Scenic Protection Area	<p>Council cannot grant consent to the carrying out of development on land within a Foreshore Scenic Protection Area unless consideration has been made of the following:</p> <p>“(3)(a) affect the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation, and</p> <p>(b) affect the visual</p>	The site is not within the foreshore area.	N/A

	<p>environment, including the views to and from the Georges River, foreshore reserves, residential areas and public places, and</p> <p>(c) affect the environmental heritage of Hurstville, and</p> <p>(d) Contribute to the scenic qualities of the residential areas and the Georges River by maintaining the dominance of landscape over built form.”</p>		
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Development Control Plans

Kogarah Development Control Plan 2013

42. The following is an assessment of the relevant prohibitions of Kogarah Development Control Plan 2013. A detailed assessment of any notable issues and/or non-compliances is contained within the main body of the report.

KDCP 2014	Proposed	Complies
Part B – General Controls		
B2 Tree Management & Green Web		
1 Preservation of Trees and Vegetation		
1.1 Tree Management (1) Compliance with provisions of Clause 5.9 Preservation of Trees or Vegetation of KLEP 2012 must be achieved. (2) Development consent or a Council permit is required to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree, whether on private or public land, which has: (i.) A height greater than 3.5m, or (ii.) A branch spread exceeding 3 metres in diameter (3) An application to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree shall	<p>Tree protection and retention conditions are recommended to ensure the retention of existing trees on site.</p> <p>Refer to discussion of the Vegetation SEPP for further information on tree removal.</p>	<p>Yes, subject to conditions if the application was in a position to be supported.</p>

<p>contain the following information:</p> <ul style="list-style-type: none"> (i.) An application on the prescribed form. (ii.) The written consent of the land owner unless the application is for pruning a tree over the applicant's property from a tree on the neighbouring property. (iii.) Details as to the reasons for the pruning/removal of the tree. (iv.) A description of trees to be removed/pruned which includes: <ul style="list-style-type: none"> • A site plan showing trees and existing structures. • The species type – common and full scientific names if known. • Approximate height, trunk and canopy spread. <p>(4) Irrespective of Clause (2) above, the following tree works do not require Council approval when undertaken in accordance with relevant Australian Standards for the pruning of amenity trees.</p> <ul style="list-style-type: none"> (i.) Trees that have been declared an undesirable species and identified in List 1 below may be removed or pruned without the need for development consent or a Council permit, provided the tree has not been identified as possessing heritage significance. (ii.) Works undertaken in response to an emergency by the State Emergency Service, Rural Fire Service or another Authority. (iii.) Trees that require pruning in accordance with the Electricity Supply Act 1995. <p>(5) Council will be satisfied that a tree is dead and/or a risk to life or property when:</p> <ul style="list-style-type: none"> (i.) The tree is not within the Green Web habitat corridor or habitat reinforcement corridor and a report by a qualified Arborist (minimum AQF Level 5 		
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<p>Arboriculture), including photographs of the tree, is submitted which concludes that the tree is dead or dying; or</p> <p>(ii.) It can be proven that the pruning or removal work is the only reasonable option to avoid an immediate threat of injury or damage to life or property and the works were undertaken to the minimum extent necessary to manage that threat; and</p> <p>(iii.) Recorded proof of that threat, in the form of a report (Tree Hazard Assessment (THA)) by a qualified Arborist (minimum AQF Level 5 Arboriculture) including photographs of the tree and detailing the cause of danger. Where a trunk or limb defect assessment is undertaken, strength loss calculations and cross section mapping must be included in the THA.</p> <p>(iv.) In the event of tree removal, the arborist report is forwarded to Council immediately following the removal.</p> <p>(v.) In the event of pruning, the arborist report is made available to Council on request within three (3) months after the pruning works.</p>		
<p>2. Green Web Requirements</p>	<p>Subject to conditions, the proposal will not be inconsistent with the Green Web Requirements.</p>	<p>Yes</p>
<p>B5 – Waste Management & Minimisation</p>		
<p>1. Waste Management Plan</p> <p>(1) Submit a Waste Management Plan with DAs involving:</p> <ul style="list-style-type: none"> • demolition; • construction of a new building(s); or • change of use or alterations/additions to existing premises (only when this would result in a change of waste generation). <p>(2) Illustrate on the DA plans/ drawings:</p>	<p>A waste management plan has been submitted with the application. However, the information is inadequate as discussed within the report.</p>	<p>No</p>

<ul style="list-style-type: none"> the location and space allocated for the storage of demolition and construction waste or materials; waste collection point(s) for the site; and path of access for collection vehicles. <p>(3) Prepare the Waste Management Plan in accordance with the requirements in Kogarah Waste Not Plan 2012.</p> <p>(4) Demonstrate in the Waste Management Plan the use of second hand building materials and recycled building products during building design and construction.</p> <p>(5) Retain records (including receipts) on site demonstrating recycling and lawful disposal of waste.</p>		
<p>2. Waste and Recycling Requirements</p> <p>(1) All development applications should have regard to the provisions of the Kogarah Waste Not Plan 2012.</p> <p>(2) Door widths to waste/recycling storage rooms shall be a minimum of 1100mm and must be wide enough to accommodate the largest chosen bin size for that development, with a gap on either side of the bin of no less than 100mm.</p> <p>(7) Waste storage facilities must be easily accessible from residential units and appropriately located to facilitate the removal of waste to the Council collection point.</p> <p>(8) Waste and recycling storage areas must be visually and physically integrated into the design of the development. Design elements such as fencing, landscaping and roof treatments may be used to screen the waste and recycling</p>	<p>A waste storage area is provided with a brick fence, measuring 7m in width, and up to approximately 2m in height. This fence is located approximately 6m from the rear boundaries of 47 and 49 Burgess Street. The location of the facility is not appropriate as discussed within the report.</p>	<p>No</p>

storage area. (10) Waste/recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites.		
B6 – Water Management		
1. On site Water Management & Stormwater Controls To be in accordance with Council's Water Management Policy.	The stormwater design is supported by Council's Development Engineer Conditions recommended if the application was to be supported.	Yes
2. Flooding and drainage (1) Detention storage is to be provided that is equal to or greater than the specified Site Storage Requirements (SSR). (2) Rainwater tank installed to meet BASIX water conservation requirements will be given credit for SSR purpose. (3) Floor levels, carpark, driveways and basements are to be designed to meet the set guidelines. (4) Drainage easements servicing stormwater pipes and/or overland runoff from catchments upstream of the development site are to be managed according to the guidelines presented in the design practice note – Site Drainage and Flood Management. (5) Discharge of stormwater runoff from a development site is to be undertaken in accordance with the design practice note, Site Drainage and Flood Management regarding direct discharge to kerb, discharge to a Council owned stormwater conduit, discharge to natural areas, discharge through private property and discharge within the development site. (6) Habitable floor levels are to have a minimum of 500mm freeboard above the 100 year ARI flood level.	The proposed floor levels of 2.50 AHD are above the flood planning level of 2.30 AHD. The entire portion of the site to be redeveloped is also located above the flood planning level at 2.24 AHD and the car park is able to sit above this level.	Yes

<p>(7) Garage levels are to be at or above the 100 year ARI flood level.</p> <p>(8) Basements are to be protected up to and including the 100 year ARI flood level.</p> <p>(9) Driveways and carports shall not be sited where the product of velocity and depth of the overland flow exceeds 0.4sqm/s or the flow depth is above 300mm for the 100 year ARI flood.</p> <p>(10) Alterations and additions to existing buildings are permitted in flood affected areas provided they substantially reduce the flood risk levels in relation to property damage and personal safety.</p> <p>(11) Developments affected by flooding from main stream or channel bank overflows shall address site evacuation, structural soundness of affected buildings and other risk related issues as required by the NSW Floodplain Development Manual 2005. Any alteration to existing surface levels for a designated overland flow path/floodway is subject to written Council approval.</p> <p>(12) Overland flow paths/ floodways that are located outside the drainage easement for a Council pipe should have easements or restrictions created for them.</p>		
B7 – Environmental Management		
<p>1. Orientation: Building siting and design</p> <p>(1) Orient the building, as far as possible, so that the longest side is on the east-west axis.</p> <p>(2) The main facades of a building should be orientated towards the north, preferably within a range of 30 degrees east and 20 degrees west of true north.</p> <p>(3) Maximise the number of</p>	<p>The development is intended to be provided within an area that currently is aligned in a north-south axis. The proposed building maintains that orientation and this is appropriate in this instance.</p> <p>The high occupancy areas (staff room etc) are located along the northern and</p>	<p>Yes, subject to conditions if the application was to be supported.</p>

<p>windows on the northern face of the building.</p> <p>(4) The use of dark coloured roofing is discouraged unless solar cells are integrated into the roof.</p> <p>(5) If development is of a commercial or industrial nature, design buildings to ensure that as much of the floor area as possible is within 4 to 6 metres of an external window. Office areas should, as a minimum be within 10 metres of an external window to provide access to natural lighting.</p> <p>(6) Minimise glazing on the southern and western sides of the building.</p>	<p>western sides of the building which are provided with openings.</p>	
<p>2. Energy efficiency in non residential developments</p> <p>(1) Development is to be designed and constructed to reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, and appropriate use of thermal mass and external shading, including vegetation.</p> <p>(2) Lighting provided as part of a development should be energy efficient, such as LED lighting.</p> <p>(3) Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time.</p>	<p>Conditions are able to be imposed requiring compliance with the energy efficiency requirements contained within Section J of the Building Code of Australia</p> <p>Conditions are also are also able to require energy efficient lighting as well as requiring that the car parking area be constructed so as to accommodate electric vehicle charging at a later time.</p>	<p>Yes, subject to conditions if the application was to be supported.</p>
<p>3. Water efficiency in non residential developments</p> <p>(1) All new water fittings and fixtures such as showerheads, water tap outlets, urinals and toilet cisterns, in all non-residential development, the public domain, and public and private parks are to be the highest Water Efficiency Labelling Scheme (WELS) star rating available at the time of</p>	<p>Conditions are able to be imposed requiring the use of efficient water fittings in accordance with the WELS star rating.</p> <p>A rainwater tank is proposed as part of the development.</p> <p>No changes are proposed to any existing irrigation arrangements.</p>	<p>Yes, subject to conditions if the application was to be supported.</p>

<p>development.</p> <p>(2) Generally, rainwater tanks are to be installed for all non-residential developments, including major alterations and additions that have access to a roof form from which rainwater can be feasibly collected and plumbed to appropriate end uses.</p> <p>(3) Generally, water used for irrigation of public and private open space is to be drawn from reclaimed water or harvested rainwater sources. Possible sources include harvested stormwater, treated grey-water and wastewater and water from a decentralised local network.</p>		
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LPP021-19

Key non-compliances

B5 – Waste Management and Minimisation

43. The application is accompanied by a written Waste Management Plan (WMP) as well as an architectural plan titled 'Soil and Waste Management Plan', which also features a written description of waste management arrangements. As outlined within the discussion of the comments of Council's Environmental Health Officer (EHO), the application fails to properly describe the following waste management arrangements:
- Storage of chemical and liquid wastes (such as waste oil from maintenance of lawn mowers, as well as empty chemical drums, etc). The WMP contains only details on the 'removal of the grease sludge from tank adjacent to clubhouse', which is undertaken every 6 weeks, but the WMP does not describe how this will be stored prior to collection.
 - The methodology for managing fuel spills on the fuel filling pad.
 - Details of how the wash down area will capture pollutants in the soil and water run-off.
44. Part B5 states that waste storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites. The WMP indicates that bins will be stored on the western side of the proposed building, but a bin enclosure of approximately 60sqm and 2m in height, is proposed on the eastern side of the development. The individual functions of the areas marked on the landscape plan as 'proposed bins' and the area marked as 'waste bin collection area' is not clear. In addition, given the western side of the development is shielded from the golf course by an embankment, the bin storage area would be better located on the western side of the development, to shield residential properties from any acoustic or odour issues arising from the bins being located on the eastern side of the development, only 6m from the rear boundary of the residential properties. It would be expected that all waste storage within a golf course of this size, could be arranged such that there is limited potential for impacts to adjoining residential properties.

IMPACTS

Likely impacts of the development

45. The proposal seeks the use of the building from as early as 3:30am (according to the 'Machinery Acoustic's Report'). Given the proximity to residential properties, and the machinery to be used within the facility, there is the potential that the proposal may result in unreasonable acoustic impacts.
46. Council has requested that the applicant demonstrate that no unreasonable acoustic impacts would be generated by the proposal. A 'Machinery Acoustic's Report', prepared by the Course Superintendent, was provided which listed the sound pressure and sound power of each piece of machinery. The report also provided readings from the use of the machinery in the location of the existing maintenance shed.
47. However, this was not prepared by a suitably qualified acoustic engineer and Council's Environmental Health Officer (EHO) has maintained that the information provided to Council is not adequate to demonstrate that the acoustic impacts will be appropriate in this location. A detailed discussion of this matter is contained within the discussion of the EHO referral comments, and given the information does not sufficiently model the acoustic impacts of the proposal, this assessment cannot conclude that the impacts are appropriate in this location.
48. Other impacts aside from the noise are discussed throughout this report and include:
- No acid sulfate soils management plan has been prepared in accordance with clause 6.1 of the LEP despite the site being affected by Class 2 acid sulfate soils, and works being proposed below the natural ground surface.
 - A PSI has not been submitted with this application to enable consideration of the localised contamination associated with the existing diesel tank on the site.
 - Inadequate waste management information has been provided, particularly in relation to chemical and liquid storage.

Suitability of the Site

49. Due the aforementioned lack of information, a detailed analysis of the likely expected impacts of the development cannot be undertaken. As such, it cannot be concluded that the location of this development on this site is suitable for the proposed development.

SUBMISSIONS AND THE PUBLIC INTEREST

50. The subject application was originally notified for 14 days from 8 March 2018 to until 22 March 2018, however it was later renotified from 19 March 2018 until 4 April 2018 due to an error within the original development description. In response, 11 unique submissions were received from 15 signatories; 10 submissions objected to the proposal.
51. Upon receiving amended plans, the application was renotified for 14 days from 23 April 2019 to 10 May 2019. In response, 9 unique submissions were received from 14 signatories; all the submissions objected to the proposal.
52. A significant number of separate issues were raised by the objecting submissions, and responses to such matters are contained within this planning assessment.
53. The objecting submissions raised a significant number of issues. As a result, such issues have been grouped and summarised as follows.

54. Deficient documentation

The documentation supporting the application was identified as being deficient by multiple objectors. It was stated that the Architectural Drawings were inaccurate whilst no SEE was provided.

55. Officer Comment: Updated information such as an amended SEE and Architectural Plans has been provided by the applicant. However, it is noted that the package has been deemed as deficient with reference to there being not Acoustic Report and the lack of a Preliminary Site Investigation under State Environmental Planning Policy 55 – Remediation of Land and the non-provision of an Acid Sulfate Soils Management Plan. The lack of such documentation is considered vital in the assessment of this application; as a result this shall form part of the reasons for refusal.

56. Inappropriate bulk and scale

It has been suggested that the proposed building is of an inappropriate bulk and scale, thereby reducing the level of privacy enjoyed by the adjoining residential properties, whilst blocking views to the existing golf course.

57. Officer Comment: It is recognised that the proposed building is significantly larger than the existing building with a footprint of approximately 570sqm in comparison to the existing footprint of approximately 140sqm. Although this represents a significant increase, it is noted that the application has been redesigned to propose a greater setback (5m to 16m) to the rear of adjoining residential properties, whilst also reducing the maximum building RL by approximately 550mm. Furthermore, the land rises where the adjoining dwelling houses are located, further reducing the impact of the proposed building whilst the closest points between the building and affected residences are between 34.5m and 41.5m away.

58. Accordingly, it is not expected that the proposed building in its amended form will create an unacceptable view impact, particularly from the first floor rear balconies of 43 and 47 Burgess Street which have an RL greater than the roof RL of the proposed building. The significant setbacks in conjunction with the reduced RL of the building are considered to appropriately reduce the view impacts to the rear adjoining neighbours, noting the views will largely remain of the open green space and established vegetation. It should also be noted that while the adjoining residences have an outlook onto the golf course, they do not enjoy what the Land and Environment Court Planning Principles would consider to be significant views (i.e. water views, foreshore areas, water/land interface, views of iconic structures etc.). As such, view-sharing principles (and any associated planning controls) would therefore not be applicable to this planning assessment.

59. It is not considered that there would be any significant impact to privacy of the rear adjoining dwellings, noting the single storey nature of the proposal, lack of habitable spaces from the eastern façade, and existing vegetation and boundary fences which would largely screen views to the residential properties.

60. Noise generation

Issues have been raised regarding noise generation from the proposed development due to the use of machinery, staff utilising the proposed verandah, and vehicular movements associated with the 3:30am starts as stated within the 'Acoustic Report'. The proposed hours of operation breaches those permitted within the Beverley Park Plan of Management 2006.

61. Officer Comment: The insufficient information provided within the submitted acoustic information forms one of the reasons for refusal. Council's Environmental Health Officer has noted that the report fails to compare noise from the current and future machinery to the background noise levels that will occur within their proposed operating hours. Further, no supporting information has been provided about the equipment or the methodology used to measure the sound whilst noise produced from the proposed wash bay and machinery shed has been excluded from the report where it has been recommended for inclusion.
62. It is also noted that the orientation of the development which provides for the wash down bay, cart storage area, and bin storage area from the eastern side of the site is considered inappropriate due to the likely noise impacts it will have on the adjoining residential areas.
63. Finally, it is noted that specific hours cooperation were not listed within the original SEE, and were only included within the updated SEE being 3.30am. Operational hours that align with the Beverley Park Plan of Management 2006 could be addressed through conditions of consent in the event that this application were to be approved.
64. Chemicals and fuels
Multiple submissions raise concerns with the use of chemicals and fuels within close proximity to residential development. It has been suggested that the proposed building would be of an industrial nature and therefore not appropriate within the RE1 Public Recreation Zone.
65. Officer Comment: Council's Environmental Health Officer has reviewed the proposal and has found the information provided to be insufficient regarding the handling of fuel. The application lacks detail regarding how they propose to deal with fuel spills on the fuel filling pad, etc. The use of the proposed development would support the operation of a land use that is permissible within the RE1 zone; while the use of the building would be permitted within the zone; specific operational elements are currently considered to be unacceptable due to the lack of specific detailed information.
66. Inappropriate location
It has been asserted by multiple objectors that the subject site is inappropriate for the proposed development as it is located within an area affected by flooding. Submissions also indicate that the new building and hard stand areas would increase the area of impervious surfaces and potentially worsen flooding impacts within surrounding properties.
67. Officer Comment: Council's Development Engineer has assessed the proposed development with reference to the Concept Stormwater Plan and its partial location within the flood planning area. As per the referral response, in the instance if the development were to be approved, a detailed stormwater plan in conjunction with supporting information of the proposed on-site stormwater management system would need to be submitted for Council approval; such information would need to meet the requirements of Council's Water Management Policy and relevant Australian Standards. Further, any issues regarding sedimentation and/or erosion could be addressed via conditions of consent in the event that the proposal could be approved.
68. With regard to flooding-related concerns, while the golf course is within a flood prone area, the proposed building location would be situated outside of the area affected by the 1 in 100 year flood level. The 2.5m AHD Finished Floor Level (FFL) is also well above the

1.8m AHD 1 in 100 year flood level and 2.3m AHD Probable Maximum Flood (PMF) level. The proposed development would therefore not be adversely affected by, nor would it adversely affect flood storage and/or behaviour during a 1:100 year flood event. Given that adjoining residential allotments are also outside of areas affected by the 1 in 100 year flood level, it is also highly unlikely that the proposed development would increase flooding risks to those adjoining sites during a 1:100 year event.

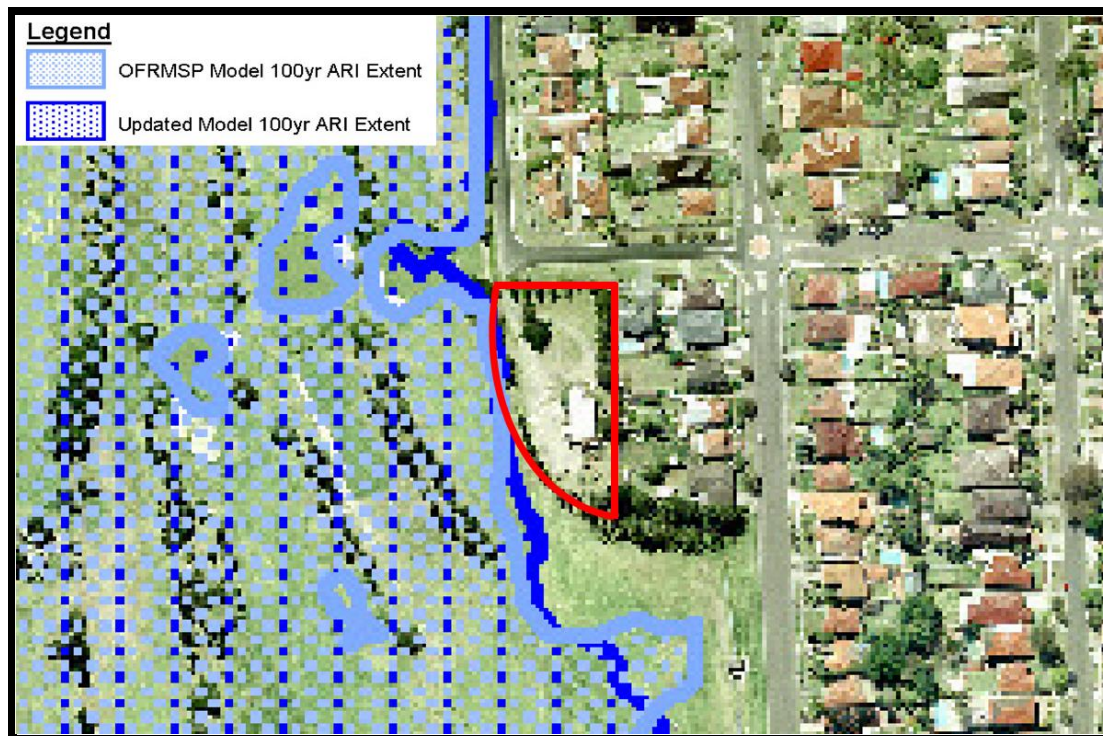


Figure 4 - Location of the area of proposed works (outlined in red) within the 1 in 100 year ARI flood extent

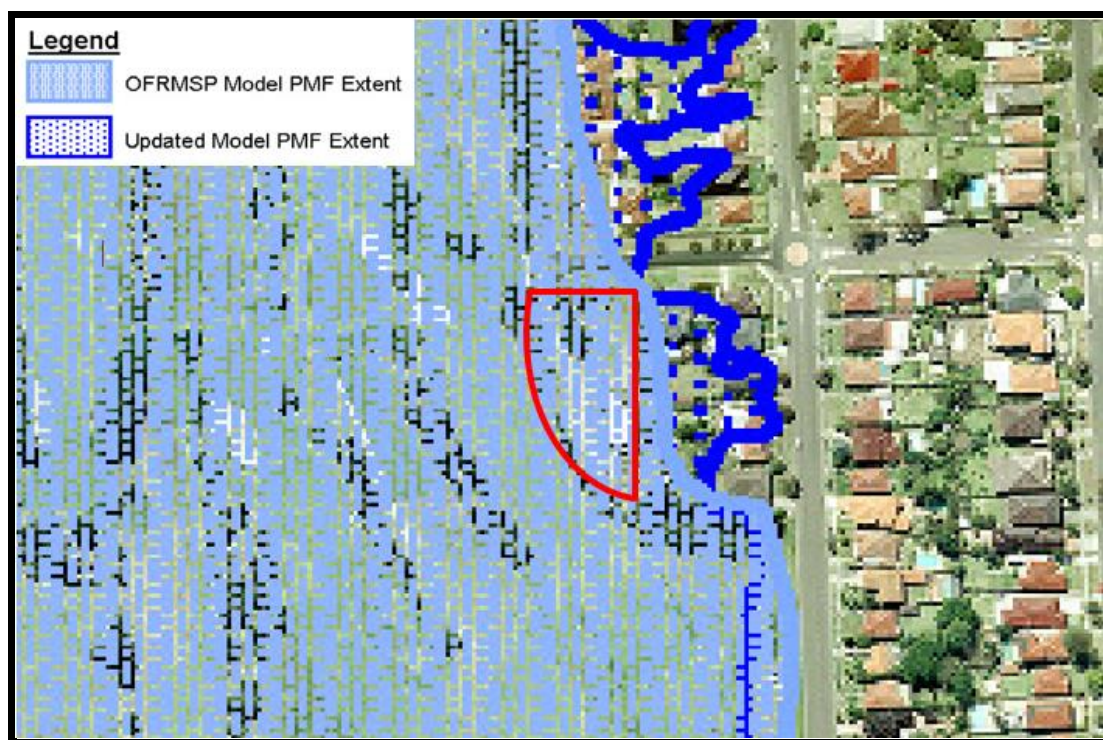


Figure 5 - Location of the area of proposed works (outlined in red) within the PMF Extent

A number of submissions cite breaches of requirement to comply with the architectural design guidelines within the Plan of Management 2006 which are based on the criteria of the National Trust Heritage Conservation Area for Beverley Park.

70. Officer Comment: The Plan of Management was drafted in 2006. Since this time, the National Trust no longer identifies this area as being a heritage conservation area. This is reflected by mapping within the LEP, which does not show any heritage items and Heritage Conservation Areas within the vicinity of the site (refer to Figure 5); it is noted that the heritage mapping for the area around the subject site has not changed since the gazettal of the LEP in 2013. The heritage provisions to which the submissions refer are therefore not applicable to the subject site or the wider area more generally.



Figure 6 - An extract from the heritage map within Kogarah Local Environment Plan 2013, which shows that neither the subject site nor surrounding sites would be subject to heritage provisions under Council's LEP and/or planning policies.

71. Devaluing properties
The visual impact of the proposed development would devalue adjoining residential sites.
72. Officer Comment: Impacts on property value are not a consideration for assessment under Section 4.15 of the Environmental Planning and Assessment Act.
73. Economic use of space
The proposed building is not an appropriate economic use of public space when there are better alternative locations for the building. The applicant could construct the building in the middle of the golf course near existing water tanks so as it is nowhere near residential homes.
74. Officer Comment: The assessing planner is not able to comment on the applicant's rationale for situating the maintenance facilities in the proposed location. With regard to flooding issues raised by submissions however, it is noted that the centre of the site is significantly flood prone, and is likely an inappropriate location for the placement the building and would also impact the functionality and useability of the Golf Course.

75. Notification

The notification of the proposed development is incorrectly notifying residents of a different current DA at the golf course! It is strongly advised that to resend this correctly to all residents and allow for a fair advertising period to receive a response to assist you with your decision making in our residential area.

76. Officer Comment: The issue regarding an incorrect description of the proposal was identified by Council; re-notification of the application was undertaken with the correct description sent to residents, the additional submissions received were considered as part of the assessment in this report.

REFERRALS

Council Referrals

ENVIRONMENTAL HEALTH OFFICER

77. Council's Environmental Health Officer (EHO) has raised a number of ongoing concerns in relation to this application. The issues can generally be separated into the following two (2) areas of concern: (1) acoustic impacts, and (2) contamination and chemical storage. Each of these matters is discussed below.

Acoustic Impacts

78. The proposal seeks the use of the building from as early as 3:30am (according to the Acoustic Report), and given the proximity to residential properties, and the machinery to be used within the facility, there is potential for the proposal to result in unreasonable acoustic impacts.
79. The original application was not accompanied by an acoustic report; however, an a 'Machinery Acoustic's Report' was later provided in a response to a request from Council, although this was not prepared by a suitably qualified acoustic engineer, nor prepared in accordance with any accepted practice or standard. This report therefore exhibits a shortfall of information, including:
- Background noise levels for all times at which the onsite machinery would be in use, including air conditioning units, pumps (such as those within the underground storage tanks).
 - Anticipated noise output associated with the use of the machinery and wash down area.
80. The applicant responded by indicating that given the models of the air conditioning units had not yet been selected, and that it was intended that they would be located on the western side of the building (away from residences) it was not possible to provide information on the air conditioning units. However, it is standard practice for an acoustic engineer to either make estimates, or set realistic parameters, for the noise output associated with the air conditioning, based on the specific characteristics of the proposal – with any related recommendations able to be incorporated into the development consent.
81. The applicant responded with a short 'Machinery Acoustic's Report', which contained specifications of the machinery and a list of readings recently taken from the existing shed. However, a thorough acoustic report prepared by a suitably qualified acoustic

engineer is necessary to compare noise from the current/future machinery with background noise levels, at the proposed operational times.

82. Although not previously requested by Council, it is also considered that further information is required on the ongoing operations of the facility (for instance within a plan of management) to demonstrate that the ongoing use of the premises will not create additional operational acoustic impacts to the nearby premises. The proposal provides a long driveway along the eastern side of the premises, which provides vehicular access to a wash down bay, cart storage area, and garbage storage area. It is likely that these areas will be subject to a high level of activity, would potentially spill out into the driveway area, and would ideally be located on the western side of the proposed building, away from residential areas.
83. Given the potential impacts to neighbouring properties, the application is unable to be approved without this information, and is subsequently recommended for refusal.

Contamination and Chemical Storage

84. The application seeks a wash down bay within the maintenance garage. Council's EHO sought further information about the planned wash down area, including the specific dimensions of the area, and details of how the wash down area would capture pollutants in the soil and water run-off. Council's EHO also indicated that the applicant should contact Sydney Water to determine whether or not a trade waste agreement would be necessary.
85. The current plans indicate that the Wash Down Bay would have dimensions of 5m x 5m. The applicant indicated that they had contacted Sydney Water, and as of 29 April 2019 had not received a response. In any event, conditions could be imposed to require that this consultation to be carried out prior to the commencement of works. The information in relation to the soil and water run-off to the wash down area remains outstanding. Furthermore, the waste management plan does not outline the methodology for managing fuel spills on the fuel filling pad and this information also remains outstanding.
86. Council had also requested plans and information in relation to the storage of chemical waste, fuel storage, and liquid waste storage (such as waste oil from maintenance of lawn mowers, as well as empty chemical drums, etc). The applicant indicated that these will be stored in the same location as they are currently stored, indicated to be in the middle of the course, with waste oils to be stored and collected by a waste company on a monthly basis (although the WMP indicates that this will be every 6 weeks). However, the current fuel and chemical storage areas are most likely to be contaminated to some extent and a Preliminary Site Investigation (PSI) under the provisions of State Environmental Planning Policy 55 – Remediation of Land needs to be submitted in support of this application.
87. The applicant's written response, dated 29 April 2019, indicates that they had offered to meet Council on site for an inspection in order to address this issue. However, a PSI, also known as a Stage 1 report, is a report that must be prepared by an environmental scientist or someone similarly qualified and would ordinarily be expected to be prepared in accordance with the Managing Land Contamination Planning Guidelines, pursuant to SEPP 55. No information is currently available to indicate that a PSI should be foregone for this development.
88. Additionally, the fact that the location of the tanks is unchanged is of little bearing on this matter, given that no approval of the tanks is known to exist.

TREE MANAGEMENT OFFICER

89. Council's Tree Management Officer (TMO) had initially requested the submission of a detailed landscaped plan. This landscape plan was later provided in April 2019; however, the landscape scheme was deemed to be inadequate and further concerns were raised by Council.
90. Should the application be approved, Council's TMO recommends that a condition be imposed requiring the following amendments:
- The proposed eastern concrete driveway be a minimum 8.5m away from the boundary fence facing the neighbours. This is to ensure the driveway is no closer than the drip line of the outer canopy of the existing trees
 - An additional five (5) trees shall be planted. Four (4) trees of species, *Lophostemon confertus* at 75 litre pot/ bag size along the eastern fence line to fill the voids of where there are no trees, with one different tree being planted within the front of the proposed building, lawn area, north.
 - The one tree planted within the lawn area, species selection from Hurstville DCP, Appendix 1, 5 Recommended species for Landscaping, Indigenous trees, all wards and be able, be of minimum 75 litre pot/ bag size and be able to reach a height at maturity of nine (9) metres.
 - The proposed tree and plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives.
 - All trees proposed upon the approved landscape plan shall comply with AS 2303 – 2018, Tree Stock for Landscape use and NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification.
 - If the planted trees and plants are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.
 - A certificate of compliance for the planting of all trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.
91. The recommended conditions require that the plans be amended prior to the issue of a Construction Certificate and that all works be completed prior to the issue of an Occupation Certificate. These conditions would be sufficient to properly address the issues relating to the inconsistent information within the application package, particularly noting that five (5) *additional* plantings are required (on top of those already proposed), whereas the proposal seeks the removal of only six (6) trees.
92. Conditions are also recommended relating to the retention and protection of existing trees.

DEVELOPMENT ENGINEER

93. Council's Development Engineer raised no objection to the proposal, subject to the imposition of appropriate *conditions*. It was also suggested that the following advisory note be added to any development consent issued for this development:

The property is identified as flood liable in the Beverley Park Overland Flow Risk Management Study and Plan 2007 and as such Flood Related Development Controls apply. The Flood Planning Level (FPL) is identified at 2.3m (AHD) and this includes a freeboard of 500 mm. The 1 in 100 flood year level is identified at 1.8m (AHD). The floor levels of the development are above the FPL and the development is not within the defined 1 in 100 year flood extents.

External

94. No external referrals were required for this application

CONCLUSION

95. The application has been assessed having regard to the matters for consideration under Section 4.15 of the Act, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans. The application seeks approval for demolition work and the construction of a new maintenance building and staff amenities building, on grade car parking, bin store area, tree removal and landscaping works to replace the existing building within the Beverley Park Golf Course.
96. For the reasons outlined within the recommendation below, the DA has been recommended for refusal.




DETERMINATION AND STATEMENT OF REASONS

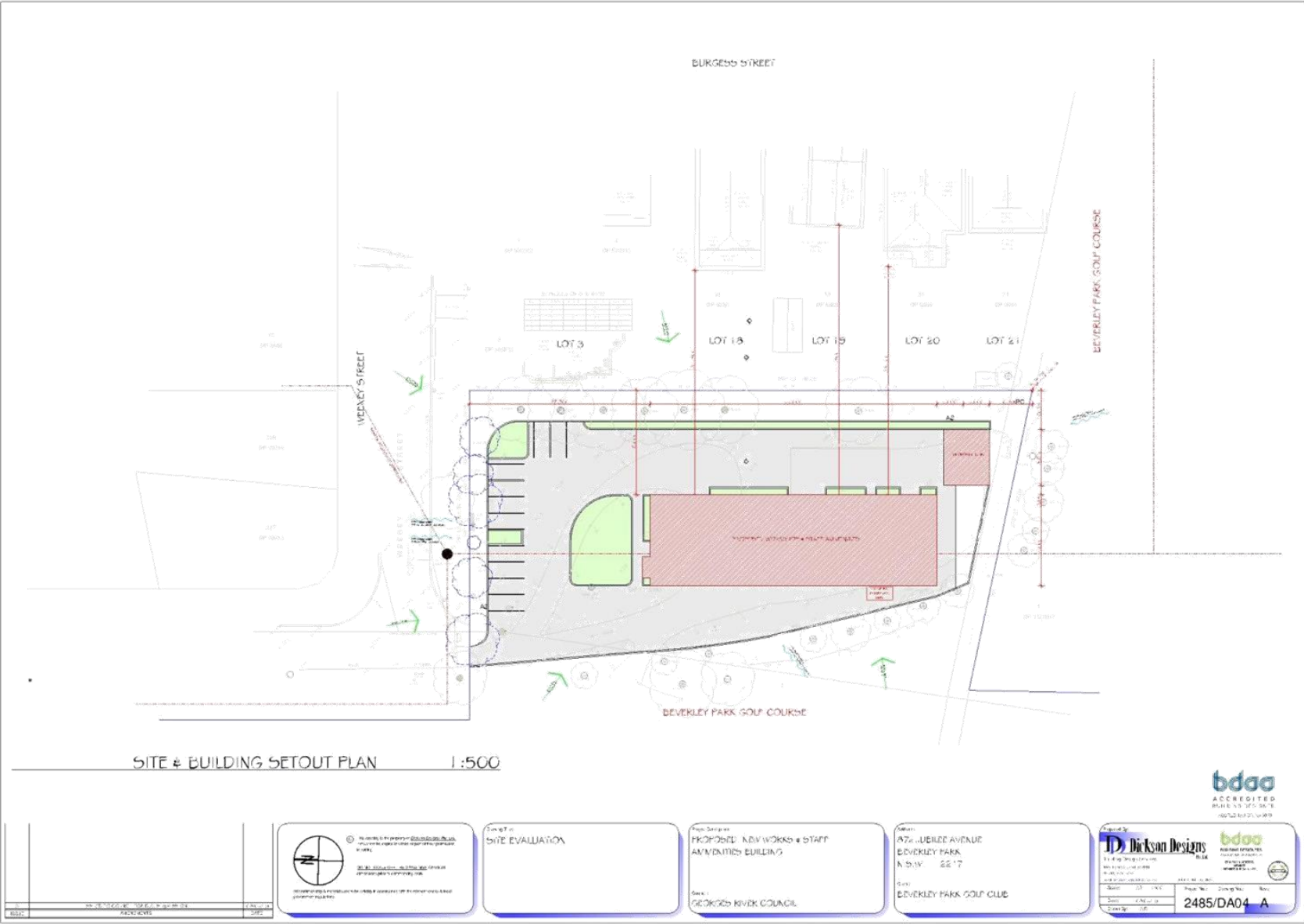
97. THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979, as amended, the Georges River Planning Panel **refuses** development consent to Development Application No. DA20170472 for demolition work and the construction of a new maintenance building and staff amenities building, on grade car parking, bin store area, tree removal and landscaping to replace the existing building within the Beverley Park Golf Course within the lot known as Lot 1 DP1115160 and known as 87a Jubilee Avenue, Beverley Park, for the following reasons:
1. The proposal is inconsistent with the provisions of State Environmental Planning Policy No 55 – Remediation of Land, as there is reasonable evidence to suggest that the land may be contaminated and a preliminary site investigation has not been provided (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
 2. The proposal is inconsistent with the provisions of Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment, as it has not been demonstrated that acid sulfate soils would not be disturbed by the proposed works (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
 3. The proposal is inconsistent with the third objective of the RE1 Public Recreation, pursuant to clause 2.3 of Kogarah Local Environment Plan 2013 (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
 4. The proposal seeks to undertake works below the natural ground surface within Class 2 acid sulfate soils land, but has not been accompanied by an acid sulfate soils management plan as required by clause 6.1 of the Kogarah Local Environmental Plan 2012 (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
 5. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following parts of the Kogarah Development Control Plan 2013:

a) B5 – Waste Management and Minimisation.

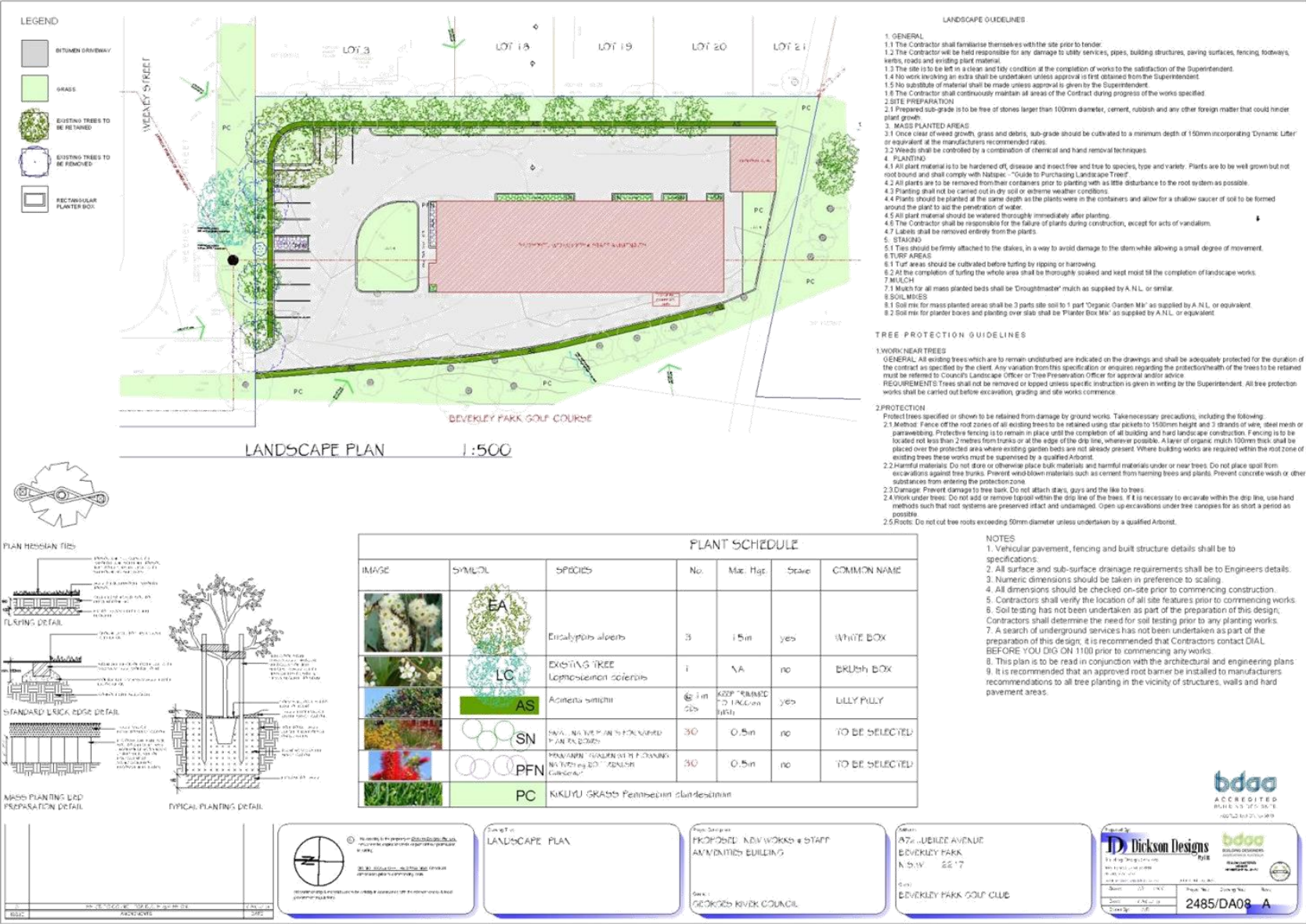
6. It has not been demonstrated that the acoustic impacts of the proposed development will not interfere with the amenity of the nearby residential properties (Section 4.15(1)(b) of the Environmental Planning and Assessment act 1979).
7. It has not been demonstrated that the site is suitable for the proposal (Section 4.15(c) of the Environmental Planning and Assessment act 1979).
8. Given that the impacts associated with the proposal have not been demonstrated, and that a detailed assessment is unable to be undertaken due to a lack of information, the proposal is not considered to be in the public interest (4.15(e) of the Environmental Planning and Assessment act 1979).

ATTACHMENTS

- | | |
|--|---|
| Attachment | Amended - Site Evaluation Plan- Beverley Park Golf Course - 87A Jubilee Ave |
| ↓1  | Beverley Park |
| Attachment | Amended - Elevations and Sections - Beverley Park Golf Course - 87A Jubilee |
| ↓2  | Ave Beverley Park |
| Attachment | Amended - Landscape Plan- Beverley Park Golf Course - 87A Jubilee Ave |
| ↓3  | Beverley Park |







**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 18 JULY 2019**

LPP022-19

LPP Report No	LPP022-19	Development Application No	DA2018/0291
Site Address & Ward Locality	2 Dardanelles Street Mortdale Blakehurst Ward		
Proposed Development	Demolition of the existing structures, tree removal and construction of a new two storey detached dual occupancy development including front fence, provision of services and landscaping works		
Owners	T Hindi and C Hindi		
Applicant	M Cubed Design		
Planner/Architect	M Cubed Design – Planner and Designer		
Date Of Lodgement	17/07/2018		
Submissions	7 objecting to the proposal (2 duplicates)		
Cost of Works	\$748,457.00		
Local Planning Panel Criteria	The land owner is a relative of a Councillor		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Environmental Planning and Assessment Regulations 2000, Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment, State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 55 - Remediation of Land, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Draft Environment State Environmental Planning Policy, Biodiversity Conservation Act 2016 Kogarah Local Environmental Plan 2012, Kogarah Development Control Plan 2013		
List all documents submitted with this report for the Panel's consideration	Architectural plans Landscape plan		
Report prepared by	Contract Planner		

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

the assessment report?	
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, however they will be available when the report is published.

Site Plan

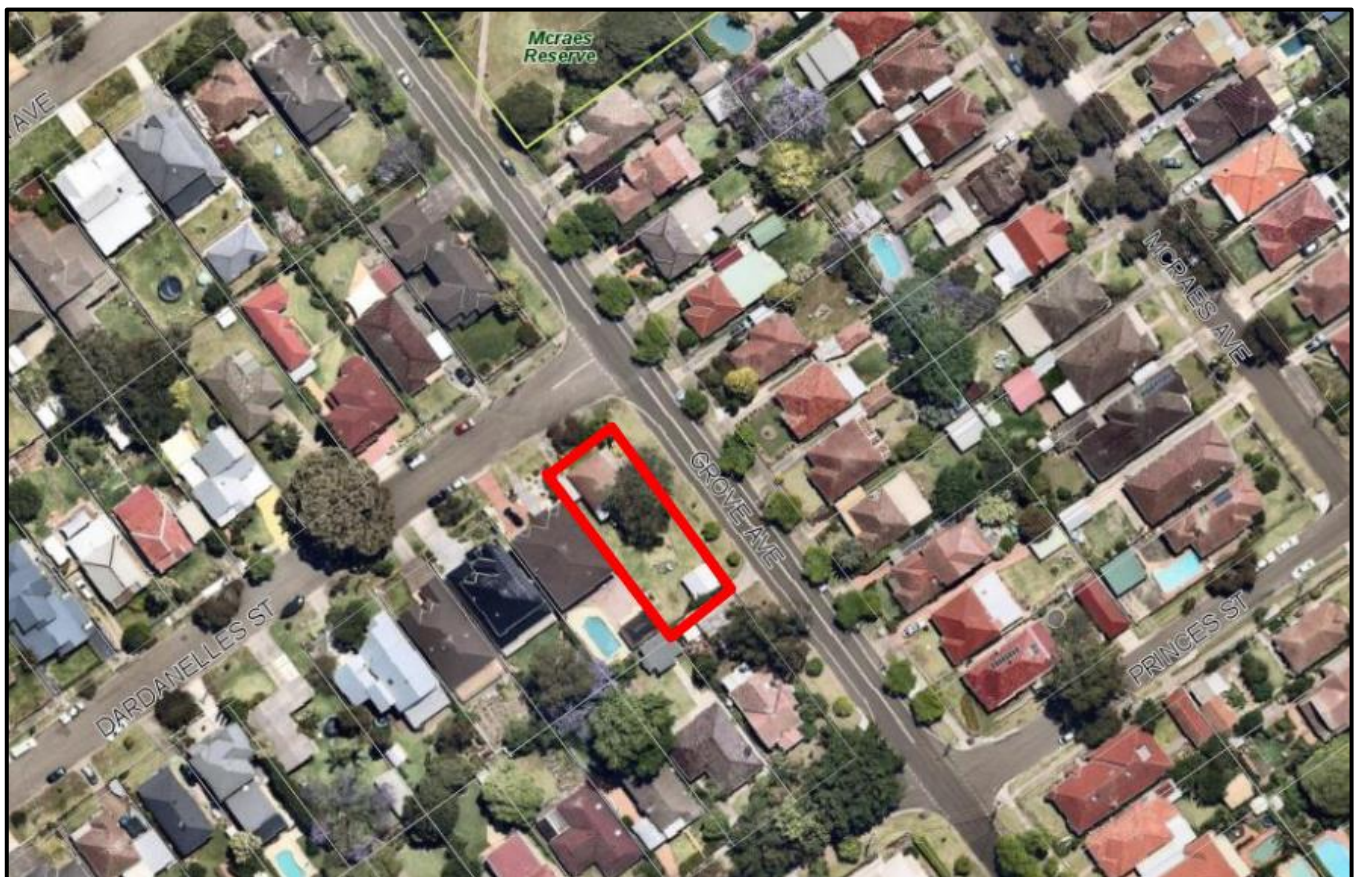


Figure 1: Subject site outlined in red

Executive Summary

Proposal

1. Council is in receipt of a development application (DA2018/0291) proposing demolition of the existing structures, tree removal and construction of a new two (2) storey detached dual occupancy development including front fence, provision of services and landscaping works at 2 Dardanelles Street Mortdale, known as Lot 1 in DP 1223266.
2. The proposed dual occupancy is configured such that Dwelling 1 has an independent entry and driveway accessed from Dardanelles Street, and Dwelling 2 has an independent entry

and driveway accessed from Grove Avenue. It is acknowledged the existing dwelling on site is oriented to the secondary street, Grove Avenue.

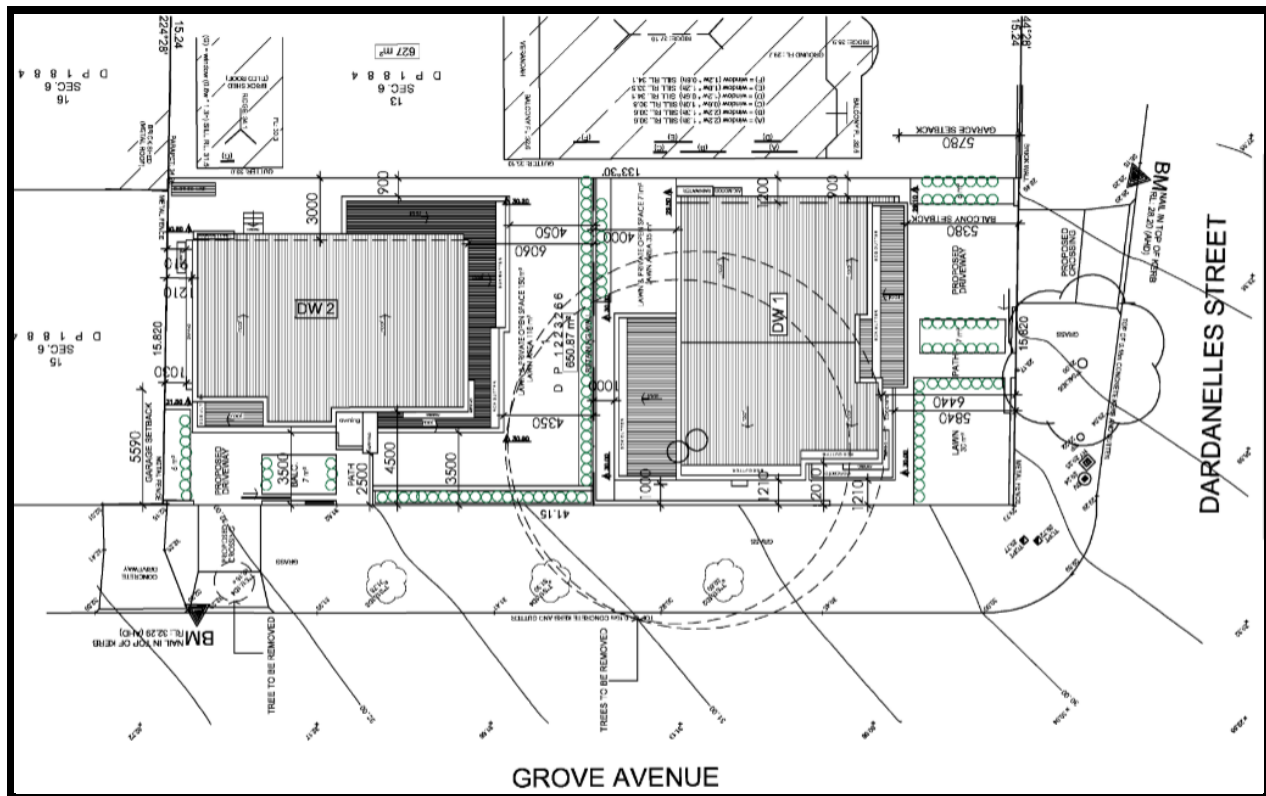


Figure 2 – Proposed site plan

Site and Locality

3. The site is located on the south eastern side of Dardanelles Street. A weatherboard dwelling with tiled roof is oriented to Grove Avenue, together with an attached metal carport, detached metal shed together with hard surfaces occupy the site.
4. The proposal includes the demolition of the existing structures and construction of a new two (2) storey detached dual occupancy development including front fence, provision of services and landscaping works.
5. The site falls approximately 3.5m from the south eastern corner of Grove Avenue to the north western corner of Dardanelles Street. There are two (2) mature tree species located within the property boundary which are proposed to be removed. A total of five (5) species are located along the nature strip, four (4) of which are proposed to be retained and one (1) to be removed to accommodate the new driveway access in Grove Avenue.
6. To the west is a two storey (2) brick house with tiled roof plus a detached brick shed and swimming pool in the rear yard. To the rear is a single storey cottage that fronts Princes Street with detached outbuildings accessed via Grove Avenue.
7. Dardanelles Street and the immediate locality comprise various low density residential forms, with the Penshurst Conservation Area opposite the subject site, fronting Grove Avenue.

Zoning and Permissibility

8. The site is zoned R2 Low Density Residential in accordance with the Kogarah Local Environmental Plan 2012. The proposed development is defined as a dual occupancy which is a permissible use in the zone and satisfies the objectives of the zone referenced below:

- *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.*



Figure 3 - Zoning map extract from the KLEP2012 - Site outlined in red

Submissions

9. In accordance with the public notification provisions of the development control plan, the application was placed on neighbour notification for a period of fourteen (14) days. Seven (7) submissions were received to the original DA notification (noting that two (2) of the submissions were duplicates).

The issues of concern raised relate to:

- Adverse impact on the Conservation Area;
- Overshadowing;
- Streetscape;
- Setbacks;
- Out of character, dual occupancies and subdivision should not be supported;
- Trees;
- Driveway access from Grove Avenue; and
- Not compliant with lot frontage.

A detailed assessment of the submissions received are summarised and addressed in full later in this report.

Referrals

10. The DA was referred to a number of officers within Council, and as a result, responses were generally supportive of the application as discussed in the body of this report.

Reasons for Referral to the Local Planning Panel

11. Based on Item 1.e. of Schedule 1 of the Local Planning Panels referral criteria for development applications, the application is referred to the Georges River Local Planning Panel as the owner of the land is a relative of a Councillor.

Conclusions

12. The application has been assessed having regard to the Matter for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, and in particular against the requirements of the relevant Kogarah Local Environmental Plan (LEP) 2012 and Kogarah Development Control Plan (DCP) 2013. The proposal generally complies, with sufficient justification provided for any variations.
13. The proposal is considered satisfactory when assessed against the applicable planning controls and it is recommended for approval subject to conditions.

Report in Full

DESCRIPTION OF THE PROPOSAL

14. Demolition of the existing structures, tree removal and construction of a new two storey detached dual occupancy development including front fence, provision of services and landscaping works at property 2 Dardanelles Street Mortdale.
15. Further details of the proposal are as follows:

Demolition – The proposal consists of the demolition of existing structures and removal of selected trees.

Proposed Dwelling 1

Ground floor – Entry porch, study, lounge room, dining, kitchen, laundry, powder room, with rear alfresco area including BBQ area, internal access stairs and double garage access from Dardanelles Street.

First Floor – Four (4) bedrooms, master with walk through robe and ensuite, bathroom, balcony off the master bedroom facing Dardanelles Street and rumpus.

Proposed Dwelling 2

Ground floor – Entry porch, study, laundry, power room, kitchen, dining, lounge room, front balcony, rear alfresco, internal stairs and attached single garage.

First Floor – Four (4) bedrooms, master with walk-in robe and ensuite, bathroom, balcony off the master facing Grove Avenue and rumpus.

Landscaping – Removal of two (2) trees within the site and one (1) tree within the public domain along Grove Avenue. It is noted that one (1) tree within the site is identified as a threatened and endangered species. A Flora and Fauna Assessment Report, prepared by a suitably qualified ecologist, has been summarised and addressed in full later in this report.

HISTORY

16. A determination made under DA/237/2015 (former Kogarah) dated 26 November 2015, for the demolition of existing structures and boundary realignment, was activated through a subdivision certificate approval SC/1005/2015 (former Kogarah) dated 19 February 2016, although the demolition has yet to be initiated, the consent remains active.
17. The application was submitted on 17 July 2018.
18. The application was placed on exhibition, with the last date for public exhibition being 24 August 2018, a total of seven (7) submissions received, two (2) submissions were duplicate submissions.
19. Applicant was requested to address the non-compliant setbacks.
20. Applicant submitted revised plans 11 October 2018.
21. Applicant was requested to engage an ecological consultant to carry out a concise assessment of the proposal removal of a threatened and endangered species, within the property boundary along the secondary street, Grove Avenue 13 December 2018.
22. Desktop Flora and Fauna Assessment submitted via applicant 14 February 2019.
23. Referral made to Council's Parks and Recreation/Parks and Waterways Department for assessment 14 February 2019.
24. Applicant was requested to provide an amended Flora and Fauna Assessment Report that included findings from an inspection of the site 21 March 2019.
25. An amended Flora and Fauna Assessment Report was submitted to Council on 18 June 2019.

DESCRIPTION OF THE SITE AND LOCALITY

26. The subject site is formally known as Lot 1 in DP 1223266 known as 2 Dardanelles Street Mortdale with an overall site area of 650.87sqm. The site contains a weather board dwelling with tiled roof, an attached metal carport and existing mature species oriented to Grove Avenue.

APPLICABLE PLANNING CONTROLS**Statutory consideration****ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979****State Environmental Planning Policies**

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

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

27. All stormwater from the proposal will be treated in accordance with Council's Water Management Policy and satisfy the relevant provisions of the above state policy.

State Environmental Planning Policy (Infrastructure) 2007

28. In accordance with Clauses 101 and 102 of the State Environmental Planning Policy (Infrastructure) 2007, the site is not located where it is deemed to be affected by significant noise levels associated with traffic.

State Environmental Planning Policy No 55 - Remediation of Land

29. SEPP 55 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

30. Clause 7 requires contamination and remediation to be considered in determining a development application. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

31. The site has a history of residential uses and as such, site contamination is not suspected. In this regard, no further assessment is warranted with regards to site contamination.

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

32. BASIX Certificates have been issued for the proposal and the commitments required by these certificates have been satisfied.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

33. The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

The Vegetation SEPP applies to clearing of:

- a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
 - b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).
34. The Vegetation SEPP repeals clause 5.9 and 5.9AA of the Standard Instrument - Principal Local Environmental Plan with regulation of the clearing of vegetation (including native vegetation) below the BOS threshold through any applicable DCP.
35. The development proposes the removal of a species listed in the Biodiversity Conservation Act 2016 No 63, under Part 2 Endangered ecological communities. The Sydney Turpentine-Ironbark Forest (as described in the determination of the Scientific Committee under Division 5 of Part 2 of the Threatened Species Conservation Act 1995 No 101) is located within the building envelope.
36. A Flora and Fauna Assessment Report has been prepared by an ecological consultant, listed in the register of Accredited Assessor Public Register as provided by the NSW Department of Local Land Services. A test of significance of the subject species was prepared as part of the assessment carried out and the following conclusion reached:

"Following the Ecological site assessment and associated 5-Part Test of Significance pursuant to section 7.3 of the BC Act Narla were satisfied that the proposed development will not have a significant ecological impact on any EEC or the two potentially occurring threatened fauna species."

Loss of native tree canopy (i.e. loss of one isolated tree) can be mitigated through replacement planting with two trees at the rear of the property and/or on the nature strip adjoining.”

37. In accordance with the EP&AA and Biodiversity Conservation Act requirements for consideration, the report outlined:

- *“The species being a mature indigenous tree, a Turpentine (Syncarpia glomouifera)*
- *No fauna species were observed during the ecologist site visit.*
- *The Turpentine tree was identified as having poor quality habitat, only one (1) small hollow (<5cm diameter) and two (2) decorticated bark, which could be temporarily utilised by locally occurring fauna such as microbats.*
- *No threatened species breeding habitat was found on the site.*
- *Office of Environment and Heritage NSW (OEH 2016a; 2016b) Native Vegetation of the Sydney Metropolitan Area mapping indicates the presence of no PCT within the Subject Site. The subject Site is currently classified as Urban/Exotic/Native by OEH, to which no PCT can be assigned.*
- *Historically the vegetation within the Subject Site may have been representative of “PCT 1776 Coastal Enriched Sandstone Dry Forest”. However, processes including historic clearing, urbanisation and weed invasion have degraded the local environment surrounding the Subject Site.*
- *The vegetation present on the subject site does not constitute any known threatened ecological community listed under NSW or commonwealth legislation.”*

38. The report has been reviewed by Council and it is considered that despite the tree having adapted to the surrounding built environment over time, and the existing dwelling being built in close proximity to the tree, its removal is warranted, subject to replacement planting, as the tree has been assessed as is in decline and with a tree protection zone of over 14m, any proposal upon that size allotment would adversely impact tree.

39. In this regard, the provisions of this SEPP are considered to be met.

Draft Environment State Environmental Planning Policy

Draft Remediation of Land SEPP

40. The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.

The main changes proposed include the expansion of categories of remediation work which requires development consent, a greater involvement of principal certifying authorities particularly in relation to remediation works that can be carried out without development consent, more comprehensive guidelines for Councils and certifiers and the clarification of the contamination information to be included on Section 149 Planning Certificates.

Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land.

The subject site has a history of residential use and as such, site contamination is not suspected. In this regard, no further assessment is warranted with regards to site contamination.

Draft Environment SEPP

41. The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

- Changes proposed include consolidating the following seven existing SEPPs:
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The proposal is consistent with the provisions of this Draft Instrument given there is no vegetation impacted by the proposed development.

Planning Assessment

42. The site has been inspected and the proposed development has been assessed under the relevant Section 4.15(1) Matters for Consideration under the Environmental Planning and Assessment Act 1979.

Environmental Planning Instruments

Kogarah Local Environmental Plan 2012

43. The provisions of this local environmental plan are relevant to the proposal. The extent to which the proposal complies with the relevant standards of Kogarah Local Environmental Plan 2012 (KLEP2012) is outlined in the table below.

Clause	Provision	Proposed	Complies
1.2 – Aims of the Plan	In accordance with Clause 1.2 (2)	The development is consistent with the aims of the plan.	Yes
1.4 - Definitions	“dual occupancy”	The proposed development meets the relevant definitions.	Yes
2.3 Zone objectives and Land Use Table	The site is within the R2 Low Density Residential zone. Development for the purpose of a ‘dual occupancy’ may be carried out only with development consent.	The proposal falls within the definition of ‘dual occupancy’.	Yes
	The relevant objective of the zone is to provide for the housing needs of the community within a low density residential	The proposal is not inconsistent with the zone objectives.	Yes

	environment.		
2.7 Demolition requires development consent	Development consent is required for demolition of the buildings	The current application includes the demolition of existing structures.	Yes
4.1B Minimum lot size for dual occupancies	650sqm (min)	<p>650.87sqm.</p> <p>The proposed development seeks to provide for housing diversity in residential zones, by proposing two (2) new dwellings. As referenced in Clause 4.1B(2)(a), development consent must not be granted for the erection of a dual occupancy on a lot unless the lot is at least the minimum lot size show on the Kogarah LEP Lot size for dual occupancies development map. With a lot size of 650.0sqm, this proposed development complies in this respect.</p> <p>In accordance with Clause 4.1B(2)(b) the proposal being for the purpose of a detached dual occupancy also satisfies the prescribed requirements that the lot has at least two (2) road frontages and each dwelling has a frontage to a road.</p>	Yes
4.1C Minimum subdivision lot size for dual occupancies	Development consent may be granted for the subdivision of the land, but only if there is a dual occupancy on the land that was lawfully erected and the lot size for each resulting lot will be at least 300sqm	<p>The consent will not incorporate any subdivision approval as the proposal does not request for the subdivision of the land.</p> <p>Although the application does not specifically seek consent for subdivision of the land, the plans include details indicating that separate lots are intended to be created. Pursuant to this clause, development consent cannot be granted</p>	Yes

		<p>without a lawfully erected dual occupancy development. The imposition of an advisory condition of consent to the effect that any proposed subdivision of the land is excluded from the approval.</p> <p>In accordance with Clause 4.1C(1), the dual occupancy does not seek to exceed the maximum permissible floor space ratio for the site once subdivided. Furthermore, the proposal seeks to comply with Clause 4.1C(2)(b) in that the lot size for each resulting lot of the future subdivision will be at least 300sqm.</p>	
4.3 Height of buildings	9m (max)	8.2m	Yes
4.4A Exceptions to floor space ratio for residential accommodation in Zone R2	0.55:1 FSR or 357.5sqm GFA (max)	0.54:1 FSR or 353sqm GFA	Yes
5.10 Heritage Conservation	<p>(5) Heritage assessment The consent authority may, before granting consent to any development:</p> <p>on land on which a heritage item is located, or</p> <p>on land that is within a heritage conservation area, or</p> <p>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</p>	The site is not listed as a heritage item in schedule 5 or located in a heritage conservation area.	Yes (refer below)

	the heritage significance of the heritage item or heritage conservation area concerned.		
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LPP022-19

Clause 5.10 – Heritage Conservation

44. The subject site is located directly opposite the Penshurst Heritage Conservation Area, with the secondary street being just outside the border of the conservation area. The Penshurst Heritage Conservation area offers a range of heritage listed items, with sites ranging between contributory items, neutral items and intrusive items. Directly opposite the subject site along Grove Avenue are three (3) sites - two (2) of which are listed as contributory items, and one (1) of which is listed as a neutral item. The Penshurst Heritage Conservation Area offers a substantial aesthetic contribution to the immediate and surrounding environment. The dwellings within the conservation area offer a unique streetscape character that dominates the surrounding streets. This unique character promotes the conservation area and defines its respective boundaries through its contrast in streetscape.

The proposed development is suitable for the site and in the context of the local character given its compliance with the development standards of the LEP and the objectives of the dual occupancy controls in the DCP. The design of the proposal will not detract from the heritage values of the estate to the north-east of the site and is consistent with new development in the locality on the south-western side of Grove Avenue and more broadly in the area.



Figure 4 – Proposed site plan

Clause 6.1 – Acid Sulfate Soils

45. The site is not shown as being affected by acid sulfate soils (ASS) on the ASS map.

Clause 6.2 – Earthworks

46. 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

47. The site is not identified as being within a flood planning area (FPA) on the FPA map.

Clause 6.4 – Limited Development on foreshore area

48. The site is not identified as being located and/or affected by foreshore area.

Section 4.15(1) Assessment

49. An assessment of this application with regard to the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 No 203 is as follows.

Kogarah Development Control Plan 2013

50. The provisions of this development control plan are relevant to the proposal. A comparison of the proposal against the key controls in the development control plan is tabled as follows.

Control	Required	Proposed	Complies
Minimum frontage of site (primary street)	18m	15.820m (NW) 15.240m (SE)	No (see below)
Height to upper Ceiling Dwelling 1	7.2m (max)	6.40m (SE) 5.90m (NE) 6.80m (NW) 6.80m (SW)	Yes
Height to upper Ceiling Dwelling 2	7.2m (max)	6.70m (SW) 6.70m (SW) 6.10m (NE) 6.40m (SE)	Yes
Height to parapet Dwelling 1	7.8m (max)	7.230m (NW) 7.470m (SW)	N/A
Height to parapet Dwelling 2	7.8m (max)	6.780m (NE) 7.160m (SE)	N/A
Residential Levels	2 (max)	2	Yes
Foundation/Basement Height	1m (max)	<1m	Yes
<u>Setbacks</u> Dwelling 1 - Front setback (NW boundary)	5.5m (min)	6.440m	Yes
- Side setback (NE boundary)	0.9m (min) GF 1.2m (min) FF	0.9m GF 1.2m FF	Yes Yes
- Side setback (SW boundary)	0.9m (min) GF 1.2m (min) FF	1.2m GF 1.2m FF	Yes Yes
Dwelling 2 - Front setback (NW boundary)	4.5m (min)	3.785m	No (see below)

- Side Boundary (SE dwelling)	0.9m (min) GF / 1.2m (min) FF	0.9m GF / 1.2m FF	Yes
- Rear setback (SW boundary)	3.0m	3.0m	Yes
Deep Soil Landscaping	15% (min) or 97.5sqm	36.15% or 235.0sqm	Yes
Car Parking	3 spaces (min)	Dwelling 1 has a double garage and Dwelling 2 has a single garage. Each garage can also accommodate cars on the driveway.	Yes
Solar access	Min 50% of PPOS to have min 4 hours from 9-3pm winter solstice	At least 50% of the PPOS will achieve solar access for approx. 3 hours (from 12pm-3pm)	No (refer below)
Solar access	South facing POS – min 3m + H (height of rear wall)	7.15m (3m + 4.15m height)	Yes
Solar access	Neighbouring properties that are affected by overshadowing, at least 50% existing POS or windows to main living areas have min 4 hours from 9-3pm winter solstice	Solar access to existing POS for a min 50% approx. 9am-12pm	No (refer below)
Front Fences	(1) In cases where an applicant can demonstrate the need for a front fence higher than 1.4m, the maximum height of the fence must not exceed 1.8m.	The proposed front fence is a maximum 1m in height, with side fencing proposed at 1.8m.	Yes

51. The proposal reasonably satisfies the relevant objectives of the development control plan having regard to the particular circumstances of the site and its context. The variation to the site frontage, setback and solar access control as outlined in the above table are discussed as follows.

Kogarah DCP non-compliance of minimum frontage to site

52. The site has a frontage of 15.24m, which is below the minimum 18m as stipulated in Section 2.1 of Kogarah DCP 2013.

53. This variation is acceptable as the proposal complies with the remaining controls, and is not inconsistent with the streetscape character. Despite the numerical non-compliance of the

minimum site frontage as referenced in Section 2.1(1) of Kogarah DCP, the proposal is consistent with the objectives of this clause.

54. The proposed development in a detached arrangement positively contributes to the existing streetscape character being predominantly freestanding dwellings. Given the orientation of the dwellings to independent streets, the existing single dwelling character in the locality is further complimented.
55. The independent vehicular access for each dwelling has assisted in reducing the dominance of the driveway and access when viewed from the street. Furthermore, the single garage facing Grove Avenue highlights the typical arrangement that is depicted along the street, thus contributing to the established building pattern. Notwithstanding the above the development complies with all other planning numerics.

Kogarah DCP non-compliance of secondary street setback for Dwelling 2

56. The distance from the front building line to the secondary street is proposed as 3740mm. The area of non-compliance occupies up to 23.54% (or 3650mm) of the width of the building, being 15500mm wide from the south eastern end of the site to the north western end of the site.
57. This proposal encroaches the minimum 4500mm front setback control by 760mm. This is deemed acceptable on merit, given that the proposal provides vertical and horizontal articulation, and the majority of the front building line is recessed further beyond this encroachment. The proposed design of the dwellings is consistent with more recent construction in the area and is suitable for the site in the context of the residential character of the area.

Kogarah DCP non-compliance of minimum solar access to adjoining property

58. The proposed development will overshadow the adjoining south western neighbour from about 9am to 12pm during mid-winter. Solar access to the living areas and POS will be achievable in the later hours of the day. There is no unreasonable impact given that the adjoining neighbour achieves acceptable levels of sunlight in the early hours of the day during mid-winter. Furthermore, this is deemed tolerable given the orientation of the site.
59. The outbuilding located on the south eastern neighbouring site will also be overshadowed by the development from about 12pm onwards. The proposed development is not deemed to have a significant impact on the private open space for the south eastern neighbour, given that the private open space for the neighbouring site is currently overshadowed by its own existing outbuilding.

SUBMISSIONS AND THE PUBLIC INTEREST

60. The proposal was placed on exhibition for a period of fourteen (14) days during which time seven (7) submissions were received, with two (2) submissions being duplicate submissions. The submissions raised the following issues.
61. Overshadowing most of the winter day
Concerns were raised about the development overshadowing the adjoining rear yards.
62. Officer's Comment: The majority of overshadowing from this proposed development is in the early hours of the day for the south western neighbour, and the late hours of the day for the south eastern neighbour. Solar access is best achieved from midday onwards for the south western neighbour, and the early hours until about midday for the south eastern neighbour. It is noted that the rear yards of the immediate neighbours are partially obstructed by

detached structures, namely a detached brick shed for the south western neighbour, and a detached carport and shed for the south eastern neighbour. Given that these structures are existing, the impact of overshadowing from the proposed development is not significantly dominant for the rear yards of the neighbouring properties.

63. Distance to boundary

Concerns were raised that the proposed dwelling appears too close to the boundary.

64. Officer's Comment: The proposed development complies in respect of the setback controls for the side and rear setbacks. The area of non-compliance is in respect of the boundary of Grove Avenue and therefore are not considered to impact on the boundaries between the subject site and adjoining sites.

65. Location near the Penshurst Heritage Conservation Area (PHCA)

Comments were made about the purpose of the PHCA and that the proposed development is located opposite the boundary of the PHCA. Concerns were raised that the development faces the conservation areas (CA) contributes to the historic character of the locality.

Concerns were raised that the proposed development has a 'relationship' with the setting of the type of buildings that comprise the CA given that it fronts Grove Avenue. Concerns were also raised that the proposal is not harmonious with the streetscape and can only be considered to be an 'eyesore'.

66. Officer's Comment: The Penshurst Heritage Conservation Area occupies a range of dwellings with very unique streetscape character. This unique streetscape character is the face of the conservation area, and the proposed development is deemed acceptable as it gives rise to the separation between the heritage and non-heritage sites.

The proposed contemporary-style facades of the development have no significant impact on the local amenity, based on the existing streetscape character along both Dardanelles Street, and the western side of Grove Avenue (opposite the conservation area). The existing streetscape character outside of the PHCA and within the vicinity of the subject site provides a combination of single and double storey cottages, face-brick and rendered dwellings.

The proposed development is suitable for the site and in the context of the local character given its compliance with the development standards of the LEP and the objectives of the dual occupancy controls in the DCP. The design of the proposal will not detract from the heritage values of the estate to the north-east of the site and is consistent with new development in the locality on the south-western side of Grove Avenue and more broadly in the area.

The applicant was given the opportunity to comment on this concern, and the following is itemised as a result:

- *"The proposal is more than acceptable as it doesn't try to replicate the importance of the Macraes Estate Conservation Area (PHCA).*
- *The proposal does compliment the streetscape in terms of bulk, scale, setbacks and respects the significance of the heritage area.*
- *Sufficient separation between the two proposed dwellings create a harmonious feel.*
- *Greater separation means less of an eyesore."*

67. Driveway access and traffic on Grove Avenue

Concerns were raised about the driveway of the proposed development affecting the existing driveways along the opposite side of Grove Avenue. Concerns were also raised that Grove Avenue is a high traffic thoroughfare.

68. Officer's Comment: The proposed driveway for the dwelling facing the secondary street (Grove Avenue) is a single width driveway, and the proposal includes a single garage for this dwelling. This is deemed acceptable given that there does not appear to be a significant increase in congestion as a result of the new development, and furthermore off-street parking is encouraged to enable minimal additional traffic/parking.

69. Existing species within the property boundaries

Concerns were raised about the proposed removal of the existing species within the subject site, being a home for native birds that transit across the area. Concerns also raised that this species is part of the history of this area and has been around for over 30 years.

70. Officer's Comment: An assessment was carried out in respect of the proposed development, the site constraints and the affect that the development will have on this existing mature species. The proposed new dwellings, in any location, will have a significant detrimental impact on the existing species given the spread of the root system. The location of the tree on the site is such that even if a new single dwelling was proposed, that was compliant with required setbacks and floor space controls, would adversely impact the root system of the tree.

71. The tree protection zone for this species is approximately 14m and therefore would potentially prohibit any redevelopment of the site or cause it to fail due to the new development, should it be retained. The replacement of the existing foundations with the proposed excavation works/new foundations, will result in severe damage to the species, and a possible hazardous occurrence.

72. The proposal will therefore require the significant re-planting of a range of native species to compensate for the loss of this existing species, and furthermore make some new contribution to the local tree canopy. The proposed new planting for this development will permit the site's landscaping to grow in a healthier and more controlled environment.

73. Streetscape character

Concerns were raised that there are minimal dwellings of this contemporary style along Grove Avenue and that the proposal does not suit the setting or streetscape of Grove Avenue. Concerns were also raised that the development is totally contrary to the streetscape of Grove Avenue. Further concerns were raised about the visual impact of the development and that it is unsympathetic to the area, totally foreign to all other dwellings along Grove Avenue.

74. Officer's Comment: It is evident that there is an inconsistent streetscape character along the western side of Grove Avenue, outside the conservation area. Currently, there is no setting or style for the facades of the dwellings along this side of the street, other than the built form and roof form, which are predominately low-scale residential dwellings with hipped roofing.

75. The proposal does not bear a significant increase in built form, given the distance between the two (2) proposed dwellings, plus the articulation in height and length/width along the elevations. It is noted though, that the roof form is a variance of the existing built form in the vicinity of the proposed development. This is deemed satisfactory given that it presents a typical roof form of a contemporary style home. It is suggested that the contemporary style-

built form and roof form will assist in defining the separation between the heritage items/conservation area and those outside the conservation area.

76. No dual occupancies and subdivided properties within the area

Concerns were raised that there are no other dual occupancies or subdivided properties within the local area.

77. Officer's Comment: This site is suitably zoned for a detached dual occupancy and is therefore permissible for such developments. Although the application does not propose subdivision, the plans include details indicating that separate lots are intended to be created. The site will be suitable for consideration of subdivision after completion of a lawfully erected dual occupancy development.

Section 94 Contributions

78. The following Section 94 contributions have been levied for the development.

DEVELOPMENT CONTRIBUTIONS	
Kogarah Section 94 Development Contributions Plan No.1 - Roads and Traffic Management - Residential	\$1,074.63
Kogarah Section 94 Development Contributions Plan No.5 - Open Space 2007	\$14,837.75
Kogarah Section 94 Development Contributions Plan No.9 - Kogarah Libraries - Buildings	\$388.57
Kogarah Section 94 Development Contributions Plan No.9 - Kogarah Libraries - Books	\$277.05
Total for development contributions	\$16,578.00

Any matters prescribed by the regulations that apply to the land to which the development application relates

79. The requirements of Australian Standard 'AS 2601-1991: The Demolition of Structures' are of relevance to the application as the proposal includes demolition of existing structures. The requirements of this standard including the management of asbestos containing materials may be readily addressed by the imposition of suitable conditions of consent.

IMPACTS

Natural and built environments and social and economic impacts

80. The proposed development is suitable for the site and in the context of the local character given its compliance with the development standards of the LEP and the objectives of the dual occupancy controls in the DCP. The design of the proposal will not detract from the heritage values of the estate to the north east of the site and is consistent with new development in the locality on the south western side of Grove Avenue and more broadly in the area.

81. The contrast in streetscape between the heritage/conservation area and non-heritage items of conservation areas should be present to pay tribute to the dwellings of historical value, whilst being complimentary to the locality and planning controls for the desired future character. The proposal offers to introduce new planting that will contribute to the local tree canopy. Accordingly, the proposal is not considered to have an unreasonable impact on the natural and built environment of the locality.

Suitability of the site

82. The proposal is of a scale and design that is suitable for the site having regard to its size and shape, topography, vegetation and relationship to adjoining developments.

REFERRALS

Council Referrals

83. Development Engineering

Council's Development Engineer has carried out an assessment of the proposed stormwater management system for the site. As a result, conditions have been attached to the recommended determination.

84. Tree and Landscape Officer

Council's Tree and Landscape Officer has carried out an assessment of the proposed tree retention and tree removal for the site. As a result, conditions have been attached to the recommended determination.

85. Parks and Waterways

Council's Parks and Waterways Officer has carried out an assessment of the proposed tree retention and tree removal for the site. As a result, conditions have been attached to the recommended determination.

Public Interest

86. The proposal is of a scale and character that should not conflict with the public interest, given the density and built form. The proposal offering a streetscape character that varies from the opposing conservation area is deemed satisfactory given that it contributes to providing a distinct boundary line for the border of the conservation area.

CONCLUSION

87. The proposal has been assessed using the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is considered to be satisfactory and recommended for approval subject to conditions, as discussed throughout this report.

88. The DA has been notified to neighbours on one occasion throughout the processing. Submissions have been received from a number of adjoining owners, with the issues of concern being inclusive of, but not limited to, the impact on the conservation area, overshadowing, bulk, scale, contemporary form, trees, driveway access from Grove Avenue.

89. In this regard, it is considered that the issues of concern that have been raised do not warrant refusal of the DA. Appropriate conditions of consent are recommended to address particular matters.

90. The proposal has been assessed against the provisions of Kogarah LEP 2012 and Kogarah DCP 2013, and a number of areas of non-compliance have been identified. The areas of non-compliance relate to solar access to adjoining property, minimum frontage to site and secondary street setback for Dwelling 2 (facing Grove Avenue). These non-compliances are not deemed to be unreasonable.

91. The proposal is considered to be appropriate when assessed against the applicable planning controls, with some matters proposed to be addressed via conditions of consent.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

92. The proposed development is considered to be an appropriate scale and form for the site and the character of the locality.
93. The proposed development will not have an unreasonable or adverse impact upon the natural or built environments.
94. The issues of concern raised by the neighbours do not warrant refusal and/or can be ameliorated via conditions of consent.
95. In consideration of the aforementioned reasons, the proposed development is a suitable built form outcome for the site and its approval is not contrary to the public interest.

Determination

96. That Council as the consent authority and pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 grant consent to Development Application No. DA2018/0291 for demolition of existing structures and construction of a two (2) storey detached dual occupancy development at Lot 1 in DP1223266 and known as 2 Dardanelles Street, Mortdale, subject to conditions below.

Section A Development Details

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

Description	Drawing No.	Dated	Revision	Prepared by
Site plan	2	05/10/2018	-	M Cubed Design
Ground Floor Plan	3	05/10/2018	-	M Cubed Design
First Floor Plan	4	05/10/2018	-	M Cubed Design
Roof Plan	5	05/10/2018	-	M Cubed Design
North west and south west elevations DW1, front fence	6	05/10/2018	-	M Cubed Design
South east and north east elevations DW1	7	05/10/2018	-	M Cubed Design
North east and south east elevations DW2	8	05/10/2018	-	M Cubed Design
North west and south west elevations DW2, side fence	9	05/10/2018	-	M Cubed Design
Section DW1 and section DW2	10	05/10/2018	-	M Cubed Design
Streetscape	17	05/10/2018	-	M Cubed Design
External Finishes	-	17/05/2018	-	M Cubed Design

Section B Separate Approvals Required Under Other Legislation

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

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

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

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

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

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

3. **Vehicular Crossing** - Constructing a vehicular crossing and/or footpath requires a separate approval under Section 138 of the Roads Act 1993 prior to the commencement of those works.

To apply for approval, complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council’s Website at www.georgesriver.nsw.gov.au. Lodge the application form, together with the associated fees at Council’s Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council’s adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council’s specifications applicable at the time, prior to the issue of an Occupation Certificate.

4. **Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

Section C Requirements of Concurrence, Integrated & Other Government Authorities

5. **Sydney Water - Tap in TM** - The approved plans must be submitted to a Sydney Water Tap in TM to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed.

For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in TM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

6. **Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

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

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

Section D Prior to the Issue of a Construction Certificate

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

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

Please contact Council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See	

https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$155.00
Driveway Design and Inspection Fee (Dwelling)	\$371
DEVELOPMENT CONTRIBUTIONS	
Kogarah Section 94 Development Contributions Plan No.1 - Roads and Traffic Management – Residential	\$1,074.63
Kogarah Section 94 Development Contributions Plan No.5 - Open Space 2007	\$14,837.75
Kogarah Section 94 Development Contributions Plan No.9 - Kogarah Libraries - Buildings	\$388.57
Kogarah Section 94 Development Contributions Plan No.9 - Kogarah Libraries - Books	\$277.05
Total for development contributions	\$16,578.00

LPP022-19

General Fees

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

Development Contributions

The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the all current Development Contributions Plans may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

8. **Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
 - a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,900.00**
 - b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$155.00**

- c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

- 9. **Site Management Plan** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

- 10. **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificates No. 928640S and 928651S must be implemented on the plans lodged with the application for the Construction Certificate.

- 11. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:

- a) Compliance with the approved Erosion & Sediment Control Plan
- b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- c) All clean water runoff is diverted around cleared or exposed areas
- d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

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

- 12. **Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- a) All stormwater shall drain by gravity to Council's kerb and gutter in the street as indicated on the approved drainage plans Dwg No. DCP1/DCP2 Revision B, dated

03/05/2018 in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

- b) During of works, the PCA/builder shall ensure that the stormwater discharge pipe across the footpath is laid with minimum disturbance at a minimum 1% grade and is made in good working condition.
- c) There shall be no damage to the adjoining driveway crossing. All damages are to be rectified to its original condition at the cost of the applicant
- d) The stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate

13. **On Site Detention** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- a) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden.
- b) at Annual Recurrence Intervals of 2 years and 100 years.
- c) The proposed arrangement of the OSD system shall discharge by gravity using the minimum allowable size of an orifice plate Ø25mm to the street kerb and gutter.

14. **Stormwater Drainage Plan Details** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (2005 or 2016) and Council's Water Management Policy (Kogarah Council), August 2006.

15. **Driveway Construction Plan Details** – Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- b) Suitable underground provision for the supply of all relevant services to the proposed

lots (proposed position of pipes and conduits).

- c) A longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:
 - i. Vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - ii. All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of the vehicles

16. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members 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.

17. **Traffic Management – Compliance with AS2890** – All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
18. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
19. **Landscape Plans** - All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by The Creative Practice, reference numbers – TCP_2DS_10, Issue A, 3/09/18. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following -
 - a) The proposed tree and plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives.
 - b) Two (2) additional trees shall be planted within the allotment of DW1, dwelling fronting Grove Street. The two (2) additional trees shall be of species selection from Hurstville DCP, No 1, Appendix 1, 5, Recommended Species for Landscaping, **Native Trees (all wards) and be able to reach a height at maturity of 10 metres**
 - c) All fourteen (14) trees proposed upon the approved landscape plan and two additional trees within (c), shall comply with NATSPEC Specifying Trees: A Guide to Assessment of Tree Quality (2003), and be planted and maintained in accordance with Councils standard specification.
 - d) A total of fourteen (14) trees shall be planted upon the site and form part of the landscape planting scheme.
20. **Compliance with submitted Arborist Report** - The recommendations outlined in the

Arborist's Report titled Pre development Tree Assessment Report, prepared by Nada Kbar, dated 11/7/18, must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - Australian Standard AS 4970-2009: Protection of trees on development sites.

The tree/s to be retained and protected are listed in the table below.

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) Fencing distance from trunk
<i>T1 – Callistemon viminalis</i>	Council street tree fronting Dardanelles St	4.5 metres radially
<i>3 x Tristaniopsis laurina</i>	Council street tree fronting Grove St	4.0 metres radially – fencing to protect all three trees together

21. **Tree Protection and Retention** - The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) Fencing distance from trunk
<i>T1 – Callistemon viminalis</i>	Council street tree fronting Dardanelles St	4.5 metres radially
<i>3 x Tristaniopsis laurina</i>	Council street tree fronting Grove St	4.0 metres radially - fencing to protect all three trees together

Details of the trees to be retained must be included on the Construction Certificate plans.

General Tree Protection Measures

- All trees to be retained shall be protected before and maintained during demolition, excavation and construction of the site.
- The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a **suitably qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current financial member of Arboriculture Australia – AA and or Institute of Australian Consulting Arboriculturists – IACA.**
- The Project Arborist must be present on-site during the stages of excavation, demolition and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
- Unless otherwise specified in AS 4970-2009 Protection of trees on development sites, a protective fence consisting of 2.4 x 1.8 metres high, fully supported chainmesh fence shall be used. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.
- No building products/ materials or services shall be installed within the TPZ of the tree/s. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.

Excavation works near tree to be retained

- (h) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (j) Tree Protection Zone around the trees to be retained are not to have soil level changes, building product / materials stored or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

22. Tree Removal & Replacement**Tree removal**

Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
<i>T2 - Syncarpia glomulifera</i>	X 1	Within subject site
<i>T3 – Tristaniopsis laurina</i>	X 1	Within proposed driveway location of Grove St

General Tree Removal Requirements

- (a) All tree removal shall be carried out by a minimum certificate Level 3, Licenced and insured Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).
- (b) No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.

Street Tree Removal / Replacement by Council –

- (a) Two (2) street trees of species to be determined must be provided in the road reserve fronting the site.
- (b) Council shall be appointed to remove and plant all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.

Fee Type – Tree removal on public land	Amount
Administration Fee for Tree Removal	\$154.50
Replacement Tree Fee (per Tree)	\$452
Cost of tree removal	To be determined
Cost of Stump Grinding	To be determined

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy and Masterplan, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

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

23. **Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

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

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

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

24. **Demolition Notification Requirements** - The following notification requirements apply to this consent:
- a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
 - b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
 - c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
25. **Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.

26. **Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.
27. **Dilapidation Report on Public Land** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including:

The report must include the following:

- a) Photographs showing the existing condition of the road pavement fronting the site,
- b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- c) Photographs showing the existing condition of the footpath pavement fronting the site,
- d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- e) The full name and signature of the structural engineer.
- f) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.
- g) The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works

28. **Registered Surveyors Report - During Development Work** - A report must be submitted to the PCA at each of the following applicable stages of construction:
- a) Set out before commencing excavation.
 - b) Floor slabs or foundation wall, before formwork or commencing brickwork.
 - c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
 - d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
 - e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
 - f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level

of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

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

Section F During Construction

30. **Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
31. **Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

32. **Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.
33. **Physical connection of Stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's public drainage system.
34. **Utility Services** - The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works.
35. **Drainage Works** - Construction inspections shall be required by Council's Asset Engineer for the Council stormwater drainage connection works on public roads at the following hold points: -
- Upon excavation of trenches shown on the approved drainage drawings.
 - Upon installation of pipes and other drainage structures.
 - Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

An inspection fee is applicable for each visit, and at least 24 hours' notice will be required

for the inspections.

36. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
37. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.
38. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

39. **Tree removal on private land** – The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with AS4373 -2007 and the Amenity Tree Industry Code of Practice (SafeWork NSW, August 1998)
40. **BASIX Compliance Certificate** - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.
41. **Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
42. **Vehicular crossing** - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Vehicular Crossing Approval issued by Council's Engineering Services Division and in accordance with Council's Specification for Vehicular Crossings and Associated Works and the issued.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

NOTE: No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be completed before the issue of an Occupation Certificate.

43. **Allocation of street addresses**

Dwelling description on plans	Current Lot/DP	New Primary Addresses
Lot 1 (DW 1)	Lot 1 in DP 1223266	2 Dardanelles Street MORTDALE NSW 2223
Lot 2 (DW 2)	Lot 1 in DP 1223266	1B Grove Avenue MORTDALE NSW 2223

LPP022-19

Section G Prior to the issue of the Occupation Certificate

44. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to the issue of the Occupation Certificate.
45. **Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with approved landscape plans and specifications, drawn by The Creative Practice, reference numbers – TCP_2DS_10, Issue A, 3/09/18. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following -
- The proposed tree and plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives.
 - Two (2) additional trees shall be planted within the allotment of DW1, dwelling fronting Grove St. The two additional trees shall be of species selection from Hurstville DCP, No 1, Appendix 1, 5, Recommended Species for Landscaping, **Native Trees (all wards) and be able to reach a height at maturity of 10 metres**
 - All fourteen (14) trees proposed upon the approved landscape plan and two additional trees within (c), shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Council's standard specification.
 - A total of fourteen (14) trees shall be planted upon the site and form part of the landscape planting scheme and certified of compliance.
46. **Noise Domestic Air conditioner and Heat pump water heaters (less than 450mm from boundary)** – Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the PCA to certify that the design and construction of the air conditioner / heat pump water heaters shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.
47. **Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:
- All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
 - The internal driveway construction works, together with the provision for all services

(conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

- c) Construct any new vehicle crossings required.
- d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
- g) The construction of the driveway crossing shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval.

48. **Works as executed and certification of Stormwater drainage works** – Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details:

- a) The location of any detention basin/s with finished surface levels;
- b) Volume of storage available in any detention areas;
- c) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- d) The orifice size/s.

49. **Restriction to User and Positive Covenant for On-Site Detention Facility** – A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows:

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s)

burdened without the prior consent in writing of Georges River Council. The expression “on-site stormwater management system” shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as “the system”.

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council.

Positive Covenants

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
 - a) *keep the system clean and free from silt, rubbish and debris*
 - b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
 - c) *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
 - d) *comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*
2. *Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*
 - a) *in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*
 - b) *the Council may recover from the registered proprietor in a Court of competent jurisdiction:*
 - i. *any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*
 - ii. *legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.*

50. **Maintenance Schedule – On-site Stormwater Management** – A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.
51. **Vehicular crossing - Minor development** - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Vehicular Crossing Approval issued by Council's Engineering Services Division and in accordance with Council's Specification for Vehicular Crossings and Associated Works and the issued.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

NOTE: No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be completed before the issue of an Occupation Certificate.

52. **Stormwater drainage works – Works As Executed** - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings (prepared by a registered surveyor) supplied to Council detailing:
- a) Compliance with conditions of development consent relating to stormwater;
 - b) Pipes invert levels and surface levels to Australian Height Datum.
 - c) Drainage and outlet works in the Easement to Drain Water
53. **BASIX Certificate** - All energy efficiency measures as detailed in the revised BASIX Certificate in accordance with the changes made to the architectural plans as per conditions of the Development Consent, must be implemented before issue of any Occupation Certificate.
54. **Driveways and parking spaces - Minor Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.
55. **Dilapidation Report on Public Land** - Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site:
- The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:
- a) Photographs showing the condition of the road pavement fronting the site,
 - b) Photographs showing the condition of the kerb and gutter fronting the site,
 - c) Photographs showing the condition of the footpath pavement fronting the site,

- d) Photographs showing the condition of any retaining walls within the footway or road

The report must be provided to the PCA and a copy provided to the Council.

The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether or not to refund the damage deposit. Council's Engineering Services Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate

56. **Stormwater drainage works – Works As Executed** - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:
- a) Compliance with conditions of development consent relating to stormwater;
 - b) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
 - c) Pipe invert levels and surface levels to Australian Height Datum;
 - d) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Section H Operational Conditions (Ongoing)

57. **Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.
58. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorist on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.
59. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

Section I Operational Requirements Under the Environmental Planning & Assessment Act 1979

60. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
61. **Appointment of a PCA** - The erection of a building must not commence until the applicant has:

- a) appointed a PCA for the building work; and
- b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

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

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

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

62. Notification Requirements of PCA - No later than two days before the building work commences, the PCA must notify:

- a) The consent authority and the Council (if not the consent authority) of his or her appointment; and
- b) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

63. Notice of Commencement - The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

A Notice of Commencement Form is attached for your convenience.

64. Critical Stage Inspections - The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

65. Notice to be given prior to critical stage inspections - The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

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

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

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

An Occupation Certificate Application Form is attached for your convenience.

Section J Prescribed Conditions

67. BASIX Commitments - This Clause requires the fulfilment of all BASIX Commitments as

detailed in the BASIX Certificate to which the development relates.

68. **Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
69. **Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.
70. **Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
71. **Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
72. **Site Excavation** - 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.

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.

END CONDITIONS

NOTES/ADVICES

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

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

74. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
75. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.
76. **Torrens Title Subdivision of a Dual Occupancy Development** - A separate development application is required to be lodged with Council for the Torrens Title Subdivision of a Dual Occupancy. Development consent for Torrens Title Subdivision cannot be granted until after the final Occupation Certificate has been issued for the Dual Occupancy Development.
77. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

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

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

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

79. **Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

80. **Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the

Roads Act 1993:

- (a) Complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2017/0279) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

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

NOTE: A minimum of four weeks should be allowed for assessment.

81. **Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

ATTACHMENTS

Attachment [1](#) Site Plan - 2 Dardanelles St Mortdale



Attachment [2](#) North west and South west elevations - Dwelling 1 - 2 Dardanelles St Mortdale



Attachment [3](#) South east and North east elevations - Dwelling 1 - 2 Dardanelles St Mortdale



Attachment [4](#) North east and South east elevations - Dwelling 2 - 2 Dardanelles St Mortdale



Attachment [↓](#) 5 South west and North west elevations - Dwelling 2 - 2 Dardanelles St Mortdale



POD
BUILDING DESIGNERS

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date:	17th May, 2018
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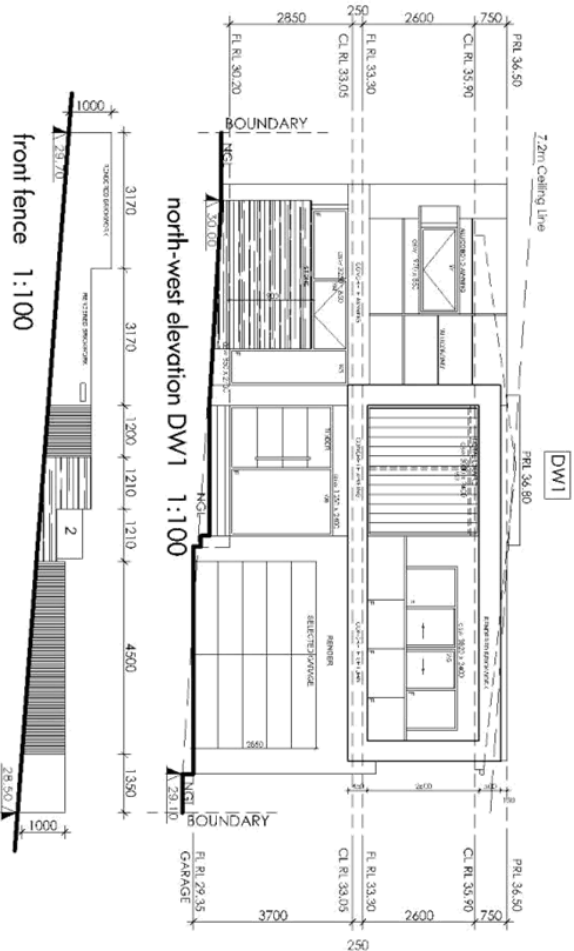
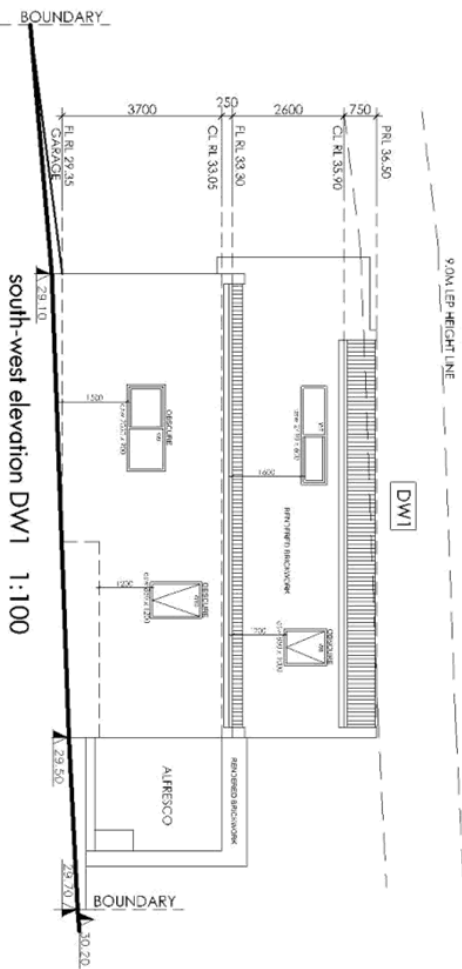
2 Dardanelles Street, MORTDALE

site plan 1:200

GROVE AVENUE

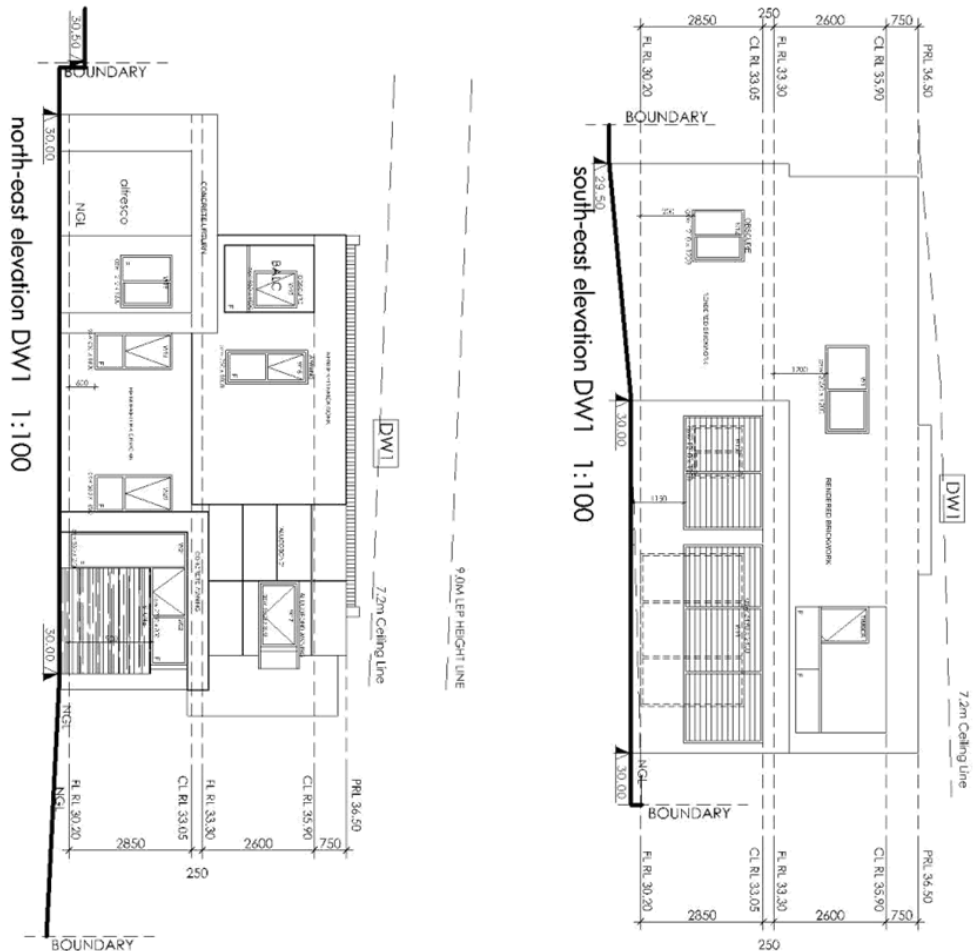
DARDANELLES STREET

CALCULATIONS:	
site area:	650.87 sqm
area cleared for crop 53%:	345.75 sqm
DWELLING 1	
total gross floor area 1-:	392 m ²
total ground floor area:	107 m ²
total 1st floor area:	106 m ²
garage area:	106 m ²
void & stair area:	32.40 sqm
usable space (habitable):	32.40 sqm (habitable)
usable space (storage):	7.71 sqm (storage)
total trapped floor area:	171.11 m ²
DWELLING 2	
total site DW 2:	325.80 m ²
total ground floor area:	90 m ²
total 1st floor area:	90 m ²
garage area:	26.50 sqm
void & stair area:	7.80 sqm
usable space (habitable):	150 sqm (habitable)
usable space (storage):	150 sqm (storage)
total trapped floor area:	173.50 m ²
total floor area:	344.60 sqm
	52.90% of site
LANDSCAPING	
total site landscaping:	223 sqm 30% of site



MATERIALS COLOUR SCHEDULE	
<u>BRICKWORK:</u>	RENDERED/PAINTED MEDIUM GREY/ LIGHT GREY OR SIMILAR /FACE BRICKWORK
<u>ROOF :</u>	IRONSTONE COLORBOND ROOF
<u>WINDOWS:</u>	SILVER/WHITE ALUMINIUM FRAME OR SIMILAR
<u>BRICK COLUMNS/ PARAPETS</u>	GREY/LIME STONE CLAD/TIMBER
<u>GARAGE DOOR:</u>	PERSPEX/METAL SCREENED OR TIMBER
<u>FRONT DOOR:</u>	TIMBER OR COPPER
<u>RAILINGS:</u>	GLASS OR METAL
<u>CLADDING:</u>	TIMBER/ZINC
<u>FEATURE BEAMS:</u>	TIMBER

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MATERIALS COLOUR SCHEDULE	
<u>BRICKWORK:</u>	RENDERED PAINTED MEDIUM GREY/ LIGHT GREY OR SIMILAR /FACE BRICKWORK
<u>ROOF:</u>	IRONSTONE COLORBOND ROOF
<u>WINDOWS:</u>	SILVER/WHITE ALUMINIUM FRAME OR SIMILAR
<u>BRICK COLUMNS/ PARAPETS</u>	GREY/LIME STONE CLAD/TIMBER
<u>GARAGE DOOR</u>	PERSPEX/METAL SCREENED OR TIMBER
<u>FRONT DOOR:</u>	TIMBER OR COPPER
<u>RAILINGS:</u>	GLASS OR METAL
<u>CLADDING:</u>	TIMBER/ZINC
<u>FEATURE BEAMS:</u>	TIMBER

2 Dardanelles Street, MORTDALE

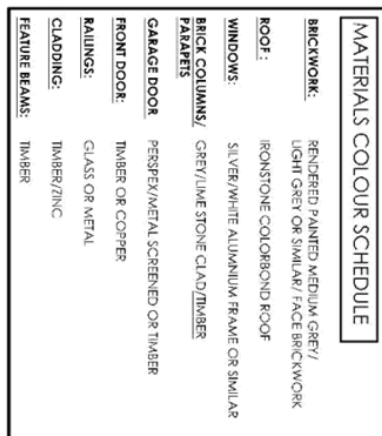


building designers
 ASSOCIATION OF ARCHITECTS
 1000 N. 17TH AVE., SUITE 1000
 DENVER, CO 80202-1000
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 WWW.AAABUILDINGDESIGNERS.ORG

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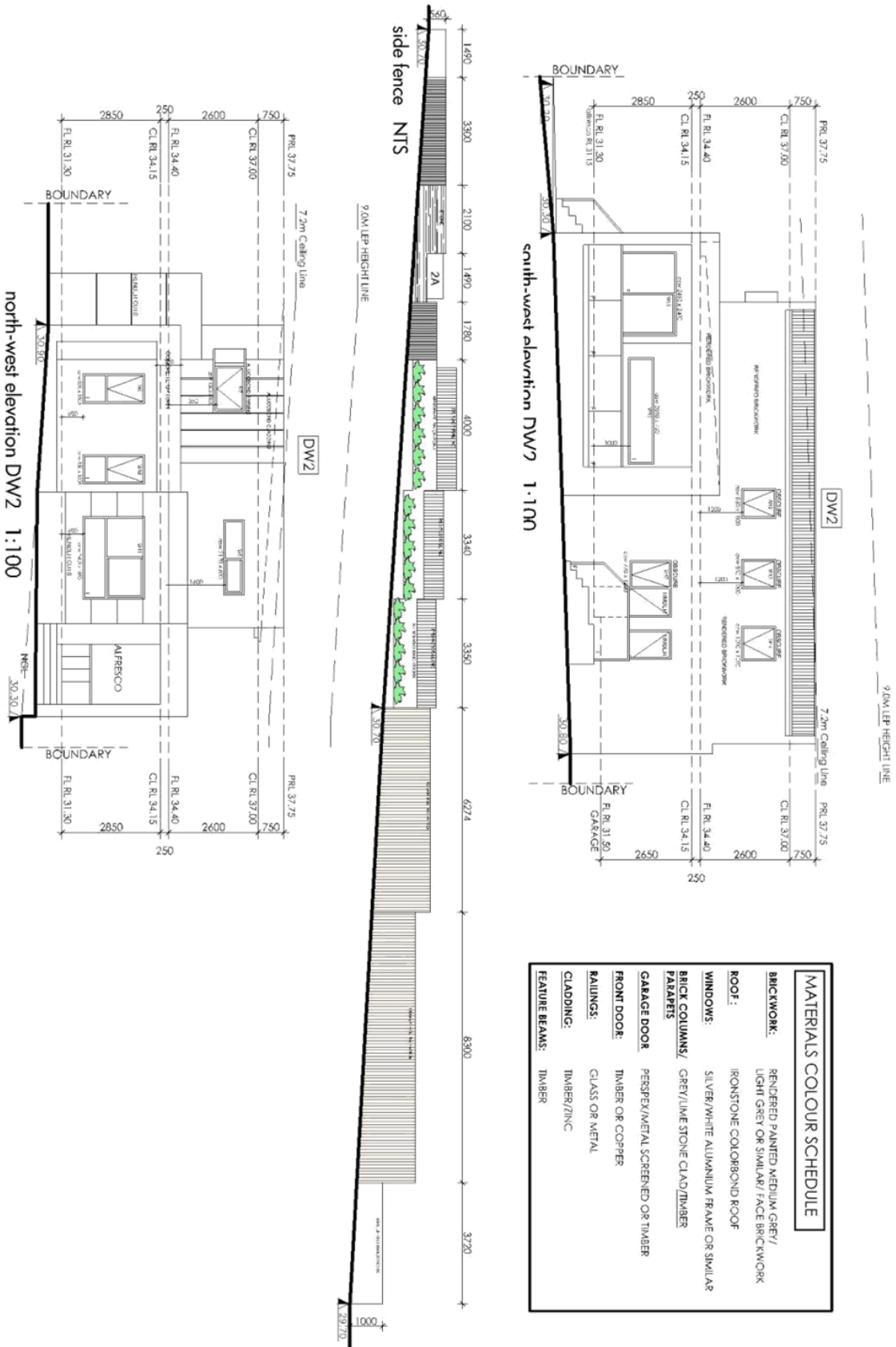
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**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 18 JULY 2019**

LPP023-19

LPP Report No	LPP023-19	Development Application No	DA2018/0046
Site Address & Ward Locality	41 Edward Street Carlton Kogarah Bay Ward		
Proposed Development	Alterations and additions to an existing dwelling, construction of a new detached secondary dwelling, tandem carport, tree removal, fencing and landscaping works		
Owners	Mr TC Nguyen		
Applicant	Mr DP Hong		
Planner/Architect	Mr Chinch Le		
Date Of Lodgement	15/02/2018		
Submissions	Nil		
Cost of Works	\$285,800.00		
Local Planning Panel Criteria	Demolition works to a Heritage Item		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy No 55 - Remediation Of Land, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, Draft Environment State Environmental Planning Policy, Kogarah Local Environmental Plan 2012, Kogarah Development Control Plan 2013		
List all documents submitted with this report for the Panel's consideration	Architectural Plans Heritage Impact Report Flood Impact Report		
Report prepared by	Senior Building Surveyor		

Recommendation	THAT the application be approved in accordance with the conditions included in the report.
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development	Not Applicable

standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, standard conditions have been attached; however the conditions will be publically available when the report is published.

Site Plan

Executive Summary

Proposal

1. The application seeks approval for partial demolition of the heritage dwelling, being a rear skillion roof structure and alterations and additions to the heritage listed dwelling. The application is also seeking construction of a detached tandem carport for the principle dwelling, a new detached secondary dwelling, tree removal, construction of fencing and landscaping works.

Site and Locality

2. The subject site is legally identified as Lot 23, Section B in Deposited Plan 5409 and commonly known as 41 Edward Street, Carlton.

This corner site is located on the western side of Edward Street, and has its southern side boundary adjacent to Colvin Avenue. The subject site falls approximately 400mm to the east towards Edward Street and has a slight cross fall of up to 250mm towards the southern side boundary adjacent to Colvin Avenue. The property is a rectangular allotment with a 12.19m wide frontage and a length of 45.72m giving an overall area of 557.4sqm.

The site currently contains a single storey heritage listed dwelling constructed primarily with brick external walls and both a pitched slate roof and metal deck skillion roofing. The front

portion of the development is a former corner shop. There is a detached metal shed at the rear of the site and although there is no existing onsite parking spaces in the form of a garage, carport or hard stand parking area, there is a layback provided within the kerb/gutter of Colvin Avenue towards the rear of the site as well as a corresponding gated section of paling fence.

The immediate area is dominated by residential uses containing a mix of one (1) and two (2) storey dwelling developments. The area is generally residential in character with other heritage listed dwellings within the vicinity.

Zoning and Permissibility

3. The site is zoned R2 – Low Density Residential and demolition, alterations and additions to a “dwelling house” are permissible. The proposed “secondary dwelling” is not a listed permitted or prohibited use under the provisions of Kogarah Local Environmental Plan (KLEP) 2012.



Figure 1 - Zoning Map – site outlined in red

However, ‘Secondary Dwellings’ are permitted with consent in the R2 zone under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (Affordable Rental Housing) 2009 applies to the State and the extent of any inconsistency between it and any Local Environment Plan (Cl 8) and as such, the prescribed zones stipulated under Cl 20 of the SEPP override the KLEP 2012 provisions to the extent of permissibility.

Accordingly the proposed detached secondary dwelling complies with the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, and as such is a permissible form of development in this R2 – Low Density Residential area.

In addition, a ‘Secondary Dwellings’ is required to be assessed under the provisions of KLEP 2012 (including Clause 5.4(9) and Kogarah DCP.

Notification

4. The application was notified to surrounding neighbours for a period of fourteen (14) days and was also advertised in the St George and Sutherland Shire Leader. No submissions were received.

Conclusion

5. The application seeks approval for alterations and additions to an existing dwelling, construction of a new detached secondary dwelling, tandem carport, tree removal, fencing and landscaping works located at 41 Edward Street, Carlton.

The proposal has been assessed against the relevant environmental regulations, planning instruments and Development Control Plans, the proposal is considered to be an appropriate form of development and is recommended for approval subject to the conditions listed at the end of this report.

Report in Full Proposal

6. The application seeks approval Alterations and additions to an existing dwelling, construction of a new detached secondary dwelling, tandem carport, tree removal, fencing and landscaping works. The proposed works specifically include the following;

Alterations and Additions to the Principle Dwelling

- Demolition of the rear walls of the dwelling and removal of the metal deck skillion roof over this section of the dwelling.
- Ground floor rear additions containing bedroom 1, a master bedroom with robe and ensuite, and an open plan living, kitchen and family room.
- A covered porch is proposed on the southern side of the family room, with a covered alfresco area to the west or the rear of the dwelling, also off the family room.

Secondary Dwelling

- The proposed detached secondary dwelling contains 2 bedrooms, an open plan kitchen/dining/living area, a bathroom, cupboard containing the washing machine and an entry porch facing Colvin Avenue.

Carport

- A tandem carport is proposed to provide onsite car parking for the principal dwelling and is accessed access off Colvin Avenue.

External Works

- This application also proposes boundary fencing the Colvin Avenue frontage, with a sliding gated to access the tandem carport.
- A section of dwarf brick fence with 1.2m high brick piers and open “picket” style infill panels is also proposed along the southern side boundary in the area of the heritage dwelling.
- Another section of dwarf brick fence with 1.2m high brick piers and open “picket” style infill panels is proposed across the front boundary facing Edward Street in front of the façade of the dwelling not obscuring the shop frontage.
- The existing layback on Colvin Avenue will be redundant and replaced with kerb and gutter and turf. A new crossing and driveway will be installed to service the new tandem carport.

The Site and Locality

7. This corner site contains a single storey dwelling which and a detached metal garden shed in the rear of the site. The single storey heritage listed dwelling (dwelling and former corner store) has three distinctive sections which can be best described as follows:

The former “corner shop” see photo 1 below.



Photo 1 - 41 Edward Street looking from the intersection of Edward Street and Colvin Avenue

The main section of the dwelling located behind the former corner shop, see photo 2.



Photo 2 - 41 Edward Street looking north from Colvin Avenue

The rear section of the dwelling that sits below a skillion roof, formerly containing the external laundry and a separate WC, see photo 2 above.

The site is relatively level and contained an existing detached metal shed to the rear boundary.

This site is flood affected and the existing dwelling is heritage building.

The following is a quote from Council's Heritage Architect's comments:

“41 Edward Street, Carlton is significant at a Local level as a representative single-storey Federation period dwelling with a substantially intact Inter-War corner shop addition”.

There is also a significant street tree located in the footpath of Edward Street.



Figure 2 - Aerial view of 41 Edward Street and neighbouring properties.

This area of Carlton contains mostly low scale residential development, which is evident on the adjacent allotments and within a visual catchment of the site.

The proposed development is considered empathetic to the heritage buildings on site and is not inconsistent with surrounding development.

PLANNING ASSESSMENT

8. The site has been inspected and the proposed development has been assessed under the relevant Section 4.15(1) “Matters for consideration” of the Environmental Planning and Assessment Act 1979.

Environmental Planning Instruments

State Environmental Planning Instruments

9. The following State Environmental Planning Policies are applicable to the subject site and have been addressed and satisfied.

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009			
Division 2 Secondary Dwellings			
Clause	Standard	Proposed	Complies
Clause 19 - Definition	Clause 19 - Definition In this Division: development for the purposes of a secondary dwelling includes the following: (a) the erection of, or alterations or additions to, a secondary dwelling,	This application seeks to construct a detached secondary dwelling fronting Colvin Avenue.	Yes

	<p>(b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.</p> <p><u>Note</u> - The standard instrument defines secondary dwelling as follows: secondary dwelling means a self-contained dwelling that:</p> <p>(a) is established in conjunction with another dwelling (the principal dwelling), and</p> <p>(b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and</p> <p>(c) is located within, or is attached to, or is separate from, the principal dwelling.</p>	The principle dwelling on the site is heritage listed.	
Clause 20 – Land to which Division applies	<p>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:</p> <p>(a) Zone R1 General Residential,</p> <p>(b) Zone R2 Low Density Residential,</p> <p>(c) Zone R3 Medium Density Residential,</p> <p>(d) Zone R4 High Density Residential,</p> <p>(e) Zone R5 Large Lot Residential.</p>	The zoning of the land is R2	Yes
Clause 22 Development may be carried out with consent			
22(2)	A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The site will contain only a principle dwelling and a secondary dwelling.	Yes
22(3)	A consent authority must not consent to development to which this Division applies		

	<p>unless:</p> <p>(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and</p> <p>(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.</p>	<p>The permitted Floor Space Ratio (FSR) according to the KLEP 2012 is 0.55:1 (306.02sqm). The proposed FSR is 0.5:1 (278.9sqm).</p> <p>Total floor area of the secondary dwelling is 52.4sqm, in compliance with the maximum permitted.</p>	
<p>Total floor area is not a defined term; in this regard the assessment has been undertaken using the definition of gross floor area under the Kogarah Local Environmental Plan in order to establish the development does not exceed the residential floor space ratio applicable to the site.</p>			
<p>22(4) - A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:</p> <p>(a) site area if:</p> <p>(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or Secondary dwelling is detached from the primary dwelling.</p> <p>(ii) the site area is at least 450sqm.</p> <p>Site area is 556.4sqm.</p> <p>(b) parking if no additional parking is to be provided on the site.</p> <p>No additional parking has been provided. (two parking spaces have been proposed for the principal dwelling, not the secondary dwelling).</p>			
<p>22(5) - A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).</p>			
<p>24 No subdivision</p> <p>A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.</p> <p>Development application will not result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.</p>			

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

10. A BASIX Certificate is required to be lodged for any development application in NSW for a new home or for any alteration and addition of \$50,000 or more to an existing home.

BASIX certificate No. A295187_03 dated 02 July 2019 (principal dwelling) and BASIX certificate No. 866339S_02 dated 02 July 2019 (secondary dwelling) have been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

State Environmental Planning Policy No 55 – Remediation of Land

11. The subject site is zoned residential and, given the types of uses permissible within the residential zones, it is considered unlikely that the land is contaminated.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

12. The objectives of the SEPP are to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 5(1) of the SEPP as the site is within both Georges River Council and the R2 Low Density Residential zone.

Pursuant to Clause 8(1) of the SEPP, clearing does not require authority under the policy as it is a type of clearing that is authorised under Section 60O of the Local Land Services Act 2013 (specifically, that associated with a development consent issued under Part 4 of the Environmental Planning and Assessment Act 1979).

Kogarah Local Environmental Plan (KLEP) 2012

13. The site is zoned R2 – Low Density Residential and demolition, alterations and additions to a “dwelling house” are permissible. The proposed “secondary dwelling” is not a listed permitted or prohibited use under the provisions of Kogarah Local Environmental Plan (KLEP) 2012.

However, ‘Secondary Dwellings’ are permitted with consent in the R2 zone under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

State Environmental Planning Policy (Affordable Rental Housing) 2009 applies to the State and the extent of any inconsistency between it and any Local Environment Plan (Cl 8) and as such, the prescribed zones stipulated under Cl 20 of the SEPP override the KLEP 2012 provisions to the extent of permissibility.

Accordingly the proposed detached secondary dwelling complies with the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, and as such is a permissible form of development in this R2 – Low Density Residential area.

In addition, a ‘Secondary Dwellings’ is required to be assessed under the provisions of KLEP 2012 (including Clause 5.4(9) and Kogarah DCP.

13.7 Demolition requires Development Consent

14. Clause 2.7 of KLEP 2012 states ‘the demolition of a building or work may be carried out only with development consent’. The proposed demolition has been assessed as part of this application.

Part 4 – Principal Development Standards

Applicable LEP Clause	Development Standards	Development Proposal	Complies
4.3 Height of	9m	6.241m (Principal Dwelling)	Yes

Buildings		4.805m (Secondary Dwelling)	Yes
4.4 Floor Space Ratio	0.55:1 as identified on the floor space ratio map (0.55 x 556.4 = 306.02sqm)	0.5:1 (278.9sqm) (Principal dwelling = 226.5sqm) (Secondary dwelling = 52.4sqm)	Yes
4.4A Exceptions to floor space ratio for residential accommodation in Zone R2	Sites with an area less than 650sqm = 0.55:1	0.5:1 (278.9sqm) (Principal dwelling = 226.5sqm) (Secondary dwelling = 52.4sqm)	Yes

LPP023-19

Part 5 – Miscellaneous Provisions

5.10 Heritage Conservation

15. The subject site is included in Schedule 5 – Environmental heritage in Kogarah LEP 2012 and is identified as House and former shop, Item No 17. It is significant at a Local level. The statement of significance from the 2011 Kogarah Heritage Study Review for the subject site is as follows:

“41 Edward Street, Carlton is significant at a Local level as a representative single-storey Federation period dwelling with a substantially intact Inter-War corner shop addition. The shop with its high integrity is relatively rare within the Kogarah LGA and due to its prominent location makes a valuable contribution to the street scape and historical evolution and evidence of its locality, despite being adapted to residential use.”

The application was supported by a Heritage Impact Statement prepared by Sydney Heritage Consultants.

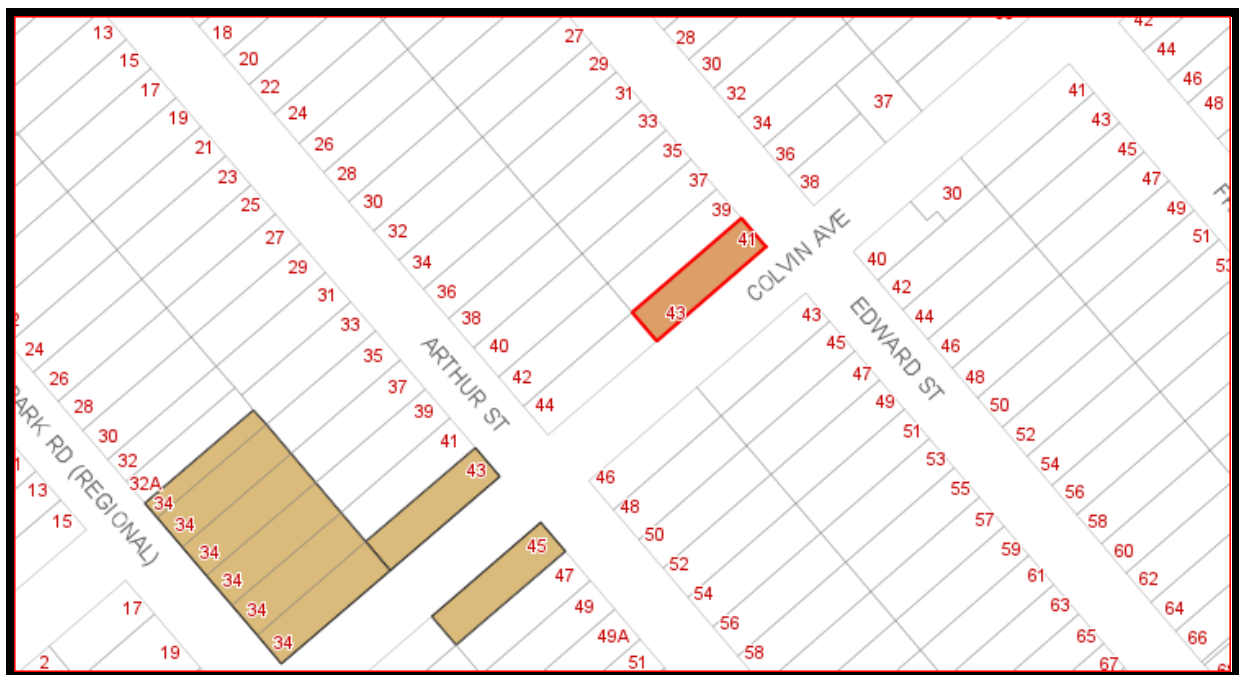


Figure 3 - Heritage map with subject site outlined in red

16. The application has been referred to Council's Heritage Adviser on two (2) separate occasions. The plans the subject of this report are supported subject to specific and standard conditions of consent, the specific conditions include the following:

- i) The tile selection for the addition to the dwelling is to be provided and approved by Council's Heritage Advisor prior to the issue of a Construction Certificate.
- ii) Details of the proposed brick and picket fence, including all dimensions, materials and colours are to be provided and approved by Council's Heritage Advisor prior to the issue of a Construction Certificate
- iii) Existing slate tiles on the rear roof plane which will be obscured by the proposed new addition roof, and are to be preserved insitu or stored in a secure location on site for use in the future repair and maintenance of the original roof.

Part 6 – Additional Local Provisions

Applicable KLEP 2012 Clause	KLEP Provisions	Development Proposal	Complies
6.1 Acid Sulfate Soils	The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	Site has not been identified as located in an area containing Acid Sulfate soils as per KLEP 2012 Acid Sulfate Soils Map.	Yes
6.2 Earthworks	The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The earthworks proposed are ancillary to the proposed development and will have minimal impacts on the surrounding land and environment.	Yes
6.3 Flood Planning	The objectives of this clause are: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment.	The 1:100 year ARI flood level is RL26.05m AHD. It is proposed that the ground floor slab for the secondary dwelling and the new additions to the existing house require a suspended floor on piers and beams to allow the flow of water to run underneath the development to ensure there will be no increased flooding impacts on surrounding allotments.	Yes

6.4 Foreshore Scenic Protection Area (FSPA).	The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.	Site is not located in a Foreshore Scenic Protection Area	NA
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LPP023-19

All other relevant provisions of the LEP have been considered and it has been found that the proposal satisfactorily addresses the objectives of these clauses.

Draft Environmental Planning Instruments

17. The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas,
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011,
- State Environmental Planning Policy No. 50 – Canal Estate Development,
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment,
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997),
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005,
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The proposal is not inconsistent with the provisions of this Draft Instrument.

Kogarah Development Control Plan 2013

18. 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.

1. Design Requirements			
Control	Requirement	Proposal	Complies
1.2 Building Scale and Height			
1.2.1 Floor space Requirements	(1) The floor space ratio for dwelling houses must comply with the requirements below:		
	Site Area: Less than or equal to 650sqm the Maximum FSR: 0.55:1	0.5:1	Yes
	(2) Where a secondary dwelling is proposed, the maximum FSR/floor area includes the dwelling and the detached secondary dwelling. In this regard, the overall development is not to exceed the maximum floor space ratio.	0.5:1	Yes
	(3) Notwithstanding compliance with the numerical requirements in the DCP,	Complies	Yes

	<p>applicants must demonstrate that the bulk and relative mass of the proposed development is acceptable in the street and on adjoining dwellings, in terms of the following impacts:</p> <ul style="list-style-type: none"> (i) streetscape considerations (bulk and scale); (ii) building setbacks; (iii) landscape requirements; (iv) the existence of significant trees/vegetation on site; (v) the size and shape of the allotment; and (vi) topography of the site. 		
1.2.2 Building Heights	<p>(1) The maximum building height must comply with;</p> <p>Dwelling Type Single dwelling additions/alterations; Maximum Height 7.2m to the underside of the upper ceiling; 9m to the top of the ridge (pitched roof).</p> <p>Dwelling Type Detached secondary dwelling Maximum Height 2.7m to the underside of the ceiling 3.5m overall building height</p>	<p>3.66m</p> <p>6.241m</p> <p>3.46m</p> <p>4.805m</p>	<p>Yes</p> <p>Yes</p> <p>No (1)</p> <p>No (1)</p>
1.2.3 Rhythm of the Built Elements in the Streetscape	<p>(1) The primary building façade should not exceed 40% of the overall width of the total frontage.</p> <p>(2) The secondary building façade should be set back a minimum of 1.5m from the primary building façade.</p> <p>(3) Where the dominant built form in the streetscape provides for a pitched hip or gable ended presentation to the street, the new buildings and/or additions should reflect that roof form.</p>	<p>No change to the primary façade.</p> <p>Additions are setback 1.914m; secondary dwelling is setback 2m.</p> <p>Pitched roof is maintained with additions.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>
1.2.4 Building Setbacks	<p>1.2.4.2 Front Setbacks</p> <p>(1) Where the setback of an adjacent building is greater than 5m, an appropriate setback may be achieved by ensuring development is setback:</p> <p>(i) the same distance as one or</p>	<p>No change to the front setback.</p>	<p>N/A</p>

	<p>the other of the adjoining buildings, provided the difference between the setbacks of the two adjoining buildings is less than or equal to 2.0m; or</p> <p>(ii) the average of the setbacks of the two adjoining buildings, if the difference between the setbacks of the buildings is greater than 2.0m.</p> <p>(2) Where the setbacks of the adjacent buildings are 0m-5.0m, an appropriate setback may be achieved by ensuring development is set back the same distance as one or the other of the two adjoining dwellings.</p> <p>(3) Where a development has a frontage to two (2) streets, then the setback to the secondary street shall be 1.2m, with the exception of dual occupancy (detached), where the setback to the secondary street shall be 4.5m.</p> <p>1.2.4.3 Side and Rear Setbacks</p> <p>(1) The side and rear boundary setbacks should comply with;</p> <p>Dwelling Type Single dwelling</p> <p>Rear Setback Buildings are to have a minimum rear setback of 15% of the average site length, or 6m, whichever is greater.</p> <p>Where the existing pattern of development displays an established rear setback, development should recognise and respond to site features and cross views of neighbouring properties.</p> <p>Council may permit a variation to the rear setback if it can be demonstrated that this will result in the retention of significant trees or site features, has no adverse impacts on neighbouring amenity.</p>	<p>Additions are 1.91 and 4m, and secondary dwelling is 2m.</p>	<p>Yes</p>
		<p>17.375m (38%)</p>	<p>Yes</p>

	<p>Side Setbacks For buildings having a wall height of 3.5m or less, the minimum side boundary setback is 900mm.</p> <p>For buildings having a wall height of greater than 3.5m, the minimum side boundary setback is 1200mm.</p> <p>The above numerical requirements may be varied to ensure side boundary setbacks and building to building relationships are consistent with those setbacks established within the streetscape.</p> <p>Dwelling Type Secondary dwelling (detached from primary dwelling)</p> <p>Rear Setback 3m</p> <p>Side Setbacks 900mm or existing dwelling setback, whichever is the greater of both</p>	<p>Northern side boundary = 1.028m Southern side boundary = 1.914m</p> <p>1m</p> <p>Northern = 982mm Southern = 2m</p>	<p>No (2) (1.2m required) Yes</p> <p>No (2)</p> <p>Yes Yes</p>
<p>1.2.5 Fenestration and External Materials</p>	<p>(1) New buildings and alterations and additions 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.</p> <p>(2) Garage doors should not dominate the street front elevation.</p> <p>(3) The roof should be similar to the angle of pitch, materials and colour of roofs in the streetscape.</p> <p>(4) The colours of garages, window frames, and balustrading on main facades and elevations are to be integrated with the external design of the building.</p> <p>(5) Glazing shall be limited to a maximum 35% of the total area of the overall street front façade. This includes both primary and secondary façade bays.</p>	<p>Complies</p> <p>No garage</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

1.2.6 Street Edge	(1) New developments should provide front fencing that complements fencing within the streetscape.	Complies	Yes
	(2) Fencing is to be consistent with the requirements of Section 4.2.	Complies	Yes
	(3) Existing vegetation in the front building line setback or on the street verge that contributes to the character of the streetscape should be preserved.	Complies	Yes
	(4) The driveway location should not result in the removal of any street trees or removal of substantial trees on the site.	Complies	Yes
1.3 Open Space	(1) 15% of the site area must be deep soil landscaped area.	176.6sqm	Yes
	(2) Private open space should be adjacent to and visible from the main living and/or dining rooms and be accessible from those areas.	Complies	Yes
	(3) Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year round use.	Complies	Yes
	(4) Where soil and drainage conditions are suitable, unpaved or unsealed landscaped areas should be maximised and designed to facilitate on site infiltration of stormwater.	Complies	Yes
	(5) Existing significant trees and vegetation must be incorporated into proposed landscape treatment.	N/A	N/A
1.4 Vehicular access, parking and circulation	(1) Car parking is to be provided in accordance with the requirements in Section B4.	Parking for two vehicles for the principal dwelling proposed in the tandem carport.	Yes
	(2) On corner sites with two street frontages vehicular access should be provided to the secondary frontage.	Complies	Yes
	(3) Garages should be accessed from a rear lane where this is available.	N/A	N/A

	<p>(4) Crossings are to be positioned so that on-street parking and landscaping on the site are maximised, and removal or damage to existing street trees is avoided.</p> <p>(5) Garaging should be setback behind the primary façade.</p> <p>(6) The maximum driveway width between the street boundary and the primary building façade is 4m.</p> <p>(7) Where the dominant provision of garaging within the streetscape is provided to the rear or side of developments, new developments and additions to existing development should provide for a side driveway or garaging behind the main street front elevation of the building.</p> <p>Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1-2004.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
1.5 Privacy	<p>(1) Windows from active rooms are to be offset between adjacent dwellings so as to avoid direct overlooking onto neighbouring windows.</p> <p>(2) Where terraces and balconies are proposed and are elevated more than 1.5m above ground level (finished) and are located behind the street front façade, they are restricted to a maximum width of 2.5m and must be setback a minimum 3m from any adjoining property boundary.</p> <p>(3) The area of balconies or terraces greater than 1.5m above ground level is limited to a cumulative total of 40sqm per dwelling.</p> <p>(4) Council may consider a variation to the above requirements where it is considered that the terrace or balcony will not result in a loss of privacy to neighbouring properties.</p> <p>(5) For active rooms or balconies on an</p>	<p>Complies</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

	<p>upper level, the design should incorporate placement of room windows or screening devices to only allow oblique views to adjoining properties.</p> <p>(7) In these circumstances, Council will undertake an assessment of the impact of the proposed development on the neighbouring properties having regard to:</p> <p>(i) The types of rooms that are located on the upper levels;</p> <p>(ii) Whether the rooms are “active” or “non-active”</p> <p>(iii) The size and location of proposed upper level windows, balconies, terraces and any other area (elevated more than 1500mm above ground level).</p> <p>(iv) The extent of overlooking onto neighbouring properties.</p> <p>(v) Notwithstanding the above, where rooms on the upper levels are “non-active”, no consideration will be given with respect to privacy issues.</p> <p>Active rooms are rooms used for normal domestic activities and include a living room, lounge room, music room, television room, dining room, family room, kitchen, playroom, parents retreat and the like.</p> <p>Non-active rooms are rooms of a generally passive nature and include bathroom, laundry, water closet, walk in wardrobe, bedroom, sewing room and the like.</p>	N/A	N/A
1.5.2 Acoustic Privacy	Residential development adjacent to a rail corridor or a busy road should be designed and sited to minimise noise impacts Refer to requirements in State Environmental Planning Policy – Infrastructure and the NSW Department of Planning’s Development near Rail Corridors and Busy Roads – Interim Guidelines.	N/A	N/A
1.6 Solar Access	(1) At least 50% of the primary private open space of the proposed development should have access to a minimum of four hours of sunlight	Complies	Yes

	<p>between 9am–3pm on 21 June.</p> <p>(2) Where private open space is proposed on the southern side of the building the distance from the southern boundary of the open space to the nearest wall to the north must be a minimum of $3m + h$, where h is the height of the wall.</p> <p>(3) 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.</p> <p>(4) Shadow diagrams are to be submitted for the winter solstice (21 June) and the spring equinox (22 September).</p> <p>(5) Shadow diagrams are required to show the impact of the proposal on solar access to the open space of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams.</p>	N/A	N/A
		N/A	N/A
		N/A	N/A
		N/A	N/A
1.7 Views and view sharing	Development shall provide for the reasonable sharing of views. Note: Assessment of applications will refer to the Planning Principle established by the Land and Environment Court in <i>Tenacity Consulting vs Warringah Council</i> (2004) NSWLEC140	No view impacts caused by the proposed works	N/A

Variations or Non-Compliances

(1) Height

The detached secondary dwelling has an overall height of 4.805m which exceeds the height limit of 3.5m permitted under the Kogarah Development Control Plan 2013, as well as exceeding the height to the underside of the ceiling (2.7m permitted) with a height of 3.46m proposed. The height of this secondary dwelling has been raised to satisfy flood issues that affect this site and were required by Councils Stormwater Engineers. The increase in height does not impact the streetscape as a 1.8m high dividing fence will run along the southern side boundary thereby screening the bulk of the building from the street. It is also noted that the two bedroom windows (non-active rooms) that face the northern side neighbour are highlight windows, and the rear or eastern neighbour has a blank wall running across the length of this rear boundary, thus ensuring that adjoining neighbours are also not adversely affected by this height non-compliance. In this regard the increased height has not

unreasonable impact on the adjoining allotments, the heritage status of the site or the public domain.

(2) Setbacks

Secondary Dwelling

The detached secondary dwelling is setback 1m from the rear boundary rather than the required 3m under Kogarah Development Control Plan 2013. This is considered acceptable as the rear neighbour has a large blank wall of a detached garage/outbuilding that extends across the common rear/side boundary.

Council has been granting variations to the rear setback of 3m down to 900mm which is consistent with the control in the Hurstville Development Control Plan so long as there is no unreasonable impact on adjoining allotments.

Accordingly the location of this secondary dwelling and its relationship to the allotment adjoining is not unreasonably impacted as a result the reduced rear setback.

In addition the location of the secondary dwelling 1m from the rear boundary provides functional useable space within the site for the residents, as a result this proposed rear boundary setback variation is recommended to be supported.

Dwelling Additions

The rear addition to the main dwelling has an overall wall height of 3.66m. Any dwelling with a wall height exceeding 3.5m in height requires a 1.2m side boundary setback rather than a 900mm setback proposed.

This height has resulted from the need for the works to be raised to address the flooding affectations that affect this site. The breach in the wall height equates to 160mm which will not be readily discernible from the adjoining allotments and the public domain.

This increased height will not reduce the amenity of the adjoining allotments with respect to availability of sunlight.

Whilst a numeric control has been nominated, the DCP details that a variation can be considered if:

“The above numerical requirements may be varied to ensure side boundary setbacks and building to building relationships are consistent with those setbacks established within the streetscape”.

In reviewing this application having regard to the above statement, it is considered that the additional height does not compete with the heritage form on the site and is not inconsistent with the bulk and scale of development within this precinct.

As a result is considered the variations to the DCP for setbacks and height are considered reasonable and not inconsistent with the desired development outcomes for the locality, as a result they are recommended to be supported.

IMPACTS

Natural Environment

19. The site has three existing fruit trees located in the backyard that are proposed to be removed. There is also one street tree in Colvin Avenue that will require removal for the proposed layback and driveway required to access the proposed tandem carport. The application has been assessed and endorsed by Council's Landscape Officer and relevant tree and landscaping conditions of consent are recommended including replacement planting.

Built Environment

20. The proposed development will not result in any unreasonable impacts upon the built environment for reasons discussed throughout the report.

Social and Economic Impact

21. The proposed development will not result in any adverse social and/or economic impacts within the locality.

Suitability of the Site

22. 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 and relationship to adjoining developments.

SUBMISSIONS AND THE PUBLIC INTEREST

23. The application was notified to surrounding neighbours for a period of fourteen (14) days between 20 February 2019 and 6 March 2019 in accordance with this Section A2 of Kogarah Development Control Plan 2013. The application was also advertised on St George and Sutherland Shire Leader. No submissions were received.

REFERRALS

Council Referrals

Landscape Officer

24. The application has been assessed and endorsed by Council's Landscape Officer and relevant tree and landscaping conditions have been recommended.

Building Surveyor

25. The application has been assessed and endorsed by Council's Building Surveyor and relevant building conditions of consent were imposed.

Heritage Advisor

26. The proposal is supported by Council's Heritage advisor subject to standard and specific recommended conditions of consent.

Drainage Engineering

27. The application has been referred to Council's Drainage Engineer. Stormwater related consent conditions of consent have been imposed.

GIS

28. The application has been referred to Council's GIS team. A street address has been obtained for the secondary dwelling.

CONCLUSION

29. The application seeks approval for partial demolition of the heritage dwelling, being a rear skillion roof structure and alterations and additions to the heritage listed dwelling. The application is also seeking construction of a detached tandem carport for the principle

dwelling, a new detached secondary dwelling, tree removal, construction of fencing and landscaping works at 41 Edward Street, Carlton.

The application was notified to surrounding neighbours for a period of fourteen (14) days between 20 February 2019 and 6 March 2019 in accordance with this Section A2 of Kogarah Development Control Plan 2013. The application was also advertised on St George and Sutherland Shire Leader. No submissions received.

The proposed development satisfies the planning controls and objectives within Kogarah Local Environmental Plan 2012 and Kogarah Development Control Plan 2013.

The application is recommended for approval subject to the conditions of consent included in this report.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

30.

- The proposed development is considered to be an appropriate scale and form for the site and the character of the locality;
- The proposed development, subject to the recommended conditions, will have no unacceptable adverse impacts upon the natural or built environments;
- The proposed development is respectful of the heritage nature of the site;
- In consideration of the aforementioned reasons, the proposed development is a suitable and planned use of the site and its approval is in the public interest.

Determination

31. That pursuant to Section 4.16 (1) of the Environmental Planning and Assessment Act, 1979; as amended, the Georges River Local Planning Panel grants development consent to Development Application DA2018/0046 for partial demolition of the heritage dwelling, being a rear skillion roof structure and alterations and additions to the heritage listed dwelling. The application is also seeking construction of a detached tandem carport for the principle dwelling, a new detached secondary dwelling, tree removal, construction of fencing and landscaping works at Lot 23, Sec B, DP5409 and known as 41 Edward Street, Carlton, subject to the conditions listed below.

SPECIFIC DEVELOPMENT CONDITIONS

Section A Development Details

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

Description	Drawing No.	Date	Revision	Prepared by
Cover Page	1	13/6/2018	B	HVTD Design Pty Ltd
Site & Demolition Plan	2	13/6/2018	B	HVTD Design Pty Ltd
Ground Floor Plan	3	13/6/2018	B	HVTD Design Pty Ltd
Granny Flat and Carport Plan	4	13/6/2018	B	HVTD Design Pty Ltd
Main House Elevations	5	13/6/2018	B	HVTD Design Pty Ltd

Main House Elevation and Section	6	13/6/2018	B	HVTD Design Pty Ltd
Granny Flat and Carport Elevations	7	13/6/2018	B	HVTD Design Pty Ltd
Fence Elevations	8	13/6/2018	B	HVTD Design Pty Ltd
Roof Plan (Main House)	9	13/6/2018	B	HVTD Design Pty Ltd
Roof Plan (Granny Flat and Carport)	10	13/6/2018	B	HVTD Design Pty Ltd
Site Analysis Plan	11	13/6/2018	B	HVTD Design Pty Ltd
Site Management/ Sediment Control	12	13/6/2018	B	HVTD Design Pty Ltd
Ground Floor Area Calculation Diagram	13	13/6/2018	B	HVTD Design Pty Ltd
Landscaping Area Calculation Diagram	14	13/6/2018	B	HVTD Design Pty Ltd
Basix Commitments	15	13/6/2018	B	HVTD Design Pty Ltd
Draft Landscaping Plan	N/A	13/6/2018	B	HVTD Design Pty Ltd

LPP023-19

Separate Approvals Required Under Other Legislation

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

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

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

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

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

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

3. **Vehicular Crossing - Minor Development** - Constructing a vehicular crossing and/or footpath requires a separate approval under Section 138 of the Roads Act 1993 prior to the commencement of those works.

To apply for approval, complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

4. **Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

Requirements of Concurrence, Integrated & Other Government Authorities

5. **Sydney Water - Tap in TM** - The approved plans must be submitted to a Sydney Water Tap in TM to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in TM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

Prior to the Issue of a Construction Certificate

6. **Low reflectivity roof** - Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.
7. **Overland Flow** - To allow for the conveyance of overland flow through the site the paling fence proposed along the south eastern side boundary adjacent to Colvin Avenue shall be left open across the bottom for a height of 100mm above the existing ground level except for where the vertical posts are located (i.e. to the underside of the palings).
8. **Driveway Gates** - The driveway gates facing Colvin Avenue shall be the same materials as the lapped and capped paling fence and shall not project out over Council's footpath during operation.

9. **Bathroom Air Lock within Secondary Dwelling** - The bathroom door shall be provided with a self-closer and mechanical ventilation shall be provided within the bathroom to create an air lock between the W.C. and the kitchen.
10. **Carport Slab** - The top of the carport slab shall be located as close to the top of existing ground level as practical, so as to allow the conveyance of overland flow.
11. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

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

Please contact Council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$155.00
Driveway Design and Inspection Fee (Dwelling)	\$ 659.50
DEVELOPMENT CONTRIBUTIONS	
Georges River Council Section 94A Development Contributions Plan 2017	\$2,858.00

General Fees

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

Development Contributions

The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the

cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the all current Development Contributions Plans may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

12. **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. A295187 (main house) and 866339S (secondary dwelling) must be implemented on the plans lodged with the application for the Construction Certificate.
13. **Site Management Plan** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
14. **Landscape Plans** - All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by Mr Chinh Le, reference numbers – EDW – 17 dated 13.06.2018. The landscaping shall be maintained in accordance with the approved plans in perpetuity. The proposed plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the Draft landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives.
15. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
 - (a) Compliance with the approved Erosion & Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) All clean water runoff is diverted around cleared or exposed areas
 - (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

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

16. **Stormwater System** - The submitted stormwater plan has been assessed as a concept

plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- (a) All stormwater shall drain by gravity to Council's stormwater system in the street directly in front of the development site in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- (b) Due to the site being affected by flood, no fill underneath the new building's slab up to the 1:100yr ARI flood level (RL 26.55m). The new buildings' slab shall be raised on piers however an open form type of fencing can be used to close the subfloor area.
- (c) Any removal or relocating of Council's kerb drain lintel in the street **kerb** shall be subject to Council's Asset engineer approval in writing prior of the issue of the Construction Certificate.
- (d) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.
- (e) Due to the site being affected by flood, backyard levels (including under the dwelling additions and secondary dwelling) shall remain as existing to allow the existing overland path to be unaltered.

17. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and 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.

18. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
19. **Dilapidation Report on Public Land** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including:

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) The full name and signature of the structural engineer.
- (f) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

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

21. **Tree Removal & Replacement**

Tree removal

Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
<i>Fruit trees</i>	X3	Backyard, northern fence line

General Tree Removal Requirements

- (a) All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).
- (b) No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.
- (c) Council shall be appointed to remove all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.
- (d) 1 x Existing street tree to be removed within proposed driveway by Council – *Koelreuteria Spp*

Fee Type – Tree removal on public land	Amount
Administration Fee for Tree Removal	\$154.50
Replacement Tree Fee (per Tree)	\$452.00
Cost of tree removal	To be determined
Cost of Stump Grinding	To be determined

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy and Masterplan, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

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

22. **Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety

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

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

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

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

23. **Demolition Notification Requirements** - The following notification requirements apply to this consent:
- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
 - (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
 - (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
24. **Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.
25. **Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.
26. **Registered Surveyors Report - During Development Work** - A report must be submitted to the PCA at each of the following applicable stages of construction:

(a) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. .

(b) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.

(c) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

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

During Construction

28. **Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
29. **Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

30. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
31. **Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.
32. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other

matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

33. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

Prior to the issue of the Occupation Certificate

34. **Development Engineering - Restriction on use of land for overland flow** - An additional Restriction of Use of the Land is to be created using Section 88E of the Conveyancing Act 1919 over the subject property on which this development is to be carried out. This Restriction shall ensure that the stormwater overland flow-path, as determined by an Overland Flow Analysis commissioned by Council, be maintained free from obstructions at all times and shall be worded as follows:

In relation to the stormwater overland flow path, the flood flow path as identified on the approved plans, for Development Application DA2018/0046, the following Restrictions on The Use of The Land will apply”:

- (a) Property boundary fencing is not to obstruct the free flow of surface waters across the overland flow path in any way.*
- (b) no building structures, walls, fences, trees, shrubs, grass or other vegetation shall be erected or planted within the site of the **overland flow path and/or easement to drain water** (where existing or proposed on site), except with the approval of Council.*
- (c) The existing natural ground levels of the site shall not be raised or lowered or retaining walls constructed unless specified detailed plans are first submitted to and approved by Council.*
- (d) The overland flow path must be kept clear of obstructions at all times and maintained to the satisfaction of Council.*

This Restriction shall benefit Georges River Council and Georges River Council is to be nominated as the Authority to release, vary or modify this Restriction. This Restriction on Use of Land shall be registered on the title of the land, prior to the issue of Any Occupation Certificate for the development (Interim or Final Occupation Certificate).

Documentary evidence of the registration of this Restriction on title is to be supplied to the Principal Certifying Authority when application for an occupation certificate is made.

35. **Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
 - (b) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
 - (c) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
36. **BASIX Certificate** - All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent must be implemented before issue of any Occupation Certificate.
37. **Driveways and parking spaces - Minor Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.
38. **Bounds of Property** - All proposed works shall be located entirely within the bounds of the subject property.
39. **BASIX Compliance Certificate** - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.
40. **Vehicular crossing - Minor development** - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Vehicular Crossing Approval issued by Council's Engineering Services Division and in accordance with Council's Specification for Vehicular Crossings and Associated Works and the issued.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

NOTE: No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be completed before the issue of an Occupation Certificate.

41. **Completion of Landscape Works**-All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with approved landscape plans and specifications, drawn by Mr Chinh Le, reference numbers – EDW – 17, dated 13.05.2018.

Operational Conditions (Ongoing)

42. **Heritage Conditions-**
- i) The tile selection for the addition to the dwelling is to be provided and approved by Council's Heritage Advisor prior to the issue of a Construction Certificate.
 - ii) Details of the proposed brick and picket fence, including all dimensions, materials and colours are to be provided and approved by Council's Heritage Advisor prior to the issue of a Construction Certificate

iii) Existing slate tiles on the rear roof plane which will be obscured by the proposed new addition roof are to be preserved insitu or stored in a secure location on site for use in the future repair and maintenance of the original roof.

43. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.
44. **GIS** - Allocation of street addresses In order to comply with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council's requirements, the street addresses for the subject development must be allocated as follows:

Dwelling description on plans	Lot number	Secondary address allocated
Proposed Detached Granny Flat	Lot 23 Sec B In DP 5409	43 Colvin Ave CARLTON NSW 2218

The primary address of 41 Edward Street CARLTON NSW 2218 will remain unchanged.

Details indicating compliance with this condition must be shown on the plans lodged with any Construction Certificate for approval.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

45. **Appointment of a PCA** - The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

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

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

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

46. **Notification Requirements of PCA** - No later than two days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and

- (b) the applicant of the critical stage inspections and other inspections that are to be

carried out with respect to the building work.

47. **Notice of Commencement** - The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

A Notice of Commencement Form is attached for your convenience.

48. **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

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

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

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

An Occupation Certificate Application Form is attached for your convenience.

Prescribed Conditions

50. **Clause 97A - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
51. **Clause 98 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
52. **Clause 98A - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.
53. **Clause 98B - Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
54. **Clause 98E - Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
55. **Clause 98E - Site Excavation** - 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.

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.

END CONDITIONS

NOTES/ADVICES

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

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

57. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
58. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.
59. **Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au
60. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

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

61. **Security deposit administration & compliance fee** - Under Section 97 (5) of the Local

Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum. The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

62. Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993 - To apply for approval under Section 138 of the Roads Act 1993:

- (a) Complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2018/0148) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

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



NOTE: A minimum of four weeks should be allowed for assessment.

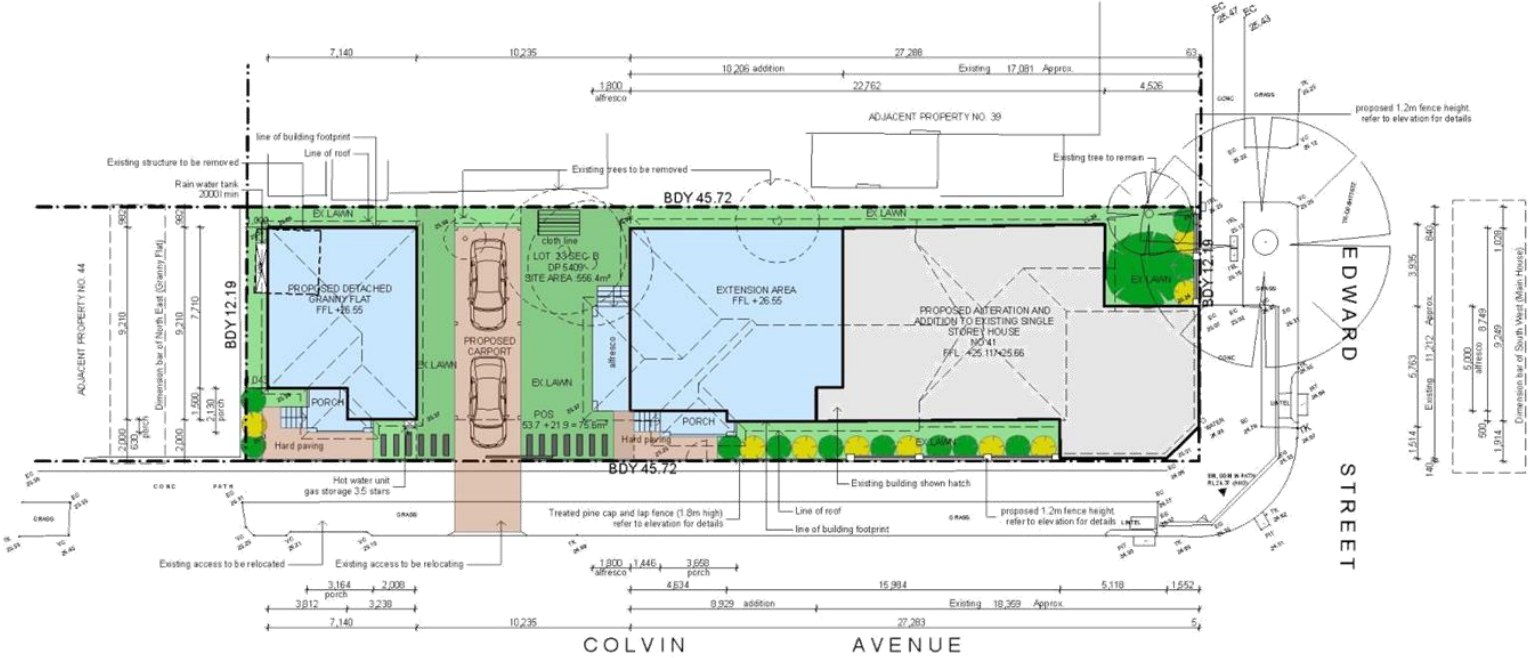
63. Site Safety Fencing - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork

NSW (see www.SafeWork.nsw.gov.au).

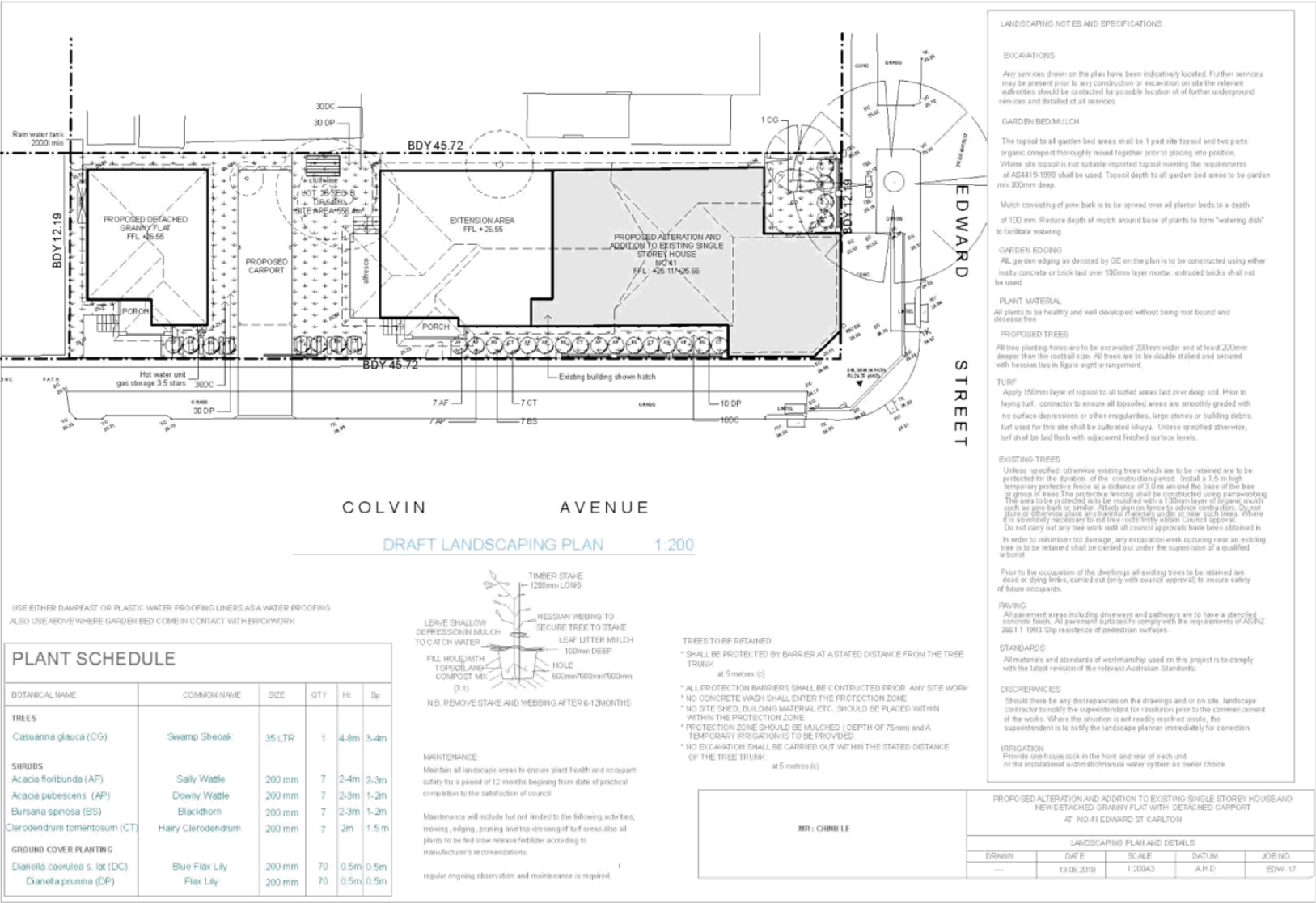
ATTACHMENTS

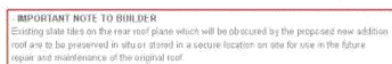
Attachment  1  Site plan and elevations - 41 Edward Street Carlton




IMPORTANT NOTE TO BUILDER
Existing slate tiles on the rear roof plane which will be obscured by the proposed new addition roof are to be preserved in situ or stored in a secure location on site for use in the future repair and maintenance of the original roof.

AMENDMENT NOTES		GENERAL NOTES		<div><div><div><div>HVTD</div><div>Developing Your Life</div></div><div>Tel: 0423 080 780 Email: hvt@hvt.com.au Fax: (02) 9571 3865</div><div>Building design Project management Council Documentation</div></div></div>	PROPOSED ALTERATION AND ADDITION TO EXISTING SINGLE STOREY HOUSE AND NEW DETACHED GRANNY FLAT WITH DETACHED CARPORT		Status: CONCEPT PLANS FOR DA APPROVAL USE ONLY	
		- These drawings are to be read in conjunction with building specifications or scope of work given by property owner. - All dimensions of existing structure (for alteration/addition) are to be checked on site prior to any work commencement. All dimensions are in millimetres. - Written dimensions will take precedence over scale. - Levels shown are assumed levels only unless accompanied by reduced levels given by registered surveyor. All garden levels are shown approximately only. Refer to landscaping plan (prepared by qualified landscaping designer) for detail of garden levels/finishes/retaining walls in the garden. - Inform designer immediately if there is any inconsistency between these drawings and other consultant drawings. - All boundary clearances must be verified on site by registered surveyor. - In case of alterations or discrepancies, notify the designer immediately. - For renovation and extension, Existing structure's location/dimensions/size and finishes are shown approximately only. Any work in association with existing structures should be checked on site by builder. Unless accurate information given by surveyor is provided to these existing structures. - These drawings are produced as a concept design drawings only (for concept approval only). HVTD has no responsibility of using these drawings for purposes other than stated. - HVTD has no responsibility of BCA & AS standard compliance for these concept design plans. Certifier to check all these compliance before approval of C.C. - Copyright of plans and documentation prepared by HVTD shall remain the exclusive property of HVTD unless a licence is issued stating otherwise.			Project address: NO.41 EDWARD ST CARLTON		Paper size: A3	Issue: B
					Applicant: DAVID P. H.		Project no: EDW-17	
					Client: ---		Drawing no: 2	
					Designer: D.P.		Date: 13.06.2018	
					Technician: T.T.		Scale: As shown	





AMENDMENT NOTES	<p>GENERAL NOTES</p> <ul style="list-style-type: none"> - These drawings are to be read in conjunction with building specifications or scope of work given by property owner. - All dimensions of existing structure (for alterations/addition) are to be checked on site prior to any work commencement. All dimensions are in millimetres. - Written dimensions will take precedence over scale. - Levels shown are assumed levels unless accompanied by reduced levels given by registered surveyor. All garden levels are shown approximately only. Refer to landscaping plan (prepared by qualified landscaping designer) for detail of garden levels/finishes/retaining walls in the garden. - Inform designer immediately if there is any inconsistency between these drawings and other consultant drawings. - All boundary clearances must be verified on site by registered surveyor. - In case of alterations or discrepancies, notify the designer immediately. - For restoration and extension, Existing structure's location/dimension/scale and finishes are shown approximately only. Any work in associated with existing structures should be checked on site by builder. Unless accurate information given by surveyor is provided to these existing structures. - These drawings are produced as a concept design drawings only (for concept approval only). HVTD has no responsibility of using these drawings for purposes other than stated. - HVTD has no responsibility of BCA & AS standard compliance for these concept design plans. Certifier to check all these compliance before approval of CC. - Copyright of plans and documentation prepared by HVTD shall remain the exclusive property of HVTD unless a licence is issued stating otherwise. 	 <p>HVTD Group Pty. Ltd.</p>	<p>PROPOSED ALTERATION AND ADDITION TO EXISTING SINGLE STOREY HOUSE AND NEW DETACHED GRANNY FLAT WITH DETACHED CARPORT</p>	<p>Status: CONCEPT PLANS FOR D APPROVAL USE ONLY</p>
		<p>Tel: 0422 089 780 Email: info@hvtdesign.com.au Fax: 02 9581 9555</p>	<p>Project address: 18/41 EDWARD ST CARLTON</p>	<p>Page size: A3 Issue: 0</p>
		<p>Building design Project management Council Documentation</p>	<p>Applicant: DAVID P.H. Client: --- Designer: D.P. Technician: T.Y.</p>	<p>Project no: EDW-17 Drawing no: 5 Date: 13/05/2018 Scale: As shown</p>

