

## AGENDA - LPP

<b>Meeting:</b>	Georges River Local Planning Panel (LPP)
<b>Date:</b>	Thursday, 18 November 2021
<b>Time:</b>	4.00pm
<b>Venue:</b>	Online Meeting
<b>Participants:</b>	Stephen Alchin (Chairperson) Annette Ruhotas (Expert Panel Member) Awais Piracha (Expert Panel Member) George Vardas (Community Representative)

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<b>1. On Site Inspections – Carried out by Panel Members prior to meeting</b>	
<b>2. Opening</b>	
<b>3. Consideration of Items and Verbal Submissions</b>	
<b>LPP064-21</b>	<b>181 Stuart Street, Blakehurst – DA2021/0231</b> (Report by Senior Development Assessment Planner)
<b>LPP065-21</b>	<b>98-100 Forest Road, Hurstville – DA2021/0127</b> (Report by Senior Development Assessment Planner)
<b>LPP066-21</b>	<b>11A Letitia Street Oatley – DA2021/0224</b> (Report by Senior Development Assessment Planner)
<b>4. LPP Deliberations in Closed Session</b>	
<b>5. Confirmation of Minutes</b>	

**REPORT TO GEORGES RIVER COUNCIL  
LPP MEETING OF THURSDAY, 18 NOVEMBER 2021**

LPP064-21

<b>LPP Report No</b>	<b>LPP064-21</b>	<b>Development Application No</b>	<b>DA2021/0231</b>
<b>Site Address &amp; Ward Locality</b>	181 Stuart Street, Blakehurst Blakehurst Ward		
<b>Proposed Development</b>	Site preparation, construction of foundations and landings and installation of Inclinator		
<b>Owners</b>	Mr K J Wheatley		
<b>Applicant</b>	Mr K J Wheatley		
<b>Planner/Architect</b>	YSCO Geomatics		
<b>Date Of Lodgement</b>	6/07/2021		
<b>Submissions</b>	Two submissions		
<b>Cost of Works</b>	\$227,700.00		
<b>Local Planning Panel Criteria</b>	Statement of Environmental Effects, Design Plans, Survey Plan, Arborist Report, Submissions		
<b>List of all relevant s.4.15 matters (formerly s79C(1)(a))</b>	State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment, State Environmental Planning Policy No.55 – Remediation of Land, State Environmental Planning Policy (Coastal Management) 2018, State Environmental Planning Policy (Infrastructure) 2007, Draft Environmental State Environmental Planning Policy, Draft State Environmental Planning Policy – Remediation of Land, Kogarah Local Environmental Plan 2012, Kogarah Development Control Plan 2013		
<b>List all documents submitted with this report for the Panel's consideration</b>	Statement of Environmental Effects, Arborist Report, Site Plan, Survey Plan, Design Plan, Deposited Plan, Marked Up Design Plan and Submissions		
<b>Report prepared by</b>	Senior Development Assessment Planner		

<b>Recommendation</b>	That the application be approved subject to the conditions recommended in this report.
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<b>Summary of matters for consideration under Section 4.15</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental	<b>Yes</b>

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?	
<b>Clause 4.6 Exceptions to development standards</b> 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?	<b>Not Applicable</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	<b>Not Applicable</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	<b>No, standard conditions have been attached with no design changes</b>

### Site Plan



## Executive Summary

### Proposal

1. Development consent is sought for tree removal, site works and construction of an inclinor from the dwelling to the waterfront along the southern side boundary of the site.

2. The proposed inclinator is located along the southern side boundary of the property and requires the removal of three site trees and the pruning of branches of four trees on the adjacent property of No. 185 Stuart Street.

### **Site and Locality**

3. The site is identified as Lot 1 in DP211563 and is known as 181 Stuart Street, Blakehurst.
4. The lot is an internal waterfront property with a site frontage to Stuart Street of 3.7m and a site area of 1,109sqm. The site is occupied by a dwelling house and swimming pool located at the upper level of the site. A boatshed is located above the MHW of the Georges River. The site slopes steeply from the dwelling to the water with a fall of approximately 35m.
5. The site is burdened by a right of way that benefits Nos. 185, 187, 193 and 195 Stuart Street as shown in Figure 1. The right of way provides the beneficiaries pedestrian access to the waterfront of their land.
6. The neighbouring properties contain dwelling houses, ancillary and waterfront structures. Construction of a new dwelling house is currently under construction on the adjacent lot to the north.
7. The site and neighbouring properties to the south contain a number of trees. Further discussion on tree removal, pruning and protection is provided later in this report.

### **Zoning and Permissibility**

8. The site is zoned R2 - Low Density Residential under the provisions of Kogarah Local Environmental Plan 2012 (KLEP 2012). An inclinator is ancillary development and is permitted with consent.

### **Submissions**

9. Two public submissions were received during the 14 day notification period. The issues raised in the submission primarily relate to the impact of the inclinator on the use of the right of way and the impact on trees on the neighbouring property. Both issues are discussed in detail later in this report.

### **Conclusion**

10. Having regard to the matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment, the proposed Development Application (DA2019/0347) is recommended for approval subject to conditions of consent.

## **Report in Full PROPOSAL**

11. Development consent is sought for tree removal, site works and construction of an inclinator from the dwelling to the waterfront along the southern side boundary of the site.
12. The proposed inclinator is located along the southern side boundary of the property and requires the removal of three site trees and the pruning of branches of four trees on the adjacent property of No. 185 Stuart Street.

13. The proposed site plan and section plan are provided in Figures 1 and 2.

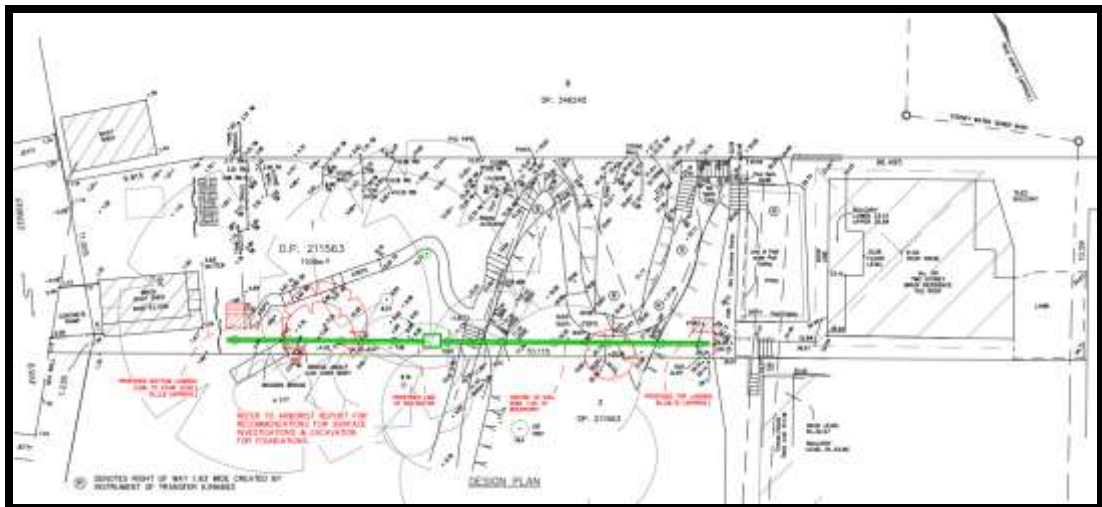


Figure 1: Site Plan

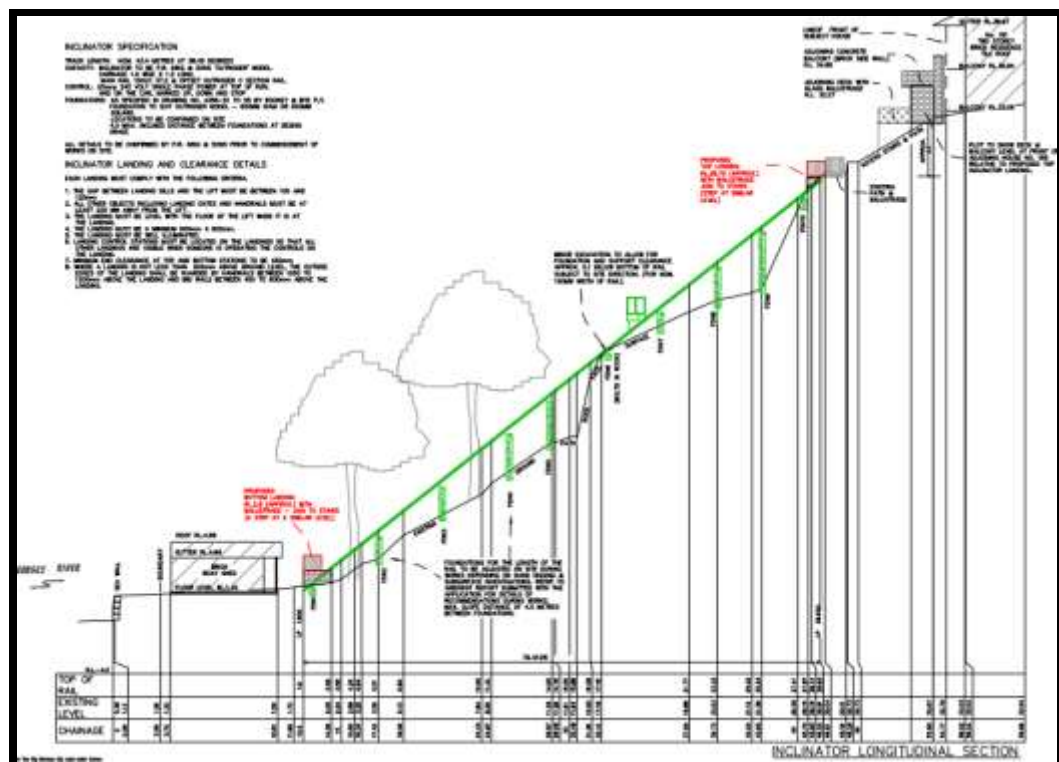
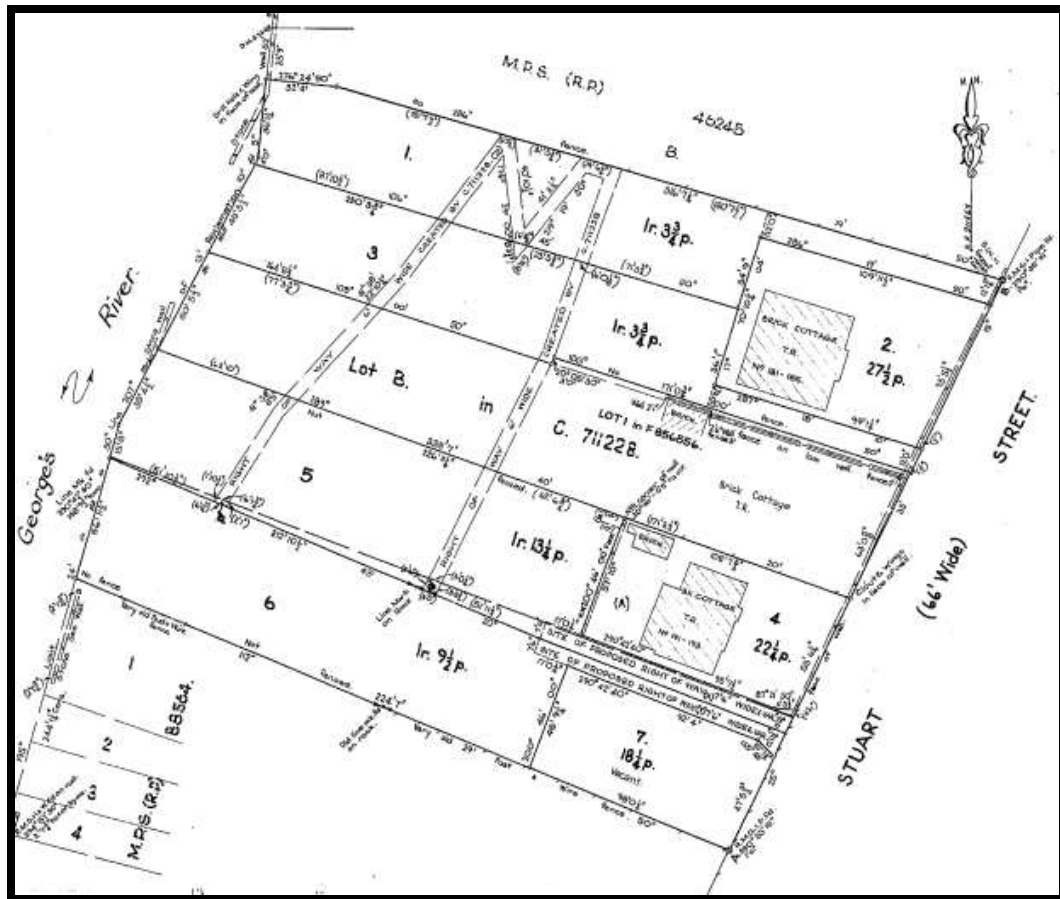


Figure 2: Section plan

## THE SITE AND LOCALITY

14. The site is identified as Lot 1 in DP211563 and is known as 181 Stuart Street, Blakehurst.
15. 3.7m and a site area of 1,109sqm. The site is occupied by a dwelling house and swimming pool located at the upper level of the site. A boatshed is located above the MHW of the Georges River. The site slopes steeply from the dwelling to the water with a fall of approximately 35m.
16. The site is burdened by a right of way that benefits Nos. 185, 187, 193 and 195 Stuart Street as shown in the figure below. The right of way provides the beneficiaries pedestrian access to the waterfront of their land.





**Figure 3: Deposited Plan**

17. It should be noted that over time the pathway and stairs on the site that provide access to the waterfront have been constructed outside of the boundaries of the ROW, and in addition the swimming pool on the site has been constructed over the ROW.
18. The neighbouring properties contain dwelling houses, ancillary and waterfront structures. Construction of a new dwelling house is currently under construction on the adjacent lot to the north.
19. The site and neighbouring properties to the south contain a number of trees. Further discussion on tree removal, pruning and protection is provided later in this report.



***Figure 4: The site looking west from the rear of the dwelling***



***Figures 5 and 6: The site looking towards the dwelling from the foreshore area***



***Figure 7: The view to No. 185 Stuart Street (southern neighbour) and part of the ROW***





*Figure 8: Looking north from the site*

### **Compliance and Assessment**

20. The development has been assessed having regard to Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

### **STATE ENVIRONMENTAL PLANNING INSTRUMENTS**

21. Compliance with the relevant State Environmental Planning Policies (SEPP) is detailed below.

#### **STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND**

22. State Environmental Planning Policy 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. 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.

A review of the site history indicates that the site has been used for residential purposes for extended periods of time, and such uses and/or development are not typically associated with activities that would result in the contamination of the site. The proposed works do not include any change to the use of the land that would result in any concerns with respect to contamination. There is no indication of previous uses that would cause contamination. In this regard there is no indication that the land is contaminated.

#### **STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017**

23. The Vegetation State Environmental Planning Policy regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.



The Vegetation State Environmental Planning Policy 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).

The objectives of the State Environmental Planning Policy 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 State Environmental Planning Policy as the site is within both Georges River Council and the R2 Low Density Residential zone.

Pursuant to Clause 8(1) of the State Environmental Planning Policy, 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).

As part of the proposal, three trees have been nominated for removal and the pruning of branches of four trees on the neighbouring property at No. 185 Stuart Street. The application was referred to Council's Consultant Arborist and specific conditions of consent have been recommended if the application is to be supported. No street trees were nominated for removal.

Further discussion in the Submissions section of this report is provided on tree pruning of the trees on the neighbouring property.

### **STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018**

- 24. State Environmental Planning Policy (Coastal Management) 2018 updates and consolidates three previous State Environmental Planning Policies (SEPP 14 Coastal Wetlands, State Environmental Planning Policy 26 Littoral Rainforests, State Environmental Planning Policy 71 Coastal Protection) into one integrated Policy and is a matter for consideration for the current DA.
- 25. The Coastal Management State Environmental Planning Policy 2018 aims to: *"Promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 including the management objectives for each coastal management area"*.
- 26. Under State Environmental Planning Policy (Coastal Management) 2018, the subject site is mapped as a Coastal Environment area and a Coastal Use area. These have the following management objectives under the State Environmental Planning Policy:
  - (a) to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity,
  - (b) to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change,

- (c) to maintain and improve water quality and estuary health,
- (d) to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons,
- (e) to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place,
- (f) to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms.

27. The following is an assessment of the matters for consideration listed under the State Environmental Planning Policy as applicable to the Coastal Environment Area and Coastal Use Area.

State Environmental Planning Policy Control	Proposal	Complies
<b>13. Development on land within the coastal environment area</b>		
(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 ecological environment,	Surface water runoff is to be managed in accordance with the approved stormwater management plan and relevant conditions imposed. The proposal is generally satisfactory subject to conditions.	Yes
(b) coastal environmental values and natural coastal processes,	The proposal is used for residential purposes and will not unacceptably impact the coastal environmental values and there is not impact on coastal processes.	Yes
(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,	Appropriate standard conditions to be imposed to ensure water quality is maintained. The site is not located on any of the sensitive coastal lakes identified in Schedule 1.	Yes
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	There will be no unreasonable impact upon these features.	Yes
(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,	There is currently no public access to the foreshore from the site.	NA
(f) Aboriginal cultural heritage, practices and places,	The allotment is not known as a place of Aboriginal significance. There is no impact in terms of	Yes

	Aboriginal heritage.		LPP064-21
(g) the use of the surf zone.	The development is not located near the surf zone.	NA	
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:			
(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	The proposal is generally satisfactory in terms of impact as discussed throughout this report	Yes	
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The proposal is generally satisfactory and has been designed to reduce impacts.	Yes	
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact	The proposal is generally satisfactory and has been designed to minimise impacts.	Yes	
<b>14 Development on land within the coastal use area</b>			
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:			
(a) has considered whether the proposed development is likely to cause an adverse impact on the following:			
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	There is no public access in this location.	Yes	
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The proposal will not impact any public space.	Yes	
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	No impact.	Yes	
(iv) Aboriginal cultural heritage, practices and places,	The property is not a known site of Aboriginal heritage.	Yes	
(v) cultural and built environment heritage, and	The site does not contain or adjoin any heritage items.	Yes	
(b) is satisfied that:			
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Proposal is generally satisfactory in terms of impact as discussed throughout this report.	Yes	
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The development does not result in any unreasonable impacts.	Yes	
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	The development does not result in any unreasonable impacts.	Yes	
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	Development is generally satisfactory in terms of the built form controls in Kogarah LEP 2012 and Development Control Plan	Yes	

2013.

LPP064-21

## **GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO 2 — GEORGES RIVER CATCHMENT**

28. The main aims and objectives of this plan include but are not limited to the following:

- *To maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,*
- *To protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,*
- *To ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,*
- *To establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,*

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

## **DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

### Draft Environment State Environmental Planning Policy

29. The Draft Environment State Environmental Planning Policy was exhibited from 31 October 2017 to 31 January 2018. This consolidated State Environmental Planning Policy 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 State Environmental Planning Policies:

- 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.

### Draft Remediation of Land State Environmental Planning Policy



30. The Draft Remediation of Land State Environmental Planning Policy was exhibited from 31 January 2018 to 13 April 2018. The proposed remediation of land State Environmental Planning Policy will:

- *Provide a state-wide planning framework for the remediation of land;*
- *Maintain the objectives and reinforce those aspects of the existing framework that have worked well;*
- *Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;*
- *Clearly list the remediation works that require development consent;*
- *Introduce certification and operational requirements for remediation works that can be undertaken without development consent.*

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

### KOGARAH LOCAL ENVIRONMENTAL PLAN 2012

31. The extent to which the proposed development complies with the Kogarah Local Environmental Plan 2012 (KLEP 2012) is detailed and discussed in the table below.

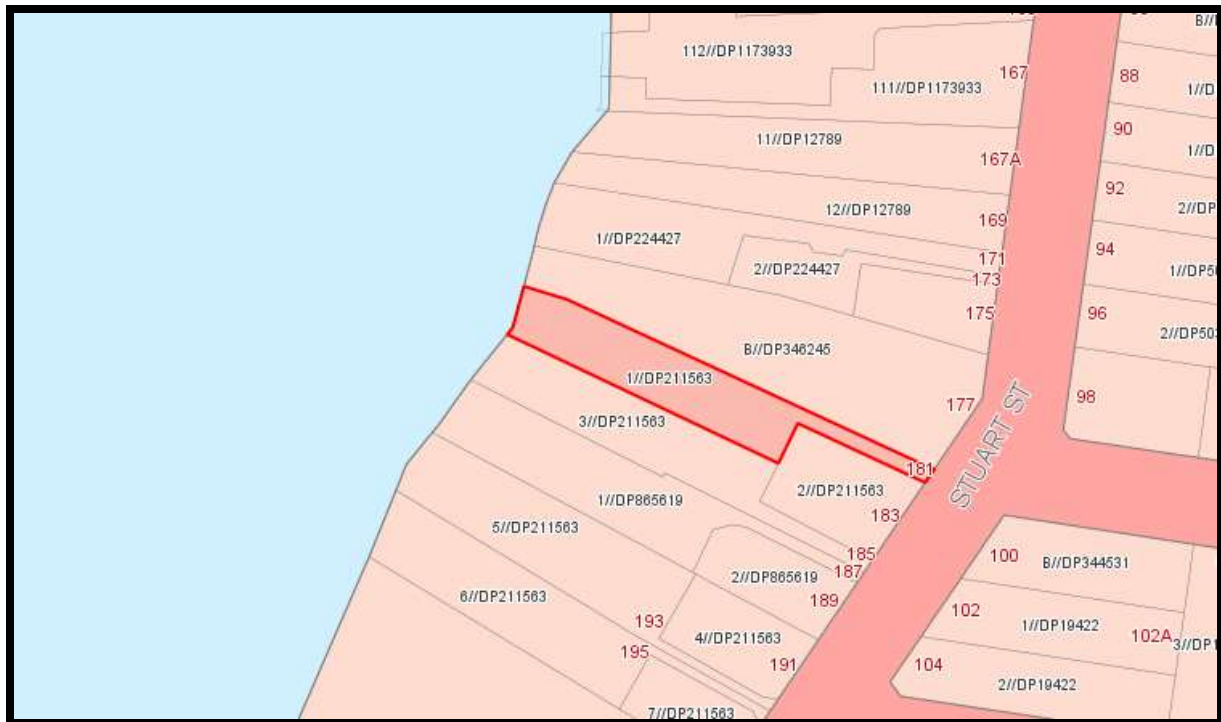


Figure 4: Land zoning map (site edged red)

Clause	Standard	Proposed	Complies
<b>Part 1 – Preliminary</b>			
1.2 – Aims of the Plan	In accordance with Clause 1.2 (2)	The development is considered to be consistent with the aims of the plan.	Yes
<b>Part 2 - Permitted or prohibited development</b>			
2.3 - Zone objectives and Land Use Table	Meets objectives of R2-Low Density Residential Zone.	The proposal is not inconsistent with the objectives of the zone.	Yes

	Development must be permissible with consent	The proposal is permissible with development consent.	Yes
<b>Part 5 - Miscellaneous Provisions</b>			
5.7 – Development below mean high water mark	(2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).	The proposal does not involve works below the Mean High Water Mark.	Yes
5.10 – Heritage conservation	In accordance with Clause 5.10 (2)	The site is not a heritage item and not located within the vicinity of any heritage items. Site is not in a heritage conservation area.	Yes
5.11 – Bush Fire Hazard Reduction	Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.	The subject land is not within a bush fire prone area.	Yes
<b>Part 6 - Additional Local Provisions</b>			
6.1 – Acid sulfate soils	<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p><b>Class 5:</b> Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land.</p>	Subject site is located in a Class 5 Acid Sulfate Soils Area.	Yes
6.2 – Earthworks	<p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are</p>	The proposed earthworks are ancillary to the proposed	Yes

	<p>exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p>	development and are acceptable for this form of development.	
6.3 – Flood planning	<p>(2) This clause applies to—</p> <p>(a) land identified as “Flood planning area” on the Flood Planning Map, and</p> <p>(b) other land at or below the flood planning level.</p>	The proposed development is not located in a mapped flood prone area.	Yes
6.4 – Limited development on foreshore area	In accordance with Clause (2) and (3)	The proposed inclinor provides access to the waterfront and is permissible development on the foreshore area.	Yes

### Georges River Local Environmental Plan 2021

32. The Georges River Local Environmental Plan 2021 was gazetted on 8 October 2021.
33. In relation to this development site the zoning, height and floor space ratio remain unchanged.
34. Consideration is given to the provisions of Georges River Local Environmental Plan 2021 in the assessment this application.
35. In this regard, the provisions have no determining weight as a result of proposed operation of Clause “1.8A Savings provisions relating to development applications” of the Draft Plan which provides “If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”

### DEVELOPMENT CONTROL PLANS

36. The proposed development is subject to the provisions of Chapters C3 and C4 of the Kogarah Development Control Plan 2013. The following comments are made with

respect to the proposal considering the objectives and controls contained within the Development Control Plan.

Control	Proposed	Complies
<b>Chapter C3 Foreshore and Waterfront Controls</b> <b>Section 6.9 Inclinator and Stairs</b>		
(1) Inclinator and stairs to enable pedestrian access to the waterfront are permitted between the FBL and MHWL.	Noted.	Yes
(2) Inclinator and stairs shall generally be constructed as close as practical to natural ground level. However, natural features along the foreshore are to be retained and the removal of natural rock, trees and vegetation to enable the construction of an inclinator and stairs will not be supported.	<p>The design of the inclinator is suitable for the extremely steep terrain of the property.</p> <p>The length of the inclinator is 43.4m and it is to be constructed on an angle of 38 degrees.</p> <p>The maximum height above ground is 4.06m.</p> <p>No natural rock is to be removed to accommodate the inclinator and the three trees proposed for removal are supported by Council's Arborist subject to replanting six trees on site.</p>	Yes

LPP064-21

## IMPACTS

### *Natural Environment*

37. The proposal seeks to remove three onsite trees and the pruning of four neighbouring trees.
38. The proposal has been assessed and endorsed by Council's Consultant Arborist. If the application was to be supported conditions would be imposed for replacement trees to be provided.
39. In relation to the proposed pruning of overhanging branches of four trees located on the adjoining site at No. 185 Stuart Street (an issue raised by the owner of said property in their submission on the DA), Council's Tree Management Policy allows selective pruning to remove branches causing conflict through encroachment on own or neighbouring buildings, through a development consent or a tree permit.
40. Further, owners consent of the land owner is not required if the pruning is undertaken to the property boundary, and not beyond.



41. The applicant's Arborist has confirmed that:

*"The trees identified for clearance pruning include Tree No's. 4 (Cheese Tree), No. 7 (African Olive) and No. 9 (Port Jackson Fig). The canopy of each above mentioned tree overhangs the adjoining boundary line. In my opinion the pruning works can be undertaken from within the subject property at 181 Stuart Street. The extent of pruning should not extend beyond the adjoining boundary line."*

42. Council is satisfied the proposed works do not require owners consent for the pruning of the overhanging branches and that the required pruning will not require entry onto the adjacent land.
43. The proposed works will not directly impact the natural environment.

### **Built Environment**

44. The location of the proposed inclinator is such that there will be no adverse view impacts on neighbouring properties. The rail is located as close to natural ground level as possible. Existing dwellings in the immediate locality are located generally at the level of the existing dwelling on the site which is substantially higher than the location of the inclinator.
45. The built form of the proposal is suitable for the site and local context.

### **Social Impact**

46. The assessment demonstrates that the proposal in its current form will have an no adverse impact on the character of the locality and the amenity of neighbouring residential properties.

### **Economic Impact**

47. The proposal is not considered to result in unreasonable material economic impact.

### **Suitability of the Site**

48. The site is zoned R2 – Low Density Residential. The proposal is a permissible form of development in this zone, it is considered that the proposal will not have an adverse impact on the adjoining properties or visual impact from the waterway.

## **SUBMISSIONS, REFERRALS AND THE PUBLIC INTEREST**

49. The application was advertised and adjoining residents were notified by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. Two submissions were received during the neighbour notification period.

### **Issue: Potential aboriginal heritage on the site**

**Comment:** The applicant has confirmed an AHIMS search for this site reveals there are no currently recorded Aboriginal sites or places on or in the vicinity of this site. In addition, a site visit undertaken by the assessing officer and author of this report confirms there were no site features to indicate potential aboriginal heritage. In any case, a condition has been included in the consent, should the application be approved, that states:

*Archaeological Discovery During Excavation -*

- (a) *Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.*
- (b) *Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.*
- (c) *Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;*
- (d) *If the discovery is on Council's land, Council must be informed.*

**Issue: Pruning trees on the adjoining property at No. 185 Stuart Street, Blakehurst requires owners consent**

**Comment:** Pruning overhanging branches of a neighbouring tree, where entry into the adjoining property is not required to undertake the pruning, does not require owners consent pursuant to the Tree Management Policy. Further discussion is provided in at paragraphs 36 to 42 of this report.

**Issue: Obstruction of the right of way resulting in beneficiaries being unable to freely use the pathway**

**Comment:** The applicant has demonstrated through a longitudinal section plan that the clearance above the right of way at any point is sufficient for the reasonable enjoyment of the right of way by the beneficiaries. The inclinator rail is between 3.4m and 4m above the pathway where it crosses the ROW.

The foundations of the inclinator are clear of the ROW and of a distance away from the ROW such that a pedestrian carrying watercraft could reasonably navigate the pathway without being obstructed by the supporting structures of the inclinator.

Council is satisfied the design of the inclinator will not obstruct the use of the ROW.

**Issue: Construction of the inclinator over the right of way, and lodgement of the DA for the proposed works, requires owners consent**

**Comment:** There is no legal requirement that beneficiaries of the ROW provide their consent to the works forming part of the Development and traversing the ROW prior to the grant of development consent to the DA. Nor must the consent of the beneficiaries of the ROW be given to the lodgement of the DA prior to its determination as a result of works being undertaken on or over the ROW.

**Council Referrals**

Consultant Arborist

50. No objections were raised for the removal of trees subject to replanting new trees, the pruning of four neighbouring trees. If the application was to be supported conditions of consent would be imposed.

## External Referrals

### Ausgrid

51. The application was referred to Ausgrid as per Clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007. No conditions required.

## Contributions

52. The development is subject to Section 7.12 (former Section 94A Contribution) contribution as the proposed cost of works exceed \$100,000.00. In accordance with Council's Section 94A Contributions Plan 2017, Section 7.12 – Fixed Development Consent Levies are applicable and a condition of consent requiring payment of the contribution will be imposed should the application be supported.

## CONCLUSION

53. Development consent is sought for tree removal, site works and construction of an inclinator from the dwelling to the waterfront along the southern side boundary of the site
54. 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 a reasonable development form for the site and is consistent with the existing desired future character of development in this location and immediate locality.
55. The proposal has been assessed against the provisions of the relevant State planning policies, Kogarah Local Environmental Plan 2012 and Kogarah Development Control Plan 2013 and is consistent with all relevant controls.

## DETERMINATION AND STATEMENT OF REASONS

### Statement of Reasons

118. The reasons for this recommendation are:
- The proposed development complies with the requirements of the relevant environmental planning instruments and development control plan.
  - The proposed design has been sensitively considered to be consistent with the existing and desired future character for development in this area.

## DETERMINATION

119. THAT pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, as amended, the Georges River Local Planning Panel grant development consent to Development Application DA2021/0231 for tree removal, site works and construction of an inclinator on Lot 1 in DP211563, known as 181 Stuart Street, Blakehurst subject to the following conditions:

## Development Details

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	Sheet 1	28.4.21		PR King & Sons Pty Ltd
Inclinor Design Plan	Sheet 2	28.4.21		PR King & Sons Pty Ltd

Inclinor Longitudinal Section	Sheet 3	28.4.21		PR King & Sons Pty Ltd
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**Reports relied on:**

Description	Reference No.	Date	Revision	Prepared by
Arboricultural Impact Assessment		14 May 2021	B	Joanne Willis

**Separate Approvals Required Under Other Legislation**

2. **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.

**Prior to the Issue of a Construction Certificate**

3. **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](http://www.georgesriver.nsw.gov.au)).

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

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$160.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Georges River Council Section 94A Development Contributions Plan 2017	\$2,277.00

**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

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan 2017.

### 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](http://www.georgesriver.nsw.gov.au).

4. **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: \$160.00
- 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.

5. **Site Management Plan**

### Minor Development

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

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.

6. **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.

7. **Compliance with submitted Arborist Report** – The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment, prepared by Joanne Willis, AQF 5 Consulting Arborist, dated 14 May, 2021, Rev B, must be implemented throughout the relevant stages of site set up, demolition, excavation construction and landscaping. 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) TPZ as per AS4970 - 2009 Fencing distance out from trunk
T1 – <i>Eucalyptus pilularis</i>	Within site	10.6m
T2 - <i>Eucalyptus pilularis</i>	Within site	11.4m
T3 - <i>Eucalyptus pilularis</i>	Within site	7.8m
T4 – <i>Glochidion ferdinandi</i>	Neighbours tree, within No 185 Stuart St	2.0m
T7 – <i>Olea europaea</i>	Neighbours tree, within No 185 Stuart St	4.6m
T8 – <i>Jacaranda mimosifolia</i>	Neighbours tree, within No 185 Stuart St	2.3m
T9 – <i>Ficus rubiginosa</i>	Neighbours tree, within No 185 Stuart St	15.0m

- a) The client shall engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation, with a letter of engagement forwarded to the nominated PCA.

- b) A certificate of compliance letter from the AQF 5 Arborist must be forwarded to the PCA – Principal Certifying Authority, at three (3) stages being, before works, during works and once all building works have been completed, that tree protection measures have been installed and being maintained during the building process.

### **Tree Protection Measures – Impact Assessment (Arborist Report)**

All tree protection measures must be in accordance with the Arboricultural Impact Assessment prepared by Joanne Willis, AQF 5 Arborist

- c) All trees on Council property, subject site and adjacent sites, to be retained must be protected before site set up and maintained during demolition, excavation and construction of the site.
- d) Although trees may be on adjacent sites, the tree protection fencing must be placed on the nominated distances as per table above, out from the trees trunk, within the subject site to minimise impacts to neighbours trees and kept for the entirety of the project.
- e) The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- f) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation.
- g) The engaged AQF 5 Consulting Project Arborist must be present on-site during the stages of site set up, 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.
- h) In accordance with 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 out 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.
- i) The tree protection fencing must be kept in place during demolition, excavation and 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.
- j) To preserve all trees upon the site and protect from foot traffic and erosion, no work shall commence until the Tree Protection Zones have been protected with 100mm of organic mulch laid, timber sleepers at 200mm x 100mm laid over the top and secured with metal framing bands as per AS4970 -2009, clause 4.5.3 Ground protection. This is to protect tree roots of those trees to be protected.
- k) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.

- l) No building products, preparation of building products, storage of materials, stockpiling, site sheds or services shall be installed within the TPZ of the trees to be retained.

#### **Excavation works near tree to be retained - pad/ pier foundations**

- m) Excavations around the trees to be retained on site, Councils street verge or the adjoining properties shall be supervised by the AQF 5 Project Arborist to ensure that the root system will not adversely be affected.
- n) All foundation pads must only be completed by hand, *Air spade* or *hydro vac* type of non destructive methods and under the guidance of the engaged AQF 5 Consulting Arborist, who must provide guidance during excavations and to ensure root locations and delamination of roots are minimised by the proposed works.
- o) The AQF 5 Arborist must provide a letter of findings to the PCA prior to an Occupation Certificate, with photographs of each pad/ pier hole, ensuring the trees viability is ensured.
- p) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the AQF 5 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.
- q) Tree Protection Zones 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.
- r) Removal or pruning of any other tree (that would require consent of Council) on the site is not approved. All pruning must be undertaken by a qualified Arborist in accordance with AS4373 -2007 Pruning of Amenity Trees and Amenity Tree Industry, Code of Practice (SafeWork NSW August 1998).

#### **8. Tree pruning**

- a) Tree pruning required at No – 185 Stuart St – Neighbours trees
- b) Any necessary pruning of overhanging branches relating to trees 4, 7, 8 and 9, within the Arborist Report, located within the back yard of No 185 Stuart St , are subject to approval by the owners of the trees and with a separate tree pruning application subject to approval. If approved pruning must be conducted in accordance with - AS 4373 - 2007, *Pruning of amenity trees*, Pruning class – “S” – Selective pruning – clause 7.2.4 and completed by a minimum, AQF Level 3 Arborist.

#### **9. Tree Removal & Replacement**

- a) Tree removal

In accordance with Georges River Tree Management Policy 2019, a 2:1 Policy is to be implemented. For every one (1) tree to be removed, two (2) trees shall be planted on the subject site to compensate for the loss of each tree.

Permission is granted for the removal of the following three (3) trees:



Tree Species	Number of trees	Location
T5 & 6 – <i>Acacia longifolia</i>	X2	Within the site, proposed inclinator
T10 – <i>Dypsis lutescens</i>	X1	Within the site, proposed inclinator

### 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.

Summary	
Number of trees removed from site	X3
Number of trees to be planted within the site as per this consent	X6

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

10. **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 the Principal Certifying Authority (PCA) and Council for their records.
11. **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 Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
  - f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.

- g) 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.

12. **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

13. **Archaeological Discovery During Excavation -**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
- (d) If the discovery is on Council's land, Council must be informed.

14. **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.

15. **Hours of construction for demolition and building work** - Unless authorised by Council:
- a. Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
- b. Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.

16. **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.
17. **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.
18. **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.
19. **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**

20. **Completion of Landscape Works**
  - a) All landscape works and the planting of six (6) Australian Native trees, minimum 45 litre pot/ bag size must be completed before the issue of the Final Occupation Certificate.
  - b) A certificate of compliance for the planting of all trees by the engaged AQF 5 Consulting Arborist and in writing certify that all six (6) trees have been planted as per this consent and forwarded to the PCA – Principal Certifying Authority.

#### **Operational Conditions (On-Going)**

21. **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.
22. **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, fertilising, pest and disease control, replacement of dead or dying plants and other operations required to maintain healthy trees, plants and turfed areas.

#### **Tree Protection Measures**

A final certificate of compliance letter to the PCA, once all building and landscape works

have been completed, from the engaged AQF 5 Consulting Arborist, that tree protection measures have been installed and maintained for the entirety of the project and report on the condition of the trees that as part of this Consent, were to be protected and retained.

#### **Tree Replacement within subject site**

- a) A minimum of 6 x 45 litre size trees, which will attain a minimum mature height of nine (9) metres, shall be planted within the property. The trees are to conform to AS2303 – 2018, *Tree stock for landscape use*.
- b) Tree species selected shall be from Georges River Councils Tree Management Policy, April 2019. Appendix 1 – Tree Planting.
- c) If the replacement trees 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.
- d) A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

#### **Operational Requirements Under the Environmental Planning & Assessment Act 1979**

23. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
24. **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:

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

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

25. **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.

26. **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.

27. **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](#).

28. **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.

29. **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

30. **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.
31. **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.
32. **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](#).
33. **Clause 98E - Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the

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

34. **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

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1. **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.

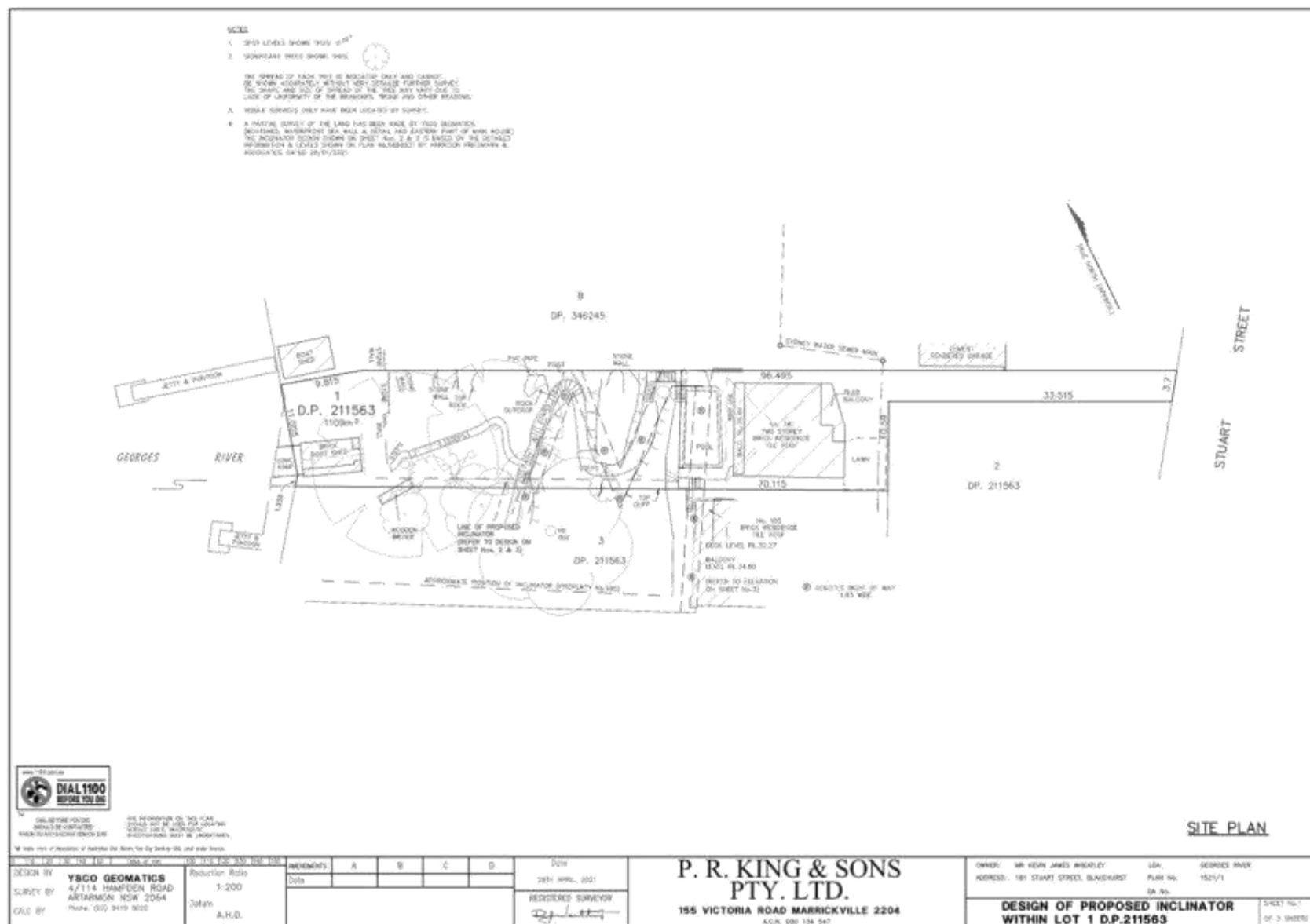
Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

2. **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.
3. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

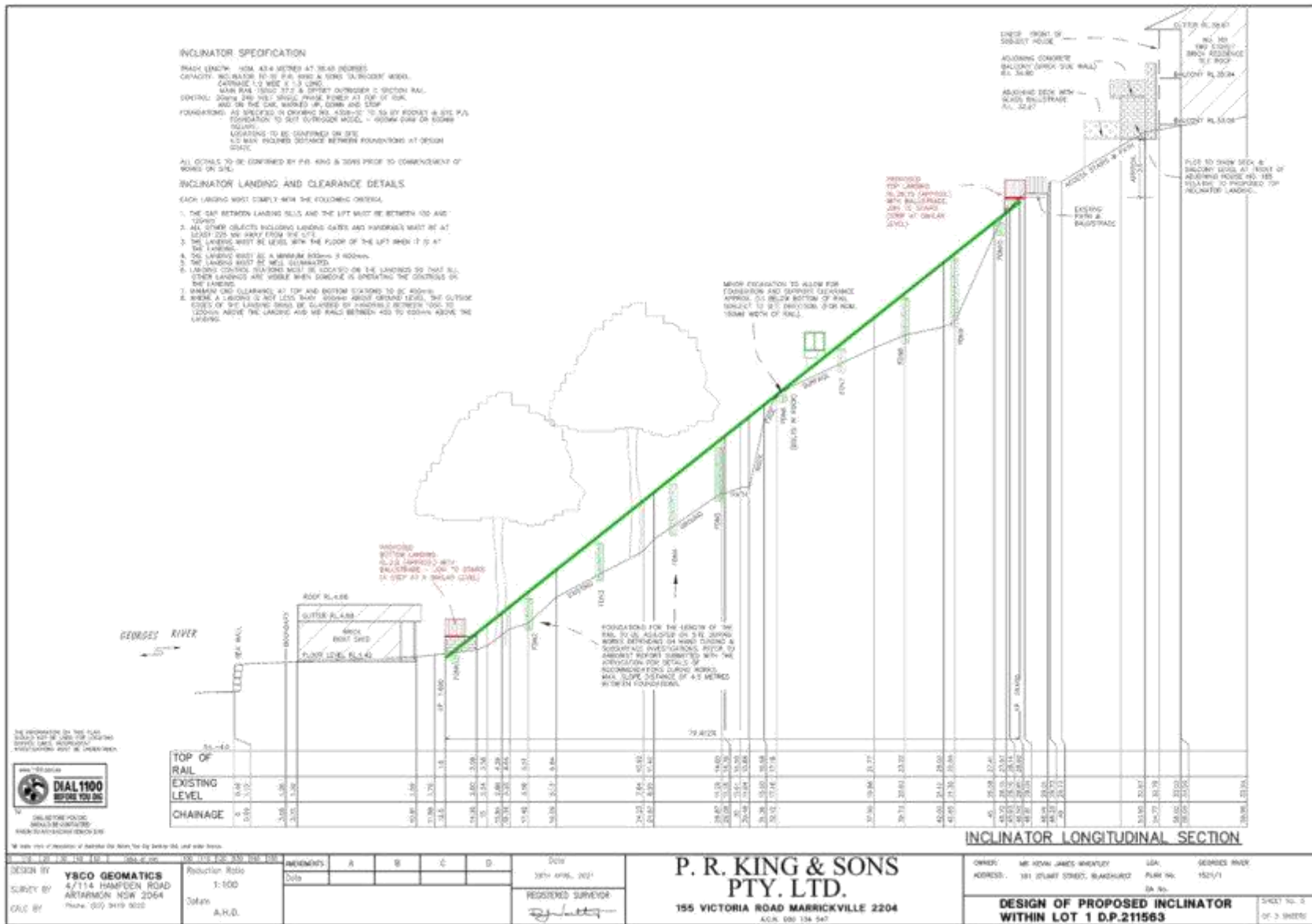
### ATTACHMENTS

Attachment [1](#)  Site and Design Plans









# REPORT TO GEORGES RIVER COUNCIL LPP MEETING OF THURSDAY, 18 NOVEMBER 2021

LPP065-21

<b>LPP Report No</b>	<b>LPP065-21</b>	<b>Development Application No</b>	<b>DA2021/0127</b>
<b>Site Address &amp; Ward Locality</b>	98-100 Forest Road, Hurstville Hurstville Ward		
<b>Proposed Development</b>	Demolition of existing buildings, construction of a single storey Centre based childcare facility, operating hours 7AM to 6PM Monday to Friday.		
<b>Owners</b>	Savson Pty Ltd		
<b>Applicant</b>	T Olafson		
<b>Planner/Architect</b>	Tudor Planning and Design / CMT Architects		
<b>Date Of Lodgement</b>	21/04/2021		
<b>Submissions</b>	One (1) submission		
<b>Cost of Works</b>	\$1,858,649.00		
<b>Local Planning Panel Criteria</b>	The application is for the construction of a centre-based child care centre which is required to be determined by the Georges River Local Planning Panel via Council delegations.		
<b>List of all relevant s.4.15 matters (formerly s79C(1)(a))</b>	Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Draft Environmental State Environmental Planning Policy, Draft State Environmental Planning Policy – Remediation of Land, Hurstville Local Environmental Plan 2012, Hurstville Development Control Plan No 2, Georges River Stormwater Management Policy, Georges River Local Environmental Plan 2021.		
<b>List all documents submitted with this report for the Panel's consideration</b>	Architectural Plans, Statement of Environmental Effects, Acoustic Report, Traffic Report, Stormwater Plans, Landscape Plan		
<b>Report prepared by</b>	Senior Development Assessment Planner		

<b>Recommendation</b>	That the application be approved subject to the condition of consent in this report.
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<b>Summary of matters for consideration under Section 4.15</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental	<b>Yes</b>

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?	
<b>Clause 4.6 Exceptions to development standards</b> 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?	<b>Not Applicable</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	<b>Not Applicable</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	<b>No, standard conditions have been attached with no design changes</b>

### Site Plan



### Executive Summary Proposal

- The development application seeks consent for demolition works and construction of centre-based child care facility on land legally described Lot 1 in DP 78044, Lots 8 and 9A in DP 5337, known as 98-100 Forest Road, Hurstville.
- The centre will cater for 64 children in a single storey building including a parking area for twelve (12) vehicles.



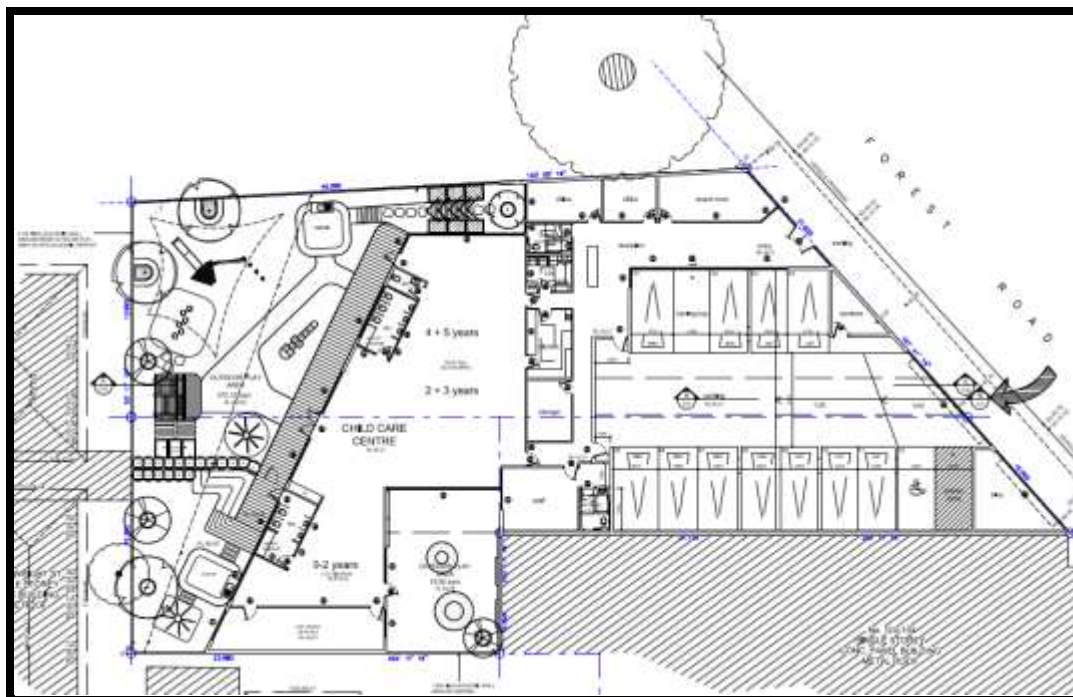


Figure 1: Proposed child care centre site plan

### Site and Locality

3. The site is an irregular shape with a frontage of 31.725m to Forest Road. The allotment has an area of 1,340.5sqm. The site is located on the western side of Forest Road, approximately 110m north of the intersection with Durham Street and Wright Street.
4. The site is currently occupied by two single storey buildings currently occupied by a door manufacturing and sales business.
5. Adjoining the site to the south is a car sales and service yard (Ferguson's Toyota) and to the north is Hurstville Public School.

### Zoning and Permissibility

6. The site is zoned B2 Local Centre under the Hurstville Local Environmental Plan 2012 (HLEP). The application seeks consent for a 64 place child care centre which is defined as a "*centre-based child care facility*" being a permissible use within the zone with development consent.

### Submissions

7. The application was notified in accordance with the provisions contained within the Hurstville Development Control Plan. In response, one submission was received. The relevant concerns raised within the submissions have been addressed in detail later in this report.

### Conclusion

8. An assessment has been undertaken in accordance with the applicable assessment criterion as outlined in this report and the proposal is recommended for approval.

### Report in Full

#### Proposal

9. The application seeks consent for demolition of the existing building and construction of a single level centre-based child care facility for 64 children including a parking area for twelve (12) vehicles. The child mix is 12 x 0-2 year olds and 52 x 2-5 year olds.



10. The proposal is described on the architectural plans in further detail as follows:

- driveway access from Forest Road to a parking area containing twelve (12) parking spaces (3 x staff and 9 x visitor spaces, including one accessible space) and a service room;
- a separate roller door is proposed from Forest Road to provide access to the bin store room;
- separate pedestrian access is provided to the entry lobby from Forest Road;
- board room, 2 x offices, accessible WC, laundry, kitchen, store room, staff room and accessible WC;
- indoor play area for 102 year olds (12 children) – 39.36sqm, cot room, nappy change area and children's toilets;
- outdoor play area of 75.92sqm;
- indoor play area for 2-5 year olds (52 children) – 182.87sqm, nappy change area, children's toilets;
- outdoor play area at the rear of the site having an area of 372.15sqm.

### Site and Locality

11. The site is an irregular shape with a frontage of 31.725m to Forest Road. The allotment has an area of 1,340.5sqm. The site is located on the western side of Forest Road, approximately 110m north of the intersection with Durham Street and Wright Street.
12. The site is currently occupied by two single storey buildings currently occupied by a door manufacturing and sales business (Figure 2).
13. Adjoining the site to the south is a car sales and service yard (Ferguson's Toyota) (Figure 3) and to the north is Hurstville Public School (Figure 4).
14. Development opposite the site is characterised by one and two storey commercial development (Figure 5).



Figure 2: Existing development on the site



Figure 3: Development south of the site



Figure 4: Hurstville Public School – north of the site





Figure 5: Development opposite the site

### Zoning and Permissibility

15. The subject land is zoned B2 Local Centre under the provisions of the Hurstville Local Environmental Plan 2012 (HLEP 2012). The proposed development is defined by the Hurstville Local Environmental Plan 2012 as a '*Centre-based child care facility*' which is a permitted land use in the zone with consent.

### Submissions

16. The proposed development was notified to the immediate and surrounding residents. In response, one submission was received by Council and is addressed in detail later in this report.

### PLANNING ASSESSMENT

17. The site has been inspected and the proposed development has been assessed under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

### STATE ENVIRONMENTAL PLANNING POLICIES

#### State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

18. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education and Child Care SEPP) commenced on 1 September 2017 and aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.
19. The guidelines require centres provide indoor play areas at a rate of 3.25sqm/child (64 children would require 208sqm) and outdoor play areas at a rate of 7sqm/child (64 children would require 448sqm).
20. The architectural plans state the proposal provides the following areas of indoor and outdoor play areas:
  - a. Indoor play area - 221sqm;
  - b. Outdoor play area - 448sqm.

21. The plans submitted with the application correctly calculate the unencumbered indoor play areas.

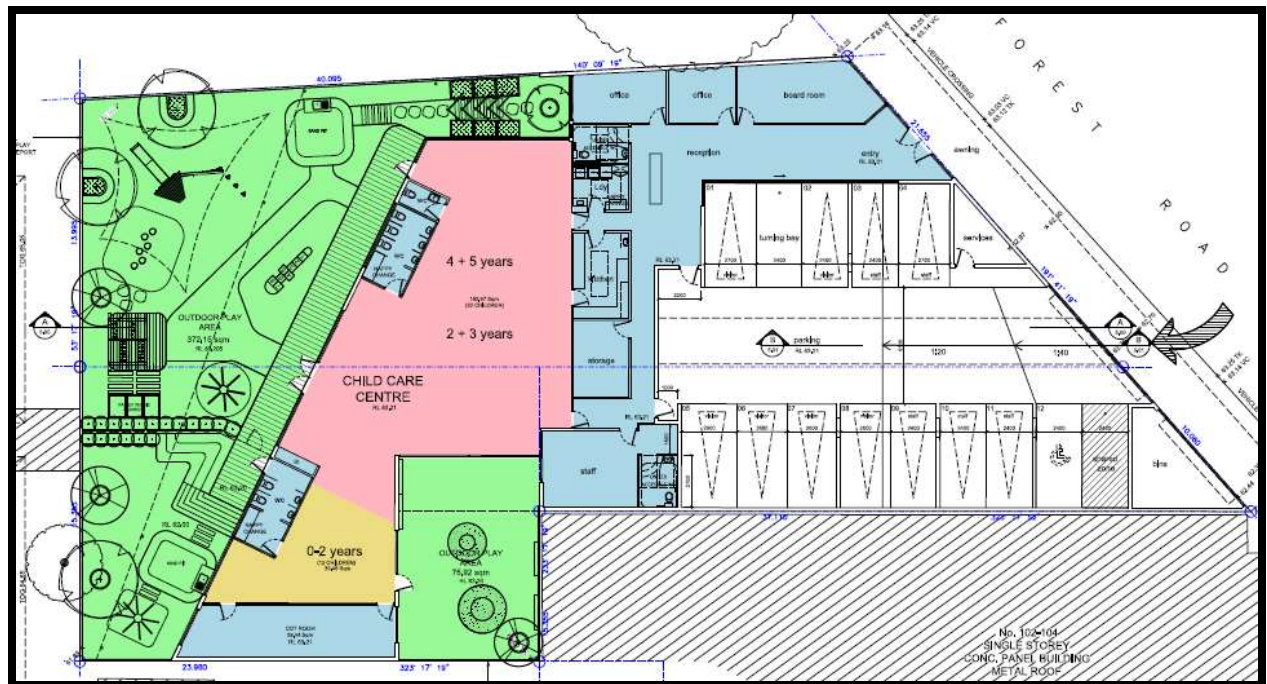


Figure 6: Play Area calculations

22. An assessment of the proposal against the Child Care Planning Guidelines is provided in the following table.

Child Care Planning Guideline Compliance Table		
Controls	Proposed	Complies
<b>3.1 Site selection and location</b>		
<b>C1- For proposed developments in or adjacent to a residential zone consider:</b>		
<ul style="list-style-type: none"> <li>the acoustic and privacy impacts of the proposed development on the residential properties</li> </ul>	<p>The site adjoins residential land to the northwest and southwest. The outdoor area directly adjoins the rear, and part of the side boundary shared with the residential neighbours.</p> <p>An acoustic fence is proposed to the north-western (2.1m high) and south-western (1.8m high) site boundaries of the outdoor play spaces and Council's Health Officer supports the proposal as the centre will not have unreasonable acoustic impacts on the residential neighbours.</p>	Yes
<ul style="list-style-type: none"> <li>the setbacks and siting of buildings within the residential context</li> </ul>	<p>The building is setback between 4.4m and 17m from the rear boundary and is located on a nil setback to the southwestern side boundary. The proposal is suitable given the unusual pattern of residential and commercial land uses in this locality.</p>	Yes

<ul style="list-style-type: none"> <li>traffic and parking impacts of the proposal on residential amenity</li> </ul>	Council's Traffic Engineer supports the application and the required number of parking spaces are provided.	Yes
<b>C2 - When selecting a site, ensure that:</b>		
<ul style="list-style-type: none"> <li>the location and surrounding uses are compatible with the proposed development or use</li> </ul>	The proposal is compatible with the mix of residential and commercial uses in the locality.	Yes
<ul style="list-style-type: none"> <li>the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> </ul>	There are no hazards affecting the site.	Yes
<ul style="list-style-type: none"> <li>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</li> </ul>	<p>A Detailed Site Investigation Report and Remediation Action Plan were submitted.</p> <p>Conditions of consent have been included in this regard.</p>	Yes
<ul style="list-style-type: none"> <li>the characteristics of the site are suitable for the scale and type of development proposed having regard to:               <ul style="list-style-type: none"> <li>- size of street frontage, lot configuration, dimensions and overall size</li> <li>- number of shared boundaries with residential properties.</li> <li>- the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas.</li> </ul> </li> </ul>	The proposal is a suitable response to the mix of development surrounding the site, including a school, residential and commercial uses.	Yes
<ul style="list-style-type: none"> <li>there are suitable drop off and pick up areas, and off and on street parking</li> </ul>	The parking area is located within the building and internal access into the centre is provided, as well as pedestrian access from Forest Road into the centre.	Yes
<ul style="list-style-type: none"> <li>the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> </ul>	This section of Forest Road is classified as a Local Road. Council's Traffic Engineer raises no concern with the proposal. Entry and exit into and out of the car park will be left in and left out, with a condition to construct a median island on Forest Road.	Yes
<ul style="list-style-type: none"> <li>it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises</li> </ul>	The site is not located close to any incompatible land uses.	Yes

and sex services premises.		
<b>C3 - A child care facility should be located:</b>		
<ul style="list-style-type: none"><li>▪ near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li></ul>	The site is suitably located to such uses.	Yes
<ul style="list-style-type: none"><li>▪ near or within employment areas, town centres, business centres, shops</li></ul>		
<ul style="list-style-type: none"><li>▪ with access to public transport including rail, buses, ferries</li></ul>		
<ul style="list-style-type: none"><li>▪ in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li></ul>		
<b>C4- A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from proximity to:</b>		
<ul style="list-style-type: none"><li>▪ heavy or hazardous industry, waste transfer depots or landfill sites</li><li>▪ LPG tanks or service stations</li><li>▪ water cooling and water warming systems</li><li>▪ odour (and other air pollutant) generating uses and sources or sites</li><li>▪ which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</li><li>▪ extractive industries, intensive agriculture, agricultural spraying activities</li><li>▪ any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.</li></ul>	The site is not located in close proximity to any such land uses or activities.	Yes
<b>3.2 Local character, streetscape and the public domain interface</b>		
<b>C5 - The proposed development should:</b>		
<ul style="list-style-type: none"><li>▪ contribute to the local area by being designed in character with the locality and existing streetscape</li></ul>	The proposal is not inconsistent with the mixed residential and commercial uses in this locality.	Yes
<ul style="list-style-type: none"><li>▪ reflect the predominant form of surrounding land uses, particularly in low density residential areas</li></ul>		
<ul style="list-style-type: none"><li>▪ recognise predominant streetscape qualities, such as building form, scale, materials and colours</li></ul>		



<ul style="list-style-type: none"> <li>include design and architectural treatments that respond to and integrate with the existing streetscape</li> </ul>		
<ul style="list-style-type: none"> <li>use landscaping to positively contribute to the streetscape and neighbouring amenity</li> </ul>	The site is located in the city centre area of Hurstville where front setbacks are not common.	NA
<ul style="list-style-type: none"> <li>integrate car parking into the building and site landscaping design in residential areas.</li> </ul>	The site is not in a residential area.	NA
<b>C6 - Create a threshold with a clear transition between public and private realms, including:</b>		
<ul style="list-style-type: none"> <li>fencing to ensure safety for children entering and leaving the facility</li> </ul>	Fencing is not required as part of the design.	NA
<ul style="list-style-type: none"> <li>windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> </ul>	Windows and glass doors are oriented to the street.	Yes
<ul style="list-style-type: none"> <li>integrating existing and proposed landscaping with fencing.</li> </ul>	Not applicable to this site.	NA
<b>C7- On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</b>	The single entry from Forest Road is easily identifiable.	Yes
<b>C9 - Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</b>	The building is located on a nil front setback which is a suitable response to the site and immediate context of Forest Road. The treatment of the front façade is not appropriate but is capable of resolution by condition.	No – Condition imposed
<b>Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</b>	The site adjoins a heritage item being Hurstville Public School. Council's Heritage Advisor has raised no concern with the proposal.	Yes
<b>C10 - High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the</b>	Not applicable as this section of Forest Road is classified as a Regional Road.	N/A

<b>boundary.</b>		
<b>3.3 Building orientation, envelope and design</b>		
<b>C11- Orient a development on a site and design the building layout to:</b>		
<ul style="list-style-type: none"> <li>ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by:</li> <li>facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>placing play equipment away from common boundaries with residential properties</li> <li>locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul>	The ground level outdoor play area is screened with 2.1m and 1.8m high acoustic fencing.	Yes
<ul style="list-style-type: none"> <li>optimise solar access to internal and external play areas</li> </ul>	The outdoor and indoor play areas are oriented to the north and will receive good solar access.	Yes
<ul style="list-style-type: none"> <li>avoid overshadowing of adjoining residential properties</li> </ul>	The proposal does not shadow residential properties.	Yes
<ul style="list-style-type: none"> <li>minimise cut and fill</li> </ul>	No excavation is proposed.	Yes
<ul style="list-style-type: none"> <li>ensure buildings along the street frontage define the street by facing it</li> </ul>	Complies.	Yes
<ul style="list-style-type: none"> <li>ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	Not applicable.	N/A
<b>C12- The following matters may be considered to minimise the impacts of the proposal on local character:</b>		
<ul style="list-style-type: none"> <li>building height should be consistent with other buildings in the locality</li> </ul>	The building height complies with the maximum 9m limit.	Yes
<ul style="list-style-type: none"> <li>building height should respond to the scale and character of the street</li> </ul>	Complies with the numeric control and is single storey.	Yes
<ul style="list-style-type: none"> <li>setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> </ul>	The proposed layout will not result in privacy impacts for residential neighbours.	Yes
<ul style="list-style-type: none"> <li>setbacks should provide adequate access for building maintenance</li> </ul>	Adequate setbacks are provided with the exception of the wall that has a nil setback to the north western boundary.	Yes
<ul style="list-style-type: none"> <li>setbacks to the street should be consistent with the existing character.</li> </ul>	The nil street setback is a suitable response to the site and local context.	Yes
<b>C13 - Where there are no prevailing setback controls minimum setback</b>	Not applicable.	N/A

<p><b>to a classified road should be 10m. On other road frontages where there are existing buildings within 50m, the setback should be the average of the two closest buildings. Where there are no buildings within 50m, the same setback is required for the predominant adjoining land use.</b></p>		
<p><b>C14 - On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</b></p>	<p>Not applicable.</p>	<p>N/A</p>
<p><b>C15- The built form of the development should contribute to the character of the local area, including how it:</b></p>		
<ul style="list-style-type: none"> <li>respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> </ul>	<p>The built form is a suitable response to the mix of residential, school and commercial land uses surrounding the site.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>contributes to the identity of the place</li> </ul>	<p>The proposal contributes positively to the identity of the locality.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>retains and reinforces existing built form and vegetation where significant</li> </ul>	<p>There is no vegetation currently on the site.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> </ul>	<p>The site adjoins a heritage item being Hurstville Public School. Council's Heritage Advisor has raised no concern with the proposal.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>responds to its natural environment including local landscape setting and climate</li> </ul>	<p>The design is a suitable response.</p>	<p>Yes</p>
<p><b>C16- Entry to the facility should be limited to one secure point which is:</b></p>		
<ul style="list-style-type: none"> <li>located to allow ease of access, particularly for pedestrians</li> <li>directly accessible from the street where possible</li> <li>directly visible from the street frontage</li> <li>easily monitored through natural or camera surveillance</li> <li>not accessed through an outdoor play area.</li> <li>in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>	<p>Complies.</p>	<p>Yes</p>
<p><b>C17- Accessible design can be achieved by:</b></p>		
<ul style="list-style-type: none"> <li>providing accessibility to and within the building in accordance with all relevant legislation</li> </ul>	<p>The proposal is capable of meeting the relevant requirements.</p>	<p>Yes</p>

<ul style="list-style-type: none"> <li>▪ linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> <li>▪ providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> <li>▪ minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> <li>▪ NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</li> </ul>		
<b>3.4 Landscaping</b>		
<b>C18- Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</b>		
<ul style="list-style-type: none"> <li>▪ reflecting and reinforcing the local context</li> <li>▪ incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>	Suitable landscape design is proposed for the outdoor play area.	Yes
<b>C19- Incorporate car parking into the landscape design of the site by:</b>		
<ul style="list-style-type: none"> <li>▪ planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>▪ taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>▪ using low level landscaping to soften and screen parking areas.</li> </ul>	Not applicable – enclosed at grade parking area proposed.	N/A
<b>C21- Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</b>		
<ul style="list-style-type: none"> <li>▪ appropriate site and building layout</li> </ul>	Indoor play rooms and outdoor play spaces are not visible from the public	Yes

<ul style="list-style-type: none"> <li>▪ suitably locating pathways, windows and doors</li> <li>▪ permanent screening and landscape design</li> </ul>	domain.	
<b>C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</b>		
<ul style="list-style-type: none"> <li>▪ appropriate site and building layout</li> <li>▪ suitable location of pathways, windows and doors</li> <li>▪ landscape design and screening.</li> </ul>	The centre will not overlook adjoining residential properties as it is single storey.	Yes
<b>C23- A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</b>		
<ul style="list-style-type: none"> <li>▪ Provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> </ul>	An acoustic wall is proposed on the north-western boundary (2.1m) and the south-western boundary (1.8m) other than the section of building located on a nil setback to that boundary.	Yes
<b>C24- A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</b>		
<ul style="list-style-type: none"> <li>▪ identify an appropriate noise level for a child care facility located in residential and other zones</li> <li>▪ determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> <li>▪ determine the appropriate height of any acoustic fence to enable the noise criteria</li> <li>▪ to be met.</li> </ul>	An Acoustic Report has been submitted with the DA which has been reviewed by Council's Health Officer. No issues are raised.	Yes
<b>3.6 Noise and air pollution</b>		
<b>C25 Adopt design solutions to minimise the impacts of noise, such as:</b>		
<ul style="list-style-type: none"> <li>▪ creating physical separation between buildings and the noise source</li> <li>▪ orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>▪ using landscaping to reduce the perception of noise</li> <li>▪ limiting the number and size of openings facing noise sources</li> <li>▪ using double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens)</li> <li>▪ using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> </ul>	Acoustic fencing of 1.8m and 2.1m high is proposed.	Yes

<ul style="list-style-type: none"> <li>locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul>		
<b>C26- An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</b>	Complies.	Yes
<b>C27- Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</b>	The site is not located in close proximity to any polluting land uses or major roads.	Yes
<b>C28- A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution.</b>	Not applicable.	N/A
<b>3.7 Hours of operation</b>		
<b>C29- Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</b>	The proposed hours of operation are 7am to 6pm weekdays.	Yes
<b>3.8 Traffic, parking and pedestrian circulation</b>		
<b>C31 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</b>	½ staff (10 staff) Required: 5 spaces Provided: 5 spaces  1/10 children (64 children) Required: 7 spaces Provided: 7 spaces	Yes    Yes
<b>C33- A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land</b>	Council's Traffic Engineer supports the proposal and provided conditions of consent for entry and exit to and from Forest Rd.	Yes



<b>uses and demonstrate how impacts on amenity will be minimised.</b> <ul style="list-style-type: none"> <li>the amenity of the surrounding area will not be affected</li> <li>there will be no impacts on the safe operation of the surrounding road network</li> </ul>		
<b>C36- The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</b>		
<ul style="list-style-type: none"> <li>separate pedestrian access from the car park to the facility</li> </ul>	Internal access is provided from the car park into the centre.	Yes
<ul style="list-style-type: none"> <li>pedestrian paths that enable two prams to pass each other</li> </ul>	The parking layout allows for passing of prams.	Yes
<ul style="list-style-type: none"> <li>delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> </ul>	The visitor parking spaces will be vacant for the most part of the day outside of drop off and pick up times for delivery vehicles to utilise. Alternatively on street parking is available on Forest Road.	Yes
<ul style="list-style-type: none"> <li>vehicles can enter and leave the site in a forward direction.</li> </ul>	Complies.	Yes
<b>C38 Car parking design should:</b>		
<ul style="list-style-type: none"> <li>include a child safety fence to separate car parking areas from the building entrance and play areas</li> </ul>	Not required in this design.	Yes
<ul style="list-style-type: none"> <li>provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> </ul>	The accessible parking space is located adjacent to the car park entry.	Yes

### State Environmental Planning Policy Vegetation 2017

23. The Vegetation State Environmental Planning Policy regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.
24. The Vegetation State Environmental Planning Policy 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).*
25. The Vegetation State Environmental Planning Policy 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.

26. The proposal does not involve the removal of any significant vegetation or trees.

### **State Environmental Planning Policy No 55 - Remediation of land**

27. The subject land has traditionally been utilized for commercial uses. The proposed use of the site as a child care centre is more intensive than the current use of the site and is highly sensitive given the increased risk of children to contaminants and the proposed concentration of children on the site.

28. A Detailed Site Investigation Report and Remediation Action Plan were submitted with the application. The DSI concludes:

*“Based on the results of this investigation it is considered that the risks to human health and the environment associated with soil contamination at the site are low to moderate within the context of the proposed use of the site for a childcare centre. The site is therefore considered to be rendered suitable for the proposed use, subject to the following:*

- *An appropriate remedial / management strategy is developed, culminating in preparation of a Remedial Action Plan (RAP) in accordance with EPA guidelines, in regards to in regards to the identified hotspot locations BH2, BH4, BH5, BH7, BH8 & BH9 and to address the above mentioned data gaps.*
- *Any soils requiring removal from the site, as part of future site works, should be classified in accordance with the “Waste Classification Guidelines, Part 1: Classifying Waste” NSW EPA (2014).”*

29. The proposal is consistent with the requirements of the State Environmental Planning Policy.

### **Draft Environmental Planning Instruments**

30. The Draft Environment State Environmental Planning Policy was exhibited from 31 October 2017 to 31 January 2018. This consolidated State Environmental Planning Policy 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 State Environmental Planning Policies:

- 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;

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

**Draft Remediation State Environmental Planning Policy**

32. The draft State Environmental Planning Policy was exhibited from 31 January to 13 April 2018. The following are the aims of the State Environmental Planning Policy as per below;

- provide a state-wide planning framework for the remediation of land;
- maintain the objectives and reinforce those aspects of the existing framework that have worked well;
- require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
- clearly list the remediation works that require development consent; and
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

33. A Detailed Site Investigation Report and Remediation Action Plan were submitted with the application. The DSI concludes:

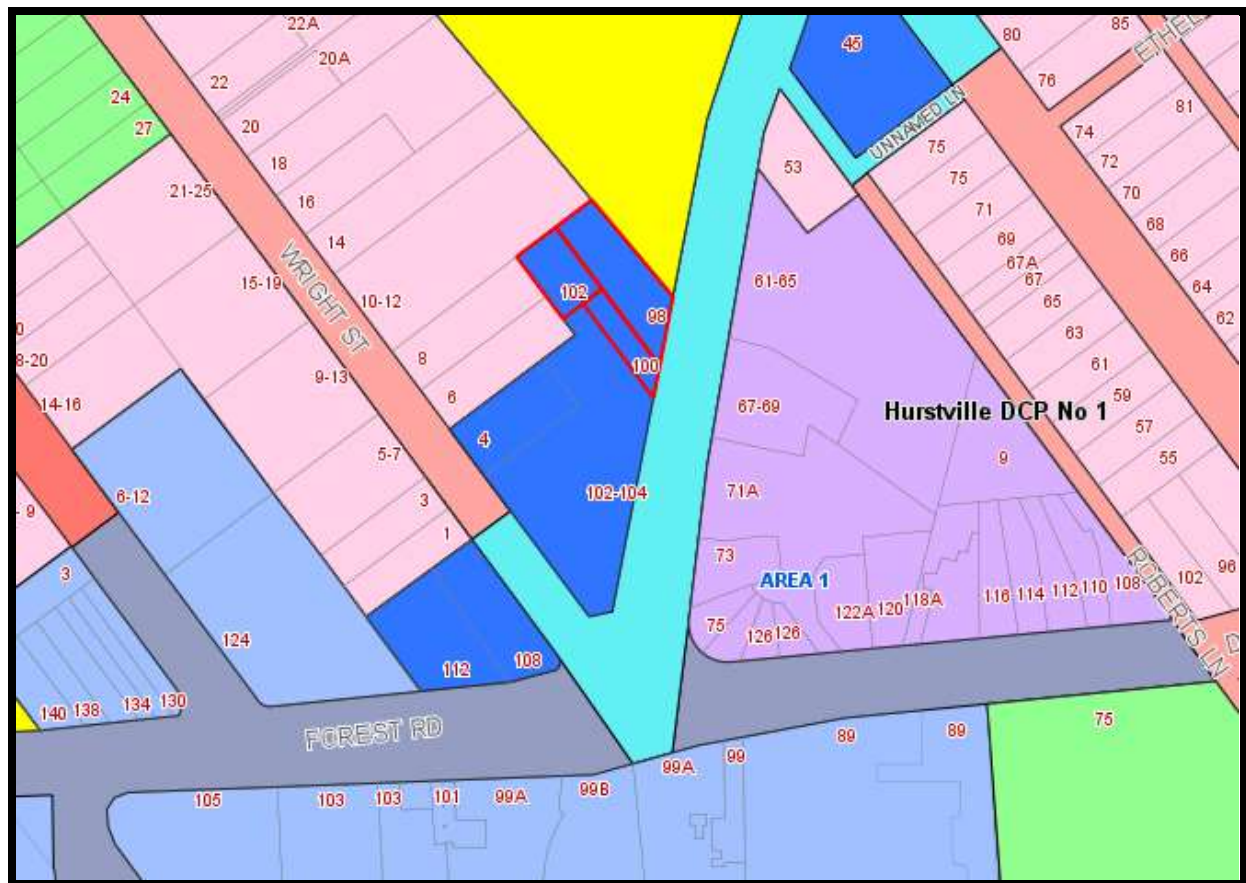
*“Based on the results of this investigation it is considered that the risks to human health and the environment associated with soil contamination at the site are low to moderate within the context of the proposed use of the site for a childcare centre. The site is therefore considered to be rendered suitable for the proposed use, subject to the following:*

- *An appropriate remedial / management strategy is developed, culminating in preparation of a Remedial Action Plan (RAP) in accordance with EPA guidelines, in regards to in regards to the identified hotspot locations BH2, BH4, BH5, BH7, BH8 & BH9 and to address the above mentioned data gaps.*
- *Any soils requiring removal from the site, as part of future site works, should be classified in accordance with the “Waste Classification Guidelines, Part 1: Classifying Waste” NSW EPA (2014).”*

34. The proposal is consistent with the requirements of the Draft State Environmental Planning Policy.

**Hurstville Local Environmental Plan 2012****Zoning**

35. The subject site is zoned B2 Local Centre under the provisions of Hurstville Local Environmental Plan 2012, a child care centre is a permissible form of development with consent.



**Figure 7:** Zone map - subject site is outlined in red

36. The extent to which the proposal complies with the relevant standards of Hurstville Local Environmental Plan 2012 (HLEP 2012) is outlined in the table below.

Clause	Standard	Assessment Under Hurstville Local Environmental Plan 2012	Complies
Part 2 – Permitted/Prohibited Development	B2 Local Centre	The Application is for an early childhood education facility. For the purposes of definition the Applicant seeks approval as a child care centre (CCC) which is permissible in the zone.	Yes
	Objectives of the Zone  • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the	The proposal complies with the zone objectives.	Yes

	<p>local area.</p> <ul style="list-style-type: none"> <li>• To encourage employment opportunities in accessible locations.</li> <li>• To maximise public transport patronage and encourage walking and cycling.</li> <li>• To maintain a commercial and retail focus for larger scale commercial precincts.</li> </ul>		
4.3 – Height of Buildings	9m as identified on Height of Buildings Map	5.9m	Yes
4.4 – Floor Space Ratio	1.5:1 as identified on Floor Space Ratio Map	0.35:1	Yes
4.5 – Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	FSR has been calculated correctly.	Yes
6.6 – Active street frontages	In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises, retail premises or medical centres.	The child care centre is a business use.	Yes
6.7 – Essential Services	<p>The following services that are essential for the development shall be available or that adequate arrangements must be made available when required:</p> <ul style="list-style-type: none"> <li>* Supply of water, electricity and disposal and management of sewerage</li> <li>* Stormwater drainage or on-site conservation</li> <li>* Suitable vehicular</li> </ul>	Adequate facilities for the supply of water and for the removal of sewage and drainage are available to this land.	Yes

	access		
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## Part 2 – Permitted or Prohibited Development

### Objectives of Zone

37. The proposed use seeks consent to provide a child care service that must satisfy the following objectives of the zone, including:
- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
  - *To encourage employment opportunities in accessible locations.*
  - *To maximise public transport patronage and encourage walking and cycling.*
  - *To maintain a commercial and retail focus for larger scale commercial precincts.*
38. The proposal will provide a service to meet the needs of the local residents and provide employment opportunities in an area very well serviced by public transport.

### Georges River Local Environmental Plan 2021

39. Consideration is given to the provisions of Georges River Local Environmental Plan 2021 in the assessment this application.
40. The zoning height and FSR remain unchanged as part of the Draft LEP.
41. In this regard, the provisions have no determining weight as a result of the operation of Clause “1.8A Savings provisions relating to development applications” of the Draft Plan which provides “*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.*”

### Development Control Plans

#### Hurstville Development Control Plan No 1 - LGA Wide

42. The proposal has been considered in accordance with the applicable subsections and considerations below.

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

Section 3.1	Requirements	Proposed	Complies
3.1.4.1 (table) – Child care centres refers requirements under 5.4.10	1 space per 2 staff (10 staff required) = 5 car spaces	5 proposed	Yes
	1 space per 10 children (64 children) = 6.4 car spaces	7 proposed	Yes
	Total required = 11.4 car spaces	12 total proposed	Yes

#### **DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.3 ACCESS AND MOBILITY**



43. This section of Development Control Plan No 1 requires the provision of “*access for all persons through the principal entrance and access to appropriate sanitary facilities in accordance with the Building Code of Australia and relevant Australian Standards.*”
44. The Application is accompanied by a Building Code of Australia Accessibility Report prepared by Matt SHuter & Associates, dated 21/12/2020 which confirm compliance with the relevant section of the Building Code of Australia for access and mobility.

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

Section 3.4	Requirements	Proposed	Complies
Fencing	Allows natural surveillance to street	Not applicable in this design.	NA
Blind Corners	To be avoided	The car park design and access from the car park to the ground level outdoor play area do not create blind corners.	Yes
Communal Areas	Provide opportunities for natural surveillance	There are no communal areas proposed as part of the centre however outdoor areas can be seen from internal areas through glass doors.	Yes
Entrances	Clearly visible and not confusing	The building entry and internal access from the car park are easily identifiable.	Yes
Site and Building Layout	<ul style="list-style-type: none"> <li>- Provide surveillance opportunities</li> <li>- Building addresses street</li> <li>- Offset windows</li> </ul>	Play areas are able to be supervised, the public domain can be seen from the centre entry and board room and windows are appropriately located.	Yes
Lighting	<ul style="list-style-type: none"> <li>- Diffused/movement sensitive lighting provided externally</li> <li>- Access/egress points illuminated</li> <li>- No light spill towards neighbours</li> <li>- Hiding places illuminated</li> <li>- Lighting is energy efficient</li> </ul>	Lighting will not cause amenity issues for adjoining properties as the centre is single storey.	Yes
Landscaping	<ul style="list-style-type: none"> <li>- Avoid dense medium height shrubs</li> <li>- Allow spacing for low growing dense vegetation</li> <li>- Low ground cover or high canopy trees around car parks and pathways</li> </ul>	Suitable landscaping proposed in the outdoor play area.	Yes

Building Identification	<ul style="list-style-type: none"> <li>- Clearly numbered buildings</li> <li>- Entrances numbered</li> <li>- Unit numbers provided at entry</li> </ul>	The centre will be numbered on the front wall.	Yes
Security	Provide an appropriate level of security	The design ensures adequate security and limits opportunity for security breaches by having one entry from Forest Road.	Yes
Ownership	Use of fencing, landscaping, colour and finishes to imply ownership	The signage shown on the street elevation plan indicates the property is a child care centre: Mama Bear's.	Yes

### ***DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.5 LANDSCAPING***

45. No vegetation is proposed for removal.
46. The Landscape Plan submitted with the DA is supported by Council's Arborist and is suitable for the outdoor play area.

### ***DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.7 STORMWATER***

47. The submitted drainage plans are adequate and comply with Council's requirement to drain the proposed development.

### ***DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – WASTE MANAGEMENT***

48. Council's Waste Co-ordinator raises no concern with the proposal and has provided waste management conditions of consent.

## **IMPACTS**

### ***Natural Environment***

49. The proposed development will not result in any adverse impacts upon the natural environment. Stormwater and waste management are adequately addressed and sufficient deep soil area results in a good landscaping outcome for the site.

### ***Built Environment***

50. The proposed development will not result in adverse impacts upon the built environment and the design is a suitable response to the site and local context.

### ***Social Impact***

51. The proposal will not have any adverse social impacts and will provide additional child care places for the locality.

### ***Economic Impact***

52. There is no apparent adverse economic impact that is likely to result within the locality in relation to the proposed child care centre.

### ***Suitability of the Site***

53. The site is zoned B4 Mixed Use. The proposal is a permissible form of development in this zone and is a suitable design and use of the site in the local context.

## SUBMISSIONS AND THE PUBLIC INTEREST

54. The proposal was notified to adjoining neighbours for a period of fourteen (14) days during which one submission objecting to the development was received. The submission raised the following issues.
- *Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. We strongly recommend it can be Monday to Friday 7:30am – 7:30pm.*
55. Officer Comment – The centre's hours of operation are 7am to 6pm. Conditions of consent are included in the recommendation requiring adherence with these hours.

## External Referrals

- Ausgrid
56. The application was referred to Ausgrid in accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. Ausgrid did not raise any objection to the proposal, no conditions recommended.
- Transport for NSW
57. The application was referred to TfNSW. A formal response was provided advising this section of Forest road is classified as a local road and no objection was raised to the proposal.

## Council Referrals

58. The application was referred to the following Council staff:
- Traffic Engineer
  - Arborist
  - Environmental Health Officer
  - Development Engineer
  - Waste Co-ordinator
  - Design Engineer
  - Building Surveyor
59. No staff raised concerns with the proposal and all provided conditions of consent.

## Development Contributions

118. The development is subject of a Section 7.12 contribution (former Section 94A Contribution), under the provisions of the Georges River Council Section 94A Contributions Plan 2017. The below information, will form a part of the conditions of consent if the application was to be supported.

Fee Type	Fee
Georges River Council Section 94A Development Contributions Plan 2017	\$18,586.49

## CONCLUSION

119. 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 a reasonable development form for the site and is consistent with the existing desired future character of development in this location and immediate locality.

120. The proposal has been assessed against the provisions of the relevant State planning policies, Hurstville Local Environmental Plan 2012 and Hurstville Development Control Plan and is consistent with all relevant controls.

## DETERMINATION AND STATEMENT OF REASONS

### Statement of Reasons

121. The reasons for this recommendation are:

- The proposed development complies with the requirements of the relevant environmental planning instruments and development control plan.
- The proposed design has been sensitively considered to be consistent with the existing and desired future character for development in this area including minimising impacts on neighbours.
- The proposed use will provide a critical service in a location that will enable walkable access from existing and planned higher density residential development and is located in close proximity to existing schools.

## DETERMINATION

122. THAT pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, as amended, the Georges River Local Planning Panel grant development consent to Development Application DA2021/0127 for demolition of existing buildings, construction of a single storey Centre based childcare facility, operating hours 7AM to 6PM Monday to Friday at Lot 1 in DP 78044, Lots 8 and 9A in DP 5337, known as 98-100 Forest Road, Hurstville subject to the following conditions:

### Development Details

1. **Signage** - A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or any other applicable environmental planning instrument.
2. **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DA 1.00	22.12.20	A	CMT Architects Australia Pty Ltd
Ground Floor	DA 2.00	9/7/2020	E	CMT Architects Australia Pty Ltd
Roof Plan	DA 2.00	9/7/2020	B	CMT Architects Australia Pty Ltd
South East and North West Elevation	DA 4.00	15.2.217	D	CMT Architects Australia Pty Ltd

South West and North East Elevation	DA 4.01	15.2.17	D	CMT Architects Australia Pty Ltd
Section AA	DA 5.00	18.9.20	B	CMT Architects Australia Pty Ltd
Driveway Section	DA 5.01	18.1.21	A	CMT Architects Australia Pty Ltd
Materials and Finishes				CMT Architects Australia Pty Ltd
Landscape Plan L-C100	SS17-3496	3.3.21	C	Site Image

**Reports relied on:**

Description	Reference No.	Date	Revision	Prepared by
Acid Sulfate Soils Management Plan	ES08078/3	22.9.21	1	Aargus
Detailed Site Investigation Report	ES08078/2	22.9.21	1	Aargus
Remediation Action Plan	ES08078/4	23.9.21	1	Aargus

**Separate Approvals Required Under Other Legislation**

**3. Vehicular Crossing - Major Development** - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- (a) Construct a new full width footpath for the full length of the site in accordance with Council's Specifications applying at the time construction approval is sought.
- (b) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full length of the prospect road frontages of the site in accordance with Council's Specifications for kerb and guttering, applying at the time construction approval is sought.
- (d) 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. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.
- (e) The design boundary level is to be received from Council prior to construction of the internal driveway.

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

**4. 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](http://www.georgesriver.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

5. **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.
6. **Engineering - 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 issue of the **Construction Certificate**.



To apply for approval, complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Georges River Council's Website: [www.georgesriver.nsw.gov.au](http://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.

Please note, that 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 *Specification for Vehicular Crossings and Associated Works* prior to the issue of the **Occupation Certificate**.

7. **Engineering - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Maritime Services, 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**

8. **Electricity Supply** - An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services).
9. **Connection to the network will be required prior to the release of any Occupation Certificate** - Where works within the road reserve are to be carried out by the developer, a Road Opening Permit must be obtained from Council's Customer Service Centre before commencement of work.
10. **Electricity Supply to Development** - The electricity supply to the Development must be underground.
11. **Sydney Water - Tap in™** - The approved plans must be submitted to a Sydney Water Tap in™ 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](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.
12. **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 <http://legislation.nsw.gov.au/>](http://legislation.nsw.gov.au/) 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](http://www.sydneywater.com.au) <<http://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.

- 13. Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the [Sydney Water Act 1994 <http://legislation.nsw.gov.au/>](http://legislation.nsw.gov.au/) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

#### **Prior to the Issue of a Construction Certificate**

- 14. Design Change Conditions** – the following design changes are required to be made in relation to the front façade of the building and are to be shown on the Construction Certificate plans:
- a) The flat, long and utilitarian façade treatment of the Forest Road elevation should be amended to incorporate variation in composition and articulated to break up building bulk, create interest and enhance pedestrian experience.
  - b) Street activation should be enhanced by provided floor to ceiling glazing to as much of the façade as possible.
  - c) Solid roller shutters for the garage doors will not be permitted along Forest Road. Open grille shutters should be used that complement the architecture features and materials of the building and to minimise dominance on the streetscape.
  - d) The car park shutters should be setback by at least 1m from the street boundary/footpath to minimise the visual dominance on the street.
  - e) The façade design should include details that hints at how the space inside is used and created with the point of view of small users in mind. The façade design could include a combination of warm materials that welcome adults as well as “small” users of the building. This can also be achieved through use of a more complex and muted palette if desired rather than bold colours.
  - f) The façade should be well thought-out to achieve a balance which not only reflects the use but also relates to the context (especially the heritage item in proximity), provides a presence on the street and enhances the streetscape. The industrial feel could be continued by borrowing from the language of the surrounding industrial architecture rather than creating a banal and bland façade that does not reflect its use.

The amended façade design must be referred to Council’s Urban Designer for written approval prior to the issue of the Construction Certificate.

- 15. Waste Storage Containers - Child Care Centre** - All waste and recycling containers shall be stored in an approved waste storage area, located in an area of the site that is

satisfactory for these purposes. Facilities are to be provided in accordance with any requirements of the NSW Family and Community Services and the Education and Care Services National Regulations.

Details of the Waste Storage Area must be illustrated on the plans submitted with the application for the Construction Certificate for approval.

The applicant should provide details of the proposed contractors used for managing demolition/construction wastes to Council prior to the issue of a Construction Certificate. The applicant must maintain records of licensed waste management disposal for up to 7 years as evidence of correct management of wastes.

- 16. 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](http://www.georgesriver.nsw.gov.au)).

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

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$160.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Georges River Council Section 94A Development Contributions Plan 2017	\$18,586.49

### 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

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan 2017.

#### 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](http://www.georgesriver.nsw.gov.au).

**17. Damage Deposit – Major 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: \$39,649.00.
- (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: \$160.00.
- (c) Submit to Council, before the commencement of work, a dilapidation report 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 review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

**18. Site Management Plan -**

Major Development

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- a) location of protective site fencing;
- b) location of site storage areas/sheds/equipment;
- c) location of building materials for construction, e.g. stockpiles
- d) provisions for public safety;
- e) dust control measures;
- f) method used to provide site access location and materials used;
- g) details of methods of disposal of demolition materials;
- h) method used to provide protective measures for tree preservation;
- i) provisions for temporary sanitary facilities;
- j) location and size of waste containers/skip bins;
- k) details of proposed sediment and erosion control measures;
- l) method used to provide construction noise and vibration management;
- m) construction and demolition traffic management details.

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.

**19. 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.

**20. Vehicular Access Grades**

The applicant must submit a profile (longitudinal section) demonstrating access clearance by the B85 Design Vehicle (85% percentile vehicle in accordance with AS2890.1 2004) for the entry.

- a) This profile (scale 1:20) is to show levels and grades from road centreline to the proposed internal garage floor level including but not limited to levels of, road centreline, changes of grade on road surface, lip of gutter, invert of gutter, back of vehicular crossing(gutter layback), front of path, back of path and boundary. The profiles provided are to also include the natural surface of the land as well as the proposed design including cut and fill dimensions.
- b) Additional profiles are to be provided on either side of driveway when longitudinal grade of road exceeds 8%.

The profile will be used to assess suitability of proposed internal driveway levels and does not represent final footpath or road levels. The levels on Councils road related area including boundary level will be verified following the submission of an "Application for Driveway Crossing and Associated Works on Council Road Reserve" issued under Section 138 Roads Act.

**21. Stormwater System – General**

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 to Council.

- (a) All stormwater shall be drained in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- (b) 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.

## **22. On-site Stormwater Detention (OSD)**

The submitted Concept Stormwater and OSD Plans have been assessed as a concept plan only.

- 1. Site and Ground Floor Stormwater Drainage Concept Plan, Job No 1229.17, Drawing D3, Revision C, dated 4/08/21, prepared by LMW Design Group P/L.
- 2. OSD System Details, Job No 1229.17, Drawing D3A, Revision C, dated 4/08/21, prepared by LMW Design Group P/L.
- 3. Roof and Ground Floor Stormwater Drainage Concept Plan, Job No 1229.17, Drawing D4, Revision C, dated 4/08/21, prepared by LMW Design Group P/L.

Final detailed plans of the drainage system, prepared by a consulting Stormwater Drainage Design Engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- a) An OSD facility designed by a consulting Stormwater Drainage Design Engineer who specialises in Hydraulic engineering must be designed, approved and installed.
- b) The required OSD storage requirements and permissible discharge are to be calculated in accordance with Table 3 of Council's Stormwater Management Policy.
- c) A minimum 35.20 cubic metre OSD volume is to be provided to each of the units in accordance with the Stormwater Concept Plan and Council's Stormwater Management Policy. On this site it may be practical to design the dwellings gutters and pipes to the OSD to cater for the 1% AEP event.
- d) All proposed five access lockable heavy duty lids must be replaced by 900x900 grates in order to provide sufficient ventilation within both tanks and prevent any anaerobic gas formation and other unacceptable environmental issues.
- e) OSD Tank structural design details prepared by a practising Structural Engineer being used to construct all reinforced concrete structural slabs, walls, beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval.
- f) The OSD facility shall be designed to meet all legislated safety requirements. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:



"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

- g) Full details shall accompany the application for the Construction Certificate.

### 23. Stormwater Drainage Application

This Development Consent does not give RMS managed public infrastructure approval to undertake site discharge pit to be connected to this development to be constructed a newly created drainage pit with lintel and pipe across Forest Road as per **Site and Ground Floor Stormwater Drainage Concept Plan**, Job No 1229.17, Drawing D3, Revision C, dated 4/08/21, prepared by LMW Design Group P/L.

A separate approval of a Stormwater Drainage Application for the construction of the proposed pit and pipe along King Georges Road from RMS is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 to undertake:

- (a) Stormwater & ancillary works in the road reserve. This includes connections to RMS and council.
- (b) Stormwater & ancillary to public infrastructure on private land

The Stormwater Drainage Application approval from RMS must be obtained and evidence of the approval provided to Council and the Certifying Authority prior to the issue of the Construction Certificate.

The Application Form for this activity can be downloaded from Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

24. **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.
25. **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).
26. **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.
27. **Landscape Plans** - All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the

approved plans in perpetuity.

- 28. Acoustic Requirements** - Compliance with submitted Acoustic Report - The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled Acoustic Assessment – DA Stage prepared by Koikas Acoustics Pty Ltd and dated 18/08/2021.

An Acoustic Report prepared by a suitably qualified acoustic consultant is required for centres in or adjacent to residential zones.

The report must demonstrate how the site planning and building design minimize noise impacts and that noise levels will not exceed the noise criteria in the Association of Australian Acoustical Consultant's Guideline for Child Care Centre Acoustic Assessment. The report should include recommended noise attenuation measures and a Noise Management Plan indicating the hours and specifics of indoor / outdoor play and how noise impacts upon neighbours will be minimised.

- 29. Food Premises** - The following information shall be provided and shown on the Construction Certificate Plans:

**(a) Plans and Specifications**

Details of the construction and fit out of food premises must be submitted to Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:

- i. [Food Act 2003](#) (as amended)
- ii. [Food Regulation 2015](#) (as amended)
- iii. Food Standards Code as published by Food Standards Australia
- iv. New Zealand and Australian Standard AS4674:2004 Design, Construction and fit out of food premises (as amended)
- v. Sydney Water – trade Waste Section.

Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the issue of any Construction Certificate.

**(b) Waste Facility**

Details of the construction and fit out of the waste facility of the food premises must be submitted to Council's Waste Services Team for approval. Such details must demonstrate compliance with the [Food Act 2003](#) (as amended), [Food Regulation 2015](#) (as amended); the *Food Standards Code* as published by Food Standards Australia and New Zealand and Australian Standard AS 4674:2004 *Design, construction and fit out of food premises (as amended.)* and must be:

- i. provided with a hose tap connected to the water supply;
- ii. paved with impervious floor materials;
- iii. coved at the intersection of the floor and the walls;
- iv. graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- v. adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the [Protection of the Environment Operations Act 1997](#);
- vi. Must be large enough to accommodate the bins required.

Council's Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the issue of any Construction Certificate.

- 30. Health - Colour of finishes** - All walls, floor and ceiling in all food preparation, food storage and waste storage areas shall be finished with a light colour. No black or dark colour surface finish is permitted in these areas.

**31. Contaminated Land – Site Validation Report**

A Site Validation Report prepared by the certified Contaminated Land Consultant in accordance with the State Environmental Planning Policy No. 55 – Remediation of Land must be submitted to the Principle Certifying Authority and Council if Council is not the Principle Certifying Authority. Council must accept and acknowledge the receipt of the Site Validation Report prior to the issue of any Construction Certificate.

The Site Validation Report must include:

- a) A notice of completion of remediation works;
- b) Details of site management requirements (if any)
- c) A clear statement on the suitability of the proposed site use.

- 32. Contaminated Land – Site Audit Statement** - To ensure that the Detailed Site Investigation (DSI) has been completed appropriately and any Remedial Action Plan (RAP) proposed for the site will result in the land being made suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the Contaminated Land Management Act 1997 must be submitted to Council.

The SAS must clearly demonstrate that the Detailed Site Investigation (DSI) and Remedial Action Plan (RAP), required to be prepared, has been completed in accordance with the NSW guidelines, and that the land can be made suitable for the proposed use by implementation of any specified Remedial Action Plan (RAP). This must be provided to Council and the accredited certifier prior to the issue of any construction certificate.

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

- 33. 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](http://www.SafeWork.nsw.gov.au).

- 34. 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.
- 35. 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](#).
- 36. 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 the Principal Certifying Authority (PCA) and Council for their records.
- 37. 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 Pool Formwork - Before concreting of pool shell, detailing the

location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.

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

- 38. 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

- 39. Contaminated Land - During Remediation Works** - All remediation work must be carried out in accordance with: -

- (a) [The State Environmental Planning Policy No 55--Remediation of Land](#) (SEPP 55);
- (b) Guidelines made or approved by the NSW EPA include the:
  - i. National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013) (ASC NEPM) (as amended);
  - ii. [Guidelines for consultants reporting on Contaminated Sites](#); and
  - iii. [Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme](#).
- (c) The approved Remediation Action Plan submitted with the Constructions Certificate for the property.

**40. Contaminated Land – Contaminants found during demolition or construction**

Any new information that identified during demolition, excavation or construction which has the potential to alter previous conclusions about site contamination and remediation, must be notified to the Principal Certifying Authority (and Council if Council is not the principal certifying authority) immediately.

All works must case and a qualified Land Contamination Consultant, certified under the consultant certification schemes recognised by the NSW EPA, is engaged to assess and provide documentation on the management of the contamination in accordance with any relevant NSW EPA adopted guidelines.

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

- 41. Acid Sulfate Soil Management Plan** - Prior to the commencement of any work



(including demolition and excavation) the applicant must engage an appropriately qualified Land Contamination Consultant, certified under the consultant certification schemes recognised by the NSW EPA, to supervise and manage on site works and remediation in accordance the Acid Sulfate Soil Management Plan submitted and approved as part of the construction certificate.

- 42. Development Engineering - Damage within Road Reserve and Council Assets** - The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
- 43. Development Engineering - Public Utility and Telecommunication Assets** - The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines and cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.
- 44. 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.
- 45. Hours of construction for demolition and building work** - Unless authorised by Council:
- Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
  - Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.
- 46. 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.
- 47. 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.
- 48. 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.

- 49. 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**

#### **50. 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.*

## **51. Maintenance Schedule – On-site Stormwater Management**

A Maintenance Schedule for the proposed on-site stormwater management measures for OSD tank and underground Rainwater tank 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.

## **52. Stormwater drainage works – Works As Executed – OSD Tank and Rainwater Tank**

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 works completed certification must be forwarded to the PCA and Council's Development and Building Department, from a professional civil 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.

- (a) Compliance with conditions of development consent relating to stormwater systems within the development;
- (b) The structural adequacy certificate of OSD Tank and Rainwater Tank from a consulting Structural Engineer;
- (c) 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;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) 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.
- (f) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink;
- (g) The works-as-executed drainage plans must be prepared jointly and duly signed by a consulting drainage design engineer specialising in hydraulic engineering and a Registered Surveyor certifying the accuracy of dimensions, invert levels, surface levels, storage volume etc;

Council must be advised in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

**53. Requirements prior to the issue of the Occupation Certificate - Stormwater and Onsite Detention Works** - 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) Work as Executed Plans prepared and jointly duly signed by a Chartered Consulting Drainage Design Engineer and 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.

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

- (a) Construction of new vehicle crossings as required by this consent.
- (b) Replacement of all redundant vehicle crossing laybacks with kerb and guttering, and replacement of redundant concrete with turf.

**55. Vehicular crossing & Frontage work - Major development** - The following road frontage works shall be constructed in accordance with specifications issued under the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division:

- (a) Construct a full width footpath (boundary to kerb) for the full frontage of the site in accordance with Council's Specifications applying at the time construction approval is sought.
- (b) Construct the driveway crossing in accordance with Council's specifications for vehicular crossings.
- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full length of all frontages of the site in accordance with Council's Specifications for kerb and guttering, applying at the time construction approval is sought.
- (d) 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 Driveway Crossings and Associated Works.
- (e) The design boundary level is to be received from Council prior to construction of the internal driveway.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Driveway Crossings and Associated Works.

The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

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- A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Driveway Crossings and Associated Works.

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- The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.
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**56. Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;
- (b) Driveways and vehicular crossings within the road related area;
- (c) Removal of redundant driveways and vehicular crossings;
- (d) New footpaths within the road related area;
- (e) Relocation of existing power/light pole
- (f) Relocation/provision of street signs
- (g) New or replacement street trees;
- (h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- (i) New or reinstated kerb and guttering within the road related area; and
- (j) New or reinstated road surface pavement within the road.

Council's Assets and Infrastructure Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

**57. Construction of median island in Forest Road** - The Developer is to submit a detailed design to Council's Design section for review and approval for a median island to be constructed in Forest Road to restrict the development to left in left out. Island to be a minimum 0.5m wide, in accordance with *AUSTROADS Guide to Road Design Part 3: Geometric Design – Clause 4.7.1*.

The cost of the construction of the median island is to be borne by the developer.

**58. Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.

**59. Acoustic Compliance** - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled Acoustic Assessment – DA Stage prepared by Koikas Acoustics Pty Ltd and dated 18/08/2021.

- 60. Acoustic Compliance – General Operation of Premises** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority's "NSW industrial Noise Policy"](#).

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

- 61. Food Premises – Inspection & Registration** - Prior to the issue of any Occupation Certificate or occupation or use of any food premises:

- a) An inspection of the fit out of the Food Premises must be arranged with Council's Environmental Health Officer;
- b) A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- c) The Food Premises must notify and register its business details with Georges River Council as required under section 100 of the Food Act 2003.

- 62. Contaminated Land – Site Validation Report** - A Site Validation Report prepared by the certified Contaminated Land Consultant in accordance with the State Environmental Planning Policy No. 55 – Remediation of Land must be submitted to the Principle Certifying Authority and Council if Council is not the Principle Certifying Authority. Council must accept and acknowledge the receipt of the Site Validation Report prior to the issue of any Occupation Certificate.

The Site Validation Report must include:

- a. A notice of completion of remediation works;
- b. Details of site management requirements (if any)
- c. A clear statement on the suitability of the proposed site use.

Council will require a Site Audit Statement prior to accepting the report where:

- the site requires an Environmental Monitoring Program,
- Council is not satisfied with the report provided, and/or
- Council believes the complexity of the contamination requires an independent review.

- 63. Contaminated Land – Site Validation Report (for contaminants found during demolition or construction)** - Any contaminants found during demolition or construction that requires the management of contamination, a Site Validation Report prepared by the certified Contaminated Land Consultant in accordance with the State Environmental Planning Policy No. 55 – Remediation of Land must be submitted to the Principle Certifying Authority and Council if Council is not the Principle Certifying Authority. Council must accept and acknowledge the receipt of the Site Validation Report prior to the issue of any Occupation Certificate.

The Site Validation Report must include:

- a) A notice of completion of remediation works;
- b) Details of site management requirements (if any); and
- c) clear statement on the suitability of the proposed site use.

Council will require a Site Audit Statement prior to accepting the report where:

- the site requires an Environmental Monitoring Program,
- Council is not satisfied with the report provided, and/or
- Council believes the complexity of the contamination requires an independent review.

### Operational Conditions (On-Going)

**64. Hours of operation** - The approved hours of operation shall be restricted to 7am to 6pm Monday to Friday.

**65. Certificate** before Occupation or Use - In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

**66. Requirement** for a Construction Certificate - The erection of a building must not commence until a Construction Certificate has been issued.

**67. 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.

**68. Notification of Critical Stage Inspections** - 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.

**69. 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.

**70. 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](#).

**71. 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.

**72. 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.

**73. Noise Control**

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).

**74. Maintenance of Sound Attenuation**

Sound attenuation must be maintained in accordance with the Acoustic Report titled Acoustic Assessment – DA Stage prepared by Koikas Acoustics Pty Ltd and dated 18/08/2021.

**75. Final Acoustic Report – Verification of Noise report**

Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the [EPA's Industrial Noise Policy](#) and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report titled Acoustic Assessment – DA Stage prepared by



Koikas Acoustics Pty Ltd and dated 18/08/2021 are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the [Protection of the Environment Operation Act 1997](#) (as amended).

**76. Food premises – maintenance of food premises**

The food premises must be maintained in accordance with the [Food Act 2003](#) (as amended), [Food Regulation 2015](#) (as amended); the Food Standards Code as published by Food Standards Australia & New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises (as amended)*.

**77. Food premises – Garbage Odour** A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the [Protection of the Environment Operations Act, 1997](#) (as amended).

**78. Outdoor Play Areas - Prohibition of live bands, amplified music or speakers** - There shall be no live bands, amplified music or speakers permitted to perform in the outdoor play areas at any time.

**79. Waste Management** - Bins will not be permitted to be stored on the kerbside prior to waste collection at any time. Bins must be transported to the kerbside from the bin storage area through a double door wide enough to enable the use of 1100L bins. The Centre Manager will be responsible for coordinating waste collection from the locked and secured bin storage area, ensuring bins are never left unattended or stored on the kerbside. The bin storage area must be accessible from both Forest Road (double doors locked and secured) and by staff internally through the carpark/shared zone. The Centre Manager will be responsible for ensuring waste collection contractors have keys/codes to access the bin store.

The Centre Manager will be responsible for engaging private waste contractors to remove any bulky waste such as broken furniture or play equipment to prevent onsite storage of such wastes. Bulky waste removal/collection must occur within the confines of private property with no waste being presented kerbside or left unattended at any time.

Further, the site should be conditioned as follows: Private waste collection if engaged for routine bin collections (and as required for bulky waste removal) must only occur Monday – Friday and between the hours of 6 am – 10 pm. Collection is not permitted to occur more than twice weekly and all waste should be removed on the same two collections days each week (the days can change each week, however limited at two days per week).

The bin room store does not include scaled bins within the storage area. It should therefore be conditioned that: The applicant must allow the following bin storage within the designated bin storage area:

- 3 x 660L general waste bins, serviced once weekly
- 3 x 660L commingled recycling bins serviced once weekly.
- 1 x 240L garden organics bin serviced once fortnightly.

These generation rates are based on the NSW EPA Better Practice Guide.

- 80. Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited.

- 81. Activities and storage of goods outside buildings** - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
- 82. 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.
- 83. 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.
- 84. 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.
- 85. Parking spaces** shall be clearly designated (sign posted and marked on ground) and line marked prior to the issuing of an Occupation Certificate. Signage, pavement symbols and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.
- 86. Driveway access** to comply with figure 3.3-Minimum Sight Lines for Pedestrian Safety as per AS 2890.1:2004 of the Australian Standard for off-street car parking. Figure 3.3 specifies the minimum sight lines for pedestrian safety along a circulation driveway or domestic driveway.
- 87.** All vehicles must enter and exit the development in a forward direction.
- 88.** All allocated car parking spaces shall be freely available for the visitors of the proposed development.
- 89.** Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distance requirements stipulated in the Australian Standards AS2890.1.
- 90.** No deliveries to the premises shall be made direct from a public place or street inclusive of footpaths, nature strip, roadway and car parks.

#### **Operational Requirements Under the Environmental Planning & Assessment Act 1979**

- 91. Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.

**92. 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:

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

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

**93. 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.

**94. 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.

**95. 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](#).

**96. 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.

**97. 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

98. 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.
99. 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.
100. 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.
101. 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

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102. **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.

103. **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.

- 104. 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.
- 105. Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)
- 106. Energy Efficiency Provisions** - Should Council be appointed as the PCA, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the Building Code of Australia. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the PCA.
- Energy efficiency provisions relate only to new building work or the installation of new measure. Existing building fabric and measures may not be upgraded.
- 107. Sydney Water Section 73 Certificates** - The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.
- 108. Electricity Supply** - This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services) for further details and information on lodging your application to connect to the network.
- 109. Disability Discrimination Act** - This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.
- 110. Child Care Centre - Staff to Child Ratios** - The operator of a centre based or mobile children's service must ensure that appropriate approvals are obtained from [NSW Family & Community Services](#). This will include maintaining the regulated ratio of carers to children.
- 111. Food Premises**  
Information on Australian Standards can be obtained from [www.standards.com.au](http://www.standards.com.au)  
Guidelines and Food Safety Standards may be obtained by contacting the Food Standards Australia New Zealand Authority at [foodstandards.gov.au](http://foodstandards.gov.au) or the NSW Food

Authority on 1300 552 406, email: [contact@foodauthority.nsw.gov.au](mailto:contact@foodauthority.nsw.gov.au) or by visiting the website [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)

Notification of Food Business under Section 100 of the [Food Act 2003](#) requires the proprietor of a food business to give written notice, in the approved form, before conducting a food business. Penalties apply for failure to comply.

## 112. Noise

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nlg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

- (a) *Community Justice Centres—free mediation service provided by the NSW Government* ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).
- (b) *Department of Environment and Conservation NSW, Noise Policy Section web page* ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).
- (c) *New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000* ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).
- (d) *Australian Acoustical Society—professional society of noise-related professionals* ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).
- (e) *Association of Australian Acoustical Consultants—professional society of noise related professionals* ([www.aaac.org.au](http://www.aaac.org.au)).
- (f) *Department of Gaming and Racing -* ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

## 113. Acoustic Engineer Contacts & Reference Material

Further information including lists of Acoustic Engineers can be obtained from:

- (a) *Australian Acoustical Society—professional society of noise-related professionals* ([www.acoustics.asn.au](http://www.acoustics.asn.au))
- (b) *Association of Australian Acoustical Consultants—professional society of noise related professionals* ([www.aaac.org.au](http://www.aaac.org.au))
- (c) *NSW Industrial Noise Policy – Office of Environment & Heritage* ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au))

## 114. Site Audit Statement

Council may require a site audit of the Detailed Site Investigation report, Remediation Action Plan, Environmental Management Plan and/or Validation Report. If requested, a Site Audit Statement (SAS) and a site audit summary report from an accredited site



auditor under the *Contaminated Land Management Act 1997*, verifying the information contained in the report is to be submitted to Council.

#### 115. **Certified Contaminated Land Consultant**

A certified Contaminated Land Consultant is a certified Environmental Practitioner (Site Contamination) (CENVP(SC)) or certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM)

Information relating to certified Contaminated Land Consultant or accredited site auditors can be found on the NSW EPA webpage: <https://www.epa.nsw.gov.au/your-environment/contaminated-land/>

116. **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.

117. **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.

118. **Council as PCA - Deemed to Satisfy Provisions of the Building Code of Australia** - 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 Building Code of Australia. However, if an alternative fire solution is proposed it must comply with the performance requirements of the Building Code of Australia, 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.

- 119. 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](http://www.SafeWork.nsw.gov.au)).

- 120. 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 and/or Section 68 Local Government Act 1993:




- (a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. **DA2018/0\*\*\***) 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 stormwater applications.

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.

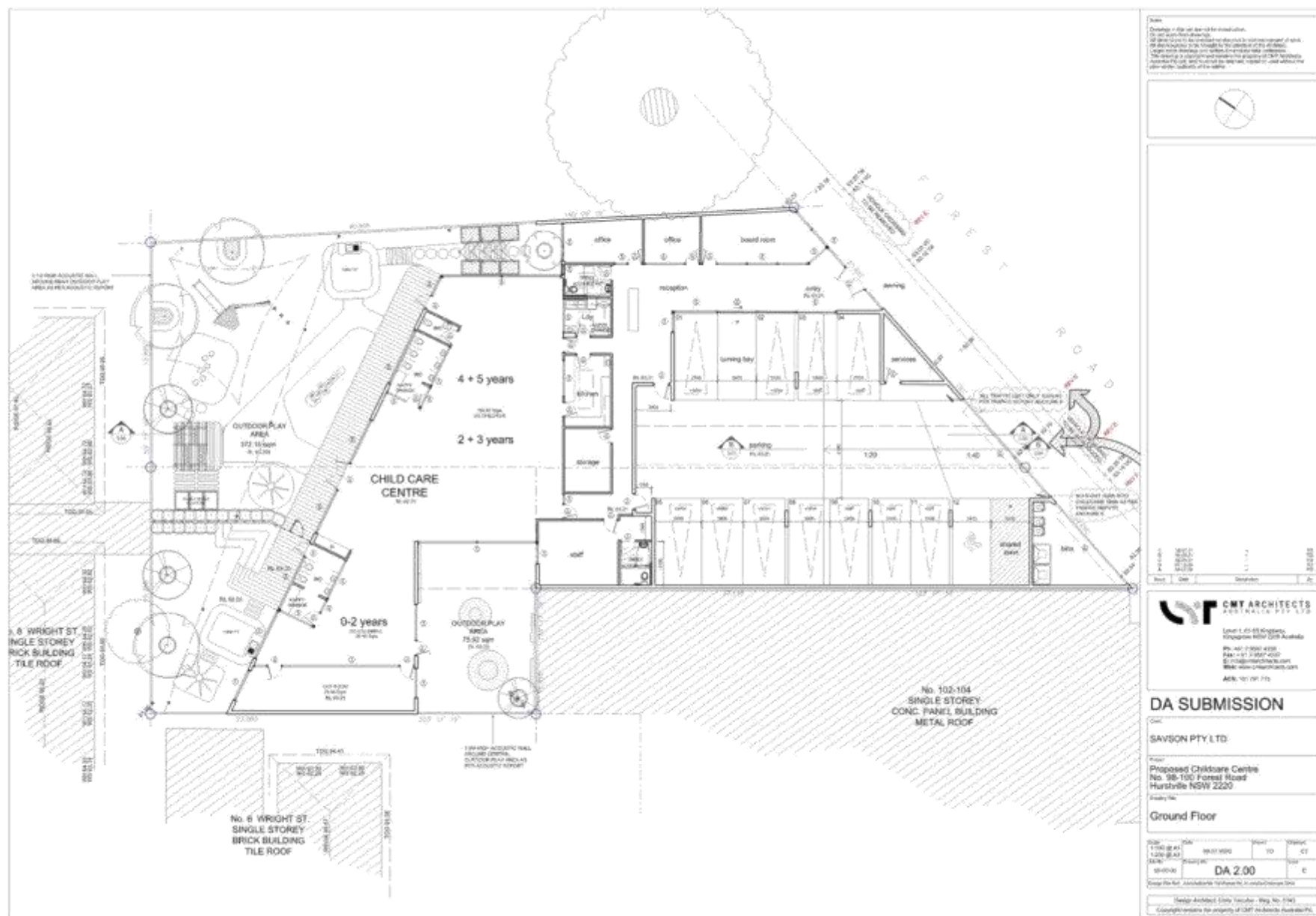
The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new stormwater drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council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

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

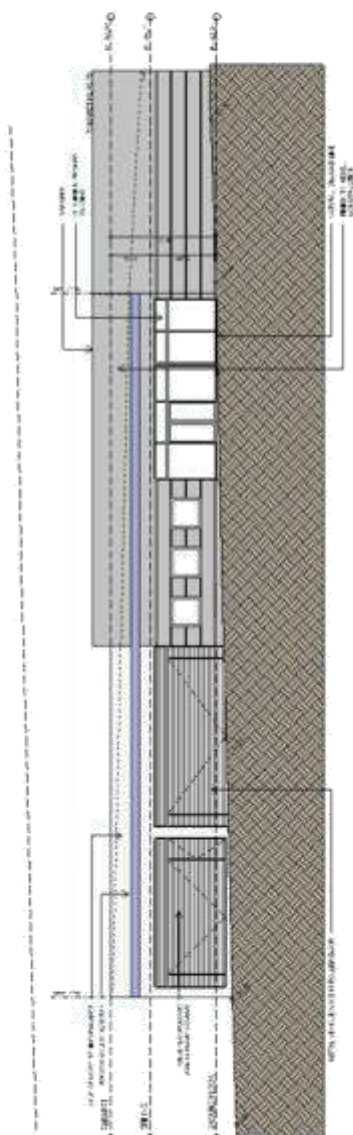
## ATTACHMENTS

- Attachment [↓1](#)  Site Plan
- Attachment [↓2](#)  Floor Plan
- Attachment [↓3](#)  Elevations and Sections

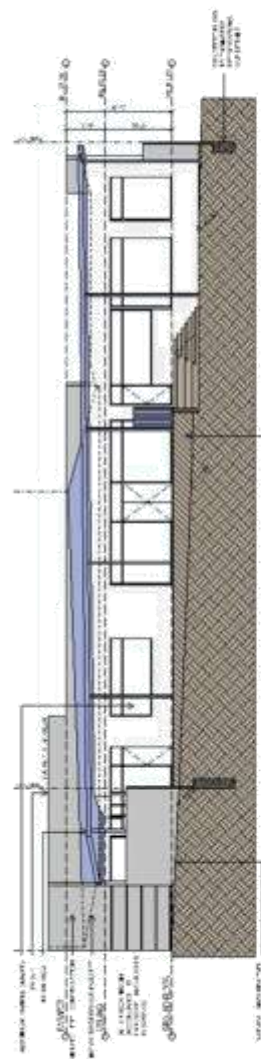








South East Elevation



North West Elevation

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DA SUBMISSION

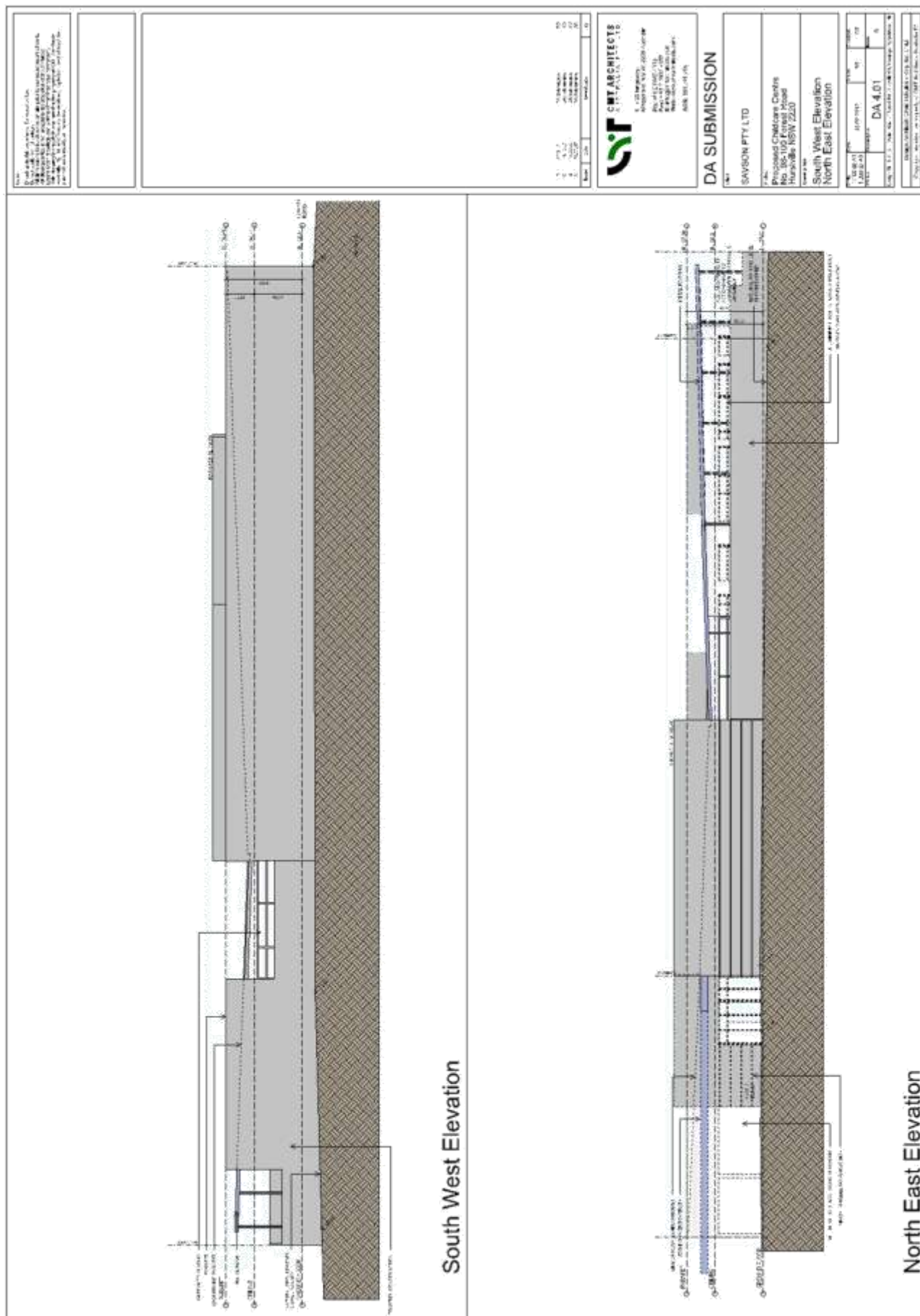
SAVISON PTY LTD

Prepared Childcare Centre  
No. 105-109 Forest Road  
Hurstville NSW 2220

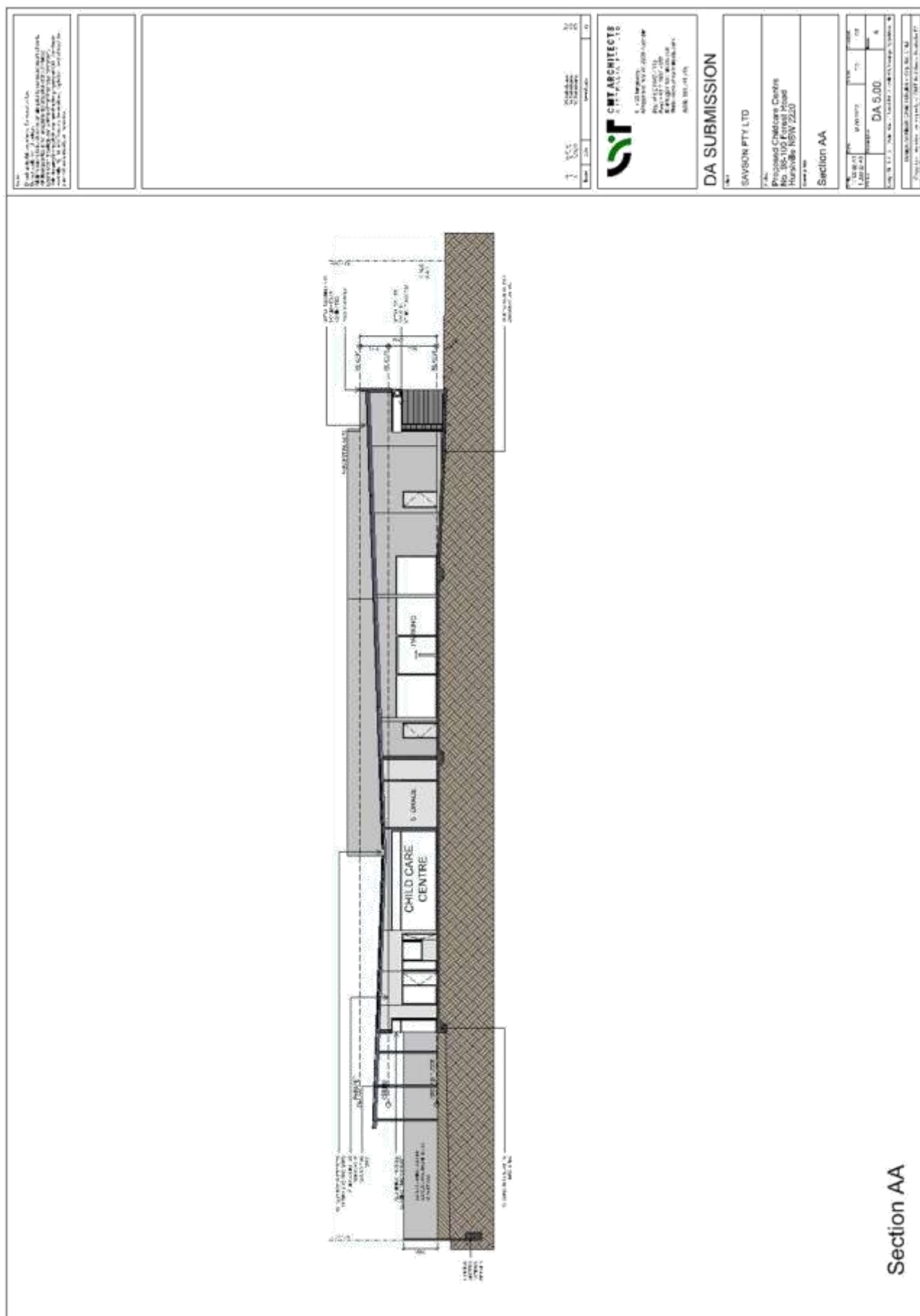
South East Elevation  
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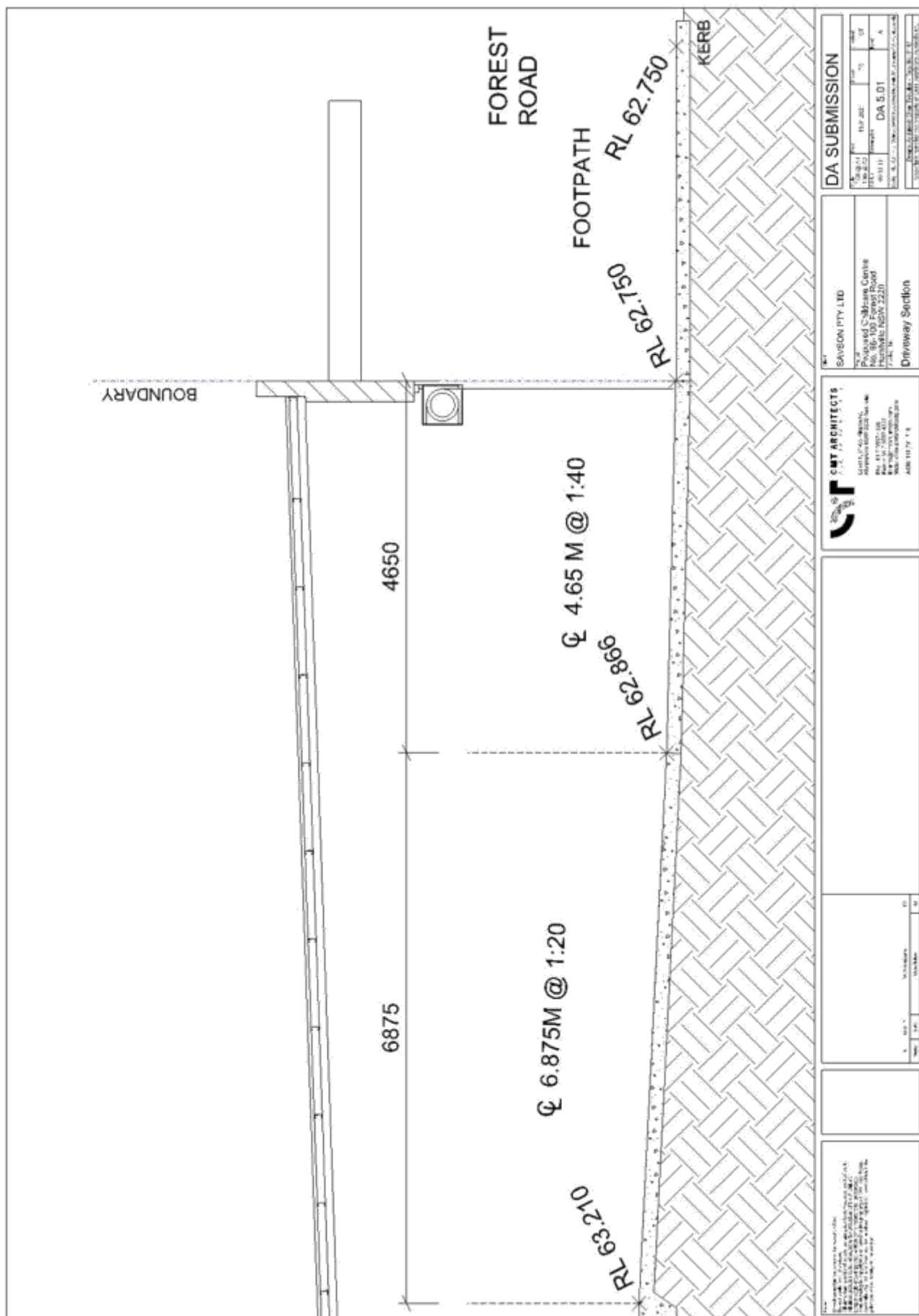
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# REPORT TO GEORGES RIVER COUNCIL LPP MEETING OF THURSDAY, 18 NOVEMBER 2021

LPP066-21

<b>LPP Report No</b>	<b>LPP066-21</b>	<b>Development Application No</b>	<b>DA2021/0224</b>
<b>Site Address &amp; Ward Locality</b>	11A Letitia Street Oatley Peakhurst Ward		
<b>Proposed Development</b>	Alterations and additions to the Masonic Hall involving the retention of the Lodge room, rear hall, the demolition of the rear utilities wing and replacement with a new modern single storey extension which includes a new separate commercial tenancy, large museum associated with the Masonic Hall, lounge for members, storage, toilet facilities, new entries, landscaping and associated site works		
<b>Owners</b>	Freemasons		
<b>Applicant</b>	CotteeParker Architects		
<b>Planner/Architect</b>	Sutherland & Associates Planning and CotteeParker Architects		
<b>Date Of Lodgement</b>	25/05/2021		
<b>Submissions</b>	One (1) submission		
<b>Cost of Works</b>	\$804,032.72		
<b>Local Planning Panel Criteria</b>	The subject site includes works to a local heritage item and falls within the category of “sensitive” development in accordance with Schedule 1 of the Minister’s Local Planning Panel Direction dated 30 June 2020.		
<b>List of all relevant s.4.15 matters (formerly s79C(1)(a))</b>	Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Draft Environmental State Environmental Planning Policy, Draft State Environmental Planning Policy – Remediation of Land, Kogarah Local Environmental Plan 2012, Kogarah Development Control Plan No 2, Georges River Local Environmental Plan 2021.		
<b>List all documents submitted with this report for the Panel’s consideration</b>	Set of Architectural Plans Statement of Environmental Effects Heritage Impact Statement Acoustic Report, Arboricultural Assessment		
<b>Report prepared by</b>	Senior Development Assessment Planner		

<b>Recommendation</b>	Approval
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<b>Summary of matters for consideration under Section 4.15</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority</b>	

<b>satisfaction</b> 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
<b>Clause 4.6 Exceptions to development standards</b> 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
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	No, standard conditions have been attached and can be reviewed when the report is published.

### Site Plan



Aerial Photo – Showing the Location of Subject Site - 11A Letitia Street Oatley

## Executive Summary

### Proposal

- Council is in receipt of a development application DA2021/0224 proposing alterations and additions to the Masonic Hall involving the retention of the Lodge room, rear hall and renovate these spaces (in so far as replacing two doors to the hall and lodge) and the demolition of the rear utilities wing and replacement with a new modern single storey extension which includes a new separate commercial tenancy, large museum associated with the Masonic Hall, lounge for members, storage, toilet facilities, new entries,

landscaping and associated site works. **Figure 1** below is a 3D montage of the proposed scheme as seen from Letitia Street.

2. The existing Masonic Lodge and Hall building on the site is a Local Heritage Item listed under Kogarah LEP 2012. This listing and the historic significance of the item limits the development potential of the site to ensure the integrity of the item is preserved. The proposed development complies with the maximum height and floor space ratio controls and has created a contemporary addition and an adaptive reuse that aims to retain the visual significance of the building.



**Figure 1: Photomontage of the new addition to the rear of the Masonic Hall as viewed from Letitia Street**

### Site and Locality

3. The subject site has a street address of 11A Letitia Street, Oatley, and comprises of two allotments with a legal description of Lot 20 DP1043366 and Lot A DP325569. The property is located on the western side of Letitia Street. **Figure 2** below is an extract of the survey plan submitted with the application which shows the site characteristics.
4. The site has a combined area of 1348.8sqm and has a slight fall away from the street towards the rear. The existing building on the site is a locally significant heritage item, known as the Oatley Masonic Lodge. There are trees located along the rear boundary and two significant street trees at the front of the site.
5. The site adjoins the Oatley local shopping centre with its southern boundary adjacent to an open public car park. Immediately to the rear is the Oatley Hotel, to the north and east of the site, the streetscape is predominately characterised by residential flat buildings and medium density developments. The site is within the Oatley commercial centre although slightly on the periphery.



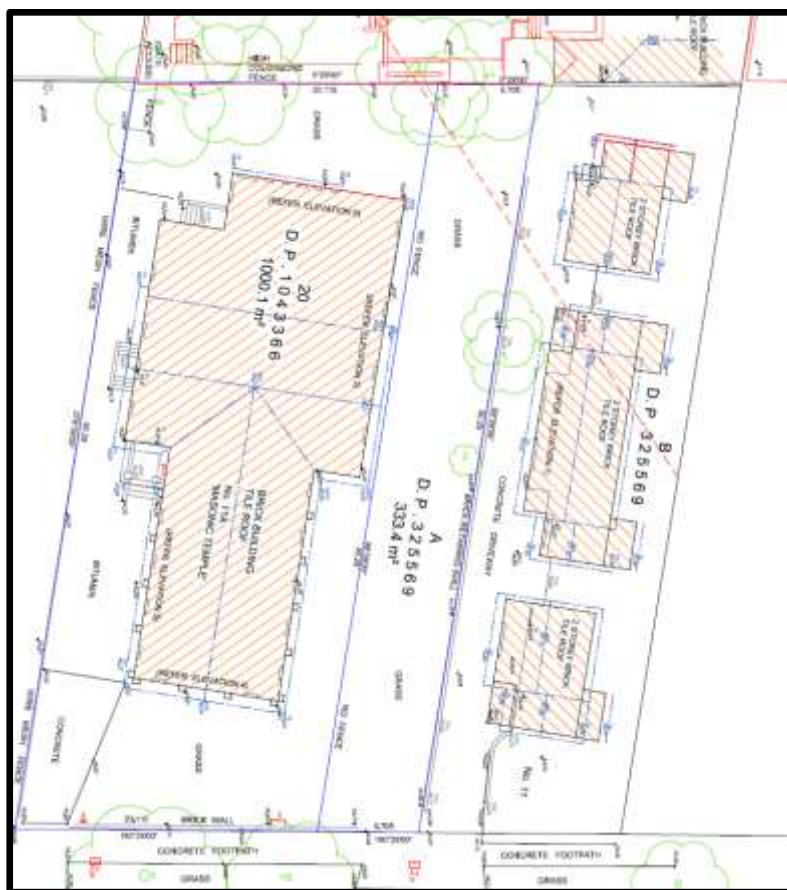


Figure 2: Survey plan showing the existing site conditions (courtesy: Project Surveyors, 2013)

### Zoning and Permissibility

6. The site is zoned B2 – Local Centre pursuant to the Kogarah Local Environmental Plan 2012, the proposal is a permissible form of development subject to Council's consent. The proposed development satisfies the relevant objectives of the zone in the Kogarah Local Environmental Plan.
7. The proposed development has been designed to comply with the key planning controls relating to building height and floor space. However, in respect to Heritage Conservation (Clause 5.10), Council's Heritage Officer is not satisfied with the design response which seeks to demolish the rear utilities wing of the existing building. Whilst the Heritage Consultant is satisfied with the proposal "in principle" which includes the restoration and improvement of the existing building and the provision of a contemporary addition at the rear, Council's Heritage Consultant would like the rear utilities wing to be retained and included as part of the alterations. The Applicant has provided a detailed heritage response which confirms that this can not be achieved and the utility area and addition is not an important feature and integrating this element would substantially restrict and compromise the layout and design of the new addition.

### Submissions

8. The application was notified in accordance with the requirements for notification and advertising within the Kogarah DCP 2013 including signs erected on site. The timeframe for submissions was from 7 July 2021 until 4 August 2021.
9. Council received one (1) submission raising the following issues;



- If the new facilities associated with the Masonic centre are approved it is requested they are limited to commercial uses to reduce potential land use conflicts with the Oatley Hotel.
- The Oatley Hotel located at the rear are satisfied with the height proposed in the application however, they request that the height of the new pavilion not exceed the ridge height of the Masonic Hall.
- The addition at the rear shall be setback a minimum of 3m.
- It is requested that landscaped planting as proposed in the application be included as shown in the application.
- The proposed privacy screens included at the rear of the property that form part of the application are implemented and any other relevant acoustic treatment.
- Any proposed mechanical ventilation, plant and equipment is appropriately screened and will not affect the patrons of the Oatley Hotel when dining in the rear Beer Garden.

10. These issues are addressed in more detail later in the assessment report.

### **Reason for Referral to the Local Planning Panel**

11. This development application involves works to a designated Local Heritage Item in accordance with Schedule 5 of the Kogarah Local Environmental Plan.
12. The determination authority in this case is the Georges River Local Planning Panel (GRLPP) as the subject site includes a local heritage item and falls within the category of “sensitive” development in accordance with Schedule 1 of the Minister’s Local Planning Panel Direction dated 30 June 2020.

### **Issues of Concern**

13. The proposal has been assessed against the planning controls contained in Kogarah Local Environmental Plan (LEP) 2012 and Kogarah Development Control Plan (DCP) 2013, Georges River LEP 2020 and Georges River DCP 2020 and the proposal generally complies with the general and key planning controls however as mentioned above the outstanding issue is that of heritage conservation and the design of the addition.
14. Council’s Heritage Consultant is at odds with the Heritage advice provided by the Applicant. This issue is addressed in more detail later in the assessment of proposal however in summary Council’s Heritage Consultant approves of the proposed development subject to the retention of the small utility wing at the rear of the building and requests it’s integration with the addition.
15. The Applicant’s Heritage consultant reviewed the Council’s preferred design option and advice and did not agree that the retention of this element is important as the main components of the building will be retained and that the utility wing at the rear is not an important feature, and in addition its retention would significantly compromise the design potential and affect the siting and size of the proposal. As such no changes are proposed and the original scheme and preferred design approach is to be retained.
16. The site has seen a series of redevelopment options in the past many of which were insensitive and considered an overdevelopment of the site. This proposal from a planning perspective is a sensitive and careful design response as it retains the building and the additions are located to the rear and are single-storey so they do not intend on dominating but seek to create a measured and low scale addition. The Applicant’s

argument against the retention of the rear existing wing seems a reasonable heritage and planning argument.

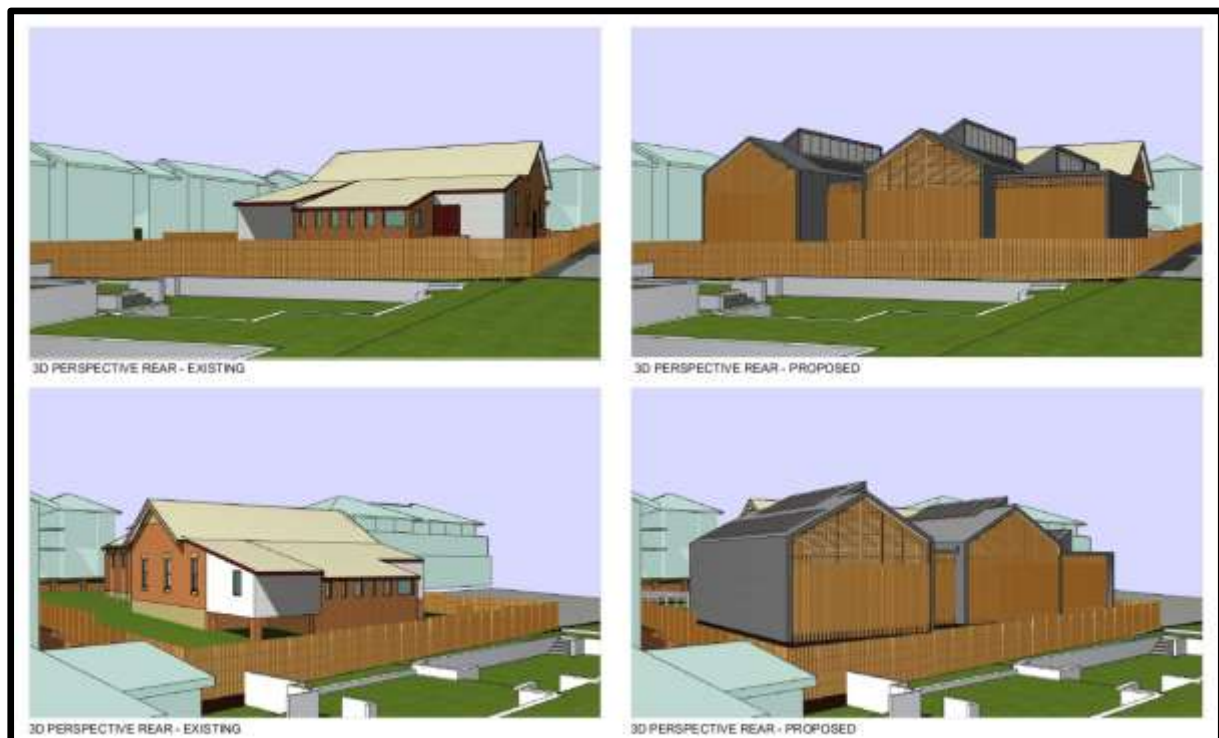
## Conclusion

17. The proposed development complies with Council's key planning and design controls and is therefore considered to be a reasonable and acceptable planning and design outcome that will improve the functionality of the property and will have a positive contribution to the streetscape without adversely affecting the historic significance and integrity of the building.
18. Having regard to the matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans, the proposed development application (DA2021/0224) is recommended for approval subject to the conditions referenced at the end of this report.

## Report in Full

### Proposal

19. The DA proposes the retention of the Lodge room and hall and seeks the demolition of the rear utility wing and the construction of a single storey modern addition at the rear of the building. **Figure 3** below is a 3D montage comparing the visual appearance of the proposed addition at the rear to the existing view of the building.



**Figure 3: 3D Montage of the proposed new rear addition and the building as existing** (courtesy: Cottey Parker 2021)

20. A more detailed description of the proposed works is as follows:
  - Retention and restoration of the existing Masonic Lodge at the front of the site and associated hall including new internal joinery.

- Demolition of the rear utilities wing of the existing building and replacement with a new contemporary single storey addition which will include the following facilities and spaces:
  - New self-contained commercial tenancy
  - New kitchen and toilet facilities
  - New storage areas; and
  - Lounge area which will act as a museum and store historic archives, pictures and information.
- New accessible pathway (southern side), pedestrian access and associated landscaping at the front and side of the hall.
- Redesign the front area to formalise the parking arrangement for six (6) vehicles as there is currently no off street car parking. The car parking area includes a circular driveway into and out of the premises.

21. **Figure 4** below shows the visual layout of the ground floor and all associated works proposed on site.



**Figure 4: Proposed ground floor plan** (courtesy: Cottee Parker 2021)

### The Site and Locality

22. The site comprises of two lots known Lot A DP 325569 and Lot 20 DP 1043366, is rhomboid in shape with a frontage of approximately 26.82m to Letitia Street, a depth of approximately 50.292m and a combined area of approximately 1,348.8sqm.
23. The site currently contains the Oatley Masonic Lodge which is a listed heritage item in accordance with schedule 5 of the Kogarah LEP 2012. The building is single storey and has a setback between 8.747m to 10.233m from Letitia Street with the front of the building containing the existing lodge room, hall and a rear utility wing which is a later addition and contains a kitchen and associated amenities.
24. Immediately adjacent to the south is an at-grade Council car park adjacent to a three storey shop top housing development located at 15 Letitia Street. Immediately to the west adjacent to the rear of the site is the Oatley Hotel. The beer garden occupies the

rear of that site and has an interface with the subject site. Adjacent to the north of the site is a three (3) storey residential flat building at 11 Letitia Street.

25. Opposite the site to the east across Letitia Street, are a row of three storey residential flat buildings. The photographs below represent the current development on the site and nature of surrounding developments.
26. The immediate locality comprises of a mix of land uses predominantly commercial and residential properties. The site is within close proximity to the Oatley train station and the commercial centre of Oatley. It is within walking distance to Oatley Park which is a 45 hectare bushland area surrounded by the Georges River. The site is very well located and accessible to a series of services and amenities.



**Photo 1: The subject site as viewed towards the existing building from Letitia Street**





**Photo 2: The northern boundary of the site looking east**



**Photo 3: The northern boundary of the site looking west**



Photo 4: The southern boundary of the site looking west



Photo 5: The western boundary looking south



**Photo 6: Neighbouring buildings to the south identified as 15 Letitia Street, Oatley – shop top development**



**Photo 7: View towards the existing building site across the adjoining car park looking north**





Photo 8: View towards the existing building site across the adjoining car park looking north



Photo 9: The neighbouring building to the north of the site identified as 11 Letitia Street, Oatley



Photo 10: Adjoining properties to the east of the site across Letitia Street



Photo 11: Streetscape character to the east of the site across Letitia Street



**Photo 12: Approved but yet to be constructed building located at 18B Letitia Street, Oatley across from the subject site**

## Background

27. The site has been the subject of a pre-lodgement application in 2020 based on a development scheme similar to the one currently before Council and historically has had two previous development applications determined by the Georges Local Planning Panel (GRLPP) and the previous Independent Hearing and Assessment Panel (IHAP). The applications included alterations to the existing Heritage Item with the inclusion of new residential components. The history of the applications is provided below.

### **Prelodgement Application 2020/0087**

28. A pre-lodgement application was submitted to Council in 2020 for alterations and additions to the existing Mason Hall and a formal response was prepared on 7 September 2020. **Figure 5** below shows the proposed ground floor works that formed part of the pre-lodgement application.
29. Council's comments in response raised a few issues as summarised below:
- The proposed northern extension will obstruct the visual integrity and side façade of the building and the proposed 1.5m side setback along this side is insufficient.
  - The proposed tandem car parking arrangement at the front is excessive and dominating creating a convoluted access ramp.
  - The contemporary nature, scale and general form of the additions are considered acceptable from a Heritage perspective however, the small original masonry wing at the rear is to be retained.
  - The proposed development exceeded the statutory height of 12m and the non-compliance could not be supported in this instance.
30. The Applicant considered the comments reflected in the pre-lodgement advice and made a series of changes to the design in accordance with the advice.



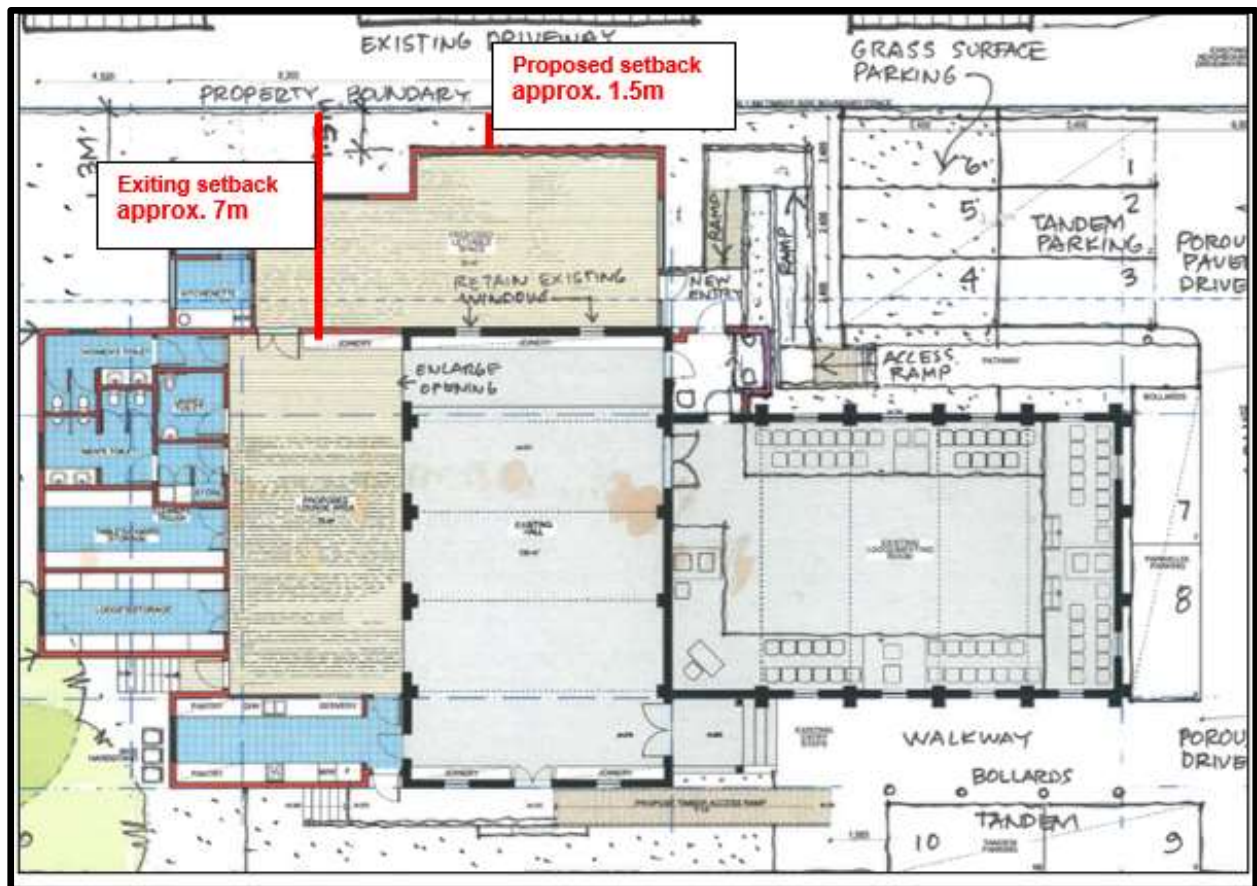


Figure 5: Proposed extension and new works forming part of the prelodgement application

### **Development Application 2018/0038**

31. Despite Council's Officers recommendation for approval, the GRLPP refused the proposed development on 25 February 2019. The proposal involved a mixed-use development involving the retention of the Lodge room, demolition of the rear hall and construction of ground floor hall, kitchen, office and associated service rooms, three (3) levels of residential units comprising nine (9) units, roof top common open space and basement car park incorporating car stackers and associated site works. **Figure 6** below is the photomontage of the proposed scheme.
32. The reasons for refusal included the following:
  1. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory when assessed against the height controls contained in Kogarah LEP 2012 and Kogarah DCP 2013. Further, the request for variation under Clause 4.6 of Kogarah LEP 2012 is not well founded and contains insufficient justification for variation to the height controls.
  2. Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of the built environment, specifically the height of the development will result in unacceptable impacts in terms of visual bulk and scale when viewed from surrounding properties and from the public domain (particularly the public car park to the south, and Letitia Street), as well as the courtyard of the Oatley Hotel and the residential flat building to the north).

3. *The proposal will result in a compromised heritage outcome and is unsatisfactory having regard to the provision of Clause 5.10 of Kogarah LEP 2012.*
4. *Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of the built environment; specifically the development proposes insufficient setbacks from the side and rear boundaries, which will exacerbate the concerns regarding bulk and scale when viewed from adjoining properties.*
5. *Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of the built environment, specifically, the development provides insufficient communal open space which does not comply with the recommendations of the Apartment Design Guide (ADG), and will result in a poor level of amenity for future occupants of the development.*
6. *Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of the built environment, specifically the design of the entry to the residential units in the development will result opportunities for concealment which is unacceptable when assessed against the principles of Crime Prevention through Environmental Design (CPTED).*
7. *Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of solar access to the residential units. Specifically, the proposal does not comply with the recommendations of the Apartment Design Guide (ADG) in terms of solar access to residential Units 2, 5, and 8, and the development will result in a poor level of amenity for the occupants of those units.*
8. *Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of the built environment; specifically the design of the car park is unacceptable because there is a lack of separation between the residential car parking spaces and the car parking spaces provided for the Masonic Lodge building, which will likely lead to conflict and inefficiency between the vehicle owners associated with the residences and the Masonic Lodge building.*
9. *Pursuant to Section 4.15(e) of the Environmental Planning and Assessment Act 1979, approval of the development will not be in the public interest.*



Figure 6: Photomontage of the proposed development submitted as part of DA2018/0038

### **Development Application 2016/0053**

33. This application was considered by the Independent Hearing Assessment Panel (IHAP), on 23 February 2017. The application was for the construction of a mixed-use development involving retention of existing lodge room, demolition of rear hall and construction of new four (4) storey building containing ground floor lodge facilities and ten (10) apartments above on the subject site and was refused. The reasons for refusal were as follows:

- (1) *The proposal provides insufficient justification for the height exceeding the 12 m height control in Kogarah Development Control Plan 2013 and the proposed maximum height development standard in Draft Amendment No. 2 Kogarah Local Environmental Plan 2012 (New City Plan).*
- (2) *The setback and separation of the proposed development from the rear boundary is inadequate and results in unacceptable impacts upon the amenity of the adjoining hotel site.*
- (3) *There is insufficient depth and width of landscaping to the rear of the site to reduce the amenity impacts on the adjoining hotel site.*
- (4) *Insufficient information has been provided to demonstrate that the car parking provided will be adequate to support the proposed development.*

### **PLANNING ASSESSMENT**

34. The subject site has been inspected and the 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**

**Environmental Planning and Assessment Act, 1979 (EP&A Act)**



35. The proposal is considered to be consistent with the aims and objectives of the Act.

### **Environmental Planning and Assessment Regulation 2000**

36. The proposal is considered to have met the statutory requirements under Schedule 1 of the Regulations.

### **STATE ENVIRONMENTAL PLANNING POLICIES**

37. Compliance with the relevant State Environmental Planning Policies (SEPP's) is detailed below in **Table 1** and the associated text.

**Table 1: List of State Environmental Planning Policies and Regional Environmental Plans relevant to this site**

<b>State Environmental Planning Policies/Regional Environmental Plans</b>	<b>Complies</b>
State Environmental Planning Policy No.55 – Remediation of Land	Yes
State Environmental Planning Policy (Vegetation on Non-Rural Areas)	Yes
Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment	Yes
Draft Environment State Environmental Planning Policy	Yes
Draft Remediation of Land State Environmental Planning Policy	Yes

#### **State Environmental Planning Policy No.55 – Remediation of Land**

38. State Environmental Planning Policy 55 aims to promote and identify contaminated land/s and whether remediation is required in order to reduce the risk of harm to human health or any aspect to the environment. It aims to ensure land is suitable for its intended use.
39. Clause 7 of the policy 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.
40. The site has a long history as a “*community based institution*” (Masonic Hall) since the early 1920's and as such, site contamination is not suspected. In this regard, no further assessment is warranted with regard to site contamination and the application is considered suitable for the site.

#### **State Environmental Planning Policy – Vegetation in Non-Rural Areas 2017 (Vegetation SEPP)**

41. The intent of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 is “*to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation*”.
42. The Vegetation State Environmental Planning Policy regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.
43. The Vegetation State Environmental Planning Policy applies to clearing of:
1. *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*

2. *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).*
44. The Vegetation State Environmental Planning Policy 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.
45. In respect to this site, Council's mapping system doesn't highlight the presence of any important vegetation of species at the site. There are a number of smaller trees within and adjoining the site. The two (2) existing street trees are intended to be retained and unaffected by the proposed works.
46. An arborists report accompanies the application which was prepared by Rain Tree Consulting and is dated 24 April 2021. The report acknowledges that there are twelve (12) trees that are affected by the proposal in some way. They are defined in the following manner:
  - Two (2) trees are street trees known as Water Gums which are to be retained.
  - Six (6) trees are exempt trees of low value are Broad leaved Privet trees (no.s 6, 7, 8, 9, 10 and 12 noted in **Figure 7** below). These trees are proposed to be removed and are located at the rear. They will be replaced by a series of Lilly Pillies and Eumundi Ash trees which grow up to 3m-4m in height.
  - Three (3) trees are located within the neighbouring properties only about 10% TPZ will be affected by the works which is minimal and will ensure their retention for the longer term.
  - One (1) more important tree is rated of low retention value and is the Pittosporum tree (No.3). This tree is proposed to be removed as it is in decline and will be affected by the building footprint.

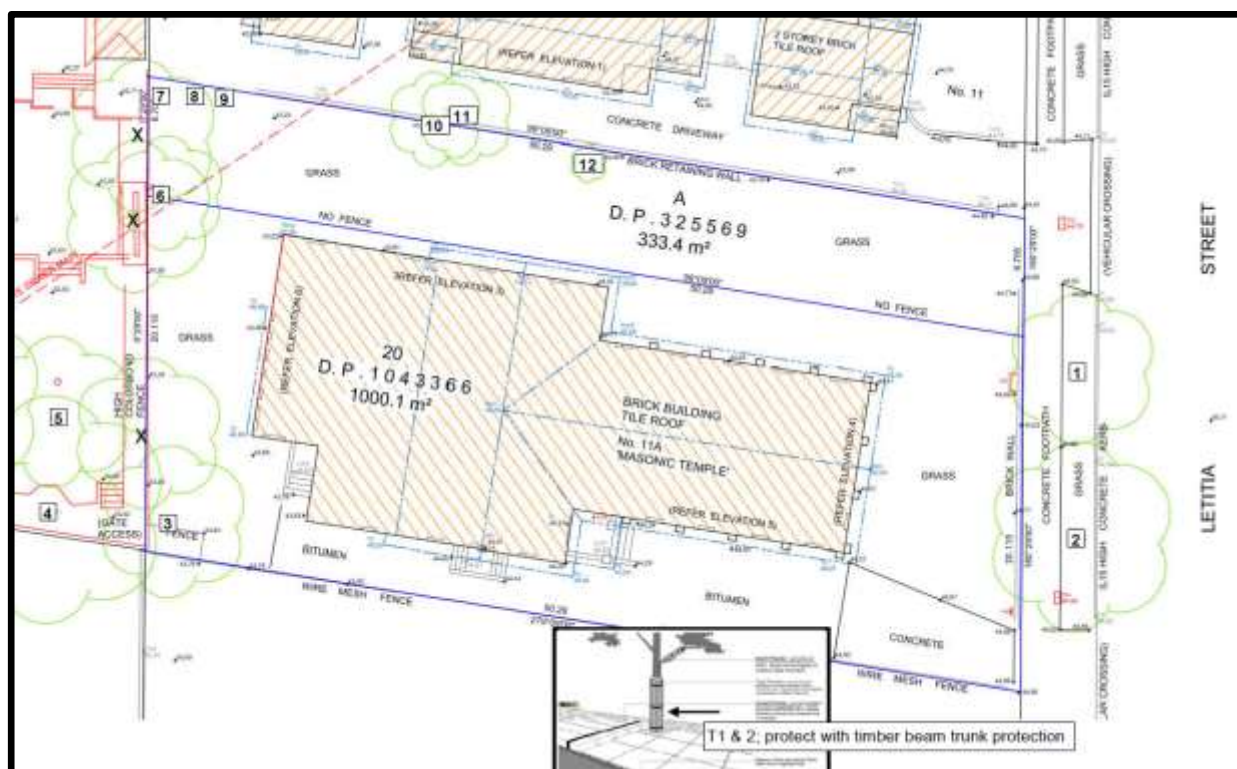


Figure 7: Tree location plan (courtesy: rain tree consulting, 2021)

47. The report concludes that “One (1) prescribed (protected) tree T3 is recommended for removal to accommodate design primarily due to the trees low retention value. Exempt non-prescribed trees 6, 7, 8, 9, 10 & 12 are recommended for removal to manage weed tree colonization within the site and neighbouring properties.” A series of tree management and protection measures are proposed in the report. The proposed Landscape Plan significantly improves the landscaping around the building and comprises of permeable areas with low scale hedges and some ornate planting to create a more structured and formal garden. It will significantly improve the landscape treatment across the site and improve the visual appearance of the property.
48. Council’s Landscape Officer has considered the arboricultural assessment and the proposed Landscape plan and raises no objection to the proposed works subject to the imposition of conditions.
49. The proposal has been assessed in accordance with this State Environmental Planning Policy. The application is considered acceptable in this regard.

### Draft Environment State Environmental Planning Policy

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

52. The proposed development is not inconsistent with the aims and objectives of this plan.

### **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 and until the Draft Environmental State Environmental Planning Policy is gazetted then this State Environmental Planning Policy is still relevant and needs to be considered in the assessment of the application.
54. The policy aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, state, regional and local significance of the catchment.
55. All stormwater from the proposed development can be treated in accordance with Council's Water Management Policy and will satisfy the relevant provisions of the aforementioned deemed State Environmental Planning Policy.
56. The proposed stormwater and drainage arrangement relies on a number of rainwater tanks (located below the building) which will collect and harvest water, reuse it within general amenities and irrigation and the remaining water will be overflow and connected back to the existing stormwater system which will connect to the kerb and gutter via an arrestor pit. The stormwater and drainage plan and proposed arrangement was reviewed by Council's Engineers and no objection was raised in respect to the proposed works subject to the implementation of conditions.
57. The proposal satisfies the provisions, aims and objectives of the Plan.

### **Draft Remediation of Land State Environmental Planning Policy**

58. The Draft Remediation of Land State Environmental Planning Policy was exhibited from 31 January 2018 to 13 April 2018. The proposed remediation of land State Environmental Planning Policy aims to;
- *Provide a state-wide planning framework for the remediation of land;*
  - *Maintain the objectives and reinforce those aspects of the existing framework that have worked well;*
  - *Require planning authorities to consider the potential for land to be contaminated when determining development applications for the rezoning land;*
  - *Clearly list the remediation works that require development consent;*
  - *Introduce certification and operational requirements for remediation works that can be undertaken without development consent.*
59. The Policy seeks to simplify the controls around contamination and remediation and ensure there is greater clarity and certainty in the process. Given the consistent historical uses at the site, the proposed development satisfies the intentions of the draft policy and satisfies State Environmental Planning Policy 55 as mentioned above.

### **Kogarah Local Environmental Plan 2012**

60. Although the Georges River Local Environmental Plan 2020 was formally gazetted on 8 October 2021, clause 1.8A (savings provisions relating to development applications) states that;

*“If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”*

61. On this basis the provisions in Kogarah Local Environmental Plan 2012 remain applicable in this case and the GRLEP 2020 will be considered as part of this assessment.
62. The site is zoned B2 – Local Centre under Kogarah Local Environmental Plan 2012 and the proposal is a permissible form of development with Council consent. The following is a zoning map of the subject site and surrounding properties. **Table 1** below outlines the compliance of the proposal against the key planning controls within Kogarah Local Environmental Plan 2012.

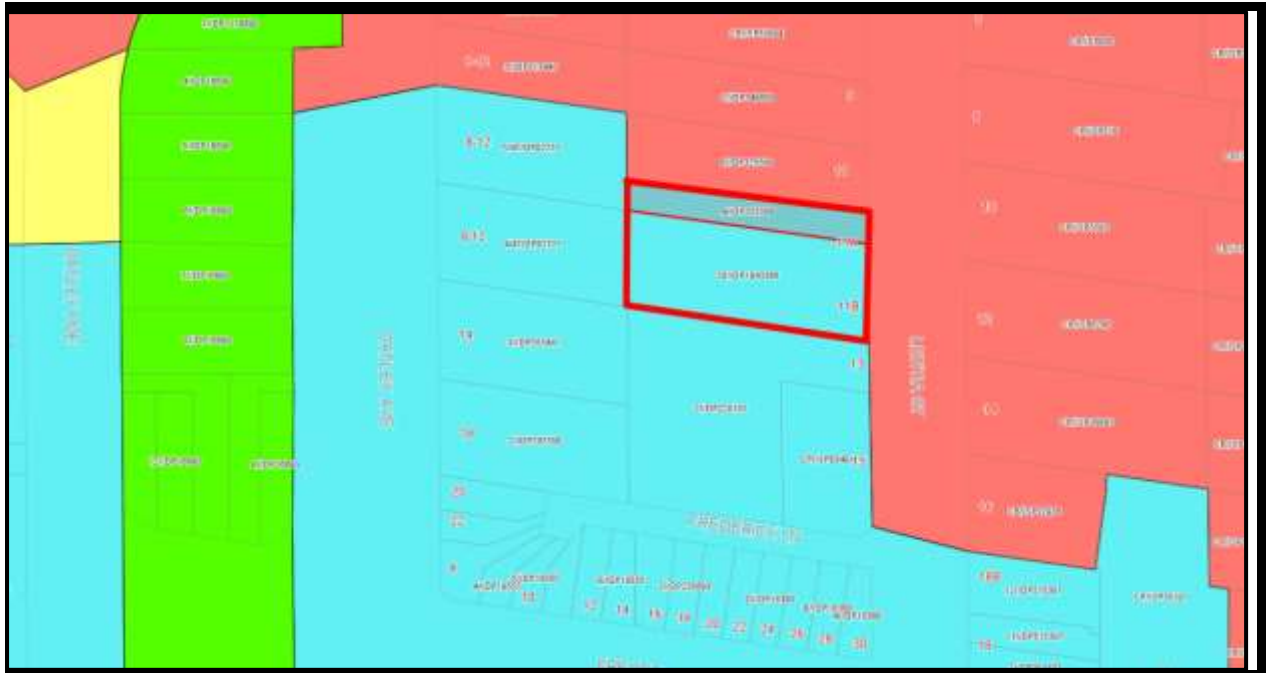


Figure 8: Zoning map, site outlined in red

**Table 1: Compliance with development standard of Kogarah Local Environmental Plan 2012**

Clause	Standard	Proposed	Complies
1.2 – Aims of the Plan	In accordance with Clause 1.2(2)	The development is consistent with the overall aims of the plan.	Yes
1.4 – Definitions	“Community facility” and “commercial premises” are permissible land uses in the zone.	The proposed development is consistent with the following definitions. <b>commercial premises</b> means any of the following— business premises, office premises,	Yes

[illegible]



		<p>floor RL43.34)</p> <p>8.2m (top of roof ridge proposed at RL51.577 and existing ground floor level RL43.34).</p> <p>These are conservative points at the existing ground floor taken off the survey and the height will actually be slightly lower.</p> <p>The proposal is well below the existing roof ridge of the Masonic centre which is at RL52.048 and is well below the statutory height limit of 12m.</p>	
4.4 – Floor Space Ratio	2.5:1 as identified on Floor Space Ratio map (this amounts to a permissible GFA for the site of 3,332.5sqm)	<p>Existing GFA for the hall is 404.83sqm (0.30:1). 124sqm of the existing building is to be demolished (the existing rear utility wing) to accommodate the new addition.</p> <p>A total GFA of 560.01sqm is proposed which amounts to an FSR of 0.42:1 which is well below the maximum 2.5:1.</p>	Yes
4.6 – Exceptions to development standards	Written request for variation must be considered	The development complies with the key development standards of floor space and height and no variations to standards are sought in this instance.	N/A
5.10 - Heritage	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent	<p>The site currently contains a heritage item referenced as I124 (Oatley Masonic Lodge) as identified in Schedule 5 of the Kogarah Local Environmental Plan 2012.</p> <p>A detailed assessment is undertaken later in this report</p>	Yes (1)

	to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.		
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.	The subject site has not been identified as being affected by Acid Sulfate Soils.	Yes
6.2 – Earthworks	To ensure that earthworks do not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The development does not involve any excavation or major earthworks.	Yes
Clause 6.3 - Flood Planning	Requires assessment to minimise the flood risk to life and property associated with the use of land; 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; and to avoid significant adverse impacts on flood behaviour and the environment.	The subject land is not flood affected.	Yes

**Clause 5.10 – Heritage Conservation**

63. The subject property is included in Schedule 5 of the Kogarah Local Environmental Plan 2012. The Heritage Inventory statement of significance describes the property as:
64. *“11A Letitia Street is a representative example of a Masonic Hall. Oatley Masonic Hall has been a focal point for the local Freemason community since the early 1920’s. It provides tangible evidence of the establishment of community based institutions in the Kogarah LGA”.*

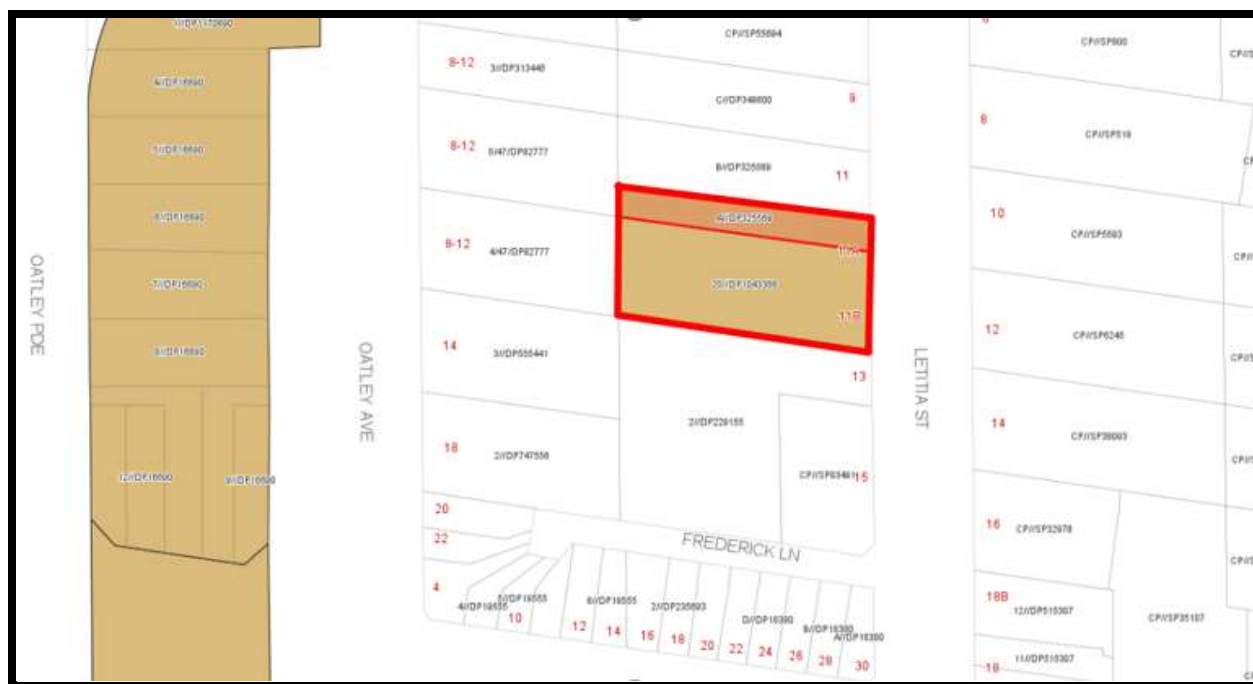


Figure 9: Heritage Item Map – the Heritage Item is identified as “124”

65. Under Clause 5.10(4) of Kogarah Local Environmental Plan 2012 the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. It is identified as I124 in schedule 5 of the Kogarah Local Environmental Plan.
66. Clause 5.10(6) of Kogarah Local Environmental Plan 2012 states that *“The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause”*. The application is accompanied by a Heritage Impact Statement (HIS) prepared by Urbis and dated 15 April 2021.
67. The HIS considered the historic, cultural and social significance of the Masonic Hall and its contribution to the area and the Freemason community. The significance of the property is outlined below;

*“The subject building at 11a Letitia Street demonstrates the historical development in the area. Constructed in c1922 for the purpose of a Masonic Lodge, the subject building shows evidence of significant human occupation and continues to maintain the use for the Freemasons in the local area.*

*The subject building includes internal and external details that reflect development during the early 20th century and is aesthetically distinctive.*

*The subject building is a 1922 Masonic Lodge located in the suburb of Oatley in the Local Government Area of Kogarah. It is considered that the subject building is unique in the Kogarah LGA."*

68. The HIS considered the proposal against all the statutory requirements and relevant heads of consideration in relation to heritage significance. In summary the HIS concluded that the proposal is acceptable and will not adversely or detrimentally affect the historic, social and cultural significance of the place for the following reasons;
- *Proposed demolition is limited to later addition fabric of reduced significance, located at the rear of the site. Removal of fabric identified for demolition is assessed to have no adverse impact on the heritage significance of the original portion of the building, the overall setting, or the site's presentation to Letitia Street.*
  - *The proposed additions are generally complementary to the original forms, proportions and character of the original portion of Oatley Masonic Lodge. The proposed design scheme incorporates sympathetic forms, massing and scale to deliver three pavilions that maintain a strong visual relationship to the original portion of the building, whilst remaining distinctly contemporary as new development. Importantly, the ridgeline of the proposed pavilions does not exceed that of the existing, ensuring the new additions remain subservient to the original portion of Oatley Masonic Lodge.*
  - *The pavilions maintain the architectural language of Oatley Masonic Lodge using gabled roof forms, rectangular base forms and vertically proportioned openings. The pavilions utilise a highly contemporary schedule of finishes including corrugated sheet metal, glass and light-weight timber battens. Overall, the design scheme is low impact ensuring the original portion of the building remains a defining feature of the site.*
  - *The proposed additions remain in line with the established building envelope ensuring site coverage remains conservative. Side, rear and front setbacks are maintained across the site, ensuring principal forms of the original portion of the site are sufficiently interpreted. As such, the traditional setting of the site is appropriately conserved and the site's presentation to Letitia Street unchanged.*
69. The HIS was referred to Council's Heritage Consultant who in general was satisfied with the proposal apart from the removal of the rear utility wing. The Heritage Consultant in response to the application stated the following;
70. *Previous heritage advice has been provided by referral responses dated 5 August 2020 and 29 October 2020, the latter of which accompanied a pre-Development Application meeting (PRE2020/0087). Having reviewed the documentation submitted with this Development Application, the proposal remains substantially the same as that which was previously considered, however the proposal has been revised to respond to 'fine-tuning' following Council's planning and heritage advice, together with a redesign of the language and form of the rear additions.*
71. *The proposed additions will involve the demolition of the existing skillion roofed rear wing, inclusive of the masonry portion and that which is presently clad in FC sheeting. While the demolition of the FC clad portion of the rear wing is supported, the masonry component of the rear wing comprises significant fabric and would result in the loss of important detailing as well as irreversibly altering the original building footprint and form.*

***For this reason, demolition of the skillion-roofed masonry component of the rear wing is not supported and should be retained.***

72. *The additions have been designed to incorporate a low-scaled link, which provides for a sense of separation and allows the new additions to rear as a pavilion. This design approach is generally acceptable, however as identified above, the existing masonry skillion wing is part of the original silhouette and form of the dwelling and removal is not supported. Consequently, the rear additions must be redesigned to incorporate the retention of the masonry walls to both side elevations. This is shown in the notated composition figure below. The new additions should still be visually separated from the retained portions of the existing building via a lightweight material linkage such as glazing, as is currently proposed.*

*The contemporary architectural language and expression of the new additions is considered of high quality and to positively relate to the traditional forms and detailing of the original building. The scale and form of the additions will not compete with the visual prominence of the existing building and will have an acceptable impact accordingly.*

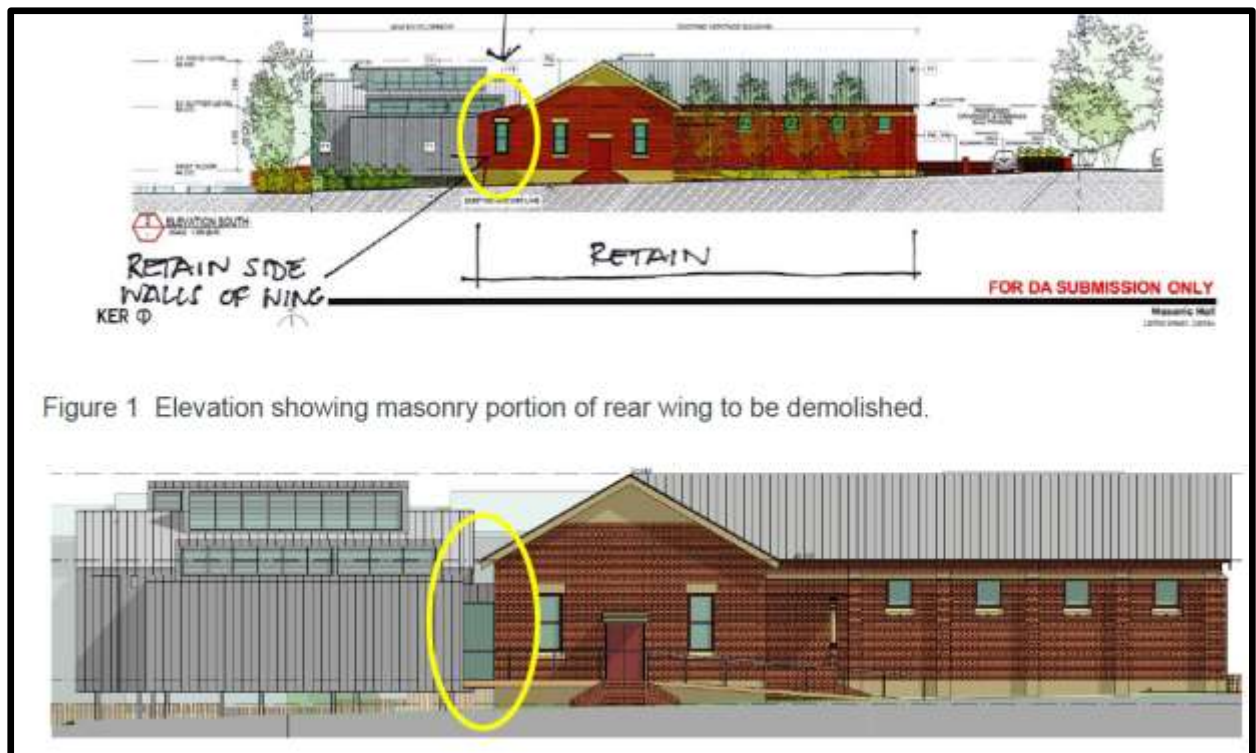
73. Council's Heritage Consultant recommended that the development be amended to retain the rear skillion masonry walls to both side elevations of the building (inclusive of their existing fenestration) as they are significant fabric and should be retained. If this was achieved then the scheme will be supported from a heritage perspective. **Figure 10** below depicts Council's Heritage Officers preferred design solution.



**Figure 10: Council's Heritage Officers preferred design response by retaining the masonry wing element of the existing building.**

74. On 9 September 2021 Council provided the Heritage comments to the Applicant to consider and make appropriate amendments. On the 28 September 2021, the Applicant provided a formal response.
75. Urbis in its submission in response, stated that the “the masonry portion of the rear wing does not make a defining contribution to the overall profile of the building. Retention of the masonry portion of the rear wing is not considered to add any value to the existing building as it does not make any meaningful contribution to the site in the context of the proposed development. Whilst it is acknowledged that the fabric is original, it is a minor element of the existing building, and the proposal seeks to retain the vast majority of the existing building fabric. It is our view that this is sufficient to retain the significance of the place, including the important detailing noted by Edwards Heritage Consultants, and that the minor demolition proposed is appropriate to facilitate the adaptive re-use of the structure.

76. *The proposed scheme facilitates the addition via a low-level link, below the gutter line of the gable roof form. The proposed addition continues to interpret the location of a rear wing in a contemporary manner and does not rely on the portion in question to do so. Removal of this section of the rear wing emphasises the primary, gable roof form of the existing portion of the building; and ensures original material is appropriately separated from the contemporary addition. Removal of the masonry portion of the rear wing ensures the profile and principal forms of the building are better articulated in the context of the new development.*
77. *Overall, removal of the masonry portion of the rear wing is considered an appropriate level of intervention in facilitating the proposed development, improving amenity and enjoyment of the site and effectively maintaining historic forms. The works allow for the sensitive development of the rear of the site, including a clear separation between old and new form, and the enhancement of the dominant street facing gable.*
78. **Figure 11** below compares the proposed development with Council's preferred design response for the site.



**Figure 11: Visual comparison of the proposed development and Council's preferred design response which would be to retain the existing masonry wing.**

79. The justification for not adhering to the heritage advice and not retaining the masonry wing section of the building at the rear was re-referred to Council's Heritage Officer who has maintained his consistent position and opinion that the rear masonry section forms part of the original fabric and integrity of the item which is visible from many vantage points and therefore its retention is important. The final response dated 30 September 2021 states;
80. *"I have considered the Urbis heritage response, however, remain of the view that the rear skillion wing is a significant element to the building. While the rear wing may visually read as a lesser 'important' element in the overall hierarchy of the building, it nonetheless is*



*part of the original design intent of the building and is an important element to understanding the role and function of the building, including its hierarchy of use with ancillary service areas oriented to the rear.*

81. *The rear skillion wing is a visible element of the building, and ‘completes’ the building silhouette, being highly visible from the adjoining public carpark and Frederick Lane, as well as being visible from the primary street frontage in Letitia Street. Furthermore, the fenestration in the rear wing is consistent in its proportion and detailing to the fenestration within the gabled component of the building, which further reinforces the original silhouette and form of the building.*
82. *As per the previous heritage referral response, demolition of the FC clad portion of the rear wing is supported, but demolition of the skillion-roofed masonry component of the rear wing is not supported and should be retained. It would however be acceptable to limit retention to the two side masonry walls of the rear skillion wing, whereby permitting the careful integration of the new additions. This design change would not involve any reduction in the proposed floor area or internal configuration, and the retention of the side masonry walls could quite easily be achieved.”*
83. Having considered the two points of view, the following points are made;
  - Council’s Heritage Advisor who provided heritage advice in regards to the DA2018/0038 which also proposed the removal of the rear utility wing and even more of the existing Hall building was supported on heritage grounds.
  - The main heritage listed building is being maintained and kept in an intact condition.
  - The proposed development provides a small linkage between the existing building and the new single storey pavilion which aims to provide a contrast between the old and new/contemporary works.
  - The new addition is well designed and of a high quality.
  - In order to retain the existing masonry rear section, the design of the addition will be compromised to a large degree given that the addition is limited in its footprint and constrained by maintaining the visual appearance of the item, retaining good setbacks from boundaries, maintaining separation from adjoining uses and enabling landscaping features.
  - The area at the back of the building is limited in size and the retention of the masonry rear section will be at odds with the new works especially when connecting roof elements and the like and the symmetry of the proposed addition would be lost.
  - The existing rear addition is in poor condition with graffiti at the rear. It is also currently also visible from the council carpark as the side boundary fence is an open style fence if it was a 1.8m timber fence this element would not be very visible.
  - The critical importance of this building is the hall and lodge meeting room which will remain intact and largely untouched.
84. The proposed development scheme is a reasonable and high-quality urban design and planning response to the site and appropriate integration with the heritage item. It is for these reasons that the proposed development in its current form should be approved without the need to retain the masonry section.
85. A detailed set of heritage conservation conditions are included that aim to ensure the integrity and restoration of the item is well considered and managed during and after the construction of the project.

86. Consideration is given to the provisions of the recently gazetted Georges River Local Environmental Plan 2021 (8 October 2021) in the assessment this application.
87. Clause 1.8A (Savings provisions relating to development applications) of the GRLEP states that *“If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”*
88. There are no evident planning control changes proposed for the site. The zoning is retained as B2 as well as the height (12m) and FSR (Max 2.5:1) are maintained under the new provisions. The site is mapped to be located within Class 5 Acid Sulphate Soils and also retains its heritage status as a Local Heritage Item (I237 – Oatley Masonic Lodge).
89. The proposed development is generally consistent with the new GRLEP 2021 provisions.

### Kogarah Development Control Plan 2013 (KDCP)

90. The proposal has been assessed under the relevant sections of the Kogarah Development Control Plan 2013 (KDCP 2013). The following parts of the KDCP are relevant to the proposal;
- *Part B – General Controls*
  - *Part D – Commercial and Industrial*
  - *Part D2 – Commercial Locality controls*
91. A compliance table is provided below which outlines the proposal's compliance with the relevant controls contained within KDCP 2013.

**Table 2: Compliance with KDCP**

<b>Kogarah Development Control Plan 2013</b>			
<b>Part B General Controls</b>			
<b>Controls</b>	<b>Required</b>	<b>Proposed</b>	<b>Comply</b>
<b>B1- Heritage Items and Conservation Areas</b>	The relevant requirements of Clause 5.10 of Kogarah Local Environmental Plan 2012 are to be addressed for any development relating to a heritage item. Where a heritage management document and/or heritage conservation management plan is required to be submitted to Council, this is to be prepared by an appropriately qualified professional.	A detailed assessment against the provisions of Clause 5.10 has been provided above and is considered to be an acceptable heritage and urban planning design outcome.	Yes
	The objectives of the heritage provisions are; <i>(a) New development,</i>	The proposed design has been carefully and	

	<p><i>including development on sites adjacent to heritage items must respect the architectural character of a heritage item and complement and enhance their significance and setting.</i></p> <p><i>(b) Landscape features are to be retained where they contribute to the heritage significance of the item.</i></p>	sensitively considered and satisfies the objectives of the control as the addition is respectful to the integrity and visual significance of the heritage item.	
<b>B2- Tree Management and Greenweb</b>	<p>The objectives of this Part are:</p> <p><i>(a) Establish the criteria governing the removal or pruning of trees.</i></p> <p><i>(b) Ensure that appropriate information is submitted to Council regarding tree management.</i></p>	<p>The vegetation across the site is largely exempt species with shrubs and some plants. Otherwise, the buildings gardens comprises of grass.</p> <p>The proposed landscape plan seeks the removal of all exempt and low retention trees and shrubs at the rear as these will largely be affected by the proposed extension and new pavilion addition.</p> <p>The proposed Landscape Plan includes some denser and taller plants and trees along the rear and northern side to provide additional screening and greenery. The proposed landscape design will significantly improve the current quality and appearance of the garden and green space by creating a more defined, formal and structured gardens.</p>	Yes
<b>B4 – Parking and Traffic</b>	<p>Objectives of this part are;</p> <p><i>Minimise traffic congestion and ensure adequate traffic safety and management;</i></p>	<p>The proposed development is providing for some additional commercial area (approximately 90sqm of lettable area)</p>	Yes – see discussion below

	<p><i>Ensure an adequate environmental quality of parking areas (including both safety and amenity);</i></p> <p><i>Provide adequate car parking for building users and visitors, depending on building use and proximity to public transport.</i></p> <p><b>Commercial use – 1 space per 40sqm</b></p> <p><b>Place of public worship - 1 space/5 seats, or 1 space/5m<sup>2</sup> of public seating, whichever is greater</b></p> <p><i>When determining how many car spaces your development may require, it is important to remember that you may be eligible for parking credits.</i></p>	<p>and this would generate the need for 2.25 spaces so 3 spaces are required.</p> <p>The existing hall has a total floor space of 280sqm with 124sqm being demolished to accommodate the new addition. Although the addition will have a total GFA of 279sqm this contributes to only 155sqm of additional space and if it was solely commercial area and would generate the need for 4 additional spaces however 90sqm is lettable commercial space, with 75sqm dedicated as a “museum” associated with the masonic hall and the remaining spaces cater for much needed amenities i.e. toilet facilities, kitchen and storage areas which technically do not generate the need for car parking.</p> <p>It should also be noted that the existing 404sqm of GFA that comprises of the existing Masonic Hall and there seems to be a double hardstand space along the southern side of the building adjacent to the entry which caters for some parking (2 spaces) although this is not considered to be a formal arrangement.</p> <p>The proposed development proposes a one-way circular driveway with entry from</p>	
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		<p>the north-east and exit via the south-eastern side as existing. Conditions will be included requiring appropriate signage to avoid any conflicts and confusion regarding access.</p> <p>The provision of 6 spaces (1 space being accessible) is considered acceptable and given there is a Council car park adjoining the site. Two spaces will need to be dedicated to the new commercial tenancy.</p>	
	<p><u>Bicycle Parking</u> For commercial developments or for the commercial component of a mixed development – 1 space per 5 car parking spaces.</p> <p>]Bicycle parking facilities are to be designed in accordance with Australian Standard AS2890.3 – 1993 (Parking Facilities – Part 3 Bicycle Parking Facilities).</p>	<p>No bicycle parking is proposed however if recommended for approval two (2) bicycle spaces are to be provided via the imposition of a condition.</p> <p>Appropriately conditioned</p>	
	<p>Loading Bays 1 bay per 1,000sqm – 5000sqm</p>	<p>Not required as GFA is well below these requirements</p>	
<b>B5 – Waste Management and Minimisation</b>	<p>Submit a waste management plan</p>	<p>The waste bins are located along the southern side of the property and are well screened however this is not the most ideal position logistically as the commercial tenancy will find it difficult to access the bins.</p>	<p>Yes</p>


		A condition will require a minimum of two bins to be located along the northern side situated behind the footprint of the commercial tenancy and shall be well screened.	
<b>B6 – Water management</b>	All developments require consideration of Council's Water Management Policy	A Concept Stormwater Plan has been submitted with the application. The plan has been assessed by Council's Development Engineers as satisfactory subject to conditions.	Yes
<b>B7- Environment Management</b>	<p>Building to be designed to improve solar efficiency and are to use sustainable building materials and techniques</p> <p>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>Lighting provided as part of a development should be energy efficient, such as LED lighting.</p> <p>Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time.</p> <p>All new water fittings and</p>	<p>The development has been sensitively designed and includes materials, finishes and treatments that provide adequate natural ventilation and solar access.</p> <p>The development includes windows and openings in the roof of the new addition to allow for additional natural light to filter into the spaces and includes full screen timber privacy screens along the western side which will reduce any potential for overlooking to the Hotel but also will reduce the western sun beaming into the spaces, the screens will regulate this.</p> <p>Additional conditions will</p>	Yes but also appropriately conditioned



	<p>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 development.</p> <p>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>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>	<p>be imposed to ensure the provisions of this section of the KDCP are met and satisfied and a rainwater tank is included which can be utilised for the gardens and green space around the perimeter of the building.</p> <p>A condition will ensure that the new addition and all amenities and facilities within this section of the development will be compliant with Council's requirements.</p> <p>12 x 2,000L rainwater tanks are proposed to be located below the addition and will include a rainwater pump and filtration to supply non-potable water to amenities and assist with irrigation.</p> <p>Satisfactory and designed to comply as discussed above.</p>	
<b>Part D1 - Development in the B1 Neighbourhood Centre and B2 Local Centre Zone</b>			
<b>3.1 Streetscape</b>	<p>Infill development is to respect and maintain consistency with the established rhythm and scale of existing shopfronts.</p>	<p>Given that nature of the site and the proposed development whereby the existing Masonic Hall is being retained offering a primary street presentation to Letitia</p>	Yes

		<p>Street, the proposed new commercial component is setback substantially from the street and will not result in any significant impact to the streetscape.</p> <p>In fact, the well designed, high quality development that is proposed will establish a high standard of urban design and will contribute positively to the streetscape by retaining the significance of the Masonic Lodge Building and creating a new age infill development that is modern, contemporary in nature and design but an integrated element which is respectful of the existing building and its surrounds.</p>	
	Parapets are to be utilised for the consistency of street frontage and screening of unsightly roof structures.	Not applicable	N/A
	<p>Facades are to be ordered and articulated to visually break up the building massing, for example through materials, colour and the design of openings. Large areas of glass curtain walling and blank walls are to be avoided.</p>	<p>The facades of the new addition are contemporary and balanced symmetrically and in proportion with the existing building. It will sit harmoniously with the original built form as it will be lower than the ridgeline of the lodge and will incorporate contemporary building materials and finishes that although will contrast with the existing finishes are acceptable so that there is a clear distinction between the old and</p>	Yes

		<p>new.</p> <p>The use of glazing and associated timber screening will assist in regulating solar access and sunlight into spaces and ensure privacy to adjoining properties is maintained. The architectural form and design of the new works is considered to be a very well-considered, smart and respectful.</p>	
	Enhance pedestrian amenity through the provision of continuous awnings for weather protection.	Not applicable to this development.	N/A
	Promote safety and security by providing a high level of activation to the street, employing clear and direct lines of sight between the street and building entries, and using appropriate signage and lighting to enhance the amenity of the public domain.	<p>The existing Lodge Room retained on the site remains the most prominent site feature restricting the ability for the provision of a high level of street activation.</p> <p>Notwithstanding, the siting of the proposed rear pavilion style addition ensures that clear and unimpeded sight lines are provided throughout this development. The development also creates more clear and distinct points of entry and access to the rear and the existing lodge.</p> <p>Consent conditions will be imposed with regards to the provision of appropriate levels of lighting throughout the development.</p>	Yes

	Site and design vehicular access (driveways, parking facilities, service access and garages) away from the main street frontage, from rear lanes or secondary streets.	The subject site is not provided with access from a secondary street or rear lane.  Access is well defined.	Yes
<b>Building Heights</b>	Building heights are to be in accordance with the Locality Controls.  No DCP height has been set for the subject site.	The maximum height of the addition is RL50.801 and RL51.577 to the bay window elements. The existing building has a maximum ridge height of RL52.048	Yes
	Buildings are massed towards the street frontage and step down towards the rear, to be in keeping with the existing retail/commercial built form pattern and compatible with the scale and character of adjacent residential areas.	The new addition sits lower than the existing building however fans out and is wider than the existing lodge. The pavilion style addition respects the proportions of the existing building and is sensitive to its siting, location and design.  	Yes
	The height of new development at the street boundary is to be no more than the prevailing height of the parapets of any adjacent and neighbouring heritage buildings.	Complies (see <b>Figure 12</b> above)	N/A

**Figure 12: Proposed front elevation**

	<p>Floor to ceiling heights should be a minimum of 3m at ground floor level, to allow for a range of uses including retail, commercial offices and home offices.</p> <p>Floor to ceiling should be a minimum of 2.7m at the upper storeys of the building, to allow for a range of uses, and to improve the environmental performance and amenity of the building.</p>	<p>The existing hall has a floor to ceiling height of 4.1m and includes a raised ceiling which at the highest point internally achieves a height of nearly 7m.</p> <p>The addition aims to create similar internal heights of approximately 5.5m.</p>	Yes
<b>Setbacks</b>	Buildings adjacent to public roads are generally to align with and be built to the street frontage to provide continuity in the streetscape and encourage active frontages to ground level.	The retention of the front part of the Masonic Lodge Room maintains and informs the building's setback from the street boundary at 8.74 – 10.23m. No change is proposed to the front setback which will remain as existing.	N/A
	<p>Street setbacks at ground level are permitted only:</p> <p>(i) Where the existing footpath is narrow and the provision of additional pedestrian space is desirable</p> <p>(ii) Where the established pattern is setback (for example where there are residential buildings within the locality)</p> <p>(iii) Where the setback enables or enhances visual appreciations of adjacent heritage items.</p>	<p>Given the need to retain the heritage listed Masonic Hall, all new work has been set behind this item enabling its ongoing preservation and unimpeded presentation to the street.</p> <p>Given the unique characteristics of the site, this control is not relevant to this proposal.</p>	N/A
	Side setbacks are generally not permitted in order to maintain the continuity of active frontages, unless specified in the locality controls.	<p>This control is applicable to the southern side of the site as it abuts the business zone.</p> <p>In this case the 1.5m side setback along the southern side is considered satisfactory</p>	N/A

		as it adjoins a Council owned car park and the new addition will have no openings along this side.	
	Where the locality abuts a residential zone and/or a residential allotment, the side setbacks are generally to be a minimum 3m, except where the locality character is established by the existing footprints and the allotment capacity of the locality would be unreasonably constrained. Refer to the Locality Controls of Part D2 for specific side setback requirements.	<p>The proposed development adjoins a residential zone to the north. The new addition will only be setback 1.5m from the northern boundary however this is only for a small section of the site (about 10m-15m). There are no windows along this side of the new commercial wing so there will be no overlooking and due to the orientation (north) there will be no overshadowing to the adjoining townhouses.</p> <p>In addition, the townhouses include a driveway along the southern side that adjoins the subject site providing additional physical separation. In the most part along the northern side there will be no other structures affecting the existing setback of the hall building where there is a generous amount of physical separation. It is also proposed to include some screen planting along this common boundary which will soften the visual appearance of the development. The proposed 1.5m side setback in this case is considered to be satisfactory as it retains the existing separation distances and does not interfere with the siting</p>	



		of the existing building and its relationship with the northern neighbour.	
	Rear setbacks are determined by the context including the amenity of neighbouring residential uses and the amenity of any rear lanes. Refer to Locality Controls within Part D2 for specific rear setback requirements.	<p>The Locality Controls do not offer any guidance or specific control with regard to rear setback for this site.</p> <p>The proposal provides a setback to the rear (western) boundary of 3m. The full height privacy screens which are also an architectural measure to soften the rear façade and provide privacy and reduce the impact of the western sun, encroach slightly within the 3m setback. Since the rear addition is designed to be read as a series of essentially three (3) pavilion structures with interlinking rooms and spaces, which are varied in their setbacks and the staggered nature of the rear wall reduces the visual bulk and scale of the development. In addition, screen planting along the rear boundary will soften the appearance and minimise the potential for overlooking.</p> <p>It is noted that the openings proposed along the western side facing the Oatley Hotel are appropriately designed to be screened by fixed full height timber louvres to protect future residents from potential noise and</p>	Yes

		amenity impacts from the Oately Hotel.	
<b>Building Design (Facades)</b>	Where appropriate, integrate buildings into the streetscape by adopting a modular form, which reflects the underlying narrow shop width of older buildings. Use vertical elements, such as vertically proportioned windows, exposed party walls, vertical balustrades, attached fins to express this modulation and rhythm. Use horizontal elements such as roofs, parapets, balconies and balustrades to align the building with its neighbours.	The facades are well designed and will positively contribute to the streetscape and to the built form, scale and character of the heritage item.	Yes
	Ensure that the facade clearly expresses a bottom, middle and top related to the overall proportion of the building.	The modern pavilion addition at the rear is respectful and sensitive in its design, materiality, and architectural treatment. It aims to consider the height, proportions and symmetry of the existing Oatley Lodge building.	Yes
	Incorporate design characteristics such as projecting fins, corbelling, balconies with variable materials and finishes, punctuated walls with visually recognisable patterns, decorative features, rhythm and texture and a variable colour palate to achieve façade modulation and articulation.	The proposal design incorporates a number of architectural elements that contribute to the character of the building without compromising on the heritage nature of the retained Lodge Room. This is further confirmed by the Heritage Consultant advice discussed within this report.	Yes

	Avoid curtain walls, large expanses of glass and large expanses of concrete as these do not create well-articulated and harmonious façades.	Although the development includes large expanses of glass this is an appropriate treatment for a commercial addition and has been broken up along the western elevation by the use of timber screens which are fixed and soften the external treatment.	Yes
	Provide a greater proportion of solid areas to void areas on all façades and incorporate non-reflective materials.	The building is expressed as a number of differentiated elements that are not expressed as large expanses of void areas nor will the material selection include the provision of any unreasonable degree of reflective materials.	Yes
	Windows and openings are to be generally of a vertical character and located within vertical bays.	The glazing proposed is generally of a vertical character and is considered appropriate for the type and form of development and land uses proposed (more commercial in nature and ancillary to the Masonic Hall use).	Yes
<b>Building Design (Active Frontages)</b>	The controls detailed within this part of the DCP are not applicable to this development.	N/A as this site is located at the edge of the business/commercial zone and given the heritage item on site and its specific use the impetus to encourage and activate the frontage is not imperative in this case.  The new commercial tenancy and its direct access from the street will improve the level of activation.	N/A
<b>Building Design</b>	The controls detailed within this part of the DCP	N/A given the heritage nature of the building.	N/A

<b>(Awnings)</b>	are not applicable to this development.		
<b>Building Design (Balconies)</b>	Each apartment is to have at least one primary balcony.	N/A as the development does not include any residential components.	N/A
	Primary balconies are to have a minimum depth of 2.5m and a minimum size of 10sqm.	N/A – the proposal does not include these elements.	N/A
	Design balustrades that allow for views into, and along the street.	N/A as no balconies are proposed.	N/A
	Locate balconies adjacent to main living areas to expand the living space of units, where possible.	N/A as no new residential components are proposed.	N/A
<b>Materials and Finishes</b>	Utilise high quality and durable materials and finishes.	The material schedule submitted as part of the architectural plan set indicates the use of high quality and durable finishes.	Yes
	Combine different materials and finishes to assist building articulation and modulation.	<p>The strong rectangular geometric elevations of the building are sufficiently modulated and articulated with varying setbacks and indentation to reduce the planar form and provide visual interest and relief.</p> <p>A palette of contemporary materials is proposed which are considered complementary to the tactility of the built forms within the streetscape.</p>	Yes
	Where the Locality includes a significant facade or streetscape, materials and finishes are to compliment the existing streetscape.	<p>The material selection is complimentary to that of the Masonic lodge room building on the site being retained as part of this development. The materials employed for this development are compatible with that provided to the hall.</p> <p>This is further confirmed</p>	Yes

		by heritage advice provided by Council's Heritage Consultant and detailed earlier in this report.	
	Avoid large unarticulated expanses of any single material to facades.	<p>As detailed above, the facades of the building are sufficiently modulated and articulated so as to break up the strong rectangular geometric elevations. A combination of materials is proposed to each building façade so as to break up any material uniformity.</p> <p>There is also a clear contrast and distinction between the old and the new.</p>	Yes
<b>Mobility and Access</b>	New development and refurbishments are to comply with the requirements of the Building Code of Australia (BCA) and the Australian Standards.	The proposal is accompanied by an Accessibility Report prepared by Access Mobility Solutions and the proposal has been designed to provide ramps and easy level access into all the spaces which should comply with the requirements, however, if consent is issued a condition will ensure that the development will comply with Australian Standards in respect to accessibility and any recommendations included as part of the access report.	Yes
	All buildings with a residential component that have access to more than two storeys are required to have lift access.	No residential component is proposed and there is no lift.	N/A

<b>Public Art</b>	Development on sites over 1000m <sup>2</sup> should, where possible include the provision of high-quality artwork within development in a publicly accessible location.	The site is marginally above 1,000 square metres, however, the specific nature of the proposal does not warrant public art provision, given the heritage nature of the development.	N/A
<b>Roof forms and parapets</b>	Variation to the existing pattern of roof forms may only occur where the parapet line is not disrupted and where the new roof is not visible from the street below or adjacent public areas.	There is no consistency of parapet lines which are relevant to the subject site.  The new gable roof forms are consistent with the character of the existing Masonic building.	Yes

### Car Parking, Traffic and Access

92. The subject site currently includes a circular driveway that provides direct access to the building and there is no formal parking. Given the site is relatively flat with no significant vegetation it is likely cars may park along the northern and southern side of the building.
93. Given there are no formal designated car parking spaces and the historic nature of the building and associated use the site would have credits for parking.
94. The proposed development involves creating and formalising the parking and access arrangements to make this space at the front of the building more organised, structured and well managed. The arrangement involves entry via the north-eastern side and exit via the south-eastern side (one-way arrangement). Six (6) new formal car parking spaces are proposed with one space being a designated accessible space and to be located along the southern side of the building and will include a standard shared space. The new spaces will be constructed of permeable pavers (grass surface) which will soften the appearance of the spaces when not in use. The driveway will be constructed of eco pavers.
95. In terms of numerical compliance, the new 90sqm commercial space generates the need for 3 car parking space (1 space per 40sqm) and these are to be designated to this use. However, to allow for flexibility, after hours use of the spaces can be accommodated by the Masonic Hall.
96. The application was accompanied by the Parking and Access Assessment prepared by TEF Consulting and dated 8 April 2021. The Traffic assessment found that the site was very accessible located some 320m from the Oatley Train Station and 120m from two (2) bus stops that provide regular public transport services to Hurstville and Mortdale.
97. The assessment confirmed that the new commercial tenancy would generate the need for three (3) car parking spaces that have been provided and it noted that *“There are no rates in the DCP applicable to the proposed land use (function room/hall) and as such “development types not listed in the table would be the subject to a merit assessment based on the provisions set out in the Roads and Traffic Authority – Guide to Traffic*



*Generating Developments....The RMS Guide to Traffic Generating Developments does not provide any data or car parking rates regarding community centres. In this case it is prudent to analyse the likely actual demands". Furthermore, "the proposal will not attract additional patrons. Current activities are to remain with the possibility of relocating some activities to the new hall extension. As such there will be no additional car parking demand.....The previous traffic impact assessment (August 2016) by Transport and Traffic Planning Associates contains a detailed schedule of centre activities including number of patrons and associated car parking demand. The activities and numbers were provided by Oatley Masonic Centre for the purpose of assessing car parking demand. The schedule concludes that across all activities there is a peak parking demand of 6 vehicles all of which currently park on the street". The proposed parking arrangement will improve the current situation and remove some of the on-street car parking which is a net benefit.*

98. In addition to the comments above the new floor space associated with the Hall is largely ancillary to the main Lodge/Hall use and comprises of storage space, kitchen, WC's etc which are all uses that do not generate the need for additional parking. The museum space is a use that traditionally is not considered to be an attractor but a space that will house archival and historic material. It could also be considered to be a secondary space to the hall.
99. The site adjoins a public car park which also provides for parking for the public. Additional parking could be accommodated at the site which would be at the expense of landscaped area which is undesirable from a planning and design perspective and would compromise the significance of the item and reduce the landscape setting that is proposed.
100. The traffic and parking assessment makes the following conclusions;
  - *Proposed parking provision;*
    - *Complies with the Council's Development Control Plan requirements.*
  - *Traffic impacts*
    - *The additional traffic from the proposed development will be minimal and will have no negative impacts on street network operation.*
  - *Design of access, car parking and servicing facilities*
    - *Complies with the relevant Standards; and*
  - *The proposed development is supportable on traffic and parking grounds.*
101. If consent is to be granted there are a series of conditions that have been imposed to ensure that the car parking spaces are compliant, legible and that the one-way access to and from the site includes signage for clarity of movement and to ensure safety. It is unlikely that there will be any conflicts and visibility and sight distances leaving the site are compliant.

## **Solar Access**

102. The proposed development (pavilion style addition) is well within Council's statutory height limit and is essentially a one storey structure (although floor to ceiling heights are taller to be consistent with the internal heights within the Hall). Due to the orientation of the site, there will be no overshadowing to the north where the current townhouse development is located. The main overshadowing will largely occur to the south where the existing Council carpark is located.

103. Therefore, any shadowing impacts should not affect habitable spaces and will provide and maintain adequate and reasonable levels of solar access to immediately adjoining properties.

### Acoustics

104. The application was accompanied by an Acoustic Assessment prepared by Renzo Tonin and Associates and dated 15 April 2021. The acoustic consultant was engaged to conduct an environmental noise assessment of the proposed alterations and additions. As a result of the assessment the following potential acoustic impacts were identified;
- Traffic noise from the street
  - Mechanical and refrigeration noise from the Oatley Hotel
  - Mechanical plant emissions from the proposed development to neighbouring properties.
105. The assessment and its findings relied on the outcomes generated by two loggers which were placed onsite (refer to **Figure 13** below for location) which noted short term and longer term noise impacts. The results of the existing background noises (traffic and commercial/Hotel uses and activities from adjoining properties), established the need to implement some construction measures that will provide better insulation and reduce noise transmission through to the internal spaces of the development and also reduce noise emissions and noise transfer generated by the proposal. The report suggested glazing design requirements, façade roof insulation to external walls, roof and the ceiling and suggested how to minimise noise impacts from mechanical plant and equipment (positioning and location by screening and shielding and also by the procurement of 'quiet' plant, install silencers etc).
106. In conclusion the report stated *"The study of external noise intrusion into the subject development has found that appropriate controls can be incorporated such as acoustic glazing into the building design to achieve compliance with acoustic requirements of Council's Development Control Plan 2013, SEPP (Infrastructure) 2007 and Australian Standard AS/NZS 2107.*

*In addition, an assessment of any noise from mechanical plant equipment servicing the buildings shall be undertaken during the detailed design and equipment selection stages to ensure that plant and equipment is designed in accordance with the relevant acoustic criteria."*



**Figure 13; Location of the noise loggers as implemented by the acoustic consultant** (courtesy Renzo Tonin, 2021)

LPP066-21

## Conclusion

107. The proposed development satisfies the key planning controls and considerations of the Kogarah Development Control Plan as noted in the table above.

## INTERIM POLICY GEORGES RIVER DEVELOPMENT CONTROL PLAN 2020

108. The interim DCP has been prepared and endorsed by Council to provide consistency in the assessment process and consolidates the controls for residential developments within the LGA. It seeks to create one set of controls. The proposed commercial development and its ancillary works are not covered by the provisions of the Interim Policy as provisions in the policy relate to residential developments specifically dwelling houses, dual occupancy, multi-dwelling housing and residential flat buildings.

## GEORGES RIVER DEVELOPMENT CONTROL PLAN 2021 (GRDCP)

109. The Georges River Local Environmental Plan 2021 came into effect on 8 October 2021 upon gazettal of the Georges River Local Environmental Plan 2021 which aims to harmonise controls within the LGA to create an integrated, consolidated document which will compliment the provisions of the Georges River Local Environmental Plan 2021. This Development Control Plan has come into effect and needs to be considered but the Kogarah Development Control Plan and Kogarah Local Environmental Plan take precedence given that the application was lodged prior to the gazettal of the new Georges River Local Environmental Plan.
110. The proposed development would need to generally satisfy the following parts:

Part 3 – General Planning Considerations  
Part 7 – Business Precincts (Oatley)

111. The proposed development is considered to be generally consistent with the new provisions and controls and not inconsistent with the intent and purpose of the plan.

## IMPACTS

### ***Natural Environment***

112. The proposed development is not considered to have a detrimental impact on the natural environment. It will improve the visual amenity, appearance of the site and create a more attractive landscaping setting and aims to improve the functionality of the Masonic Hall. The development will have a positive contribution to the streetscape and will enhance the Heritage Item.

### ***Built environment***

113. The proposed development will not have an adverse impact on the existing built form of the site. The works are largely on ground and at grade and are setback from the street. The new works will clearly define the contemporary and modern nature of the pavilion addition at the rear and will respect the siting and proportions of the existing heritage item, its existing character, siting and setting.

### ***Social impacts***

114. The proposal will not generate any adverse social impacts.

### ***Economic impacts***

115. The proposed works are small scale in nature and are unlikely to result in any unreasonable economic impacts. In fact the building works will create additional jobs in the construction industry and the new commercial space will add to the existing variety of mixed land uses within the Oatley commercial centre.

### ***Suitability of the site***

116. The proposed development is permissible in the zone and involves ancillary works to the Masonic Lodge Hall building. The works will be in character with the nature and context of development in the streetscape and immediate area and will be in keeping with the character and heritage integrity and significance of the Masonic Lodge.

## SUBMISSIONS, REFERRALS AND THE PUBLIC INTEREST

117. The application was notified, advertised and a sign placed on site for a period of 28 days in accordance with the provisions of the KDCP. One (1) submission was received from the Oatley Hotel which is located at the rear of the site. The beer garden abuts the subject site and the Hotel sent a submission to Council providing an “in principle” support of the proposal subject to ensuring that the amenity of the patrons of their establishment will be maintained and conflicts such as noise, overlooking and potential overshadowing are minimised and mitigated.
118. The submission made the following comments;
- If the new facilities associated with the Masonic centre are approved it is requested they are limited to commercial uses to reduce potential land use conflicts.

*Officer Comment:* The application proposes the new use to be commercial in nature and includes ancillary uses for the hall. A separate application would have to be lodged with council to change the use from commercial to retail et al. No residential use is proposed as part of this application.

- The Oatley Hotel located at the rear are satisfied with the height proposed in the application however, they request that the height of the new pavilion not exceed the ridge height of the Masonic Hall.

*Officer Comment:* As detailed earlier in the report the proposed height of the new addition is lower than the existing height of the hall.

- The addition at the rear shall be setback a minimum of 3m.

*Officer Comment:* The addition is proposed to be setback a minimum of 3m from the rear (western boundary). There is a small encroachment on the 3m setback by the privacy screens which is considered to be minor and will not facilitate any additional, unreasonable amenity impacts in terms of overshadowing, overlooking or acoustic impacts.

- It is requested that landscaped planting as proposed in the application be included as shown in the application.

*Officer Comment:* If consent is issued then a condition will ensure that the Landscape plan that accompanies the application is implemented and the screen planting at the rear included.

- The proposed privacy screens included at the rear of the property that form part of the application are implemented and any other relevant acoustic treatment.

*Officer Comment:* The proposed fixed timber privacy screens are an architectural design feature that aim to break up the bulk and scale of the development soften the glazed western wall and provide privacy and help regulate and limit the western sun accessing the internal spaces.

- Any proposed mechanical ventilation, plant and equipment is appropriately screened and will not affect the patrons of the Oatley Hotel when dining in the rear Beer Garden.

*Officer Comment:* The proposed plans do not show where any mechanical plant is to be located and sited. A condition will ensure it will be well screened and discreetly located so as not to adversely affect the integrity of the heritage item and not be visible from the street. The acoustic report also addresses this issue and recommends a series of mechanism that can be implemented to reduce the noise transmission of these systems.

119. It is considered that the proposal has been well designed and with the imposition of some additional conditions will adequately address the issues raised by the adjoining neighbour.

## Council referrals

### Heritage Advisor

120. The application was referred to Council's Heritage Advisor for comment. No objection was raised with respect to the works subject to the retention of the rear utility wing. The Applicant's do not agree with Council's Heritage Advisor as they believe this section of

the building is not important and its retention will compromise the architectural character and reduce the siting of the new addition.

121. The Heritage Officers response has been addressed in detail earlier in this report. Conditions are referenced at the end of this report.

#### Landscape Officer

122. The application was referred to Council's Landscape Officer. No objection was raised in respect to the proposed works subject to the implementation of standard conditions if consent is to be issued. Conditions are referenced at the end of this report.

#### Development Engineer

123. The proposal was referred to Council's Development Engineer for comment. No objection was raised subject to the implementation of conditions if consent is to be issued. Conditions are referenced at the end of this report.

#### **External referrals**

##### Ausgrid

124. The application was referred to Ausgrid in accordance with the provisions of the Infrastructure State Environmental Planning Policy. Ausgrid raised no objections to the proposal. A standard condition is imposed if approval is recommended to protect Ausgrid's assets during the construction process.

#### **Public Interest**

125. The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls and specific numeric standards. This development is considered to be a positive planning and urban design solution for this site and will improve its amenity, functionality and visual appearance.
126. One submission was received and any concerns are able to be addressed through the design and associated conditions. The proposal is considered to be in the public interest and will not adversely affect the amenity of adjoining properties and the streetscape.

#### **Section 7.12 Contributions**

127. Section 7.12 contributions apply to the proposed works and based on the construction cost a contribution of \$8,040.33 is applicable in this instance which is based on 1% contribution for works exceeding \$100,000.
128. Council has prepared a Draft Georges River Council Local Infrastructure Contributions Plan 2021 – Section 7.11 and Section 7.12. The draft plan was exhibited for 28 days. The Section 7.12 contribution proposed is the same as currently imposed so the monetary contribution in this case would be the same under the Draft scheme.

#### **CONCLUSION**

129. The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policies and the provisions of the Kogarah Local Environmental Plan 2012 and the Kogarah Development Control Plan 2013 and has considered the provisions of both the Georges River Local Environmental Plan 2021 and Georges River Development Control Plan 2021.
130. The proposal on its merits is considered to be an acceptable planning and urban design outcome (subject to the imposition of conditions) for the reasons outlined within this report. The proposal is compliant with the key planning controls and will not result in any



unreasonable or adverse planning and amenity outcomes. It is for these reasons the proposal is recommended for approval.

## DETERMINATION AND STATEMENT OF REASONS

### Statement of reasons

131. The reasons for the recommendation are:

- The development complies with the key planning objectives and controls within the Kogarah Local Environmental Plan 2012 and the Kogarah Development Control Plan 2013.
- The proposal seeks to improve the amenity and functionality of the Masonic Hall.
- The works also aim to improve the visual quality of the space and site.
- The proposed development has been carefully and sensitively designed by respecting and retaining the historical integrity and significance of the Masonic Lodge building.
- The proposal will retain the significance and integrity of the Heritage Item on site and will not adversely affect the character of the locality.
- The development is in the public interest and will not establish an undesirable precedent for the area.
- The proposed development is permissible in the zone and will satisfy the zone objectives, as such the proposal is suitable for the site.
- The architectural design of the proposed pavilion addition and landscape treatment will significantly improve the visual appearance of the site, existing building within the streetscape.

### Determination

132. That pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 (as amended) the Georges River Local Planning Panel, grant development consent to development application DA2021/0224 for alterations and additions to the Masonic Hall involving the retention of the Lodge room, rear hall and renovate these spaces and the demolition of the rear utilities wing and replacement with a new modern single storey extension which includes a new separate commercial tenancy, large museum associated with the Masonic Hall, lounge for members, storage, toilet facilities, new entries, landscaping and associated site works at Oatley Masonic Lodge at 11A Letitia Street, Oatley known as Lot 20 DP1043366 and Lot A DP325569 subject to the following conditions:

### 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
Context and Location Plan	DA 1001	8/04/2021	A	CotteeParker
Streetscape Analysis	DA 1003	8/04/2021	A	CotteeParker
Heritage Strategies	DA 1005	8/04/2021	A	CotteeParker
Demolition Plan	DA 1201	8/04/2021	A	CotteeParker
Existing Elevation East West	DA 1202	8/04/2021	A	CotteeParker

Existing Elevation South North	DA 1203	8/04/2021	A	CotteeParker
Proposed Alts and Adds - Ground Floor	DA 2001	8/04/2021	A	CotteeParker
Proposed Alts and Adds - Roof Plan	DA 2002	8/04/2021	A	CotteeParker
Proposed Ground Floor Plan	DA 2003	8/04/2021	A	CotteeParker
Sections	DA 3001	8/04/2021	A	CotteeParker
Proposed Elevation East West	DA 3101	8/04/2021	A	CotteeParker
Proposed Elevation North South	DA 3102	8/04/2021	A	CotteeParker
3D Perspective – existing and proposed	DA 4001	8/04/2021	A	CotteeParker
3D Perspective – existing and proposed	DA 4002	8/04/2021	A	CotteeParker
3D Perspective – existing and proposed	DA 4003	8/04/2021	A	CotteeParker
External Materials	DA 4010	8/04/2021	A	CotteeParker
Stormwater, Drainage Plans	HY-000 HY-100 HY-101 HY- 301 HY-302	2/04/2021	A	Hydrotec Consultants
Survey Plan	Sheet 1 of 2	September 2013	-	Project Surveyors
Landscape Plan – Proposed plant species	-	-	-	Wallman Partners Pty Ltd
Landscape Plan	L_1	-	C	Wallman Partners Pty Ltd
<b>Additional reports and plans</b>				
Statement of Environmental Effects	-	April 2021	N/A	Sutherland and Associates Planning
Acoustic Assessment	N/A	15/04/2021	N/A	Renzo Tonin
Heritage Impact Assessment	N/A	15/04/2021	N/A	Urbis
Arboricultural Impact Assessment	N/A	24/04/2021	N/A	Raintree Consulting
Structural report	N/A	26/04/2021	N/A	MG Consulting

2. **Hours of operation** – The hours of operation of the new commercial use are restricted to:

Monday to Friday – 6am to 9pm  
Saturday and Sunday – 9am – 6pm

3. **Signage** - A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.
4. **Access report** – the recommendations noted within the Access Report prepared by Access Mobility Solutions and dated March 2021 shall be included in the Construction Certificate plans and documentation.

### Separate Approvals Required Under Other Legislation

5. **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](http://www.georgesriver.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

6. **Driveway Crossing** - Minor Development - Constructing a driveway 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 'Application for Driveway Crossing and Associated Works on Council Road Reserve issued under Section 138 Roads Act' which can be downloaded from Georges River Council's website at [www.georgesriver.nsw.gov.au](http://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 driveway 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.

The design boundary level is to be received from Council prior to construction of the internal driveway.

### Requirements of Concurrence, Integrated & Other Government Authorities

7. **Sydney Water - Tap in™** - The approved plans must be submitted to a Sydney Water Tap in™ 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](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

### Prior To The Issue Of A Construction Certificate

8. **Required design changes** - The following changes are required to be made and shown on the Construction Certificate plans:
- i) Three (3) spaces are to be designated to the commercial tenancy and be appropriately marked and signposted for clarity.
  - ii) The parking and circular driveway is one way. Signage shall be provided at the entry and exit to assist with direction and arrows are to be included along the driveway.
  - iii) The one (1) accessible parking space and shared space shall be signposted and marked accordingly.
  - iv) Lighting provided as part of a development should be energy efficient, such as LED lighting.
  - v) The proposed new brick side boundary fences shall be designed and constructed in similar materials and colours.
  - vi) A minimum of two (2) bicycle parking spaces are to be provided at the site. These spaces and their treatment shall be shown on the Construction Certificate Plans.

- vii) The garbage bins for the new commercial tenancy shall be relocated to adjoin this space along the northern side for easier access. The bins shall be located behind the front building alignment and shall be appropriately screened.
- viii) Any of the bricks and openings that form part of the rear utility wing that is to be demolished shall be preserved and integrated into the new works where possible.
- ix) The rear wall of the existing hall, where it will adjoin the new addition shall comprise of face brickwork that is either reused or matches as closely as possible the existing original brickwork of the Hall.
- x) All mechanical plant such as building exhaust systems and air-conditioning, servicing associated with the development shall be sensitively located, designed and appropriately acoustically and visually screened so that they are not visible from the street. The location and design of these services and their operation shall be provided with the Construction Certificate.

## HERITAGE

9. **Heritage report** – Any specific recommendations as part of the Heritage Assessment Report prepared by Urbis and dated 15 April 2021 shall be implemented as part of the Construction Certificate plans and documentation.
10. **Use of Heritage Consultant** - A heritage consultant experienced in conserving buildings of significance is to be commissioned and be involved in the preparation of a Schedule of Conservation Works and resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition.

Evidence and details of the above commission on the above terms are to be provided to Council's Heritage Advisor prior to commencement of work on site. The heritage consultant must sign off the completed project and submit a final report to Council's Heritage Advisor specifying how the heritage conditions are satisfied prior to the issue of an **Occupation Certificate** or the commencement of the use, whichever is earlier

11. **Building Works to Comply with Building Code of Australia (Heritage Buildings)** - Any building works required to ensure compliance with the Building Code of Australia or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works will potentially impact on existing fabric and features, details of the works must be submitted for review by Council's Heritage Advisor prior to issue of a Construction Certificate.
12. **Front Fence** - The existing front fence shall be retained and preserved. If work is required to improve the structure any works will require approval from a Qualified Heritage Specialist. Works are not to alter or change the height or existing style, form and materials and should only require some tuck pinning and be limited to aesthetic improvements (if required). Details are to be submitted and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate.
13. **General Heritage** – The following must be satisfied;
  - (a) The proposed works are to be carried out in a manner that minimises demolition, alterations (where possible) and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item. The new doors to the hall and lodge room shall be designed as closely as possible to reflect the original doors.

- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
  - (c) All conservation and adaptation works are to be in accordance with the [Articles of the Australian ICOMOS Burra Charter 1999](#).
  - (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
  - (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
  - (f) Any new brickwork, finishes or windows and doors on the existing building must match the original material.
  - (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
  - (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.
14. **Uncovering of concealed architectural features or detailing** - Should any concealed architectural features or detailing, not previously noted in the DA documentation, be discovered during demolition or building works, all works are to immediately cease and the architectural features or detailing to be photographically recorded and Council's Heritage Advisor is to be contacted for advice.
15. **Painting** - No painting or rendering of masonry or stone is permitted (other than what is shown on the DA plans). No painting or rendering shall be permitted to masonry or stone surfaces which have not previously been painted or rendered.
16. **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
17. **Heritage Conservation Works** – the following provisions must be satisfied;
- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Heritage Advisor for review.
  - (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance including but not limited to the following: brickwork, door and window joinery, glazing, hardware, pavements, tiling, roof plumbing, roofing detailing and painting.
  - (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
  - (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
  - (e) All conservation and adaptation works are to be in accordance with the Articles of the [Australian ICOMOS Burra Charter 1999](#). Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
  - (f) **INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's Heritage Advisor



prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

18. **Photographic Archival Documentation** - Prior to a Construction Certificate being issued, an archival photographic recording of the Masonic Lodge building is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives (see <http://www.environment.nsw.gov.au/Heritage/publications> ).

The archival documentation, and the number and type of selected enlarged photographs required will be determined by the significance and quality of the building or structure. For a scope of work, refer to Council's Heritage Advisor to determine the particular architectural/design features of the building/site that may need to be recorded.

Because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project, and submitted as two parts as follows;

- (a) The first submission of the archival recording of significant building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site, and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- (b) The second submission of the archival recording is of significant building fabric or furnishings that is exposed during demolition or construction and after work has been completed on site, and must be submitted to Council prior to an Occupation Certificate being issued.

The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'.

19. **Construction management plan** – A detailed Construction Management Plan shall be prepared and shall include all appropriate protection measures that are proposed and applied to the preservation of the existing building its finishes, materials and contents and how these elements will be protected and preserved during the construction process. The CMP shall be signed off by a Qualified Heritage Consultant to ensure the process is acceptable.
20. **Access for Persons with a Disability** - Access and/or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.
21. **Commonwealth Disability (Access to Premises) Standard** - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the

Premises Standards, the Building Code of Australia and AS 1428.

22. **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).
23. **Bicycle parking** facilities are to be designed in accordance with Australian Standard AS2890.3 – 1993 (Parking Facilities – Part 3 Bicycle Parking Facilities).
24. **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.
25. **Stormwater System** – The submitted stormwater plan has been assessed as concept plan only. Final detailed plans of the drainage system, prepared by a qualified engineer shall be submitted for approval with the Construction Certificate.
  - (a) All stormwater shall drain by gravity to the existing drainage system in accordance with the Australian/New Zealand Standard AS/NZS 3500.3:2015 (as amended)
26. **Compliance with submitted Acoustic Report** - The Construction Certificate plans shall demonstrate compliance with the Acoustic Assessment submitted to Council, titled the “176-178 Princes Hwy, Beverley Park – Acoustic Report Ref:4330R20201008jt176-178PrincesHwyBeverleyPark\_DAv2.doc” prepared by Koikas Acoustics Pty Ltd.

Written verification from a suitably qualified acoustic consultant must be submitted to Council validating that the acoustic objectives contained within the aforementioned report will be met, must be submitted to Council for approval.

The Construction Certificate will not be issued until Council approves this validation.

27. **Landscape Plans** - A detailed landscape plan, drawn to scale, A3 size and coloured, by a qualified landscape architect or an AQF Level 5 landscape designer, must be submitted prior to the issue of the Construction Certificate and signed off by the PCA, if all items below have been provided. The plan must include:
  - a) Reference Georges River Councils, Tree Management Policy, 2019, 2:1 tree replacement. Councils Policy requires that for every tree removed from the site, two (2) trees shall be planted to replace those lost.
  - b) For the removal of seven (7) trees, with six being exempt and one not exempt, a total of eight (8) replacement trees must be shown upon the plan and planted within the site.
  - c) Location of existing and proposed structures, services and existing trees to be retained and /or removed
  - d) Details of earthworks including mounding and retaining walls, Reduced Levels and planter boxes;
  - e) Location of proposed eight (8) trees and all plants proposed as well as a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.

- f) A higher proportionate mix of natives than exotics plantings, with all trees proposed, able to reach a height at maturity of eight (8) metres.
- g) The eight (8) tree species selection from – Georges River Councils, Tree Management Policy, April 2019, Appendix 1 – Tree Planting.
- h) Details of planting specifications, procedures and a maintenance schedule for twelve (12) months;
- i) Landscape ratios – pervious to impervious surfaces / deep soil zones
- j) Details of drainage and watering systems;
- k) Details of garden edging and turf; and
- l) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.
- m) The contact details and website of the landscape architect or AQF Level 5 landscape designer, as well as qualifications.
- n) Associations and / or Memberships of Affiliation within the landscape industry.

28. **Compliance with submitted Arborist Report** – The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment Report prepared by Raintree Consulting, dated 24 April, 2021 must be implemented throughout the relevant stages of site set up, demolition, excavation construction and landscaping. 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. Trees within neighbouring sites must be retained and protected. 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) TPZ as per AS4970 - 2009
T1 - <i>Tristaniopsis laurina</i>	Councils street tree	6.6M – trunk protect
T2 - <i>Tristaniopsis laurina</i>	Councils street tree	9.6M – trunk protect
T11 – <i>Cinnamomum camphora</i>	Neighbouring tree	2.0 – Fence off on boundary

- a) The client must engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Australian Arboricultural Association or Affiliation, with a letter of engagement forwarded to the nominated PCA, forming compliance.
- b) A certificate of compliance letter from the AQF 5 Arborist must be forwarded to the PCA – Principal Certifying Authority, at a minimum three (3) stages being, before works, any excavations during works and once all building works have been completed, that tree protection measures have been installed and being maintained during the building process.

**Tree Protection Measures**

- c) The tree protection measures must be undertaken in accordance AS4970 -2009 *Protection of trees on development sites*.
- d) All trees on Council property, subject site and adjacent sites, to be retained must be protected before site set up and maintained during demolition, excavation and construction of the site.
- e) Although trees may be on adjacent sites, the tree protection fencing must be

placed on the nominated distances as per table above, out from the trees trunk, within the subject site to minimise impacts to neighbours trees and kept for the entirety of the project.

- f) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation.
- g) The engaged AQF 5 Consulting Project Arborist must be present on-site during the stages of site set up, 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.
- h) To preserve Councils street trees no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until the trunk/ branches are protected, in accordance with AS4970 -2009, *Protection of trees on development sites*, by the wrapping of geo woven fabric around the trunk 4 / 5 times and the placement of two metre long, lengths of 50mm x 100mm timber battens vertically arranged around the trunk, with 100mm spacing's. The timber battens shall be secured by wire/ hoop straps but not secured into the tree itself. The trunk/ branch protection shall be maintained intact until the completion of all works upon the site.
- i) The tree protection fencing must be kept in place during demolition, excavation and 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.
- j) No building products, preparation of building products, storage of materials, stockpiling, site sheds, and services shall be installed or placed within the TPZ of the trees to be retained.

**29. Tree Replacement within subject site – the following provisions are to be met;**

- a) A minimum of 8 x trees, which will attain a minimum mature height of eight (8) metres, must be planted within the property. The trees are to conform to AS2303 – 2018, *Tree stock for landscape use*.
- b) Tree species selected shall be from Georges River Councils Tree Management Policy, April 2019. Appendix 1 – Tree Planting.
- c) If the replacement trees 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 copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

**Excavation works near tree to be retained**

- k) Excavations for the purposes of stormwater piping to the street and within the TPZ of Councils street tree, T1 must only be conducted using *Air spade*, *Hydro vac* or by hand only with no bucket type of excavator machinery. The engaged AQF 5 Arborist must be in attendance to provide guidance and demonstrate that no roots over 50mm are to be severed and not delaminated.
- l) Where the Tree Protection Zone (TPZ) of trees on Councils reserve become compromised by any excavation works, the AQF 5 Project arborist must 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.
- m) Removal or pruning of any other tree (that would require consent of Council) on the site is not approved. All pruning must be undertaken by a qualified Arborist in accordance with AS4373 -2007 Pruning of Amenity Trees and Amenity Tree Industry, Code of Practice (SafeWork NSW August 1998).

30. **Tree Removal & Replacement** - In accordance with Georges River Tree Management Policy 2019, a 2:1 Policy is to be implemented. For every one (1) tree to be removed, two (2) trees shall be planted on the subject site to compensate for the loss of each tree. Exempt Spp, being 1:1.

Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
T3 - <i>Pittosporum undulatum</i>	X1	Within site, rear south west corner
T6, 7, 8, 9, 10, 12 – <i>Ligustrum lucidum</i>	X6	Within the site

**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.
31. **Ausgrid - Clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Ausgrid is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Ausgrid for any necessary modification to the electrical network in question. For details visit [www.ausgrid.com.au](http://www.ausgrid.com.au) or call 131365.
32. **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](http://www.georgesriver.nsw.gov.au)).

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

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit (2 x \$168 inspection fee)	\$336.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Kogarah Section 7.12 Contribution of	\$8,040.33
<b>Total S7.12 Contributions</b>	<b>\$8,040.33</b>

### 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

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan 2017.

#### 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](http://www.georgesriver.nsw.gov.au).

33. **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: \$336.00
  - (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.

34. **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.
35. **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.

36. **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.

37. **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 be drained in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- (b) 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.
- (c) PCA to ascertain that the proposed 450x450 site boundary pit surface & invert levels are to be appropriately/satisfactorily designed to ensure gravity drainage to the front street through twin RHS as proposed and without discharging any nuisance runoff into the adjoining footpath/nature strip.

- 38. **Stormwater System (Gravity to the Kerb and Gutter)** - All stormwater shall drain by gravity to Council's kerb and gutter directly in front of the development site in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- 39. **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.

- 40. **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.
- 41. **Tree pruning** - Any necessary pruning of overhanging branches relating to the existing trees and any neighbours tree hanging over into the subject site, are subject to a separate tree pruning approval application prior to any works commencing and shall be conducted in accordance with - AS 4373 - 2007, *Pruning of amenity trees*, Pruning class – "S" – Selective pruning – clause 7.2.4 and completed by a minimum, AQF Level 3 Arborist.

### Prior To The Commencement Of Work

- 42. **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](http://www.SafeWork.nsw.gov.au).

43. **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.
44. **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](#).
45. **Materials for Making Good** - New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.
46. **Structural Integrity Of Retained Building Elements** - Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Heritage Advisor. The report must explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.
47. **Plaque** – The Applicant shall liaise with Council's Historical and Cultural planning section to identify whether a plaque to recognise the social, historic and cultural significance of the property is required. Documentation in relation to this issue shall be provided to the Certifier prior to issuing the Construction Certificate.
48. **Use of Heritage Consultant** - A heritage consultant experienced in conserving buildings of significance is to be commissioned to work with the consultant team throughout the

design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council's Heritage Advisor prior to commencement of work on site. The heritage consultant must sign off the completed project and submit a final report to Council's Heritage Advisor specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

49. **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.
50. **Retention of Internal Features** - The key internal architectural features within the Hall are to be retained.

Where internal walls are to be removed on [Specify level] of the building at least (600mm or 1m or [Specify other dimension] of wall (including architraves and skirting boards) are to be retained in the locations marked in red on the plans at key junctions of the original room layout to assist interpretation of the former layout of the building. Where internal joinery features are to be conserved, any components replaced or reinstated, are to match the existing in profile and section size.

51. **Heritage site induction ('toolbox talks')** - Prior to the commencement of any works, all contractors, tradesmen and the like, shall be given a heritage site induction ('toolbox talk'). The heritage site induction shall be delivered by a suitably qualified Heritage Consultant and shall ensure that all contractors, tradesmen and the like, are made aware that:
- i) The site contains an item of heritage significance.
  - ii) There are statutory obligations under the National Parks and Wildlife Act 1974 and Heritage Act 1977 for all works to cease and Council and Heritage NSW notified of any unexpected built archaeological or Aboriginal archaeological finds during works.
52. **Damage within Road Reserve and Council Assets** - The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
53. **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 the Principal Certifying Authority (PCA) and Council for their records.
54. **Archaeology** – the following policies are to be considered;

As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits

are encountered/discovered where they are not expected, works must cease immediately and Council and Heritage NSW must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from Heritage NSW.

Note: The National Parks and Wildlife Service Act 1974 and the Heritage Act 1977 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

55. **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

56. **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.
57. **Road Opening Permit** - A Road Opening Permit must be obtained from Council for every opening of a public road reserve to access services including sewer, water mains, gas mains, connecting of stormwater to the kerb and telecommunication. This is for any work that involves excavation through or within a public road, kerb and gutter, and or the public footway between the road and the property boundary. The permit is to be lodged prior to the commencement of works. Additional approval is required from Roads and Maritime Services for works on a State Road.
58. **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.
59. **Discovery of Additional information/materials** – If any new information is discovered during demolition, excavation or construction (unexpected finds) that has the potential to alter previous conclusions about site contamination, all works must cease the site made secure and the Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable and appropriate action taken, reporting and approvals obtained.

It is mandatory that this information is reported to Council in order to comply with Section 148 of the POEO Act 1997 and Section 60 of the CLM Act 1997.

60. **Hours of construction for demolition and building work** - Unless authorised by

Council:

- a. Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
  - b. Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.
61. **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.
62. **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 Occupation Certificate**

63. **Acoustic Compliance** - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled "**Acoustic Assessment for Development Application.**" Prepared by: Renzo Tonin & Associates, dated 15 April 2021 Project Number: Th253-01F02.
64. **Completion of Landscape Works** - All landscape works and the planting of eight (8) trees within the site must be completed before the issue of the Final Occupation Certificate.  
A certificate of compliance for the planting of all eight (8) trees and all shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all eight (8) trees and all plants have been planted and forwarded to the PCA – Principal Certifying Authority, forming compliance.
65. **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.
66. **Consolidation of Site** - The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land and Property Information prior to the issue of a final occupation certificate.
67. **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 specifications contained in the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure 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.

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

68. **Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

69. **Slip Resistance** - At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.
70. **Maintenance of Landscaping** – The eight (8) trees and all plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying plants and other operations required to maintain healthy trees, plants and turfed areas.
71. **Tree Protection Measures** - A final certificate of compliance letter, once all construction and landscape works have been completed, from the engaged AQF 5 Consulting Arborist, that tree protection measures have been installed and maintained for the entirety of the project and report on the condition of the trees that as part of this Consent, were to be protected and retained.

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

72. **Works as Executed and Certification of Stormwater 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 jointly signed by both of them and must include the following details (as applicable):

- (a) The location of site boundary pit with finished surface levels with twin kerb out RHS details as approved;
73. **Requirements prior to the issue of the Occupation Certificate (Stormwater)** - 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) Work as Executed Plans prepared and jointly signed by a Chartered Professional Engineer when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

#### **OPERATIONAL CONDITIONS (On-Going)**

74. **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, fertilising, pest and disease control, replacement of dead or dying plants and other operations required to maintain healthy trees, plants and turfed areas.
75. **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.
76. **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.
77. **Lighting – General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited.

78. **Activities and storage of goods outside buildings** - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
79. **Noise Control** - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).
80. **Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
  - (a) Within 12 months after the date on which the fire safety certificate was received.
  - (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
  - (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
  - (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.
81. **Ongoing hours of use** – the commercial tenancy shall be restricted to the hours of use as stipulated in Condition No.2.

#### **OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

82. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
83. **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:

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

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

84. **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.

85. **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.

86. **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](#).

87. **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.

## Prescribed Conditions

88. **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.
89. **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.
90. **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

91. **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.

92. **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.
93. **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.
94. **Sydney Water Section 73 Certificates** - The section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.
95. **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.

96. **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.

97. **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 and/or Section 68 Local Government Act 1993:

- (a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. DA2020/0338) 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 stormwater applications.

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 stormwater drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.




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

98. **Council as PCA - Deemed to Satisfy Provisions of Building Code of Australia** - 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 Building Code of Australia. However, if an alternative fire solution is proposed it must comply with the performance requirements of the Building Code of Australia, 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.
99. **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](http://www.SafeWork.nsw.gov.au)).



## ATTACHMENTS

- Attachment [↓1](#)  ELEVATION EAST WEST
- Attachment [↓2](#)  ELEVATION NORTH SOUTH
- Attachment [↓3](#)  PROPOSED FLOOR PLAN - GROUND FLOOR



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1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

ELEVATION EAST WEST 1:200

QUEST PURPOSE	Issue Date	D. C. A.	JOB No	DWG No	ISSUE
DA	08.04.2021		201389	DA3101	A



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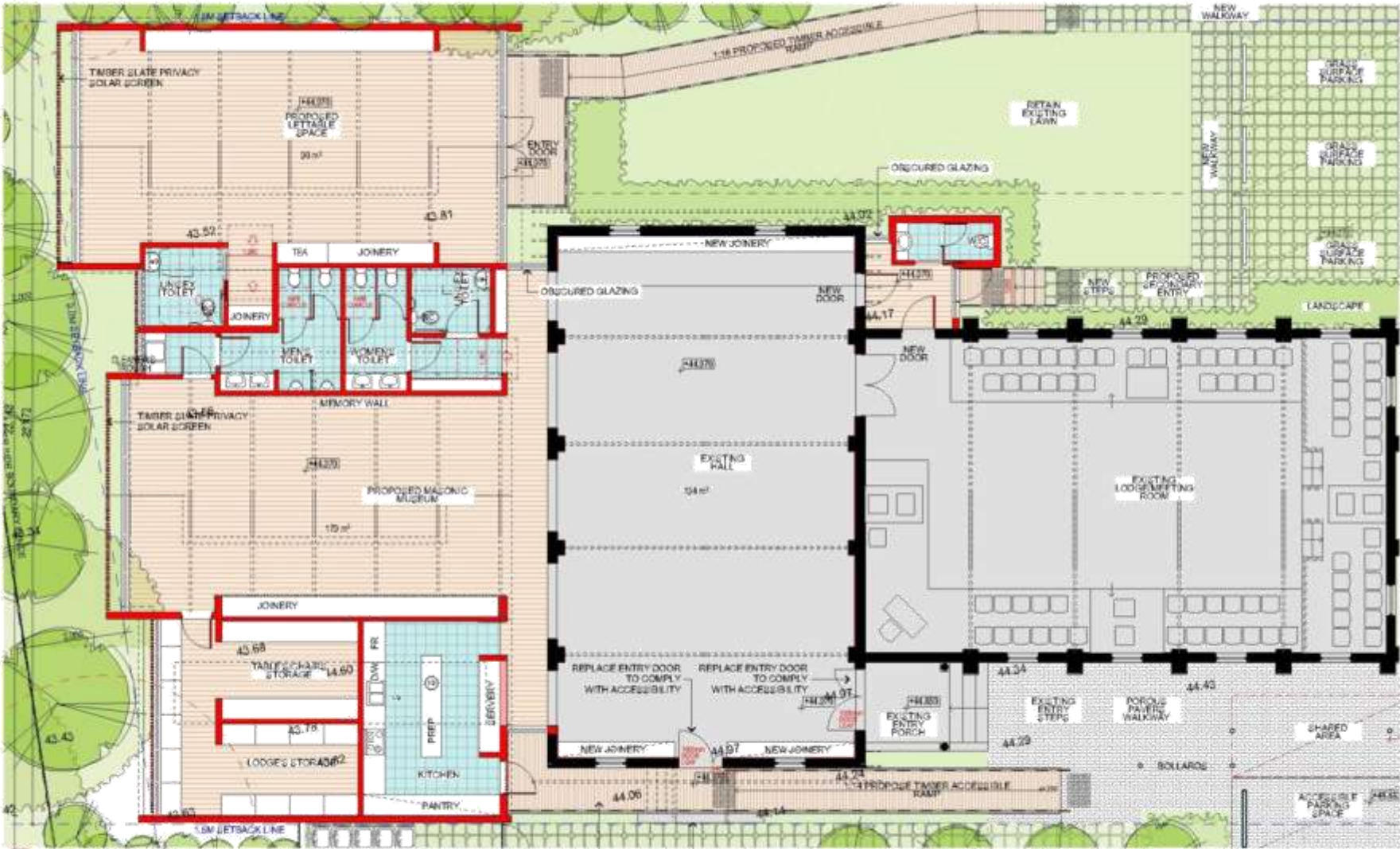


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**ELEVATION NORTH SOUTH 1:200**

JOB PURPOSE	Issue Date	D	C	A	JOB No	DWG No	SCALE
DA	08.04.2021				201389	DA3102	A



1 GROUND FLOOR PLAN  
DATE: 08.04.2021

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PROPOSED FLOOR PLAN - GROUND FLOOR 1:100

DATE	DESCRIPTION	BY	CHKD	APPD
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JOB No: 201389  
DWG No: DA2003  
SCALE: A