
AGENDA - LPP

Meeting:	Georges River Local Planning Panel (LPP)
Date:	Thursday, 28 July 2022
Time:	4.00pm
Venue:	Blended Meeting Online and Dragon Room Level 1, Georges River Civic Centre Corner Dora and MacMahon Streets, Hurstville
Participants:	Stephen Davies (Chairperson) Nicholas Skelton (Expert Panel Member) Julie Walsh (Expert Panel Member) Fiona Prodromou (Community Representative)

1.	On Site Inspections – Carried out by Panel Members prior to meeting
2.	Opening
3.	Consideration of Items and Verbal Submissions
LPP032-22	3 Cross Street, Kyle Bay (Report by Independent Assessment)
LPP033-22	505-507 Rocky Point Road, Sans Souci (Report by Independent Assessment)
4.	Local Planning Panel Deliberations in Closed Session
5.	Confirmation of Minutes

**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 28 JULY 2022**

LPP032-22

LPP Report No	LPP032-22	Development Application No	MOD2021/0127
Site Address & Ward Locality	3 Cross Street, Kyle Bay Blakehurst Ward		
Proposed Development	Modification of an approved dwelling house		
Owners	A Cristofi and S Harrison		
Applicant	A Cristofi		
Planner/Architect	Avenue Town Planning; David Dechiara		
Date Of Lodgement	9/08/2021		
Submissions	Three for original application		
Cost of Works	\$861,860.00		
Local Planning Panel Criteria	The application is to be determined by the Georges River Local Planning Panel as the application proposes a potential conflict of interest (former Council assessment officer was the engaged planning consultant for the applicant).		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Building and Sustainability Index: 2004), State Environmental Planning Policy (Biodiversity and Conservation) 2021, Kogarah Local Environmental Plan 2012, Kogarah Development Control Plan 2013, Georges River Local Environmental Plan 2021, Georges River Council Interim Policy		
List all documents submitted with this report for the Panel's consideration	LPP Report from 5 May 2022 meeting, LPP Minutes from 5 May 2022 meeting, Updated Architectural Plans (Issue L), Correspondence from Avenue Town Planning (Planning Consultant) dated 31 May 2022 including works-as-executed plans, site photographs and work Method Statement for backfilling the site		
Report prepared by	Independent Assessment		

Recommendation	That the application be approved subject to conditions of consent.
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, the report will be published on council's website before the meeting

Site Plan**Executive Summary**

1. This report has been prepared following the deferral of the subject application (MOD2021/0127) by the Georges River Local Planning Panel ('LPP') at its meeting on 5 May 2022. The Modification Application the subject of the deferral proposes demolition, pool removal and construction of a new three storey dwelling house with swimming pool, landscaping and site works on land known as 3 Cross Street, Kyle Bay.
2. The application was considered by the LPP on 5 May 2022. The Panel resolved to defer consideration of the application to allow the applicant to submit amended plans and additional information to address the interrelationship between what is currently constructed on the site, what is approved, what is proposed and what is to be demolished given there have been unauthorised works undertaken on the site outside of the development consent issued on 5 November 2020 by the LPP. The LPP considered it did not have sufficient information to assess the application or properly consider the impacts of what is proposed on the streetscape and neighbouring properties.
3. On 31 May 2022, the applicant submitted the following information:
 - Cover Letter addressing the Panel's deferral reasons prepared by Avenue Town Planning (Planning Consultant) dated 31 May 2022;
 - Works-as-executed drawing prepared by Ensure Consulting Pty Ltd (Registered Surveyor) Revision B dated 20 May 2022 (Annexure A of the Avenue Town Planning Submission);
 - Site photographs taken on 24 May 2022 (Annexure B of the Avenue Town Planning Submission);

- Work Method Statement prepared by Geotechnical Consultants Australia Pty Ltd dated 25 May 2022 for backfilling of the site (Annexure C of the Avenue Town Planning Submission); and
 - Amended architectural drawings (Issue L) prepared by David DeChiara dated 24 May 2022.
4. An assessment of the submitted information has been undertaken by the Independent Planning Consultant and is discussed within this report. All requested information has been provided and outstanding matters addressed to the satisfaction of the independent planning consultant subject to the recommended conditions.
 5. The amended plans and additional information do not propose any significant changes to the proposed modification and it is considered that the proposal remains substantially the same development as the development for which consent was originally granted.
 6. It is noted that the previous recommendation was for approval, with a recommended condition to remove the proposed retaining wall along the western (Boronia Street) boundary in the north-western corner (among other recommended changes to the conditions). This retaining wall remains on the amended plans as well as the proposed increase in height of the retaining wall behind this front wall.
 7. Accordingly, there are a number of conditions recommended to be imposed which require:
 - (a) The removal of the proposed planter/retaining walls in the north-western corner of the site from the plans;
 - (b) The walls constructed on the site outside of the approval, marked '*Walls to be demolished*' are to be removed prior to the issue of an amended Construction Certificate;
 - (c) The demolition of the block walls constructed on the site to the north of the approved basement garage on the site;
 - (d) Amendment of Condition 1 to allow incorporation of the amended plans and additional information; and
 - (e) Changes to relevant conditions to reflect the required backfilling to the site and the Work Method Statement provided.

Report In Full Background

8. At its meeting of 5 May 2022, the Georges River Local Planning Panel ('LPP') considered the subject application and resolved the following:

Deferral

The modification application No MOD2021/0127 to Development Application No. DA2020/0145 for the demolition, pool removal and construction of new three (3) storey dwelling house with swimming pool, landscaping and site works at Lot A DP 375896 and known as 3 Cross Street, Kyle Bay, is deferred.

The Panel does not have sufficient information to properly and adequately assess the interrelationship between what is currently constructed on site, what is approved, what is proposed and what is to be demolished. Further the Panel needs this information to consider the impacts of what is proposed on the streetscape and neighbouring properties.

As a result the Panel requests that the applicant provide amended plans and details that show:

- *Building works that have been constructed including any concrete slabs, block work walls, boundary/retaining walls, formwork and any other structures together with survey levels from a registered surveyor of the top of any walls and top of any formwork including finished ground RLs.*
- *Survey levels prepared by a registered surveyor of current ground levels along the boundaries and all other excavated areas.*
- *A series of photographs showing all current building works on site including concrete, block work walls and formwork.*
- *Work method statement indicating how the proposed backfilling will be carried out including details of the clean (VENM) fill to be used.*
- *Details of the existing works to be removed prior to commencement of approved works,*
- *Details of the proposed works the subject to the modification application.*
- *The above details be shown on a plan using different colours to delineate the existing building works to be removed and the proposed building and filling works.*
- *In the event that any of the back filling proposed has been carried out details of the area, extent and the quality of the fill shall be provided by a suitably qualified geotechnical engineer.*
- *Amended plans that show consistent information on plan, elevation and sections including further details of the existing and proposed ground levels in the north-western corner.*

The matter is to be referred back to the Local Planning Panel within 60 days, pursuant to Section 2.20(8) of the Environmental Planning and Assessment Act 1979. In the event that the applicant provides the details referred to then the matter is to be referred to a public meeting of the Local Planning Panel and in the event the applicant does not provide the details referred to the matter is to be determined by the Local Planning Panel by an electronic meeting.

Amended Plans and Reports

9. On 31 May 2022 the applicant submitted the following information:
 - Cover Letter addressing the Panel's deferral reasons prepared by Avenue Town Planning (Planning Consultant) dated 31 May 2022;
 - Amended architectural drawings (Issue L) prepared by David DeChiara dated 24 May 2022;
 - Site photographs taken on 24 May 2022
 - Works-as-executed drawing prepared by Ensure Consulting Pty Ltd (Registered Surveyor) Revision B dated 20 May 2022;
 - Work Method Statement prepared by Geotechnical Consultants Australia Pty Ltd dated 25 May 2022 for backfilling of the site.
10. The table below provides an assessment of the requirement of the LPP as per the minutes of the meeting and the information submitted by the applicant on 31 May 2022.

LPP Meeting Minute	Applicant's Submission	Planner Comment	Provided
<i>Building works that have been constructed including any concrete slabs, block work walls,</i>	Provided at Annexure A is a Works-As-Executed plan prepared by a registered surveyor dated 16 May	WAE Plans provided.	Yes

LPP Meeting Minute	Applicant's Submission	Planner Comment	Provided
<i>boundary/retaining walls, formwork and any other structures together with survey levels from a registered surveyor of the top of any walls and top of any formwork including finished ground RLs.</i>	2022. It confirms the location of existing walls, wall heights and ground levels. We confirm, as indicated in the submitted photographs at Annexure B, that there is no existing formwork or concrete slabs.		
<i>Survey levels prepared by a registered surveyor of current ground levels along the boundaries and all other excavated areas.</i>	As above	As above	Yes
<i>A series of photographs showing all current building works on site including concrete, block work walls and formwork</i>	Provided in Annexure B of the Avenue Town Planning submission.	Site photographs of the existing works which have been constructed on the site have been provided.	Yes
<i>Work method statement indicating how the proposed backfilling will be carried out including details of the clean (VENM) fill to be used.</i>	Provided in Annexure C of the Avenue Town Planning submission.	Provided	Yes
<i>Details of the existing works to be removed prior to commencement of approved works</i>	Amended architectural plans (issue L) are provided, which indicate the walls to be demolished and the area of the site to be backfilled.	Provided	Yes
<i>Details of the proposed works the subject to the modification application.</i>	Amended architectural plans (issue L) are provided with this submission with suitable notations included to clarify to Council and the Panel the extent of the proposal. Other than the details relating to the unauthorised works, the proposed modifications remain the same as stated within Council's report to the LPP dated 5 May 2022.	Provided	Yes
<i>The above details be shown on a plan using different colours to delineate the existing building works to be removed and the proposed building and filling works.</i>	Amended plans (Issue L) provided. These plans clearly indicate: <ul style="list-style-type: none"> • Walls that have been constructed on site; • DA approved wall location; • Section 4.55 modification 	Provided	Yes

LPP Meeting Minute	Applicant's Submission	Planner Comment	Provided
	walls to be constructed; and • Areas to be backfilled.		
<i>In the event that any of the back filling proposed has been carried out details of the area, extent and the quality of the fill shall be provided by a suitably qualified geotechnical engineer.</i>	Backfilling has not been carried out.	The photos appear to indicate that there has been no backfilling carried out.	Yes
<i>Amended plans that show consistent information on plan, elevation and sections including further details of the existing and proposed ground levels in the north-western corner.</i>	The Issue L plans have been reviewed and corrected accordingly. In particular, a slab above the deep soil area adjacent to the swimming pool as shown in Section BB has been removed to ensure that this space remains as deep soil.	Section BB now illustrates the area adjoining the alfresco as grass area (and not as a slab on ground) as previously indicated.	Yes

11. The amended plans and documentation as outlined above are considered below.

Consideration of Amended Plans and Additional information

12. There are two (2) primary areas of contention with the proposed modification following the LPP meeting of 5 May 2022. These matters include:

- (a) The construction of the basement walls on the site; and
- (b) The works proposed in the north-western corner including the proposed retaining walls (visible from Boronia Street) and privacy screen.

These matters are considered below.

Basement Walls

13. Construction of the approved development has commenced on the site and it became apparent at the LPP meeting of 5 May 2022 that the basement walls constructed to date were not all in accordance with the approval. As requested by the LPP, the submitted work-as-executed plan ('WAE Plan') outlines the works which have been undertaken on the site (**Figure 1**) and the revised basement plan (Issue L) outlines the 'walls to be demolished' and 'walls to remain' (**Figure 2**).
14. The existing walls constructed on the site have been grouped into five (5) areas to allow detailed consideration of each of these areas, as outlined in **Figure 3**, and discussed below.

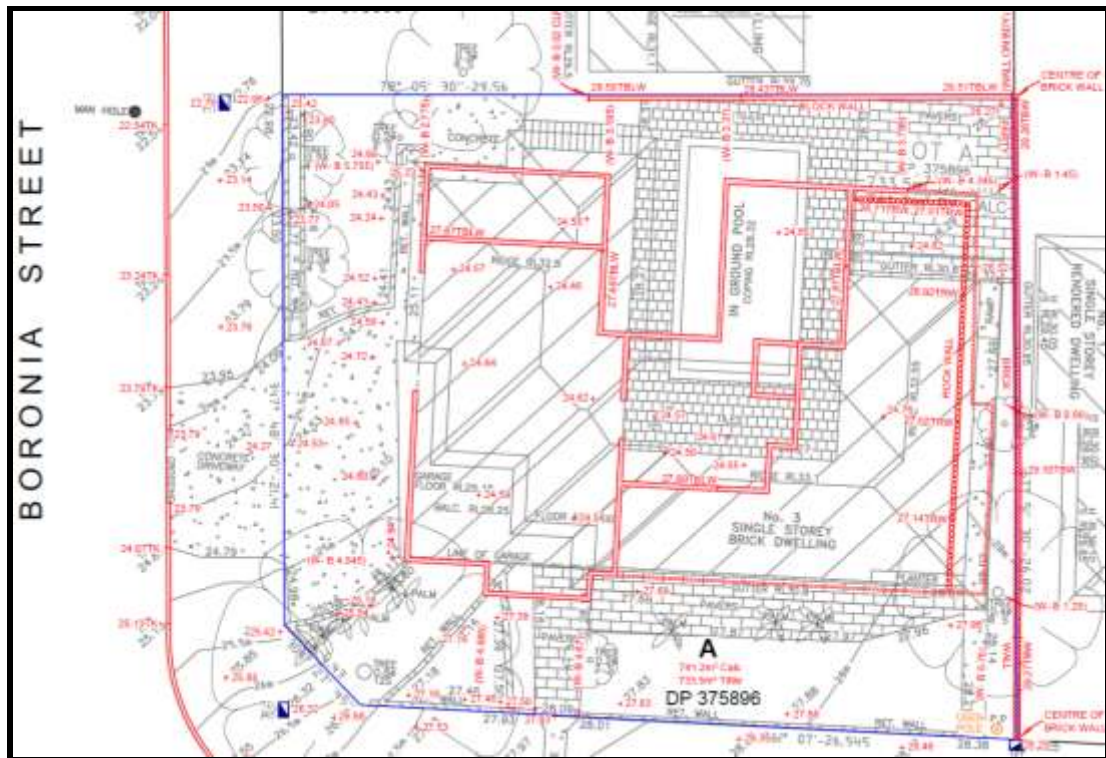


Figure 1: Works-As-Executed Plan (Source: Avenue Town Planning, 31/05/2022)

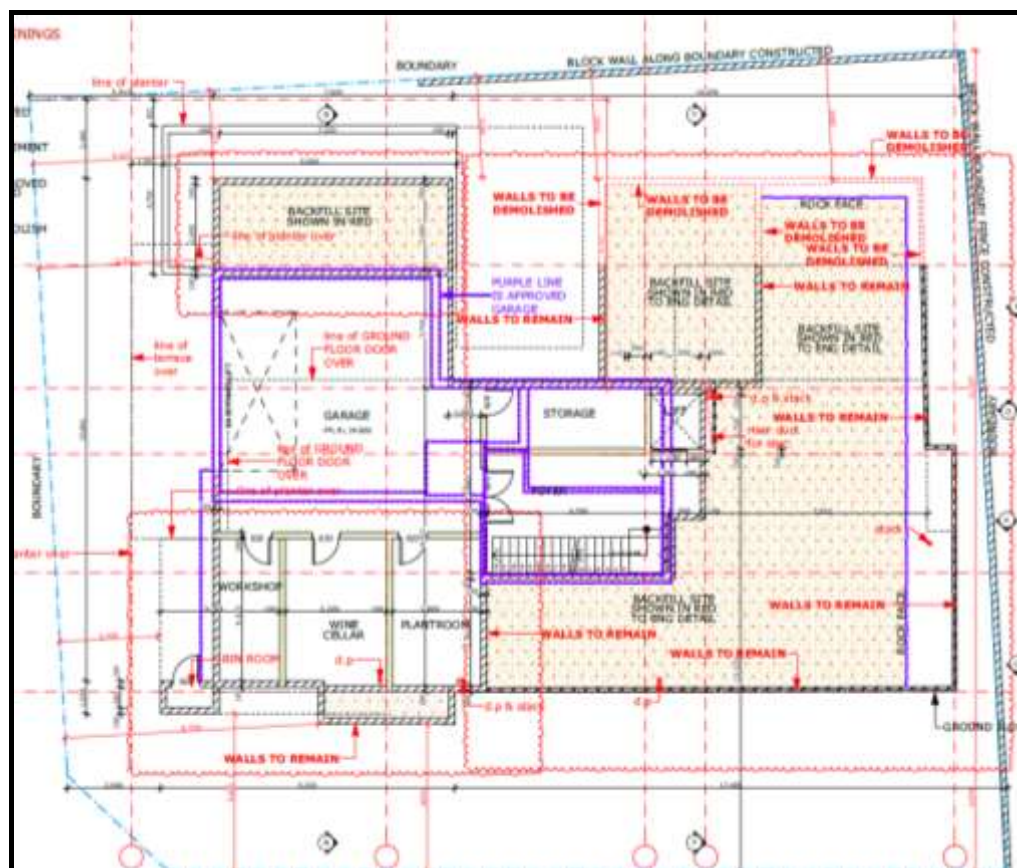


Figure 2: Proposed Basement Plan outlining walls to be demolished and walls to remain (Source: Issue L - David DeChiara, 24/5/2022)

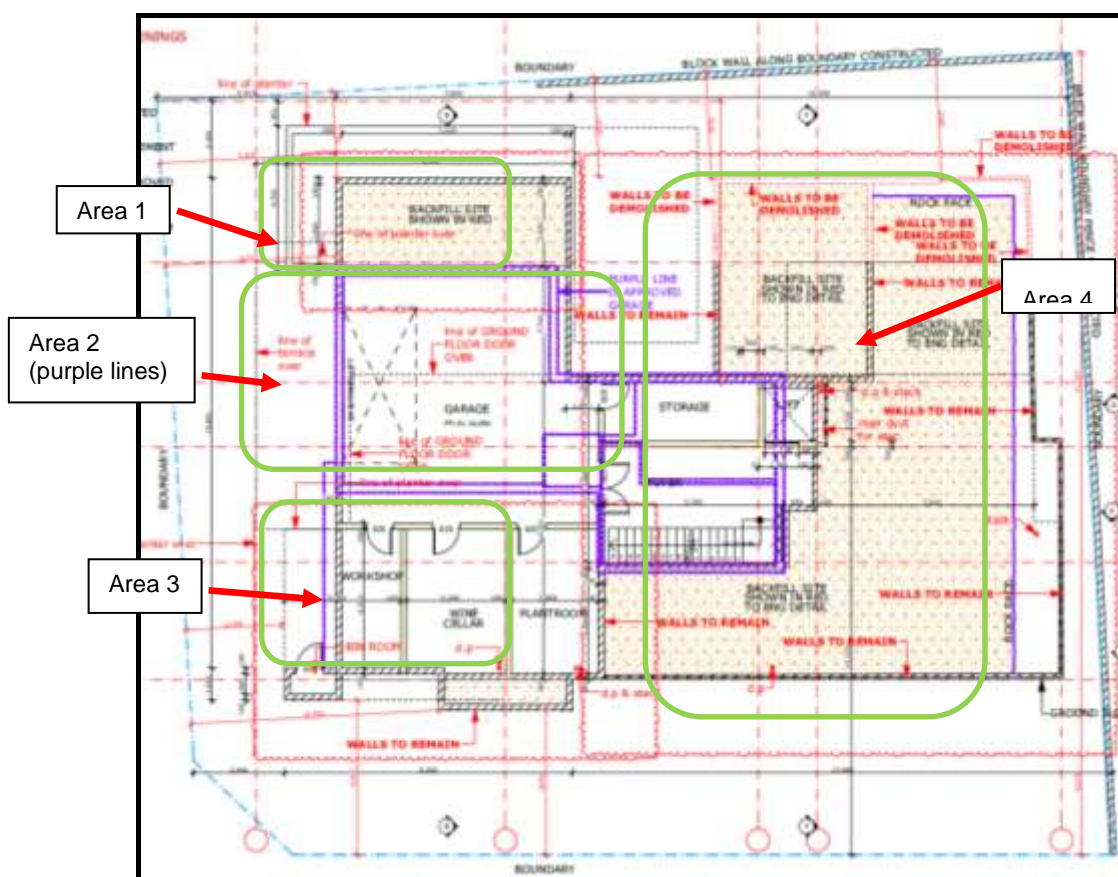


Figure 3: Proposed Basement Plan outlining walls to be demolished and walls to remain (Source: Issue L - David DeChiara, 24/5/2022)

Area 1

15. This area comprises the north-western corner of the site where a number of other retaining walls are proposed, in addition to the existing block work walls already constructed on the site (**Figure 4**). The WAE Plan indicates that the top of these walls is at RL 27.67. The ground floor of the approved dwelling is at RL 28 and therefore these walls would appear to be generally consistent with the approved plans in relation to the height. The proposed modification application does not propose any changes to the floor levels of any of the floors within the dwelling.
16. Of these four (4) walls constructed in this area, only the southernmost wall is approved, comprising the northern wall of the approved garage. The remaining three (3) outer walls are not approved as they are not included on the approved basement plan (**Figure 5**). The amended basement plan indicates that these walls are to remain.
17. As outlined in this Report, these walls are not supported and should be removed. These constructed walls exacerbate the bulk and scale of the proposed development when view from No 52 Boronia Street and adversely impact on the Boronia Street streetscape. The walls also result in potential visual and acoustic privacy issues for the adjoining property. These walls also facilitate the construction of the higher retaining/planter (inner) wall adjoining the ground floor level as discussed further in this report. The walls also result in significant changes to the natural topography of the site, which naturally slopes down to the common boundary with No 52 Boronia Street.

18. This 'room' made by the proposed unlawful walls has two doors cut into it, which suggests that there was a further use of this area envisaged. A further change to Condition 13 (Required design changes on the Construction Certificate plans) is recommended to require the removal of these walls as well as a new condition ensuring that the subfloor areas, which are required to be backfilled, are not used for any purpose and that all doors are to be removed from walls which are to be retained.



Figure 4: Looking North towards area adjoining garage (outside of approval) (Source: *Avenue town Planning*, 31/05/2022)

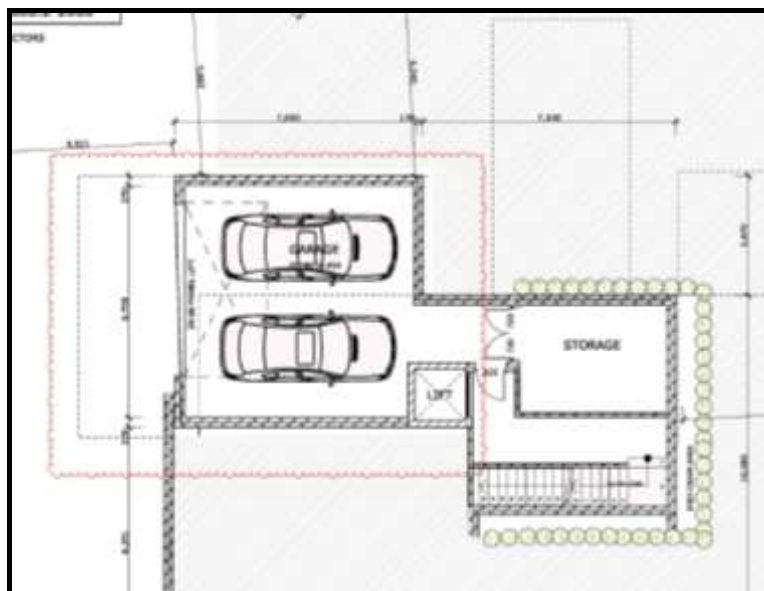


Figure 5: Approved Basement Plan (Source: *Council file*)

Area 2

19. This area comprises the walls in purple which consist of the approved basement walls, which are to be retained. Comparing this wall configuration with the approved basement plan (see Figure 5), this is a generally consistent representation of the approved basement walls (illustrated in Figure 4).

20. There is a minor change in the alignment of the eastern side wall of the garage, which would appear to have been constructed approximately 190mm towards the east, however, this is unlikely to result in any impact to the overall design or the amenity of adjoining properties given it is located internally within the site. The retention of these walls is supported and no further condition changes are necessary.

Area 3

21. This area is located in the south-west corner of the site and comprises the proposed workshop, wine cellar and plantroom generally as proposed in the original modification application (**Figure 6**). This area is a proposed addition to the approved basement layout and represents one of the fundamental changes in this modification application.
22. As outlined in the LPP Report of 5 May 2022, this area is considered satisfactory given it will not adversely impact on the bulk and scale of the development as it is largely below the level of Cross Street and does not alter the approved finished floor level of the ground floor of the approved dwelling. The retention of these walls is supported and no condition changes are necessary.



Figure 6: South-west Corner of the site (Source: Avenue town Planning, 31/05/2022)

Area 4

23. This area is located in the eastern section of the site and comprises two (2) components. The first being the area in the north-east corner, comprising the square shaped room consisting of a block wall, with the block wall along the northern boundary extending beyond the last north-south wall. There is also a brick wall which extends closer to the boundary (**Figures 7 and 8**). The second is the area in the south-east corner of the site which generally comprises the extension of the wall along the eastern boundary and the wall along the southern boundary below and parallel to Cross Street (below street level)



Figure 7: Looking towards the NE corner (Source: Avenue town Planning, 31/05/2022)



Figure 8: NE Corner (Source: Avenue town Planning, 31/05/2022)

24. The ends of these walls are proposed to be demolished on the amended basement plan. This is supported as it will allow this NE corner to be landscaped area. This will require significant backfilling as the level is currently approximately RL 24.850m (basement floor level) and is proposed to be at RL 27.95, which is more closely aligned with level of the ground floor of the dwelling (RL 28) (**Figure 9**).



Figure 9: Proposed Amended Site Plan (Issue L - David DeChiara, 24/5/2022)

25. The retention of the other portions of these walls is satisfactory as these walls are required for structural support to the ground level of the dwelling above given the extent of excavation which has been undertaken on the site. The outline of the ground floor level as shown on the approved basement plan generally follows these wall alignments with the northern extent of these walls assisting with structural support to the alfresco area above (**Figure 10**).
26. Similarly, the walls along the eastern and southern boundaries will assist in supporting the ground floor level above and are below the ground level of the surrounding properties and the level of Cross Street.
27. The proposed demolition of some of these walls and the retention of other parts of these walls as outlined on the amended basement plan is satisfactory subject to the recommended changes to conditions as outlined in this Report (at **Schedule 1**). These changes are recommended to Condition 13 and the inclusion of an additional condition (as Condition 13A) to require the demolition of these walls prior to the issue of an amended Construction Certificate. A further condition is also recommended to ensure the restriction on the use of all subfloor areas.
28. Accordingly, the amended basement plan is generally supported in relation to the retention and demolition of the constructed basement walls on the site, subject to the recommended conditions.

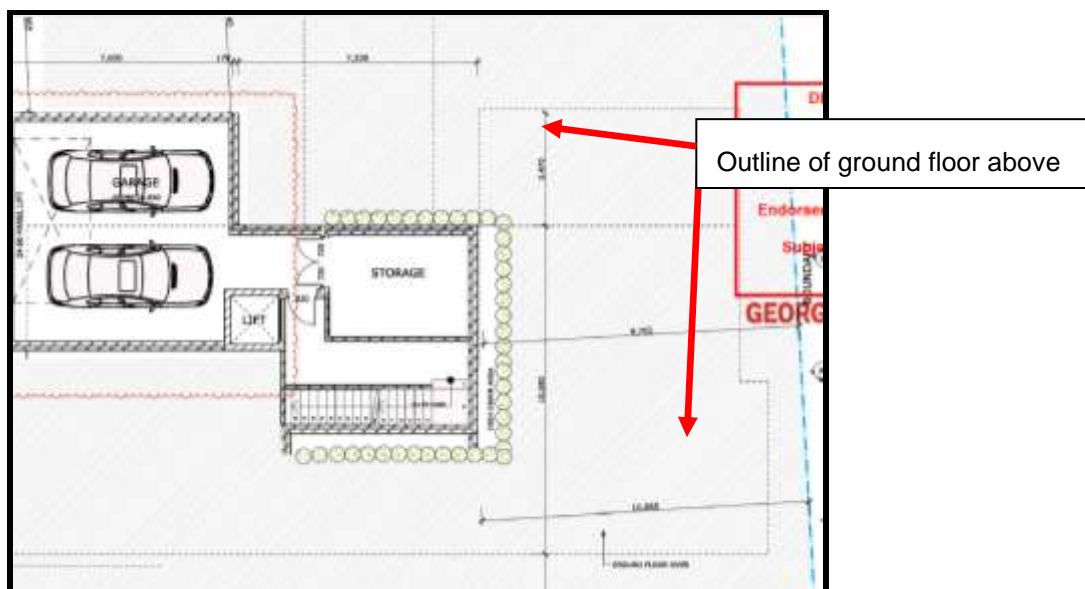


Figure 10: Approved Basement Plan showing outline of the ground floor above (Source: Council file)

Walls in the North-Western Corner

29. The concerns with the proposed walls in the north-western corner of the site were raised in the report to the LPP on 5 May 2022. Consideration of the fences and walls controls in the LPP Report of Part C1, Clause 4.2.3 of the Kogarah DCP 2013 stated (Paragraphs 62 and 63):

“It is considered that the proposed retaining wall does not achieve these objectives as the wall will exacerbate the bulk and scale of the proposal when viewed from Boronia Street and it allows for additional private open space behind the wall, which is likely to result in additional overlooking and acoustic impacts to No 52 Boronia Street given the proximity of this raised area to this adjoining property. The proposed retaining wall is also unsympathetic to the natural topography of the site, resulting in additional areas of fill on the site which potentially impacts on the amenity of the adjoining property at No 52 Boronia Street.

In these ways, the proposed retaining wall does not improve amenity for existing and new residents, it does not contribute positively to the streetscape and adjacent buildings and does not ensure fences and walls are sympathetic to the topography. Accordingly, the proposed variation to this control is not supported.”

30. The report to the LPP on 5 May 2022 concluded that this wall (the front/shorter of the two retaining/planter walls) could not be supported (paragraph 92(c)), stating:

“The proposed changes to the retaining walls in the north-western corner of the site are unacceptable due to the additional bulk and scale such a wall contributes to the site and allows for an increase to the natural ground level resulting in overlooking and acoustic impacts to No 52 Boronia Street. This aspect is not supported and a recommended condition of consent (design change) is included which requires the removal of this wall.”

31. The proposed amended plans (Issue L) are considered below in relation to the proposed retaining/planter walls and the relocation of the privacy screen.

Retaining/Planter walls

32. Retaining/planter walls are proposed in the north-western corner of the site, which is in close proximity to the northern side boundary adjoining No 52 Boronia Street. The existing relationship between the site and this adjoining site is illustrated in **Figure 11**, which illustrates that an outdoor terrace area exists within the front setback of No 52 Boronia Street directly adjoining this north-western corner of the subject site.



Figure 11: Boundary between the Site and No 52 Boronia Street

33. The approved layout of walls in this portion of the site comprises a staggered retaining wall with a top of wall height of RL 28.0, which is consistent with the level of the ground floor of the approved new dwelling. The area between this approved retaining wall and the northern edge of the approved verandah adjoining the ground floor of the dwelling is approved as a grassed area and forms part of the landscaped area on the site.
34. An additional smaller, staggered retaining wall was also approved to the north-west of this larger wall and closer to the Boronia Street boundary, with the top of the wall at RL 24.43, approximately 3.57 metres lower than the larger wall (**Figure 12**). This smaller wall comprised a length of approximately 2.3 metres to the Boronia Street boundary and comprised a height of approximately 450mm. This approved wall was only shown on the approved site plan and did not appear on any of the floor plans or elevations.

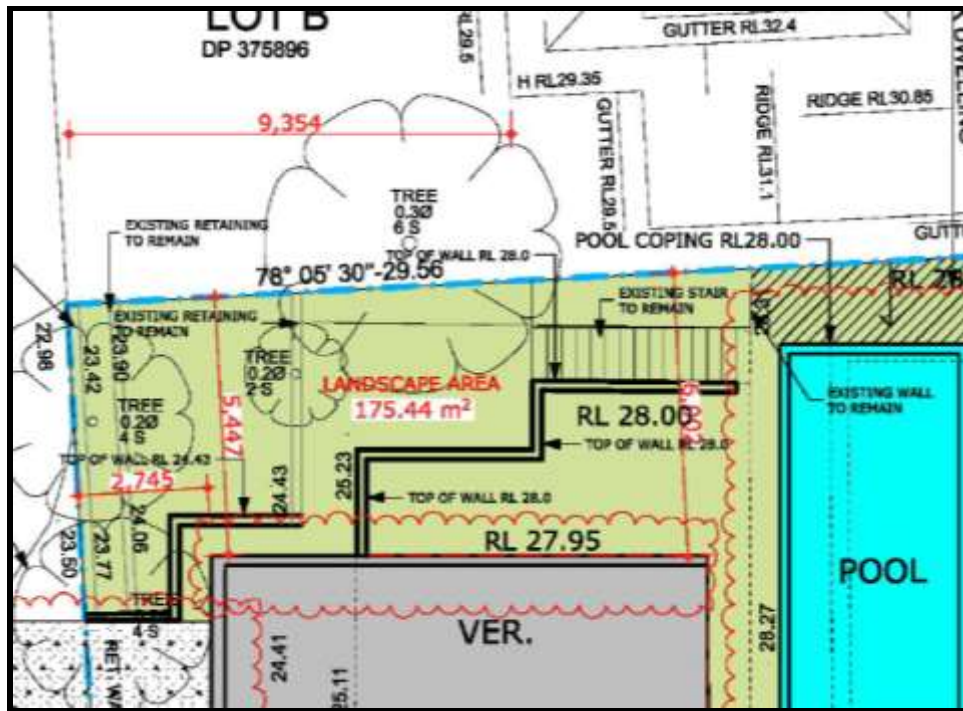


Figure 12: Approved site plan - DA 2020/0145 (Source: Council file)

35. This arrangement allows for a stepped wall configuration to the side boundary with landscaping along the fence line, and minimal changes to the site topography, allowing the site to naturally fall to the boundary with No 52 Boronia Street.
36. The approved landscape Plan for the site indicates this area is to comprise a grassed area with a row of boundary planting comprising Lilly Pilly's as well as grasses and a tulip tree (**Figure 13**). The consent requires further planting in this area, with a condition that a row of *Syzygium cascade* (Lilly Pilly's) is required along this northern boundary with a minimum 25 Litre pot size and spacing of 1 metre for the width of the allotment. A mass planting bed was approved for this corner of the site on the approved landscaped plan, particularly around the smaller wall, ensuring there would be minimal impact to the Boronia Street streetscape arising from this small wall.



Figure 13: Approved Landscape Plan (Source: Council file)

37. An existing set of stairs was also to be retained to provide access from the upper grassed area to the lower grassed area at ground level. The natural ground level at the boundary of the subject site and the adjoining site at No 52 Boronia Street is approximately RL 23.42 (based on the survey plan). The approved higher retaining wall is approximately 2.3 metres from the northern side boundary at its closest point for a short extent before it staggers closer to the dwelling on the subject site.
38. The proposed modification seeks to change these approved staggered retaining walls by proposing two (2) longer and higher retaining walls comprising the following walls (refer to **Figure 14**):
 - (a) A front wall with a height of between 1.93 metres (adjoining the garage) to 3.36 metres (at the northern side boundary) with a finished level at RL 26.782 and a length to the Boronia Street boundary of 4.7 metres. This proposed front wall is around 1.4 to 2.9 metres higher and 2.4 metres longer than the approved lower wall and is proposed to be between 1.02 and 1.51 metres from the side boundary (where its height is greatest). This is 500mm closer to the boundary for this higher and longer wall, compared to the approved lower wall.
 - (b) An inner wall with a height of a minimum of 3.83 metres at RL 28.680 when viewed from Boronia Street (to RL 24.850 – garage level). This is 680mm higher than approved wall. This larger/higher wall is proposed to be 2.797 metres from the northern side boundary at its closest point.

The area within these proposed walls is noted as a planter and is calculated as landscaped area on the amended plans.

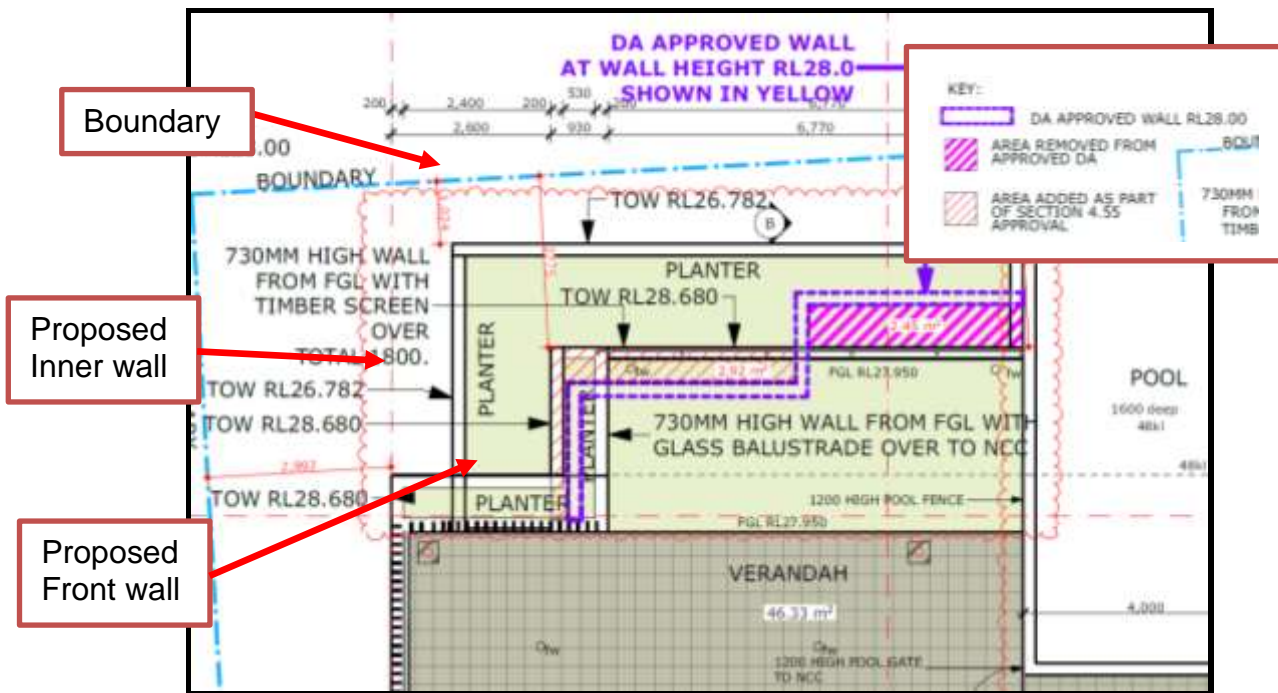


Figure 14: Proposed Retaining Walls in NW corner (Source: Issue L - David DeChiara, 24/5/2022)

39. The purple line in Figure 14 above denotes the approved retaining wall. As outlined, there is a small area to be removed at the higher level and an additional area created as a result of the proposed altered layout of the retaining walls in this area of the site.
40. In addition to these additional wall heights is the privacy screen which is now proposed to be 3 metres closer to the side boundary than the approved location (required by condition 13). This is discussed further in this report.
41. The combined effect of these two proposed walls is that a 3.83 metre high wall addresses the Boronia Street frontage. These walls when viewed from Boronia Street is illustrated in **Figure 15**.
42. These proposed walls significantly add to the bulk and scale of the overall development when viewed from Boronia Street, which already consists of a number of block walls in the south-western corner, near the intersection with Cross Street for the extended basement. The retention of the natural sloping topography and a reduction in built form elements such as walls is required in this north-western corner to more appropriately balance the built form on the site. This would also provide greater landscaping opportunities, particularly within the front setback area to soften the building behind.

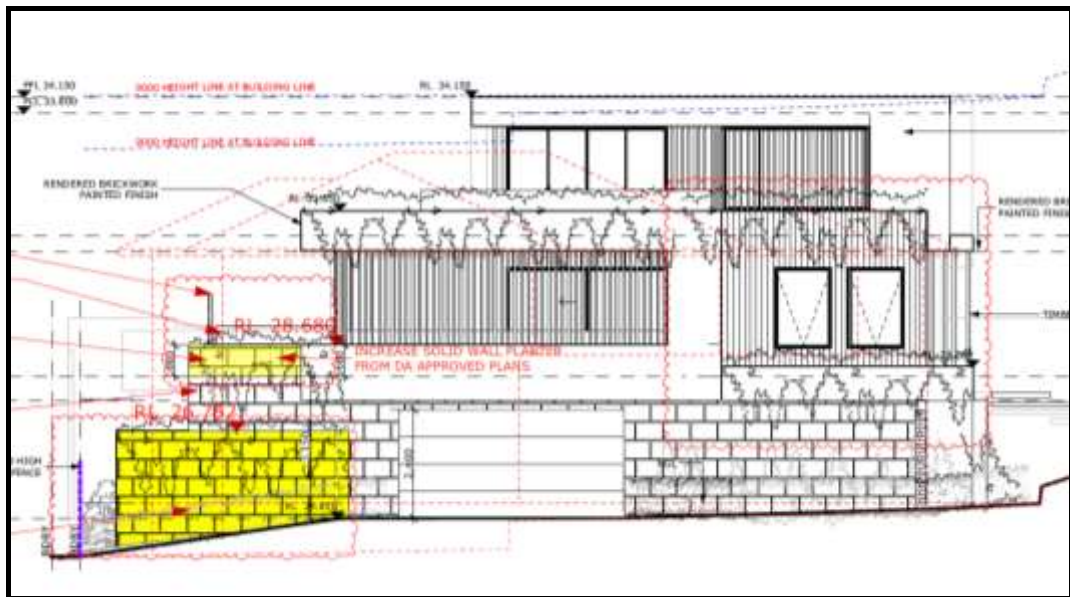


Figure 15: View of Proposed retaining walls from Boronia Street frontage (Source: Source: Issue L - David DeChiara, 24/5/2022)

43. The cumulative impact of the proposed retaining walls and the relocated privacy screen in this north-western corner of the site when viewed from the adjoining northern property, is illustrated in **Figure 16**. The dashed purple line indicates a 1.8 metre high boundary fence which gives a perspective on the scale of the proposed walls, with the yellow shading indicating the proposed new walls.

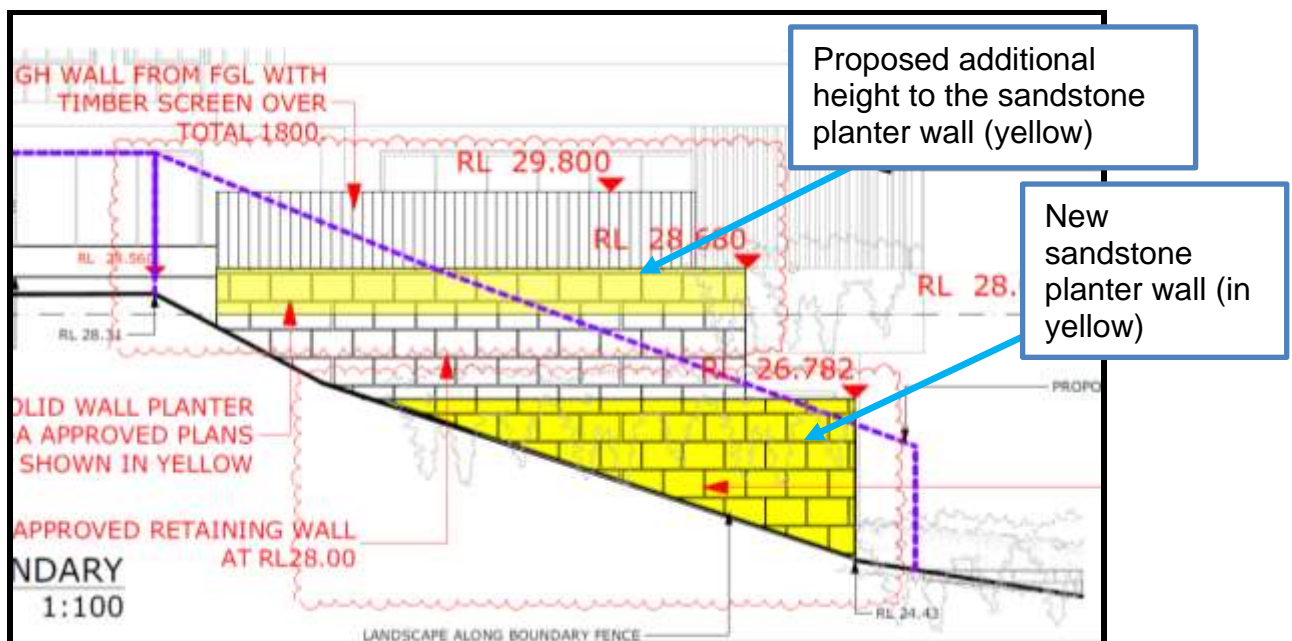


Figure 16: Proposed Retaining wall – Northern elevation (Source: Issue L - David DeChiara, 24/5/2022)

44. The proposed retaining walls arise from the concrete block walls which have already been constructed on the site outside of the approval, comprising three (3) walls in total (the northern wall of the garage is approved), which are proposed to be located directly adjoining the approved verandah on the ground floor.
45. These constructed block work walls are illustrated in **Figure 17**. This highlights the height of these walls in comparison to the boundary and the adjoining development, demonstrating the scale of the proposed changes and the likely adverse visual impact such walls will have on the adjoining property at No 52 Boronia Street.



Note: The top of the proposed higher retaining wall is RL 28.680 – 250mm higher than the existing block wall on the boundary in this photo. A 1.8m privacy screen on top of this wall, 2.775m from the boundary is also proposed.

Figure 17: Existing block walls constructed in the north-western corner of the site – looking west towards Boronia Street (Source: Avenue Town Planning, 31/5/22)

46. The proposed retaining walls in this modification application will result in a significant visual impact to the adjoining property at No 52 Boronia Street as well as to the Boronia Street streetscape given their excessive height and extensive changes to the natural topography of the site. The proposed retaining walls are seeking to change the natural ground levels on the site, likely to increase the usable area on the site, including for private open space.
47. It is considered that this area is not required to provide additional private open space as there is sufficient open space provided elsewhere on the site. Such areas include the verandah adjoining the lounge (46.33m²), the alfresco area (28.8m²) and the pool terrace area incorporating the bar area (23.2m²), which combined is approximately 100m².
48. The approved retaining walls more closely mimic the natural conditions (when compared to the proposed retaining walls), resulting in less impacts to the adjoining property and the streetscape of Boronia Street and allows for the provision of additional landscaping in this corner of the site. The approved retaining walls also reduce the amount and extent of walling in this corner and allows a stepped reduction in the ground level down to the boundary, reducing amenity impacts to the adjoining property and the streetscape.

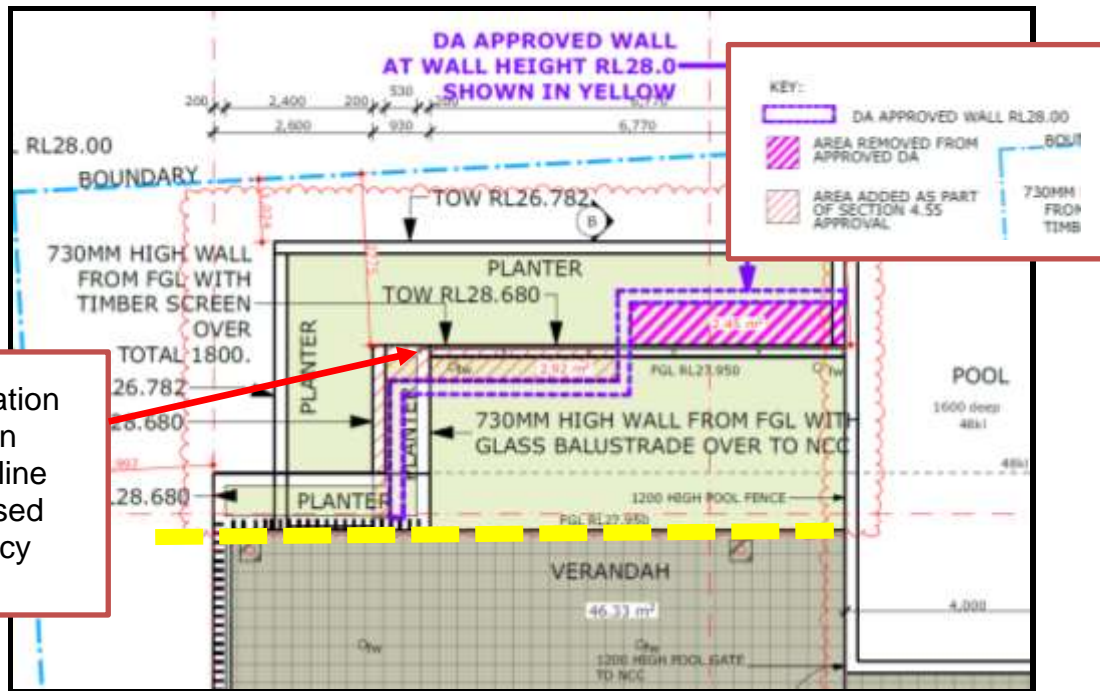
49. Accordingly, it is considered that the proposed new retaining walls cannot be supported and an amended design change condition is necessary (to existing Condition 13) to remove the retaining/planter walls in the north-western corner of the site. This will ensure the walls approved in DA 2020/0145 are retained.
50. The amended plans (Issue L) have not resolved the concerns, which were outlined in the LPP Report of 5 May 2022 as the proposed retaining walls are considered to add excessive bulk and scale to this portion of the site and do not follow the natural contours of the site.
51. Accordingly, as outlined in the LPP Report of 5 May 2022, the proposed additional and higher retaining walls in the north-western corner of the site are not supported. The proposed changes to Condition 13 as well as additional conditions are recommended to be retained and added to any modified consent issued for the proposed modification.

Relocation of the Privacy Screen

52. A further change proposed in this modification application is to relocate the required louvers from Condition 13 of DA 2020/0145, which states (emphasis added):

“A fixed angled louvered privacy screen must be erected along the northern edge of the elevated ground floor verandah to minimise overlooking impacts between the subject site and 52 Boronia Street, Kyle Bay. The colour is to be consistent with the colour scheme of the dwelling and be non-reflective.”

53. The modification application proposes to relocate this privacy screen from the northern edge of the elevated ground floor verandah (approximately 5.447 metres from boundary) to the northern edge of the grass area adjoining to the west of the swimming pool (2.775m from the boundary). This results in the 1.8 metre privacy screen being 2.7 metres closer to the common boundary with No 52 Boronia Street at a height of 6.38 metres above the ground level at the boundary (**Figure 18**).
54. The privacy structure is proposed to comprise a 730mm high wall with a timber screen over with a total height of 1.8 metres on top of the proposed retaining wall (RL 28), which would result in a structure which is at RL 29.80 (RL 28 plus 1.8m) (**Figure 19**).
55. It is presumed that the effect of this proposed change is to increase the level outdoor space adjoining the pool and the verandah which would not be confined by the required privacy screen. This enlarges an outdoor private open space area in close proximity to the adjoining property at No 52 Boronia Street, which is likely to result in adverse acoustic privacy impacts to No 52 as well as adverse visual impacts on the adjoining dwelling arising from such a change.



Proposed relocation of privacy screen (dashed yellow line indicates proposed location of privacy screen)

Figure 18: Proposed Retaining Walls in NW corner (Source: Issue L - David DeChiara, 24/5/2022)

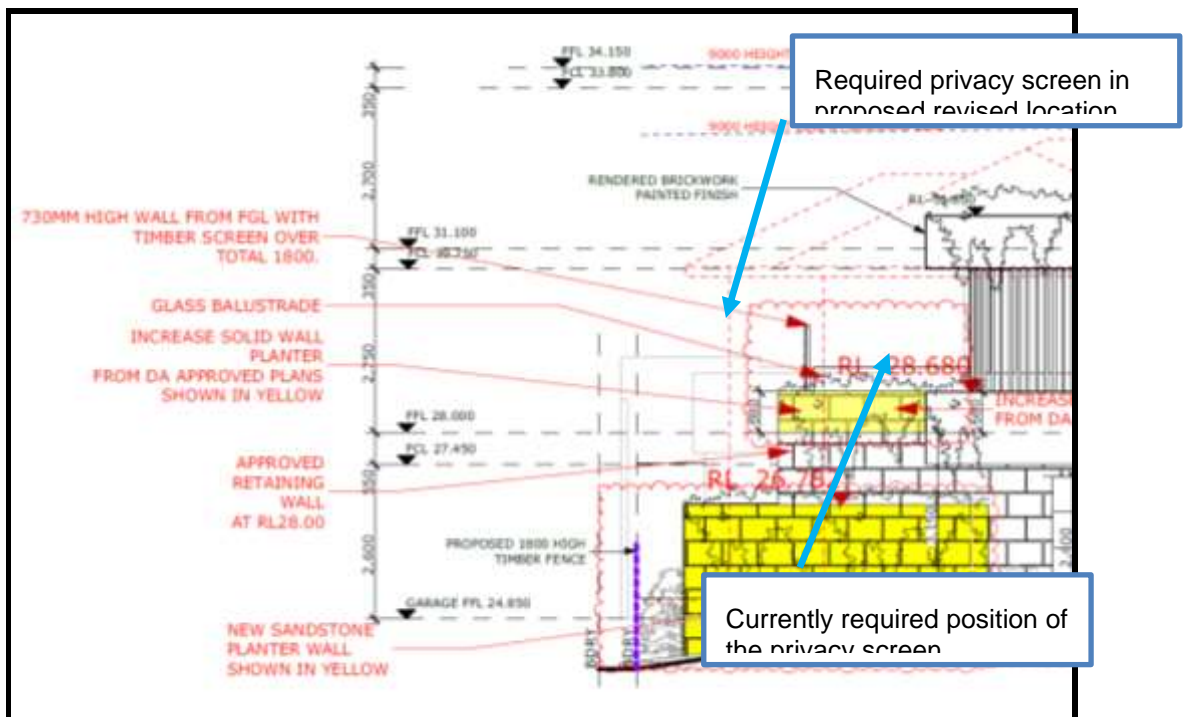


Figure 19: Proposed retaining walls and privacy screen (Source: Issue L plans – David Dechiara, 24/5/22)

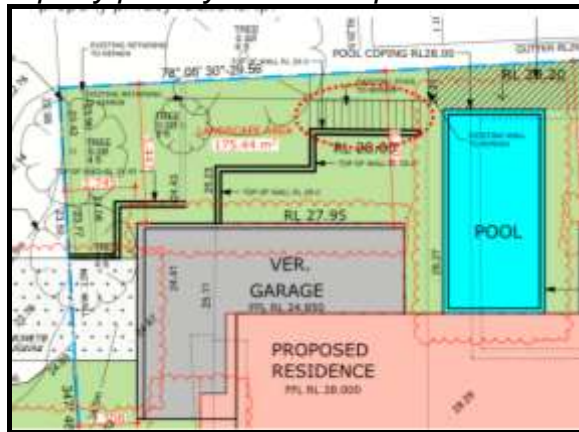
56. The requirement for the louvered privacy screen to be erected along the northern edge of the elevated ground floor verandah allows the bulk and scale of the screening to be offset from the boundary and increases the distance from the boundary for outdoor open space which will reduce the acoustic impacts to the adjoining property. Accordingly, the relocation of the required privacy screen is not supported.

Applicant's Submission

57. In relation to these proposed works in the north-western corner, the applicant provided the following in their amended information provided on 31 May 2022:

“For the purposes of clarity and with relation to the modifications to the northern-western corner of the site, the following is noted:

- Indicated on the Ground Floor Plan (Sheet 3/22) is the location approved retaining walls, including the replacement of an approved staggered retaining wall with a proposed L-shaped retaining wall. The Issue L plans indicate the areas of an offsetting adjustment denoted by the hatching shown.*
- As circled red in the approved plan below, the stairs located adjacent to the northern boundary are proposed to be removed and replacement with landscaping, which will benefit inter-property privacy relationship.*



- Condition 13 of the development consent requires the placement of privacy louvers along the northern edge of the ground floor verandah. The proposal seeks to include the required privacy screens, although in a shifted location to the northern edge of the grass area adjoining to the west of the swimming pool. The screen is setback 2.775m from the northern boundary, noting also that the space adjoining No.52 Boronia Street is part of that site's street frontage. The screen location, height and material will blend into the site's landscape setting and visually will be a subordinate structure in comparison to the size of the building behind."*

58. As outlined above, the amended plans (Issue L) have not resolved these concerns and therefore these proposed retaining walls are not supported.

Changes to Conditions

59. Following the submission of the amended plans (Issue L) and other further information, the following changes to the conditions of consent are recommended (in addition to the changes proposed in the LPP Report of 5 May 2022):

- Further amend Condition 1 to update plans to reflect the amended plans (Issue L), the Work Method Statement and the WAE Plan;
- Further amend Condition 8 to include an additional requirement (as point (g)) that the updated Geotechnical Report is consistent with the *Work Method Statement* prepared by Geotechnical Consultants Australia (GCA) dated 25 May 2022 (Reference No G22245-1)
- Further amend Condition 13 (*Required design changes - The following changes are required to be made and shown on the Construction Certificate plans*) to include the following:

- The removal of the basement walls adjoining to the north of the approved garage in the north-west corner of the site which are not approved;
- Amend the recommended retaining walls condition to state the proposed retaining/planter walls with a top of wall height of RL 28.680 and RL 26.782 in the north-western corner to be removed from the plans and illustration of the approved staggered retaining walls in this location; and
- All doors in the basement walls are to be removed from the plans with the exception of the approved doors and openings in the basement.

These recommended changes are in addition to the previously recommended amendment to this condition which included the requirement all planters and roof areas to be shown as “non-trafficable”.

- Insert a new condition after Condition 13 (as Condition 13A) to require the demolition of the walls marked ‘*walls to be demolished*’ on the amended basement plan (Issue L) and the three (3) constructed basement walls adjoining to the northern side of the garage prior to the issue of an amended Construction Certificate.
- Amend Condition 36 (during construction condition) for ground levels and retaining walls, to include reference to the Work Method Statement and the backfilling of previously excavated areas beyond the original approval. This condition currently states:
- Insert a new provision to proposed new Condition 47A (prior to the issue of an occupation Certificate condition) to include reference to the Work Method Statement and the backfilling of previously excavated areas.
- Insert a new condition after Condition 63 (Operational Conditions (Ongoing)) as Condition 63A to require all of the subfloor areas to be backfilled and not used for any other purpose.

Conclusion

60. The additional information submitted by the applicant in response to the reasons for deferral by the Georges River Local Planning Panel has been addressed in this report.
61. It is noted that the previous recommendation was for approval with various conditions to be modified, however further changes to the conditions are now recommended. These changes to conditions are outlined above and are in addition to the changes recommended the LPP Report of 5 May 2022.

Determination and Statement of Reasons

62. The application has been assessed having regard to the Matters for Consideration under Section 4.15 (1) and 4.55(2) of the *Environmental Planning and Assessment Act 1979* and relevant statutory provisions.
63. The additional information submitted by the applicant in response to the reasons for deferral by the Georges River Local Planning Panel has been provided to the satisfaction of the independent planning consultant and is addressed in this report.
64. The proposed modification to the approved development forms a permissible use within the R2 Low Density Residential Zone within the *Kogarah Local Environmental Plan 2012*.

65. The changes proposed in the modified design is suitable for the subject site as the objectives of the controls have been reasonably satisfied and conforms with the objectives of the applicable planning controls subject to the recommended conditions.
66. The modified proposal provides good levels of amenity for future occupants and results in minimal adverse material impacts on adjoining properties and surrounding development following the removal of some of the constructed walls and proposed retaining walls as outlined in the recommended conditions.

Determination

67. Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, as amended, Modification Application MOD 2021/0127 to modify DA2020/0145 for the demolition, pool removal and construction of new three (3) storey dwelling house with swimming pool, landscaping and site works on Lot A DP 375896 and known as 3 Cross Street, Kyle Bay be granted approval 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
Lower Ground Basement Floor Plan	2	October 21, 2020 24 May 2022	F L	David Dechiara
Ground Floor Plan	3	October 21, 2020 24 May 2022	F L	David Dechiara
First Floor Plan	4	October 21, 2020 24 May 2022	F L	David Dechiara
Roof Plan	5	24 May 2022	L	David Dechiara
Site Plan	6	24 May 2022	L	David Dechiara
First Floor Plan	6	October 21, 2020	F	David Dechiara
Southern Elevation	7	October 21, 2020 24 May 2022	F L	David Dechiara
Northern Elevation	8	October 21, 2020 24 May 2022	F L	David Dechiara
Western Elevation	9	October 21, 2020 24 May 2022	F L	David Dechiara
Eastern Elevation	10	October 21, 2020 24 May 2022	F L	David Dechiara
Section AA and BB	11	October 21, 2020 24 May 2022	F L	David Dechiara
Demolition Plan	12	October 21, 2020 14 March 2022	F K	David Dechiara
Excavation Plan	13	October 21, 2020 14 March 2022	F K	David Dechiara
Site Analysis	14	October 21, 2020	F L	David Dechiara

		24 May 2022		
Environmental Site Management Plan	15	October 21, 2020 14 March 2022	F K	David Dechiara
Landscape Plan	46	October 21, 2020	F	David Dechiara
Floor Space Ratio Areas	17 16	October 21, 2020 24 May 2022	F L	David Dechiara
Deep Soil Areas	17	24 May 2022	L	David Dechiara
June Shadow Diagrams	18	24 May 2022	L	David Dechiara
December Shadow Diagrams	19	24 May 2022	L	David Dechiara
Safety Notes	21	24 May 2022	L	David Dechiara
Notification Plan	22	24 May 2022	L	
Streetscape Plan/Driveway	24	October 21, 2020	F	David Dechiara
BASIX Commitments	22	October 21, 2020	F	David Dechiara
CC Section	26	October 21, 2020	F	David Dechiara
DD Section	27	October 21, 2020	F	David Dechiara
EE Section	28	October 21, 2020	F	David Dechiara
Plan Showing Work As Executed Levels And Details	220991 WAE-01	20 May 2022	B	Ensure Consulting Pty Ltd
Concept Drainage Plan	SW03CR055 Sheet 1 of 1	06-04-2020	-	M.M Farah Civil/ Structural
Geotechnical Report	G2040-1	30 th January 2020	-	Geotechnical Consultants Australia
Colour Schedule	-	-	-	-
Waste Management Plan	-	02-02-20	-	David Dechiara
BASIX Certificate	1088001S_035	9 October 2020 20 July 2021	-	Sustainability-Z
Work Method Statement	G22245-1	25 May 2022	-	Geotechnical Consultants Australia (GCA)

(This condition has been modified as part of MOD2021/0127 (DA2020/0145))

Separate Approvals Required Under Other Legislation

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

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

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

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

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

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

3. 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. 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 driveway 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

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

Requirements of Concurrence, Integrated & Other Government Authorities

5. **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 (Business and Commercial Services).
6. **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 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

7. **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.
8. **Geotechnical report** - Geotechnical Reports: The applicant must submit an updated Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:
- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
 - (b) Dilapidation Reports on the adjoining properties including, but not limited to all adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
 - (c) On-site guidance by a vibration specialist during the early part of excavation.

- (d) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
- (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
- (f) To assess the structural adequacy of the backfilling of the site and identify any structural concerns for adjoining properties, following the additional excavations carried out on the site.
- (g) Reference to, and is consistent with, the *Work Method Statement* prepared by Geotechnical Consultants Australia (GCA) dated 25 May 2022 (Reference No G22245-1).

(This condition has been modified as part of MOD2021/0127 (DA2020/0145))

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

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$155.00
Georges River Council Section 94A Development Contributions Plan 2017	\$8,618.50

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.

10. Damage Deposit - Minor Works - In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,900.00**
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$155.00**
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

11. 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.

12. **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. 1088001S_0 5 dated 20 July 2021 prepared by Sustainability-Z must be implemented on the plans lodged with the application for the Construction Certificate.

(This condition has been modified as part of MOD2021/0127 (DA2020/0145))

13. **Required design changes** - The following changes are required to be made and shown on the Construction Certificate plans:

Retaining walls	Details of retaining walls must be indicated on the site and landscape plans prior to issue of construction certificate. Details, specifications and design must be in accordance with the Australian Standards.
Retaining (planter) walls	The retaining/planter walls in the north-western corner of the site with a top of wall height of RL 28.680 and RL 26.782 must not be shown on the Construction Certificate Plans.
Basement walls	The three (3) basement walls constructed to the north of the garage must not be shown on the Construction Certificate Plans.
Doors in basement walls	No doors within the basement walls which are to be retained (with the exception of the approved doorways in the basement) are to be shown on the Construction Certificate plans.
Planters and roof areas	All planters and roof areas are to be shown as "non-trafficable" on the Construction Certificate Plans and shall not be used as deck areas.
Excavation plan, stormwater plan and geotechnical report	The excavation plan, stormwater plan and geotechnical report is to be amended to be consistent with the approved architectural plans as specified within Condition 1 – Approved Plans. The location of stormwater works must comply with the TPZ requirements of Condition 22 - Trees.
Landscaping	A row of <i>Syzygium Cascade</i> Lilly Pilly's are to be indicated on the landscape plan parallel with the northern rear boundary with a minimum 25 Litre pot size and spacing of 1m for the width of the allotment.
Privacy Louver	A fixed angled louvered privacy screen must be erected along the northern edge of the elevated ground floor verandah to minimise overlooking impacts between the subject site and 52 Boronia Street, Kyle Bay. The colour is to be consistent with the colour scheme of the dwelling and be non-reflective.
Details of planter watering system	The first floor planter adjacent to the terrace area is to be equipped with an irrigation

	system to facilitate the survival of the plantings in this space. Details and specifications of the watering system are to be provided with the Construction Certificate.
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(This condition has been modified as part of MOD2021/0127 (DA2020/0145))

- 13A Prior to the issue of an amended Construction Certificate**, the walls marked 'walls to be demolished' on the amended basement plan (Issue L) and the three (3) constructed basement walls adjoining to the northern side of the garage must be demolished and material removed from the site.

(This condition has been added as part of MOD2021/0127 (DA2020/0145))

- 14. 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.

- 15. Stormwater Drainage Plan Details** - 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) The PCA shall ensure that an amended drainage plan shall be prepared to reflect the updated architectural plans with the provision of a (RWT) with a capacity 5000 litres as per the submitted calculation sheet.

- (b) 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).
- (c) All roof waters and all overflows from any rainwater tank shall drain to Council's kerb and gutter directly in front of the development site by a suitably designed stormwater system.

16. Compliance with Swimming Pool Act 1992 - The alterations and additions to the dwelling house and/or the construction of the new dwelling house subject of this consent must not generate any non-compliances with the Swimming Pools Act 1992, Swimming Pool Regulation 2008, Building Code of Australia and/or AS 1926.1-2007 - Swimming Pool Safety. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.

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

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

18. Swimming Pools - Use and Maintenance - The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) no ground level may be raised or filled except where shown specifically on the approved plans;
- (b) all pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (c) the swimming pool must not be used for commercial or professional purposes;
- (d) drain paved areas to the landscaped areas or a suitable lawful drainage system; and
- (e) arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.

19. 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).

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

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

- (c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

21. 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.

22. Landscape Plan - 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 to the nominated PCA. The plan must include:

- (a) Location of existing and proposed structures, services and existing trees to be retained and /or removed
- (b) 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.
- (c) For the removal of five (5) trees, ten (10) trees need to be planted upon the site and shown upon the landscape plan.
- (d) Details of earthworks including mounding and retaining walls, Reduced Levels and planter boxes;
- (e) Location of proposed ten (10) trees and 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 nine (9) metres.
- (g) 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.

Reference that a certificate of compliance for the planting of all eight (8) trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all eight (8) trees have been planted as per landscape plan and specifications and forwarded to the PCA - Principal Certifying Authority.

(This condition has been modified as part of MOD2021/0127 (DA2020/0145))

23. Trees - The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) TPZ as per AS4970 -2009 Fencing distance from trunk
<i>Camellia japonica</i>	Rear side yard of No 1 Cross Street	3.6 metres
<i>Thuja plicata</i>	No 52 Boronia Street , front side yard	3.5 metres

- (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.
- (b) A certificate of compliance letter for tree protection measures shall be completed and 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 maintained during the building process.

Tree Protection Measures

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

- (g) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.
- (h) No building products/ materials or services shall be installed within the TPZ of the tree/s unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone - DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.

Excavation works near tree to be retained

- (i) No excavations are permitted within the TPZ of the neighbour's trees and as shown within TPZ table above
- (j) The engaged AQF 5 Arborist must be in attendance during excavations for the proposed stormwater within the TPZ of the retained *Angophora costata* and in writing, certify of their findings whilst guiding the proposed stormwater works, to the nominated PCA, for compliance.
- (k) 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.
- (l) The Tree Protection Zone around the neighbours trees, 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.

(This condition has been modified as part of MOD2021/0127 (DA2020/0145))

24. Tree pruning

(This condition has been deleted as part of MOD2021/0127 (DA2020/0145))

- 25. Tree Removal & Replacement - 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, with exempt Species replacement being 1:1. If Council finds that locations within the site cannot be found for the trees viability, an offset fee shall be forwarded to Council to plant the tree/s elsewhere, within the municipality.

Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
<i>Waterhousia floribunda</i>	X1	Eastern side fence
<i>Archontophoenix cunninghamiana</i>	X2	Front yard of Cross Street
<i>Phoenix roebelenii</i>	X1	Front yard of Cross Street
<i>Angophora costata</i>	X1	Front yard, corner of site
<i>Syagrus romanzoffiana</i>	X3	Front corner of 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.

(This condition has been modified as part of MOD2021/0127 (DA2020/0145))

- 26. Street Tree Removal / Replacement by Council** - One (1) street tree of species to be determined must be provided in the road reserve fronting the site, Boronia Street.

Council shall be appointed to remove and plant all trees on public land. All costs associated with the removal of the trees and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.

The fees must be paid in accordance with the conditions of this consent. The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

The fees payable will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant conditions set out in this consent.

Fee Type - Tree planting on public land	Number of trees	Amount per tree
Administration Fee, tree planting and maintenance	X1	\$452.00
Cost of tree removal	-	N/A
Cost of Stump Grinding	-	N/A

- 26A Pre-Construction Dilapidation Report** - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of immediately adjoining premises.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

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

- 27. Dilapidation Report on Public Land** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including:

The report must include the following:

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

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

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

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

- 28. 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.

- 29. 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.
- 30. 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](#).
- 31. 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.
- 32. 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.

- 33. 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

- 34. 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.
- 35. Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

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

- 36. 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 the approved basement plan where areas are shown to be backfilled in accordance with the approved Work Method Statement prepared by Geotechnical Consultants Australia (GCA) dated 25 May 2022 (Reference No G22245-1), other approved plans or approved by Council.*

(This condition has been modified as part of MOD2021/0127 (DA2020/0145))

- 37. 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.

- 38. 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.
- 39. Swimming Pools - Filling with water** - The pool/spa shall not filled until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the PCA.
- 40. 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.

- 41. Tree Removal on Private Land** - The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with AS4373 -2007 and the *Amenity Tree Industry Code of Practice* (SafeWork NSW, August 1998).
- 42. Excavation works near tree to be retained** - Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

Prior to the issue of the Occupation Certificate

- 43. Stormwater drainage works - Works As Executed** - Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:
- (a) Compliance with conditions of development consent relating to stormwater;
 - (b) The structural adequacy of the On-Site Detention system (OSD);
 - (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.

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

44. **BASIX Certificate** - All energy efficiency measures as detailed in the approved BASIX Certificate No. 1088001S_0 dated 20 July 2021 prepared by Sustainability-Z in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

(This condition has been modified as part of MOD2021/0127 (DA2020/0145))

45. **Electricity Supply** - Evidence shall be provided demonstrating that the development has been connected to the Ausgrid, if required.
46. **Post Construction Dilapidation report - Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

- a) all adjoining properties identified in the dilapidation condition prior to Construction Certificate.

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

47. **Dilapidation Report on Public Land** – Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site.

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (a) Photographs showing the condition of the road pavement fronting the site
- (b) Photographs showing the condition of the kerb and gutter fronting the site
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the professional engineer.

The report must be provided to the PCA and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

NOTE: Council will use this report to determine whether or not to refund the damage deposit.

Council's Engineering Services Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

47A. Final Geotechnical Report

Prior to the issue of the Occupation Certificate, the earthworks on the site are to be certified by a professional geotechnical engineer detailing:

- (a) Compliance with conditions of development consent relating to geotechnical matters and earthworks;
- (b) The structural adequacy of the earthworks on the site, including the backfilling of areas previously excavated areas on the site carried out in accordance with the Work Method Statement prepared by Geotechnical Consultants Australia (GCA) dated 25 May 2022 (Reference No G22245-1).

(This condition has been added as part of MOD2021/0127 (DA2020/0145))

- 48. Driveways and parking spaces - Minor Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.
- 49. BASIX Compliance Certificate** - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.
- 50. Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
- 51. Completion of Landscape Works** - All landscape works, the planting of ten (10) trees on the site and the street tree payment to Council, must be completed before the issue of the Final Occupation Certificate and to the satisfaction of Council's Tree Management Officers, in accordance with approved submitted landscape plans and specifications that were required before the issue of the Construction Certificate to the nominated PCA.

(This condition has been modified as part of MOD2021/0127 (DA2020/0145))

- 52. Tree Protection Measures** - A final certificate of compliance letter, 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.
- 53. Tree Replacement within subject site** - A minimum of ten (10) 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.

Tree species selected shall be from Georges River Council's Tree Management Policy, April 2019 - Appendix 1 - Tree Planting.

If the replacement ten (10) 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.

(This condition has been modified as part of MOD2021/0127 (DA2020/0145))

- 54. 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 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division.

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

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

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

Operational Conditions (Ongoing)

- 55. 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.

- 56. Swimming Pools - Resuscitation Notice** - An expired air resuscitation warning notice complying with the [Swimming Pools Act 1992](#) must be affixed in a prominent position adjacent to the pool.

- 57. 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.

- 58. Private Swimming Pools & Spas - Pump Noise** - The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level. If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) before 7 am or after 8 pm on any other day.

59. **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.
60. **Swimming Pools - Resuscitation Notice** - An expired air resuscitation warning notice complying with the [Swimming Pools Act 1992](#) must be affixed in a prominent position adjacent to the pool.
61. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.
62. **Privacy** - The planter box adjacent to the first floor terrace must be retained in perpetuity and not converted to floor space, entertaining space or be walkable.
63. **Private Swimming Pools & Spas - Pump Noise** - The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level. If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) before 7 am or after 8 pm on any other day.

- 63A All subfloor (basement) areas below the ground floor level (with the exception of the approved basement garage and associated workshop, wine cellar, plant room, storage area and sitar/lift area) are to be backfilled and not used for any other purpose.

(This condition has been added as part of MOD2021/0127 (DA2020/0145))

Operational Requirements Under the Environmental Planning & Assessment Act 1979

64. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
65. **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.

66. 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.

67. 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.

68. 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](#).

69. 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.

70. 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

71. **Clause 97A - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
72. **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.
73. **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.
74. **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](#).
75. **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.

Advice

76. **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.

77. **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.

- 78. 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.
- 79. 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.

- 80. Register your Swimming Pool** - All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: www.swimmingpoolregister.nsw.gov.au.
- 81. 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.

- 82. 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.
 - (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.

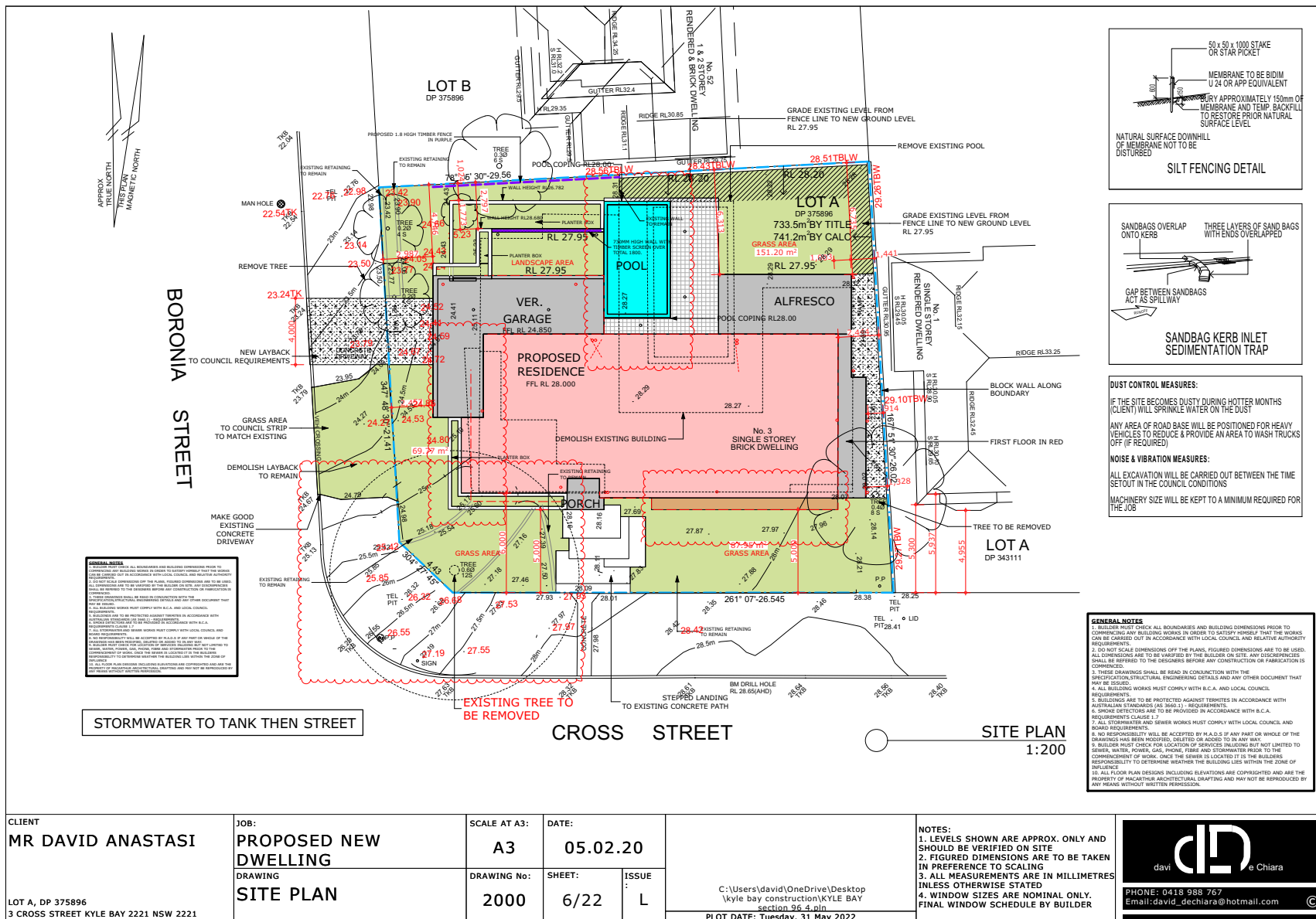
NOTE: A minimum of four weeks should be allowed for assessment.

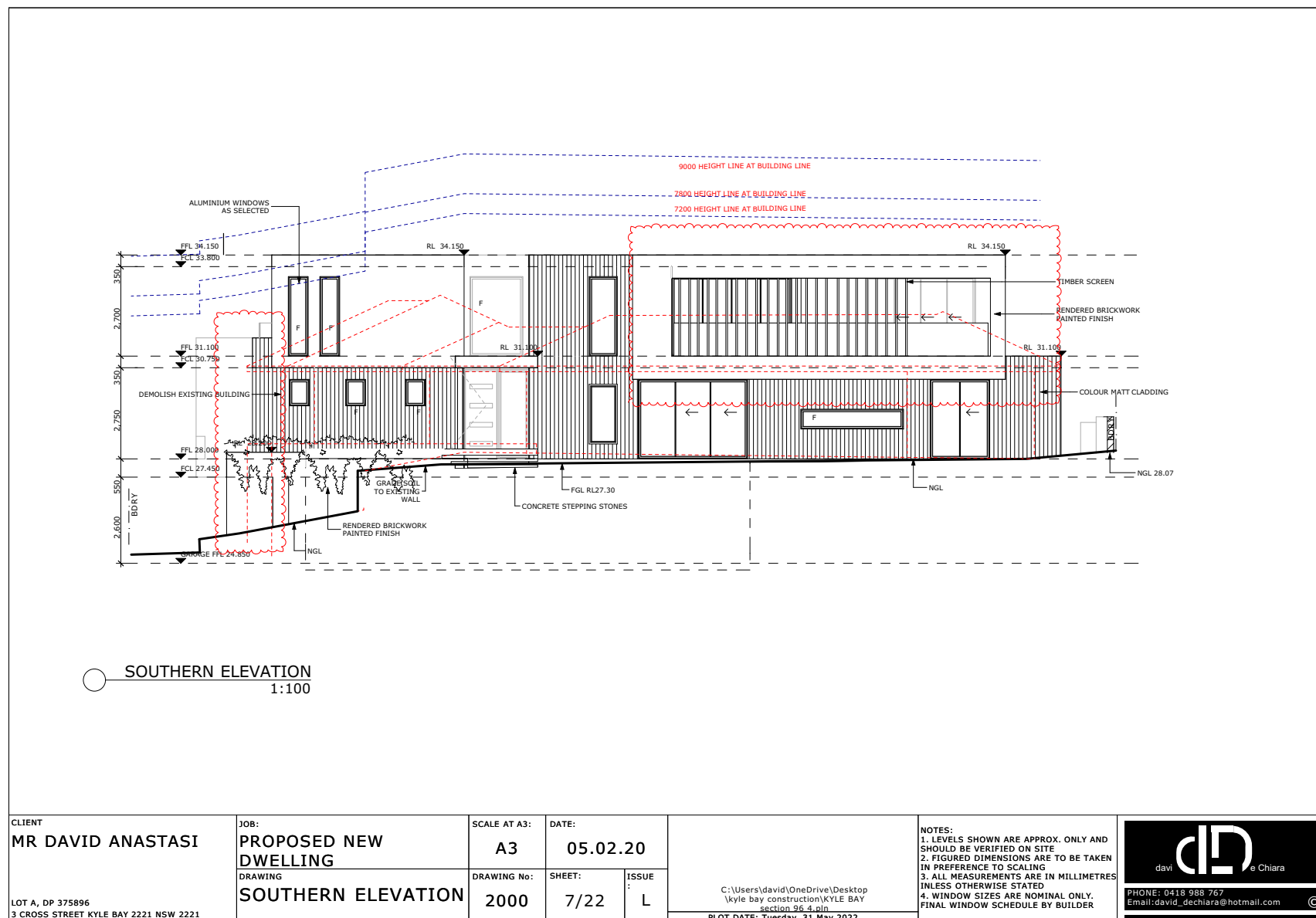
- 83. Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
- 84. Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.


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

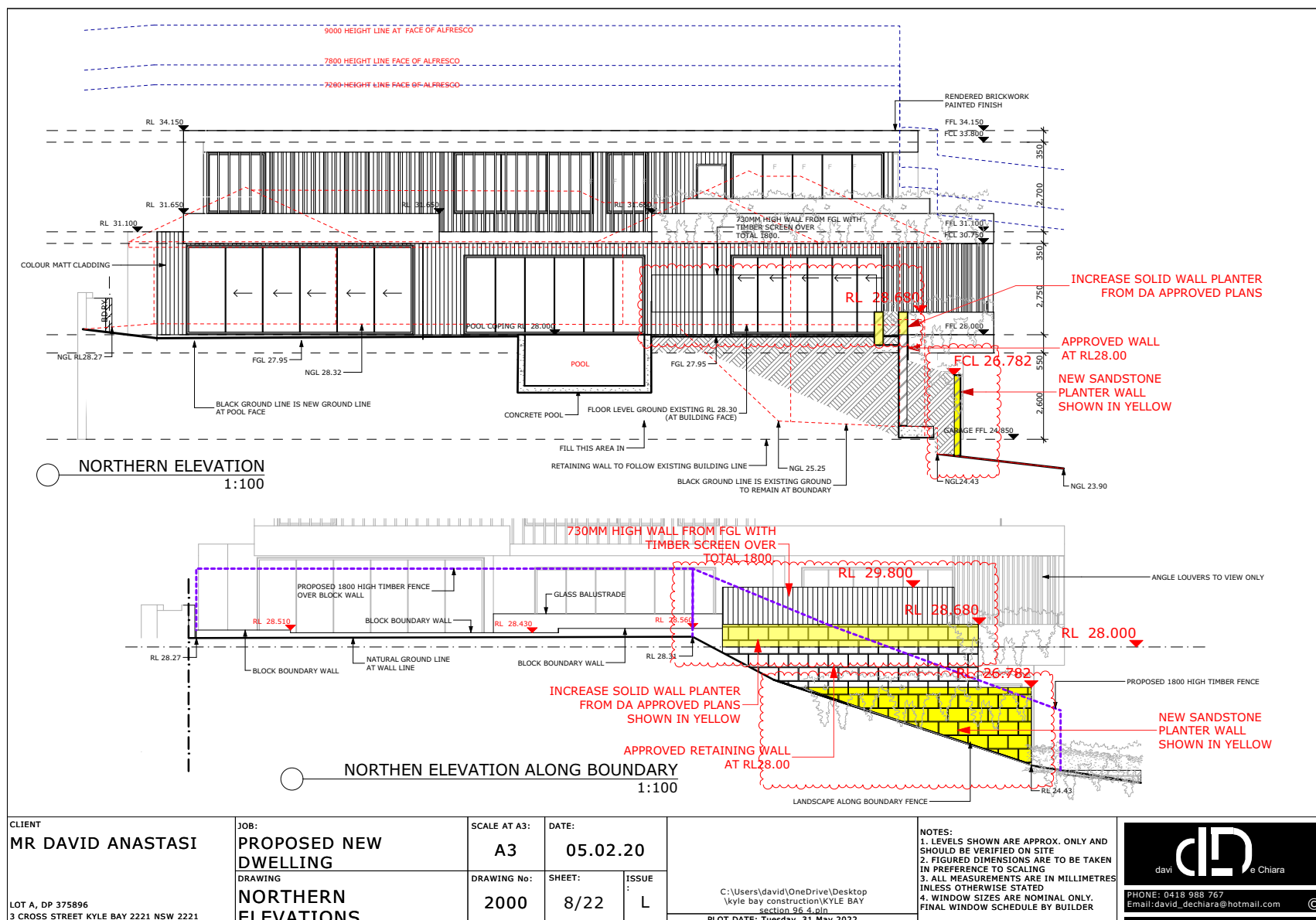
ATTACHMENTS

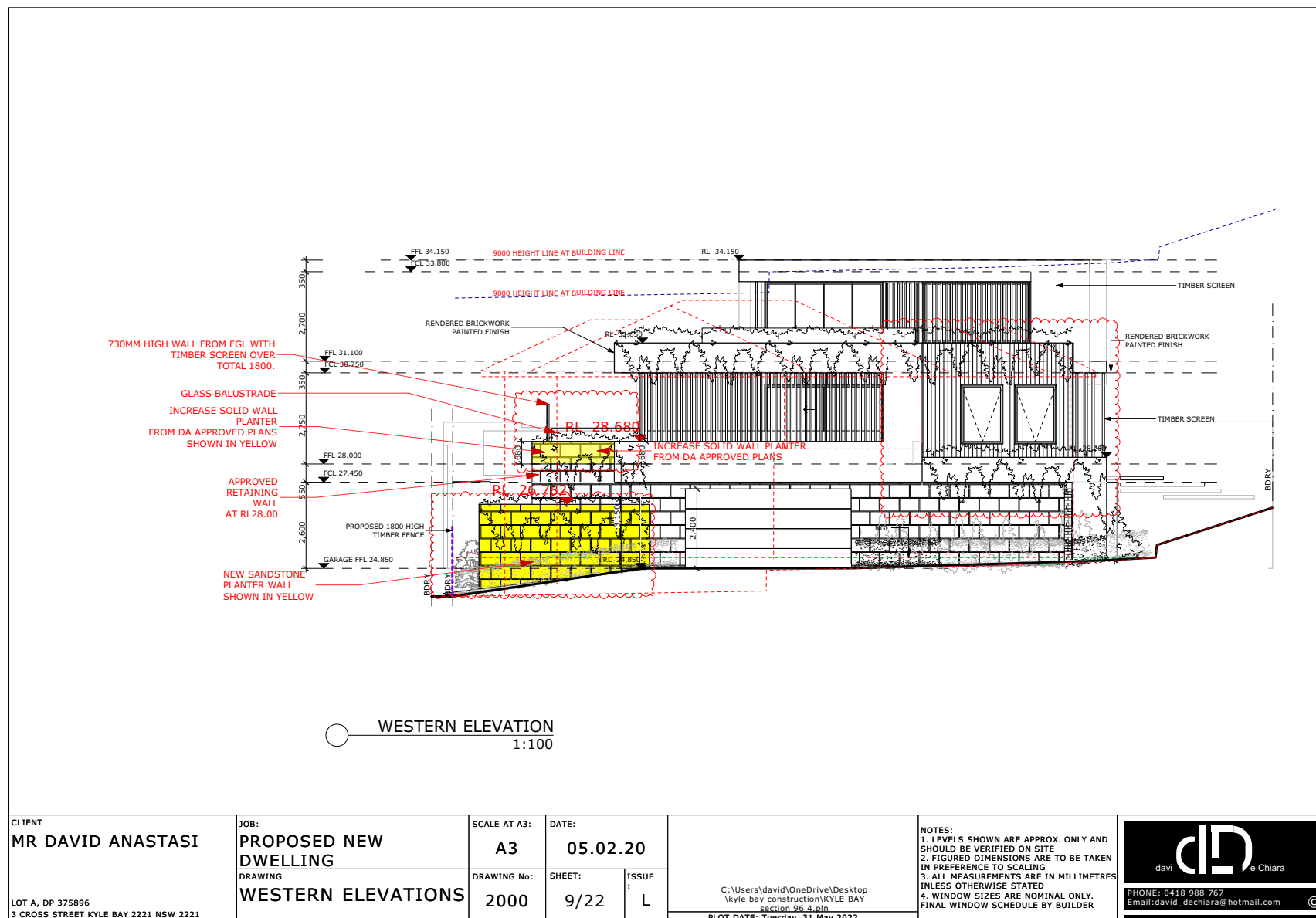
Attachment [↓](#)1  Amended Site Plan and Elevations

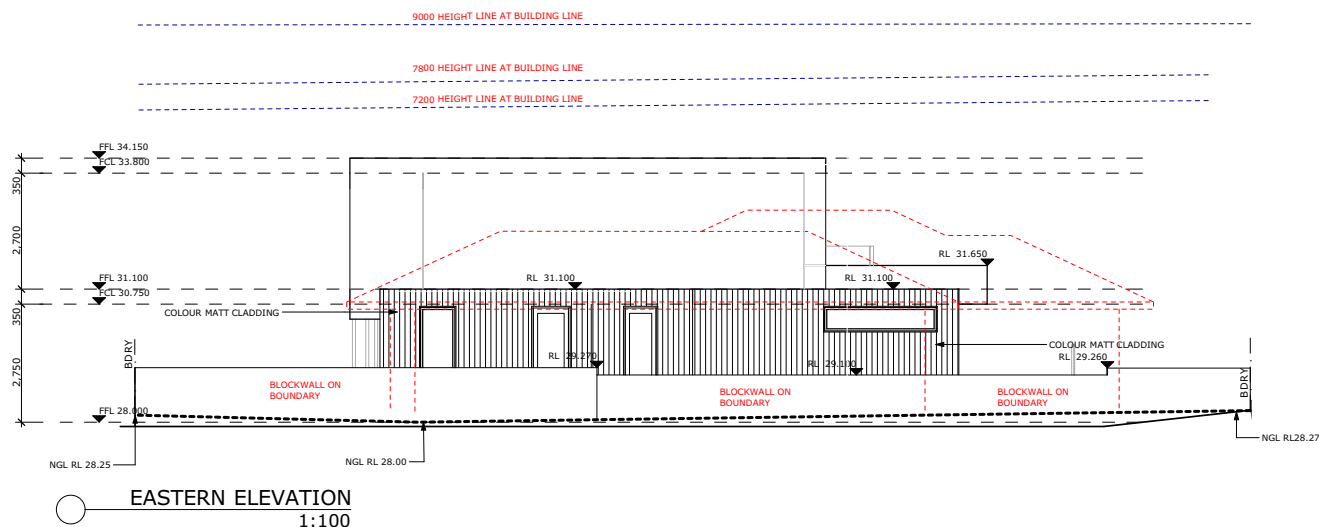





CLIENT MR DAVID ANASTASI LOT A, DP 375896 3 CROSS STREET KYLE BAY 2221 NSW 2221	JOB: PROPOSED NEW DWELLING DRAWING SOUTHERN ELEVATION	SCALE AT A3: A3 DRAWING No: 2000	DATE: 05.02.20 SHEET: 7/22	ISSUE: L C:\Users\david\OneDrive\Desktop kyle bay construction\KYLE BAY section 96.4.pln PLOT DATE: Tuesday, 31 May 2022	NOTES: 1. LEVELS SHOWN ARE APPROX. ONLY AND SHOULD BE VERIFIED ON SITE 2. FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALING 3. ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE STATED 4. WINDOW SIZES ARE NOMINAL ONLY. FINAL WINDOW SCHEDULE BY BUILDER	<div data-bbox="1713 1316 1951 1428">  <p>davi e Chiara</p> <p>PHONE: 0418 988 767 Email: david_dechiara@hotmail.com</p> </div>
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CLIENT MR DAVID ANASTASI	JOB: PROPOSED NEW DWELLING	SCALE AT A3: A3	DATE: 05.02.20	NOTES: 1. LEVELS SHOWN ARE APPROX. ONLY AND SHOULD BE VERIFIED ON SITE 2. FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALING 3. ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE STATED 4. WINDOW SIZES ARE NOMINAL ONLY. FINAL WINDOW SCHEDULE BY BUILDER	 PHONE: 0418 988 767 Email: david_dechiara@hotmail.com
DRAWING EASTERN ELEVATION <small>LOT A, DP 375896 3 CROSS STREET KYLE BAY 2221 NSW 2221</small>	DRAWING No: 2000	SHEET: 10/22	ISSUE: L		

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kyle bay construction\KYLE BAY
section 96.4.pln
PLOT DATE: Tuesday, 31 May 2022

REPORT TO GEORGES RIVER COUNCIL LPP MEETING OF THURSDAY, 28 JULY 2022

LPP033-22

LPP Report No	LPP033-22	Development Application No	MOD2022/0029
Site Address & Ward Locality	505-507 Rocky Point Road, Sans Souci Kogarah Bay Ward		
Proposed Development	Modification of Consent No: DA2018/0252 for demolition of existing structures onsite and construction of a mixed use development, including basement parking		
Owners	Rolstone Investments Pty Ltd and Rocky Point Road Sans Souci Pty Ltd		
Applicant	A Abraham		
Planner/Architect	Maximus Developments Australia; Tecton Group		
Date Of Lodgement	5/02/2022		
Submissions	One (1) submission received		
Cost of Works	\$80,000.00		
Local Planning Panel Criteria	The application is to be determined by the Georges River Local Planning Panel as the application proposes a potential conflict of interest (former Council assessment officer).		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021.		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Revised Landscape Plans, Revised BASIX Certificate, Revised Design Verification Statement, Submission, Survey, Statement of Environmental Effects		
Report prepared by	Independent Assessment		

Recommendation	That the application be approved in accordance with the recommended conditions included in this report including the deletion of the rooftop communal open space.
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning	Yes

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

Site Plan



Executive Summary

Proposal

1. The modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') seeks consent for amendments to a consent granted under DA 2018/0252 approved by the NSW Land and Environment Court ('the Court') on 1 April 2020 on a deferred commencement consent. The deferred condition required various design changes to be undertaken prior to the commencement of the consent, including the removal of the proposed rooftop communal open space and the lowering of the rooftop structures among other changes. This consent approved the demolition of the existing structures and the construction of a mixed use development with basement car parking at 505-507 Rocky Point Road, Sans Souci ('the site').
2. The proposed modification relates to several changes to the approved development including the provision of rooftop communal open space and the reduction in one (1) unit through consolidation of three units. Other minor changes to four (4) windows and doors on Level 5, a change to two (2) car parking spaces to small car spaces and minor changes to some of the building services are also proposed. There are also minor changes to the proposed pump out system which have been considered by Council's engineer.
3. The development approved at the site under DA 2018/0252 ('the approved development') exceeds the height development standard as outlined in the amended Clause 4.6 request dated 11 March 2020 by approximately 1.3 metres to the roof level at RL 23.7 and 4.2 metres to the top of the fire stairs and awning on the roof (however this was required to be lowered by the deferred commencement condition). The approved development complies with the floor space ratio development standard contained in the *Kogarah Local Environmental Plan 2012* ('KLEP 2012'), which was the principal planning instrument when the approved development was lodged.

Site and Locality

4. The site is legally described as Strata Plan 44919 (2 lots) and Strata Plan 49146 (5 lots) and is known as 505 and 507-513 Rocky Point Road, Sans Souci. The site forms a regularly shaped corner allotment, addressing both Rocky Point Road and Water Street. The former buildings on the site have been demolished and the site comprises a construction site. The total site area comprises 2,355.2m² and the site falls from the north-western corner (RL 9.31) to the southern corner of the site (RL 7.06) at Water Street.
5. The immediate surrounding area comprises a mix of uses including residential development, public open space, neighbourhood centre uses, and infrastructure (emergency services) uses. The streetscape is undergoing some transitional change from the original, established dwellings, to more contemporary infill development.

Zoning and Permissibility

6. The site is zoned B1 Neighbourhood Centre pursuant to the *Georges River Local Environmental Plan 2021* ('GRLEP 2021'). The proposed modification seeks amendments to the approved development and is permissible with consent. The modification tests pursuant to Section 4.56 of the EP&A Act have been satisfied as outlined in this report.

Submissions

7. The proposal was notified in February/March 2022 in accordance with the provisions of Council's Community Engagement Strategy 2018-2028.
8. In total, one (1) submission was received which raised concerns regarding potential privacy impacts arising from the proposed rooftop terrace and changes to windows facing the rear boundary. The concerns raised have been considered and are addressed in detail within this report.

Conclusion

9. That the modification application be supported subject to recommended conditions of consent.

Report in Full Proposal

10. The modification application pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979* seeks approval for amendments to the approved development comprising the following (the change number refers to the number assigned on the architectural plans):
 - (a) Provision of a rooftop communal open space and fencing (proposed change No 13) and reduction in roof top planter width (proposed change 9);
 - (b) Reduction in one (1) unit through consolidation of three units (501, 502 & 503) into two (2) units (502 & 502) on Level 5 with the overall addition of one (1) bedroom (proposed change 1);
 - (c) Provision of an additional courtyard for Unit 502 on Level 5 (proposed change No 2);
 - (d) Minor changes to windows and doors on Level 5 including:
 - (i) Change door to a slimline window on the northern and western elevations (proposed change 8);
 - (ii) New windows and doors to the propose new courtyard for Unit 502 looking into communal open space (proposed change 12);
 - (iii) New window size to windows on the eastern (front) elevation and southern (side elevation) (proposed change 14);
 - (iv) Deletion of a window on the southern (side) elevation (proposed change 15);
 - (v) Reduction in shop windows to Shop 1 to provide protection from the substation (proposed change 17)
 - (e) Change to two (2) car parking spaces to small car spaces (B85 car space) with a depth of 5,100mm due to increase in lift dimensions (proposed change 6);
 - (f) Minor changes to building services including:
 - (i) Change to the location of stairs for rooftop access (proposed change 3);
 - (ii) Alteration to lift dimensions and surrounding walls and structures to accommodate a stretcher (proposed changes 4 & 5),
 - (iii) Minor change to walls surrounding fire pump in basement 1 (proposed change 7)
 - (iv) Relocation of the photovoltaic cells on the roof (proposed change 10)
 - (v) Change to substation levels (proposed change 11)
 - (vi) Relocated feature column (proposed change 16)
 - (vii) Electrical room doors enlarged (proposed change 18)
 - (viii) New structural column on western elevation (proposed change 19)
 - (ix) Amendments to substation rooftop planting and balcony (proposed change 20)

Amended architectural plans, Landscape Plans, an amended BASIX Certificate and a revised Design Verification Statement have been submitted with the modification application.

11. The approved development consisted of:
 - (a) 38 residential apartments including 2 x 1 bedroom units, 22 x 2 bedroom units, 12 x 3 bedroom units and 2 x 4 bedroom units over five (5) levels with communal open space on a portion of level 5 and at ground level;
 - (b) Four (4) commercial units/shops at ground level; and
 - (c) Two (2) basement levels containing 84 car parking spaces comprising 65 residential spaces, 10 commercial spaces, 8 visitor spaces and 1 car wash space.
12. The proposed modified development would comprise:
 - (a) 37 residential apartments including 2 x 1 bedroom units; 19 x 2 bedroom units, 13 x 3 bedroom units and 3 x 4 bedroom units over five (5) levels with communal open space on a portion of level 5. The proposed modification involves an additional 4 bedroom unit, an additional 3 bedroom unit and 3 less 2 bedroom units with one (1) less unit overall;
 - (b) Four (4) commercial units/shops at ground level (no changes proposed); and
 - (c) Two (2) basement levels containing 84 car parking spaces comprising 65 residential spaces, 10 commercial spaces, 8 visitor spaces and 1 car wash space. There are no changes proposed with the exception of the dimensions of two (2) car spaces as outlined above.
13. This modification application does not propose any changes to the approved floor space ratio or the floor levels (including the overall roof level at RL 23.7) of the approved development.
14. The conditions contained in the Notice of Determination dated 1 April 2020 issued by the LEC which are proposed to be amended include:
 - (a) *Condition 1 – Approved Plans to be amended to refer to the plans submitted with this modification application.*
 - (b) *Condition 64 - Pump-Out System Design for Stormwater Disposal*
15. It is noted that the applicant did not advise which conditions were to be modified.

The Site and Locality

16. The site is legally described as Strata Plan 44919 (2 lots) and Strata Plan 49146 (5 lots) and is known as 505 and 507-513 Rocky Point Road, Sans Souci. The site forms a regularly shaped corner allotment. The former buildings on the site, comprising brick dwellings and a two (2) storey brick building with shops on the ground level and residential units above, addressed Rocky Point Road and Water Street with the driveway access being from both streets.

17. The site has two (2) street frontages with a 29.945 metres frontage to Rocky Point Road (eastern front boundary) and a 25.025 metre splayed frontage to the Water Street (south-eastern) frontage. The northern boundary comprises 50.595 metres adjoining No 503 Rocky Point Road, while the western boundary is 49.64 metres adjoining No 56, 58, 60 and 62 Harris Street. The total site area is 2,355.2m². The site falls from the north-western corner (RL 9.31) to the southern corner of the site (RL 7.06) at Water Street. The two street frontages of the site are illustrated in **Figures 1 and 2**.



Figure 1: Site from corner of Rocky Point Road & Water Street (Source: Planning Consultant, April 2022)



Figure 2: Site from Water Street (Source: Planning Consultant, April 2022)

18. The site currently comprises a construction site, with the approved development currently under construction. Infrastructure pits, poles, street lighting and a footpath exist within the road reserve.

19. Adjoining development to the north comprises a single storey brick dwelling which faces Rocky Point Road (No 505 Rocky Point Road – **Figure 3**). Adjoining to the west are the rear boundaries of two (2) storey brick dwelling houses which address Harris Street comprising Nos 56, 58, 60 and 62 Harris Street (**Figure 4**). Adjoining to the south is a three (3) to four (4) storey mixed use building comprising a restaurant at ground level and residential apartments above, currently undergoing renovation (No 8 Water Street - **Figure 5**).



Figure 3: Adjoining development to the north - No 505 Rocky Point Road (Source: Planning Consultant, March 2022)

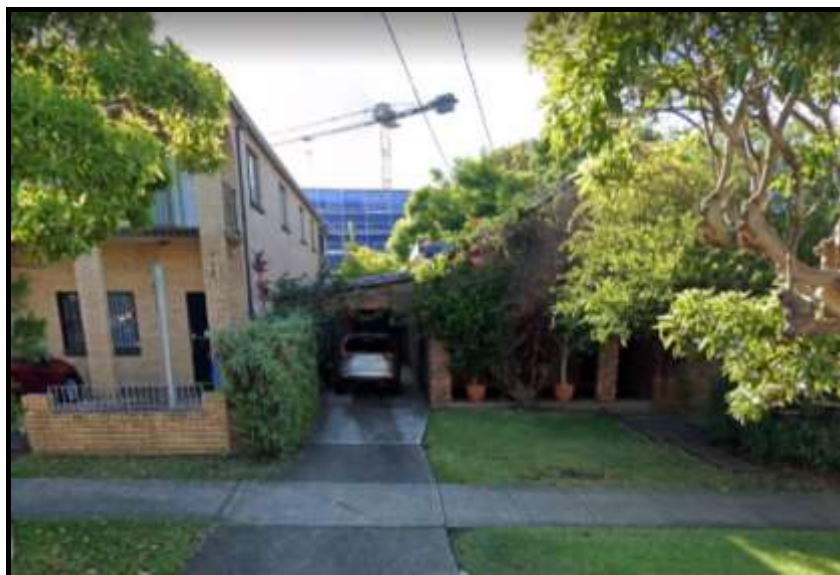


Figure 4: Adjoining development to the west - No 60 Harris Street (Source: Planning Consultant, March 2022)



Figure 5: Adjoining southern development– 8 Water Street (Source: Planning Consultant, March 2022)

20. To the east of the site, on the opposite side of Rocky Point Road, are three (3) storey residential apartment buildings located within the Bayside Local Government Area (**Figure 6**) and zoned R4 High Density Residential under the *Bayside Local Environmental Plan 2021*.



Figure 6: Development to the east on the opposite side of Rocky Point Road (Source: Google maps)

21. The site is located at the entry to the Georges River Local Government Area in close proximity to the Georges River. The streetscape is undergoing some transitional change from the original, established dwellings, to more contemporary infill development including the adjoining development at No 8 Water Street mixed use development undergoing renovation.
22. The immediate surrounding area comprises a number of different zonings, reflecting the mixed use nature of the area (**Figure 7**). The site is zoned B1 Neighbourhood Centre under the *Georges River Local Environmental Plan 2021* ('GRLEP 2021') same zoning under the Kogarah LEP 2012) and consists of the subject site as well as the adjoining mixed use development to the south.



Figure 7: Extract of zoning map from GRLEP 2021 (Source: www.legislation.nsw.gov.au)

23. The area to the south-east of the site comprises land within the RE1 Public Recreation zone consisting of the Sans Souci Leisure Centre and Sans Souci Park. To the south-west of the site is the Botany Bay Water Police within the SP2 Infrastructure zone (emergency services facilities).
24. The adjoining site to the north is zoned R4 High Density Residential, although this site was zoned R3 under the KLEP 2012 when the original application was lodged for this site. The remaining area to the west comprising detached housing is within the R2 Low Density Residential zone.

Background

25. The subject site has been used for residential and commercial purposes, with DA 2018/0252 the only relevant development history, which is currently under construction on the site. DA 2018/0252 was lodged with the Council on 26 June 2018.
26. A Class 1 appeal was lodged in the NSW Land and Environment Court ('the Court') on 17 October 2018 (Appeal No. 18/317003) against Council's deemed refusal of the application. A summary of the proceedings includes the following:
 - On 24 May 2019, the matter was heard at a section 34 conciliation conference which was terminated when no agreement could be reached.
 - On 11 October 2019, the Applicant filed a Notice of Motion seeking leave to rely on amended plans and material, with the Court granting leave to rely upon the amended plans and material comprising the Amended DA on 23 October 2019.
 - On 13 November 2019, an amended Statement of Facts and Contentions were filed with the Court in relation to the amended DA.
 - On 29 November 2019 the Council notified the RMS of the Amended DA.
 - On 9 January 2020, a notice of motion was filed with the Court to rely on further amended plans (Revision I dated 30 December 2019).
 - On 14 February 2020, a Supplementary Joint Report was provided based on the Revision I plans.

27. The contentions listed in the amended statement of facts and contentions filed on 13 November 2019 included:
- (a) **Height non-compliance** – The amended DA sought to exceed Clause 4.3 of the KLEP 2012 which set a maximum height limit of 15m by approximately 3.51m (lift overrun RL 25.962, with height above *ground level existing* 18.092m). The covered BBQ area located towards Rocky Point Road exceeds the maximum building height by approximately 3.2m whilst the roof parapets and part of building also exceeds 15m. The Amended written clause 4.6 variation was considered unsatisfactory.
 - (b) **Contrary to SEPP 65 Design Principles** – The development did not demonstrate adequate regard for the Design Quality Principles including:
 - Principle 2 - Built Form and Scale - the amended proposal exceeded the maximum height of building standard and did not achieve an appropriate built form due to the non-compliance with minimum ADG floor to floor requirements.
 - Principle 5: Landscape - the development proposed to remove all existing trees on site with no street front setback, lacking a contextual fit contributing to a new high quality landscape character of the streetscape and neighbourhood, particularly given the site fronts a classified road and transitioning to a residential zone.
 - Principle 6: Amenity - Unit 104 located to the northern portion of the site features an L-shaped courtyard with a maximum depth of approximately 6.2m. This excessive balcony area results in an inefficient unit layout with a living room depth in excess of 8m from a window opening.
 - (c) **Inconsistent with the Apartment Design Guide** - The amended DA was inconsistent with the following objectives specified in the ADG:
 - Deep soil zones (Objective 3E-1) - Excessive size of the basement excavation limits substantial replacement plantings;
 - Solar access (Objective 4A-1 and Objective 4A-2) – lack of information regarding compliance for solar access (min 69.23% of units receiving 2 hours solar access in mid-winter) due to proposed recessing of glazing lines;
 - Ceiling heights (Objective 4C-1 and Objective 4C-2) - Elevations and Sections show floor to floor heights of 2980 mm for residential units and 3550mm for ground floor cafes /restaurants, which is lower than the minimum required heights of 3100 mm and 4000mm.
 - (d) **Traffic and Parking** - the Traffic Report did not demonstrate that traffic impacts of the development will be acceptable and additional car parking is proposed must be included in GFA calculations. Manoeuvring for waste trucks and the car wash bay were not addressed.
 - (e) **Stormwater** - The Stormwater Concept Plan did not demonstrate that the stormwater disposal regime will be acceptable.
 - (f) **Tree Removal, landscaping and Deep Soil** – A lack of adequate deep soil to support landscaping along the northern site boundary for privacy.
 - (g) **Basement excavation** - RMS (fronting a classified road) requested further information with regard to proposed basement levels and extent of structure.
 - (h) **Waste management** - Waste management arrangements were unsatisfactory as there is no bulk waste storage area and no details regarding collection.
 - (i) **Insufficient information** – Information was lacking in relation to solar access (for proposed units), stormwater plan insufficient, privacy measures for u-shaped portion of building and survey information (height measurement).

28. In the Court proceedings, the Council's consultant planner and urban designer made the following comment in the Supplementary Joint Report in relation to the previously proposed communal open space area on the roof (paragraphs 6 and 29; emphasis added):

*“SS and JK advise that the former location of Unit 5.04 be redesigned as a **communal open space area which benefits from views to the south-east towards Georges River and Captain Cook Bridge. This recommended design amendment would address privacy impacts resulting from the communal open space area at main roof level in accordance with the objective 1(b) of Clause 4.3 of the KLEP.**”*

and

*“SS and JK recommend that Unit 504 should be deleted to provide a built form transition to No. 8 Water Street to the south noting that the greatest area of non-compliance aligns with the eastern portion of the site. **Deletion of the communal open space at main roof level would mitigate amenity impacts to neighbouring properties to the west and north. Deletion of the communal open space would also result in the reduction of the lift overrun as access to main roof level would not be required, thereby resulting in the lowering of the maximum height of building and associated height exceedance.**”*

29. Clause 4.3(1)(b) of the KLEP 2012 is similar to Clause 4.3(1)(b) of the GRELP 2021 (which adds ‘*disruption of views*’) and comprises the objectives of the Height of buildings development standards, which states:

“to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,..”

30. On 1 April 2020, the Court made the following orders:

- 1) The Clause 4.6 request seeking a variation to CI 4.3 of the KLEP 2012 prepared by BMA Urban dated 11 March 2020 is upheld.
- 2) The appeal is upheld.
- 3) Development Application No. DA2018/0252, as amended, is approved subject to the conditions in Annexure ‘A’ as a deferred commencement consent.

31. The deferred commencement condition imposed by the Court stated (emphasis added):

This consent is not to operate until the following condition is satisfied, within 12 months of the date of this determination:

- 1) *Design Modifications Architectural Plans and Landscape plans are to be provided with regard to the marked-up plans prepared by Geoff Bonus which formed part of the Supplementary Joint Report dated 14 February 2020. The plans are to detail the following:*
 - i) *Deletion of Unit 5.04 and replacement with communal open space including proposed landscaping and privacy screens to protect the amenity of units within the development and to neighbouring properties.*

- ii) *The 145.12m² GFA attributed to the former Unit 5.04 is to be redistributed to the ground floor retail to provide a nil setback, to the extent possible without exceeding the 2:1 Floor Space Ratio applicable to the site pursuant to clause 4.3 of the Kogarah Local Environmental Plan 2012, to the street.*
 - iii) *Solar Access diagrams to be updated relative to the deletion of Unit 5.04*
 - iv) **Communal open space at main roof level is to be deleted.**
 - v) **Lift overruns serving former communal open space at main roof level to be lowered and fire stairs serving the rooftop to be deleted as access to residents is no longer required. Associated awning connecting lift overruns to be deleted.**
 - vi) *The proposed planting to the verge fronting Rocky Point Road is to consist of 5x Banksia integrifolia (400 litre specimens) with tree guards surrounding. Georges River Council will implement the installation of trees and tree surrounds and full costs are to be borne by the proponent.*
32. The main changes imposed by the Court in the deferred commencement condition were to delete the rooftop communal open space, delete Unit 504 and to provide the space from the former Unit 504 as communal open space on Level 5 (which was not the rooftop). The gross floor area arising from the loss of Unit 504 was to be added at the ground level (Level 1) to enlarge the shops and to provide a nil setback to the front (eastern) boundary along Rocky Point Road.
33. This modification application was lodged on 5 February 2022 for amendments to the approved development relating to several changes to the approved development including the provision of rooftop communal open space and the reduction in one (1) unit through consolidation of three units. This modification application is proposing to reinstate the rooftop communal open space which was required to be removed under the deferred commencement condition by the Court.
34. Other minor changes to four (4) windows and doors on Level 5, a change to two (2) car parking spaces to small car spaces and minor changes to some of the building services.
35. On 24 February 2022 to 10 March 2022, the modification application was notified to adjoining and adjacent properties, with one (1) submission received (discussed in this report).
36. On 16 February 2022, the modification application was referred to Transport for NSW, Sydney Airport Corporation Limited and NSW Department of Primary Industries (Fisheries). Responses are considered in this report.

Compliance and Assessment

37. The development has been assessed having regard to the matters for consideration under Sections 4.15(1) and 4.56 of the EP&A Act.

Section 4.15 and 4.56 of the EP&A Act Evaluation

38. The modification application has been lodged pursuant to Section 4.56 of the EP&A Act, with the following being relevant matters for consideration:
- (1) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—*

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The proposed modification has been lodged by the applicant of the approved development. The proposed modification includes changes to the approved development including the provision of rooftop communal open space, the reduction of one (1) unit through consolidation of three units and other minor changes to windows and doors, two (2) car parking spaces to small car spaces and minor changes to some of the building services.

The potential impacts of these proposed changes are considered further in this report, with some changes not supported, however, the proposed changes do not substantially alter the approved development in that it does not result in any significant changes to the built form approved on the site. Accordingly, the proposed modification is considered to be substantially the same development for which consent was originally granted. It is noted that the original consent has not yet been modified since its determination on 1 April 2020 by the Court. The proposed modification is considered to be consistent with Section 4.56 of the EP&A Act.

- (b) *it has notified the application in accordance with—*
- (i) *the regulations, if the regulations so require, and*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment: Council has notified the modification application in accordance with the *Community Engagement Strategy 2018-2028* from 24 February 2022 to 10 March 2022.

- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*

Comment: Council has notified submitters from the original development application (DA 2018/0252), except one that is outside the Local Government Area.

- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: The submissions received have been considered below.

- (1A) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

Comment: The matters for consideration under Section 4.15(1) are considered below.

(1C) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment: Noted

39. Section 4.15(1) Evaluation of the EP&A Act requires the following matters to be considered in the assessment of development applications:

(1) Matters for consideration - general

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

(a) The provision of:

- (i) any environmental planning instrument,*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

40. The relevant environmental planning instruments, proposed instruments, development control plans and planning agreements include the following:

- (a) State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*
- (b) State Environmental Planning Policy (Transport and Infrastructure) 2021*
- (c) State Environmental Planning Policy (Resilience and Hazards) 2021: Chapter 4 – Remediation of Land*
- (d) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- (e) State Environmental Planning Policy (Biodiversity and Conservation) 2021: Chapter 2 - Vegetation in non-rural areas and Chapter 11 Georges Rivers Catchment;*
- (f) Draft State Environmental Planning Policies – Environment and Remediation of Land;*
- (g) Georges River Local Environmental Plan 2021*
- (h) Kogarah Local Environmental Plan 2012;*
- (i) Kogarah Development Control Plan 2013; and*
- (j) Interim Policy Georges River Development Control Plan 2019*

Compliance with the relevant State Environmental Planning Policies ('SEPPs') is detailed below. It is noted that the SEPPs commenced on 1 March 2022 and are transferred provisions. There are no savings provisions and therefore apply to this application notwithstanding the SEPPs in their current form commenced after lodgment of this modification application. There are no changes to the content of the SEPP's since lodgment of the modification application.

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

41. *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* ('SEPP 65') aims to improve the design quality of residential apartment development. Clause 6A of the Policy states that there are certain matters in which any controls in a DCP have no effect.
42. Clause 29(1) of SEPP 65 applies to the proposed modification as the design verification statement is unable to verify that the same designer has also designed, or directed the design of, the development for which the consent was granted. Therefore, the consent authority must refer the application to the relevant design review panel. In this case, the Council has referred the modification application to the Senior Specialist Planner (Urban Design) for comment as there is no appointed design review panel for the Local Government Area.
43. Pursuant to Clause 29(2), the consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):
 - (a) the advice (if any) obtained from the design review panel, and
 - (b) the design quality of the development (as modified) when evaluated in accordance with the design quality principles, and
 - (c) the Apartment Design Guide ('ADG').
44. In this case, there is no design review Panel for Council and therefore the modification application was referred to Council's the Senior Specialist Planner (Urban Design) for review. This is outlined in the referrals section of this report.
45. In relation to the design quality principles:
 - (a) Principle 1: Context and neighbourhood character - no changes proposed
 - (b) Principle 2: Built form and scale – Council's urban design Officer considers there are no changes proposed to the built form approved under the original DA and the proposed 1m high glass balustrade will not add to the building bulk or scale.
 - (c) Principle 3: Density – no changes proposed
 - (d) Principle 4: Sustainability – no changes proposed
 - (e) Principle 5: Landscape – no changes proposed
 - (f) Principle 6: Amenity – The proposed addition of a rooftop communal open space area is considered to result in visual privacy concerns for adjoining residential development to the west. This is considered to be contrary to this design quality principle and is therefore considered to be unsatisfactory. This component of the proposed modification is not supported as outlined in this report.
 - (g) Principle 7: Safety – no changes proposed.
 - (h) Principle 8: Housing diversity and social interaction – the proposed changes to the unit mix is satisfactory
 - (i) Principle 9: Aesthetics - no significant changes proposed.

46. The relevant parts of the ADG to the proposed modification are Part 3D: Communal Open Space and Part 4D: Apartment Size and Layout, which are considered in **Table 1** below.
47. Clause 30 of SEPP 65 includes standards that cannot be used as grounds to refuse consent to a modification application, which includes car parking, the internal area for each apartment and the ceiling heights for the building if the proposal complies with the ADG. In this case, there are no changes proposed to the overall amount of car parking provided or ceiling heights for the approved development. The proposed changes to Units 501 and 502 result in units which satisfy the minimum internal area of 90m² for a 3 bedroom unit. The proposed modification is consistent with this Clause.
48. The proposed rooftop communal open space is not supported as it is likely to adversely impact on the visual privacy of the adjoining residential properties to the west of the site which address Harris Street. The site is located on the boundary between the B1 zone and the low density residential development to the west and therefore there is a need to reduce impact arising from the change in density including overlooking into low density development. The location of the approved communal open space on Level 5 allows for a view corridor over the adjoining development to the south and towards the Georges River and Captain Cook Bridge. This orientation ensures there is no overlooking into the residential properties to the west addressing Harris Street. As noted in Table 1 below, there is an existing non-compliance with the amount of communal open space on the site, however, this is considered to be satisfactory as there is ample open space in the vicinity of the site. Recommended conditions are imposed to amend the plans prior to the issue of an amended Construction Certificate to delete the proposed rooftop communal open space.

Table 1: Consideration of the Apartment Design Guide

ADG - DESIGN CRITERIA	PROPOSAL	COMPLY
Communal and Public Open Space (3D) Communal open space has a minimum area equal to 25% of the site (588.8m ²).	The approved development provides 303.4m ² (12.9% of site) as communal open space on Level 5 (205.75m ²) and the ground level (97.68m ²), contrary to this control. The proposal involves providing additional communal open space on the rooftop, which is not supported despite this existing non-compliance.	Existing non-compliance
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	The approved communal open space is located on ground level and level 5 and receives good solar access throughout the day in mid-winter.	✓
Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions	Achieved.	✓
Located on a podium or roof if it can't be located on ground level	Located on the ground and level 5 and now proposed on the roof.	✓

<p>Deep Soil Zones (3E)</p> <p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site Area</th><th>Minimum Dimension</th><th>Deep Soil Zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>650m2 to 1,500m2</td><td>3m</td><td rowspan="2">7%</td></tr> <tr> <td>Greater than 1500m²</td><td>6m</td></tr> </tbody> </table>	Site Area	Minimum Dimension	Deep Soil Zone (% of site area)	650m2 to 1,500m2	3m	7%	Greater than 1500m ²	6m	<p>No changes proposed in this modification application.</p>	<p>✓</p>				
Site Area	Minimum Dimension	Deep Soil Zone (% of site area)												
650m2 to 1,500m2	3m	7%												
Greater than 1500m ²	6m													
<p>Visual Privacy (3F)</p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>12m – 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table>	Building Height	Habitable Rooms and Balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	12m – 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>No changes to the approved setbacks.</p>	<p>✓</p>
Building Height	Habitable Rooms and Balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
12m – 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<p>Pedestrian Access and Entries (3G)</p>	<p>No changes proposed in this modification application.</p>	<p>✓</p>												
<p>Vehicle Access (3H)</p>	<p>No changes proposed in this modification application.</p>	<p>✓</p>												
<p>Bicycle and car parking (3J)</p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant</p>	<p>There are no changes to the overall number of car parking or bicycle spaces provided on the site. The Council's Traffic Engineer is satisfied with the change to small car spaces for two (2) spaces in the basement.</p>	<p>✓</p>												

council, whichever is less.		
The car parking needs for a development must be provided off street.		
<p>Solar Access and Daylight (4A) Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter (max 5.55 units)</p>	<p>There is a change to the number of units proposed and therefore this control needs review:</p> <p>27 of 37 units (72.9%) receive greater than 2 hours.</p> <p>3 of 37 units (8%) receive no solar access.</p>	<p>✓</p> <p>✓</p>
<p>Natural Ventilation (4B) At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths</p>	<p>27 of 37 units (72.9%) are naturally cross ventilated.</p> <p>Proposed Unit 501 has a depth of approximately 12 metres at its deepest point from a window while proposed Unit 502 essentially replaces approved Unit 503 and has a depth of 12 metres (greatest point from a window). There are no other changes to units proposed.</p> <p>The majority of the proposed units are cross through apartments given the location of the units on the corners of the building and the location of the central landscaped area.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
<p>Ceiling Height (4C) Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> • Habitable Rooms – 2.7 metres • Non-habitable rooms – 2.4 metres 	There are no changes proposed to the approved ceiling heights.	✓
<p>Apartment Layout (4D) Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio - 35m² • 1 Bedroom - 50m² • 2 Bedroom - 70m² 	<p>Proposed Units 501 and 502 meet minimum internal sizes:</p> <ul style="list-style-type: none"> • Unit 501 – 164.44m² (4 beds & 2 bathrooms); min size is 107m² 	✓

<ul style="list-style-type: none"> • 3 Bedroom - 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p> <p>Master bedrooms have a minimum area of 10m² & other bedrooms 9m² (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>1. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p> <p>2. Habitable room depths are limited to a maximum of 2.5 x the ceiling height (6.75m).</p> <p>3. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<ul style="list-style-type: none"> • Unit 502 – 131.97m² (3 beds & 2 bathrooms); min size is 95m² <p>Each habitable room in proposed Units 501 and 502 have a suitably sized window.</p> <p>The master bedrooms comply:</p> <ul style="list-style-type: none"> • Unit 501 (14m²; min dimension 3m) • Unit 502 (13m², min dimension 3m) <p>All other bedrooms in Units 501 & 503 have a minimum dimension of 3m.</p> <p>Min width of living areas for Units 501 & 502 is >4 metres.</p> <p>Proposed Units 501 & 502 are greater than 4 metres wide and do not comprise deep, narrow units.</p> <p>Proposed Units 501 & 502 are compliant.</p> <p>Proposed Units 501 & 502 comply.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
<p>Private Open Space and Balconies (4E)</p> <p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> • Studio - 4m² • 1 Bedroom - 8m² (Min depth 2m) • 2 Bedroom - 10m² (Min depth 2m) • 3 Bedroom - 12m² (Min depth 2.4m) <p>Minimum balcony depth contributing to the</p>	<p>The proposal involves the following primary balcony sizes:-</p> <ul style="list-style-type: none"> • Unit 501 – 44.5m² • Unit 502 – 44m². This unit (previously known as Unit 503) has an existing approved balcony of 22.30m² which is sufficient. A second private 	<p>✓</p> <p>✓</p>

<p>balcony area is 1m.</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	<p>courtyard is proposed for this unit with an area of approximately 22m². This area, however, reduces the existing approved communal open space on level 5 as this modification application seeks an additional communal open space area on the rooftop which is not supported. A condition is recommended to remove this second private open space courtyard for unit 502 as this area shall remain communal open space.</p> <p>Terrace areas are more than 1 metre deep.</p> <p>There are no changes proposed in the approved ground floor units.</p>	<p>Condition required</p> <p>N/A</p>
<p>Common Circulation Space (4F)</p> <p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>There are no 5 units maximum with access from a single lift on each level (there are two separate lift cores in the building). The proposed modification involves one (1) less unit overall.,</p> <p>The building is less than 10 storeys.</p>	<p>✓</p> <p>N/A</p>
<p>Storage (4G)</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> • Studio - 4m³ • 1 Bedroom - 6m³ • 2 Bedroom - 8m³ • 3 Bedroom - 10m³ <p>At least 50% of the required storage is to be located within the apartment.</p>	<p>There are no changes proposed to the storage areas on the site.</p>	<p>✓</p>
<p>Acoustic Privacy (4H)</p> <p>Adequate building separation is provided within the development and from</p>	<p>No changes to building separation.</p>	<p>✓</p>

<p>neighbouring buildings/adjacent uses</p> <p>Window and door openings are generally orientated away from noise sources</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas</p> <p>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources</p>	<p>Only minor changes to windows are proposed and will not adversely impact on privacy as they are slimline windows from kitchens or orientated to the street.</p> <p>No changes to room layouts (except Units 501 and 502) which have bathrooms and laundries adjoining circulation areas and living areas adjoining other living areas.</p> <p>Circulation areas such as corridors and stairs adjoin bathroom and kitchen areas, while bedrooms generally adjoin bedrooms.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
<p>Noise Pollution (4J)</p> <p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> • physical separation between buildings and the noise or pollution source • residential uses are located perpendicular to the noise source and where possible buffered by other uses • buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry 	<p>No changes proposed in this modification application.</p>	<p>✓</p>
<p>Apartment Mix (4K)</p> <p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p> <p>The apartment mix is distributed to suitable locations within the building.</p>	<p>A range of unit sizes are provided comprising 1, 2, 3 and 4 bedroom units as well as some adaptable units. Changes proposed include:</p> <ul style="list-style-type: none"> • 1 additional 4 bedroom unit (Unit 501) • 1 additional 3 bedroom unit (Unit 502) • 3 less 2 bedroom units (Units 501, 502 and 503). <p>There are a mix of 1 and 2 bedroom units evenly distributed throughout</p>	<p>✓</p> <p>✓</p>

	the building which is appropriate.	
<p>Facades (4M)</p> <p>Building facades provide visual interest along the street while respecting the character of the local area</p> <p>3.</p> <p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements <p>4.</p> <p>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.</p> <p>5.</p> <p>Building entries should be clearly defined</p>	<p>No significant changes proposed.</p> <p>Council's urban design officer considers there will be no adverse impact of the proposed rooftop communal open space on the design of the development.</p>	✓
<p>Roof Design (4N)</p> <p>Roof treatments are integrated into the building design and positively respond to the street</p> <p>6.</p> <p>Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations</p> <p>7.</p> <p>Roof design incorporates sustainability features</p>	<p>No changes proposed.</p> <p>It is considered that in this instance, rooftop open space will result in visual privacy impacts for adjoining residential properties.</p> <p>Solar panels are proposed on the roof.</p>	<p>✓</p> <p>No</p> <p>✓</p>
<p>Landscape Design (4O)</p> <p>Landscape design is viable and sustainable.</p> <p>Landscape design contributes to the streetscape and amenity</p>	<p>There are minimal proposed changes to the landscape design with some additional landscaping proposed as rooftop planting to the substation.</p>	✓
<p>Planting on Structures (4P)</p> <p>Appropriate soil profiles are provided</p> <p>Plant growth is optimised with appropriate selection and maintenance</p> <p>Planting on structures contributes to the quality and amenity of communal and public open spaces</p>	<p>Refer above</p>	✓
<p>Universal Design (4Q)</p> <p>Universal design – design of apartments allow for flexible housing, adaptable designs, accommodate a range of lifestyle</p>	<p>No changes to the proposed adaptable units within the</p>	✓

needs. Benchmark of 20% liveable dwellings.	development nominated as adaptable, comprising 5 units.	
Mixed Use (4S) Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	No changes proposed to the approved mixed uses on the site.	✓
Awnings and Signage (4T) Awnings are well located and complement and integrate with the building design Awnings should be located over building entries for building address and public domain amenity	No changes proposed.	✓
Energy Efficiency (4U) Development incorporates passive environmental design, passive solar design to optimise heat storage in winter and reduce heat transfer in summer, natural ventilation minimises need for mechanical ventilation	No changes proposed.	✓
Water Management and Conservation (4V) Potable water use is minimised, stormwater is treated on site before being discharged, flood management systems are integrated into the site design.	No changes proposed.	✓
Waste Management (4W) Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents Domestic waste is minimised by providing safe and convenient source separation and recycling	No changes proposed.	✓
Building Maintenance (4X) Building design detail provides protection from weathering Systems and access enable ease of maintenance Material selection reduces ongoing maintenance costs	No changes proposed.	✓

State Environmental Planning Policy (Transport and Infrastructure) 2021

49. Chapter 2 Infrastructure applies to the proposal with the following relevant provisions:

- (a) *Section 2.48: Determination of development applications—other development* – The proposal is located within 5 metres of an exposed overhead electricity power line along the Rocky Point Road frontage (Section 2.48(1)(b)(iii)) therefore this is a relevant consideration. It is considered that there are no works proposed in this modification application which affects this overhead electricity power line adjoining the site.

- (b) *Section 2.118: Development with frontage to classified road* - The proposal has a frontage to Rocky Point Road, which is a classified road. The matters the consent authority must consider and be satisfied, prior to granting consent, include:
- (i) where practicable and safe, vehicular access to the land is provided by a road other than the classified road – there are no changes proposed to vehicle access to the site which remains from Water Street, and
 - (ii) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of the design of the vehicular access to the land, or the emission of smoke or dust from the development, or the nature, volume or frequency of vehicles using the classified road to gain access to the land – the proposed modification does not involve any changes which would impact on Rocky Point Road, and
 - (iii) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road – the proposed modification does not involve any changes which would impact on any of these measures.
- (c) *Section 2.121 Traffic-generating development* – The site has vehicle access within 90 metres of a classified road and proposed more than 50 car spaces and is therefore considered to be *traffic generating development*. Transport for NSW consider the proposed modification will not significantly impact on the classified road network and therefore the proposal is consistent with this control.

State Environmental Planning Policy (Resilience and Hazards) 2021: Chapter 4 – Remediation of Land

50. Chapter 4 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. Section 4.6 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.
51. A review of the site history and the Preliminary Site investigation prepared by Dirt Doctors Pty Ltd dated 21 May 2018 for the approved development 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 modification does 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 the SEPP has been satisfied.

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

52. A revised BASIX Certificate referenced 772683M_05 dated 7 January 2022 prepared by Green Sustainable Homes has been submitted with the Modification Application satisfying the minimum requirements of SEPP (Building Sustainability Index: BASIX) 2004. In this regard, the proposal has adequately satisfied the requirements of the SEPP. An amendment to Condition 1 is recommended to update the BASIX Certificate reference.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 ('The Biodiversity & Conservation SEPP')

53. Chapter 2 of the Biodiversity & Conservation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent. There are no changes proposed in this modification application which seek to remove any vegetation from the site. In this way, the proposed modification is considered to be consistent with this Chapter of the SEPP.
54. Chapter 11 of the Biodiversity & Conservation SEPP provides controls for the Georges River catchment. 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,*
55. There are no changes to the proposed stormwater arrangements for the site. In this way, the proposed modification is considered to be consistent with Part 11.2 of this Chapter of the SEPP.

Draft Environmental Planning Instruments

Draft Environment SEPP

56. The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating seven existing SEPPs, including among others the Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment. The proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Remediation of Land SEPP

57. The proposed remediation of land SEPP 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.

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

Georges River Local Environmental Plan 2021

59. The *Georges River Local Environmental Plan 2021* ('GRLEP 2021') was gazetted on 8 October 2021 after the lodgment and approval of DA 2018/0252 (the approved development) and before the lodgment of this modification application. DA 2018/0252 was assessed and approved under the *Kogarah Local Environmental Plan 2012* ('KLEP 2012'). The GRLEP 2021 is a relevant consideration in this application.
60. There has been no change in the principal development controls (FSR and height) or the zoning of the site under the GRLEP 2021. Both of these instruments are considered below in **Table 2**.
61. The particular aims of GRLEP 2021 in relation to Clause 1.2 (2) include:
- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) to provide for housing choices to cater for changing demographics and population needs,*
 - (b) to provide for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres,*
 - (c) to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised,*
 - (d) to provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community,*
 - (e) to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River and to build upon and enhance the character of local areas,*
 - (f) to promote a high standard of urban design and built form,*
 - (g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use,*
 - (h) to protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways,*
 - (i) to facilitate infrastructure to support new development,*
 - (j) to promote and facilitate transit-oriented development that encourages the use of public transport, cycling and walking.*
62. The proposed modification is generally consistent with these aims.

Kogarah Local Environmental Plan 2012

63. The KLEP 2012 was the principal planning instrument for the approved development and is therefore also a relevant consideration in this application. The particular aims of KLEP 2012 in relation to Clause 1.2 (2) include:
- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performing arts*
 - (a) to guide the orderly and sustainable development of Kogarah,*
 - (b) to encourage a diversity of housing choice suited to meet the needs of the current and future residents of Kogarah,*
 - (c) to promote economic development and facilitate the continued growth of commercial, medical-related and industrial employment-generating opportunities,*

- (d) *to protect and enhance Kogarah's natural environment, foreshores and waterways,*
- (e) *to provide high quality open space and a range of recreational areas and facilities suited to meet the needs of the residents of Kogarah and its visitors,*
- (f) *to conserve Kogarah's environmental heritage.*

64. The proposal generally satisfies the aims of the plan.
65. The proposed modification is permissible with consent and complies with the development standards and zone objectives within the KLEP 2012 and GRLEP 2021 as outlined below.

Table 2: Consideration of KLEP 2012 and GRLEP 2021

Applicable LEP Clause	Standards	Proposal	Comply
Part 1: Preliminary			
1.2 Aims of the Plan	Aims of the Plan to be considered	Aims reasonably satisfied given the design of the proposal as outlined above.	Yes
Part 2: Permitted or Prohibited Development			
2.2 Zoning of land	Zoning of land	Zoned B1 Neighbourhood Centre	Yes
2.3 Zone Objectives & land use table	Permissibility & zone objectives: GRLEP 2021 <ul style="list-style-type: none"> <i>To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.</i> <i>To ensure development contributes to the vibrancy of the neighbourhood.</i> <i>To ensure residential development provides housing that meets the needs of the community.</i> KLEP 2012 <ul style="list-style-type: none"> <i>To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.</i> <i>To allow residential development that contributes to the social vitality of the</i> 	Shop top housing is permissible with consent. The proposed modification is consistent with the zone objectives in that it provides for small-scale retail and business uses on the ground floor that can serve the needs of people who live or work in the surrounding neighbourhood and provides housing suitable for the community.	Yes

	<i>neighbourhood centre and does not detract from the business function of the zone.</i>		
2.7 Demolition	Demolition requires consent	Consent for demolition of the previous structures on the site was granted under DA 2018/0252. No further demolition is proposed.	N/A
Part 4: Principal development standards			
4.3 Height of Buildings	15m - Height of Buildings Map	<p>The approved development has a maximum height of:</p> <ul style="list-style-type: none"> • 16.3m to top of roof (RL 23.7). • 19.272m to the top of the fire stairs & awning (RL 26.672) on the rooftop, which was required to be lowered by the deferred commencement condition. <p>The proposed modification involves an overall height of:</p> <ul style="list-style-type: none"> • 16.3m to top of roof (RL 23.7). • 16.5m to top of lift overrun (RL 23.9) • 17.3m to top of glass balustrade and stairs to roof top from level 5 (RL 24.7) 	No
4.4 Floor Space Ratio	2:1 - Floor Space Ratio Map (4,710.4m ²)	The proposed development comprises 4710.16m ² , an FSR of 2:1.	Yes
4.4B Exceptions to floor space ratio—non-residential uses	Non-residential floor space ratio min 0.3:1.	This does not strictly apply to the proposed modification.	N/A
Part 5: Miscellaneous provisions			
5.10 Heritage Conservation	The objectives are to conserve the environmental heritage of Kogarah.	The site has not been identified as a heritage item nor located in a heritage conservation area as per the KLEP 2012/GRLEP 2021 Heritage Map. There are items in the vicinity (I302 - "Blanche Cottage at	Yes

		No 493 Rocky Pint Road & Sans Souci Park, public baths and bathers pavilion). The proposed modification is wholly contained within the site and will not result in any adverse impacts to nearby items.	
Part 6: Additional local provisions			
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 site is identified as being located within Class 5 Acid Sulfate Area as per the KLEP 2012 & GRLEP 2021 Acid Sulfate Soils Map. This was considered in the original DA and found to be satisfactory.	Yes
6.2 Earthworks	Objectives to be satisfied.	Consent for earthworks is commensurate with other developments within the locality.	Yes
6.3 Stormwater Management (GRLEP 2021)	Relevant matters to be satisfied prior to consent being granted.	There are no changes proposed to the approved stormwater management arrangements for the site.	Yes
6.6 Foreshore scenic protection area (GRLEP 2021)	Relevant matters to be satisfied prior to consent being granted.	These matters are largely environmental matters which will not be impacted by the proposed modification. The impact on views and the visual environment as well as minimising the height and bulk of the proposal are also relevant matters. The proposed changes are unlikely to significantly impact on the visual impact of the approved development when viewed from the river and public places.	Yes
6.7 Airspace Operations (CI 6.5 in KLEP 2012)	Controlled activity approval required from the relevant Commonwealth body.	8. Sydney Airport Corporation Limited raises no objection to the proposed modification in letter dated 25 February 2022.	Yes

6.9 Essential services (GRLEP 2021)	Consent must not be granted unless satisfied there are services essential for the development available or adequate arrangements have been made for such services (water supply, electricity, telecommunications, disposal and management of sewage, stormwater drainage and vehicle access)	9. Adequate services exist on the site.	Yes
6.10 Design Excellence	Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.	10. This clause did not apply to the original development and the matters are covered in the SEPP 65 and ADG assessment.	N/A
6.11 Environmental Sustainability	Development consent must not be granted for development to which this clause applies unless the consent authority has considered various sustainability matters.	11. This clause did not apply to the original development and the matters are covered in the BASIX assessment.	N/A
6.13(3) Development in certain business zones	Consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation.	12. There are no changes to the land use components of the proposal in the modification application. There are commercial uses proposed facing the street.	Yes

Development Control Plans

Kogarah Development Control Plan 2013

66. The modification application is subject to the provisions of the *Kogarah Development Control Plan 2013* ('KDCP 2013'), which has since been repealed following the gazettal of GRLEP 2021 and the commencement of the *Georges River Development Control Plan 2021* ('GRDCP 2021') on 8 October 2021. Accordingly, the KDCP 2013 is the relevant DCP for the purposes of this modification application.

67. The proposal has been considered in accordance with the following subsections:

- (a) Part B: General Controls
- (b) Part D1: Development in the B1 Neighbourhood Centres and B2 Local Centre zones

68. Consideration of the modification application in relation to the relevant controls of the KDCP 2013 is outlined in **Table 3** below. The proposal is generally consistent with KDCP 2013, however, is inconsistent with Part 5.3.10(2) Balcony Design as the proposed rooftop communal open space will face towards the rear setback and on to No 56, 58, 60 and 62 Harris Street, adversely impacting on their privacy.

Table 3: Consideration of KDCP 2012

APPLICANT DCP CONTROL	DCP PROVISION	DEVELOPMENT PROVISION	COMPLY
Part B: General Controls			
B1 – Heritage items	Schedule 5 of KLEP 212	No heritage items on the site and no changes which would impact on nearby items.	No changes
B2 – Tree Management & Greenweb	Requirements of subsection to be satisfied	No changes proposed to tree retention. A revised landscape plan is provided which outlines additional plating to the rooftop of the substation.	No changes
B3 – Development near busy roads and road corridors	Consideration of proximity to busy roads and rail corridors (including Transport & Infrastructure SEPP)	No changes proposed to the acoustic measures for the approved development.	No changes
B4 – Parking & Traffic	1. Parking requirements 2. Parking credits (N/A) 3. Bicycle parking 4. Design and layout of car parking areas 5. Loading requirements	There are no changes proposed to the overall number of car parking spaces approved on the site or the access arrangements. There are also no changes to the approved number of bicycle spaces, loading areas or the design of the car parking with the exception of two (2) spaces to become small car spaces. Council's traffic engineer raised no objections to this proposed change.	Yes
B5 – Waste Management & Minimisation	Submit a Waste Management Plan with DA and provide waste storage area	No changes proposed to waste management on the site.	No changes
B6 – Water Management	Stormwater, flooding and drainage	No changes proposed to stormwater management on the site.	No changes
B7 – Environmental Management	Comply with BASIX, orientation.	The proposal does not propose any significant changes to the energy	No changes

		efficiency of the dwelling and a revised BASIX Certificate has been provided.	
Part D: Commercial and Industrial			
Part D1: Development in the B1 Neighbourhood Centres & B2 Local Centre zones			
1. Design Requirements			
3.1 Streetscape	(1) Infill development is to respect and maintain consistency with the established rhythm and scale of existing shopfronts.	No changes proposed	No change
	(2) Parapets are to be utilised for the consistency of street frontage and screening of unsightly roof structures.	No significant changes proposed.	Yes
	(3) 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.	No significant changes proposed.	Yes
	(4) Enhance pedestrian amenity through the provision of continuous awnings for weather protection.	No changes proposed	No change
	(5) 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.	No changes proposed	No change
	(6) Site and design vehicular access (driveways, parking facilities, service access and garages) away from the main street frontage, from rear lanes or secondary streets.	No changes proposed	No change
3.2 Shop-Top Housing	(1) The ground floor level of buildings shall maintain active retail/commercial uses facing the street.	No changes proposed	No change
	(2) Levels above ground can sustain mixed uses, including commercial, professional services, and residential, where appropriate.	No changes proposed	No change
	(3) Site and design non-residential and residential land uses in the same development in a manner that will not adversely affect the future operation of those land	No changes proposed	No change

	uses.		
	(4) Residential uses are only be permitted subject to demonstration of satisfactory amenity for building occupants, particularly in relation to impacts from noise, fumes and vibration on heavily trafficked streets.	No changes proposed	No change
3.3 Heritage & significant facades – Commercial Precincts	<p>(1) Respond to requirements for heritage items (identified in Schedule 5 of KLEP 2012) or significant facades as identified in the Commercial Locality Controls.</p> <p>(2) For redevelopment of heritage buildings identified in Schedule 5 of KLEP 2012, vertical additions are permitted with an upper level setback, where the parapet becomes the balustrade to the balcony of a new upper level storey.</p>	There are no heritage items on the site.	No change
3.4 Building Height	<p>(1) Building heights are to be in accordance with the Locality Controls</p> <p>(2) 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.</p> <p>(3) Where allotment adjoins a low density residential area, buildings should be: (i) reduced in height in accordance with the locality controls; and (ii) setback from the adjoining property boundary</p> <p>(4) 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.</p> <p>(5) 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>(6) 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</p>	<p>Refer below</p> <p>No significant change to building form (except rooftop).</p> <p>No significant change to building form (except rooftop).</p> <p>The overall roof height is the same as approved.</p> <p>No changes proposed.</p> <p>No changes proposed.</p>	<p>No change</p> <p>No change</p> <p>No change</p> <p>No change</p> <p>No change</p>

	and amenity of the building.		
3.5 Setbacks	(1) 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.	No changes proposed	No change
	(2) Street setbacks at ground level are permitted only: (i) Where the existing footpath is narrow and the provision of additional pedestrian space is desirable (ii) (iii) Where the established pattern is setback (for example where there are residential buildings within the locality) Where the setback enables or enhances visual appreciations of adjacent heritage items.	No changes proposed	No change
	(3) Side setbacks are generally not permitted in order to maintain the continuity of active frontages, unless specified in the locality controls.	No changes proposed	No change
	(4) 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.	No changes proposed	No change
	(5) 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.	No changes proposed	No change
	(6) Setbacks on corner blocks are to enable sufficient sightlines for traffic in accordance with the relevant Australian Standard.	No changes proposed	No change
	(7) Upper level street setbacks are required to any residential component above retail/commercial uses together with building design and apartment	No changes proposed	No change

	layout that satisfactorily mitigates the impacts of noise, fumes and vibration on major roads.		
3.6 Building Design	3.6.1 Building Façades	No changes proposed	No change
	3.6.2 Active Frontages	No changes proposed	No change
	3.6.3 Awnings	No changes proposed	No change
	3.6.4 Balconies	No effect pursuant to CI 6A of SEPP 65.	N/A
	3.6.5 Materials & Finishes	No changes proposed	No change
	3.6.6 Mobility and Access	No changes proposed	No change
	3.6.7 public Art	None proposed	N/A
	3.6.8 Roof Forms and parapets		
	(1) 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.	No significant changes to the roof design proposed.	Yes
	(2) Minimise the bulk and mass of roofs and their potential for overshadowing.	No significant changes to the roof design proposed.	Yes
	(3) Design roofs to generate a visually interesting skyline and minimise apparent bulk.	No significant changes to the roof design proposed.	Yes
	(4) Conceal lift over runs and plant equipment within well designed roofs.	Satisfactory.	Yes
3.7 Vehicular Access & Parking	(5) Roof fixtures (such as roof vents, chimneys, aerials, solar collectors, mobile phone transmitters, satellite dishes) are to be inconspicuously located so as not to be visible from the street (including side streets).	The solar panels are satisfactory.	Yes
	(6) Television antennae are to be located within the roof space.	Not proposed.	N/A
	3.6.9 Signage	None proposed.	N/A
3.8 Dwelling Design – Apartment mix and Dwelling size		Refer to Part B4 above.	Yes
		No effect pursuant to CI 6A of SEPP 65.	N/A

3.9 Home Offices		No changes proposed	No change
3.10 Storage		No effect pursuant to CI 6A of SEPP 65.	N/A
3.11 Clothes Drying		No changes proposed	No change
3.12 Amenity	3.12.1 Visual and Acoustic Privacy	No changes proposed	No change
	3.12.2 Safety and Security	No changes proposed	No change
3.13 Open Space and Landscaping	<p>(1) Retain existing, and incorporate new indigenous trees, shrubs and ground cover where appropriate.</p> <p>(2) Maximise deep soil zones to provide for substantial landscaping and mature trees.</p> <p>(3) Submit a landscape plan prepared by a qualified landscape architect.</p> <p>(4) Where development is proposed adjacent to low density residential development, an appropriate landscape buffer is to be planted to provide separation and screening between the proposed development and the existing low density development (Refer to Locality Controls). These areas should be deep soil areas so as to allow for the planting of large/medium trees.</p>	No changes proposed	No change

Part D2: Commercial Locality Guides

5. Sans Souci South (includes No 507 but not 505)

5.1 Desired Future Character	<p>The location will continue to support a mix of restaurant and food outlets in conjunction with residential development at the upper levels.</p> <p>Future development in this centre may be increased to 3 storeys plus rooftop, consistent with the adjoining development. Built form should continue to achieve a good relationship with the public domain.</p> <p>It is considered that outdoor dining/café uses should be encouraged in this location. High quality building design and detailing are encouraged, and the architectural character should respond to the waterfront setting.</p>	Complies – no changes	No change
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5.2 Objectives	<p>(a) Maintain a mix of restaurants and food related uses at ground level, with residential development above.</p> <p>(b) Retain vehicular access in its current location, from Water Street.</p> <p>(c) Provide an appropriate transition between new development and the surrounding low-density residential development.</p> <p>(d) Promote high quality design that reflects the waterfront location.</p>	Complies – no changes	No change
5.3 Design Solutions	<p>5.3.1 Height</p> <p>(1) Maximum number of levels = 3 + rooftop level</p> <p>(2) Maximum overall height (to the uppermost habitable part of the building) = 13m.</p> <p>(3) The total overall building height (including roofs and any projections such as plant, lift overruns, blades or the like) shall not exceed 2m above the habitable part of the building.</p>	GRLEP 2021 prevails	No change
	<p>5.3.2 Preferred Land Use</p> <p>Ground floor – retail/restaurant/café uses</p> <p>First floor – residential</p> <p>Second floor – residential</p>	Complies – no changes	No change
	<p>5.3.3 Amalgamation</p> <p>No specific requirements</p>	None required	No change
	5.3.4 Setbacks	No changes	No change
	<p>5.3.5 Density</p> <p>Fit within required setbacks</p>	No changes proposed.	No change
	<p>5.3.6 Pedestrian Entry</p> <p>Pedestrian entry should be obtained from Rocky Point Road and Water Street.</p>	No changes proposed.	No change
	<p>5.3.7 Vehicle Access</p> <p>Vehicular access should be obtained from Water Street, adjacent to the development at No. 517 Rocky Point Road (as existing).</p>	No changes proposed.	No change
	5.3.8 Car parking	No changes proposed.	No change
	5.3.9 Awnings	No changes proposed.	No change
	<p>5.3.10 Balcony Design</p> <p>(1) For residential development</p>	No changes proposed.	No

	fronting Rocky Point Road, design balconies so that they reduce the transmission of noise to units and provide amenity to residents.		change
	(2) Balconies should be minimised along the rear setback (to No.60-62 Harris Street). Where balconies are proposed facing the rear these should be designed to minimise overlooking onto adjoining residential properties.	The proposed rooftop communal open space will face towards the rear setback and on to No 56, 58, 60 and 62 Harris Street, adversely impacting on their privacy.	No

LPP033-22

Interim Policy Georges River Development Control Plan 2019

69. The *Interim Policy Georges River DCP 2020* was in force from 22 July 2019 until the gazettal of the GRLEP 2021 on 8 October 2021. There are no controls which relate to mixed uses or shop top housing proposals and this Interim Policy was not in force when this modification application was lodged.

Impacts

Natural Environment

70. The subject site and immediate surrounding area have been historically used for residential and commercial purposes. The proposal is located within an area of urban development. The proposal will provide adequate stormwater disposal with appropriate conditions imposed on the original approval. In this regard, the proposed works will not materially impact the natural environment.

Built Environment

71. The built form of the proposed modification is of a bulk and scale that is compatible with the immediate surrounding context, with the exception of the proposed rooftop communal open space which is likely to adversely impact on the privacy.
72. The proposed design is considered to be responsive to the site dimensions, trees and drainage on site. The proposal generally complies with the planning controls. An additional design change condition is recommended to be imposed to remove the proposed rooftop communal open space and the associated stairs proposed to this area of the site as this area is likely to result in additional overlooking opportunities into the adjoining properties to the west of the site. Accordingly, the proposal is not considered to result in any adverse material impacts to the built environment.

Social Impact

73. The assessment demonstrates that the proposal in its proposed amended form will not have an adverse impact on the character of the locality or the amenity of neighbouring residential properties subject to the recommended conditions and removal of the proposed rooftop communal open space. The environmental impacts on the social environment are considered to be not unreasonable and therefore the application is supported.

Economic Impact

74. The proposal is not considered to result in unreasonable material economic impact given the residential use of the proposal.

Suitability of the Site

75. The site is zoned B1 Neighbourhood Centre pursuant to the GRLEP 2021 and the KLEP 2012. The modification results in a reasonable planning outcome (subject to the recommended conditions) which is considered to be compatible with the dimensions of the site with the exception of the proposed rooftop communal open space. It is considered that the proposal will not have any unreasonable impacts on adjoining properties, the streetscape or locality beyond in its current form subject to the recommended conditions of consent.

Submissions, Referrals and the Public Interest

76. The application was notified to adjoining owners, occupiers for fourteen (14) days between 24 February 2022 to 10 March 2022. In response, one (1) submission was received to the proposal. A summary of the key concerns raised within this submission is addressed below.

Concerns with the Proposed Roof Top Terrace

77. This submission stated that the proposed roof top terrace was part of the original proposed development and was rejected. The concerns were that this proposed rooftop communal open space would result in acoustic and visual privacy issues for adjoining properties along the western (rear) boundary of the site. There was also concern that the proposed privacy screens were only a metre high, and which therefore be inadequate as these screens would need to be at least 1.8 metres to effectively provide privacy.

Comment: The proposed communal open space on the rooftop is not supported as a result of the likely impacts to visual privacy for adjoining residential properties to the west of the site. This is also consistent with the previous assessment of this issue during the Court appeal and the subsequent imposition of the deferred commencement condition, which required the removal of the rooftop communal open space.

Changes from windows to glass doors on western elevation

78. Concerns were raised that any changes from windows to glass doors on the western facing part of the apartment building would affect the privacy of the adjacent houses and properties.

Comment: The only change proposed to the western elevation is to change a door to a window for Unit 506 (proposed change 8). This is a slimline, low window which is unlikely to result in any significant overlooking of adjoining properties.

Council Referrals**Urban Design**

79. Council's Consulting Urban Designer has reviewed the proposed modification application and stated that there were no changes proposed to the built form approved under the original DA and that the proposed 1m high glass balustrade will not add to the building bulk or scale. The referral concluded that the proposed changes do not have any bearing on the urban design outcome, context or the streetscape.

Building Surveyor

80. Council's Building Surveyor reviewed the proposed modification application and raised no objections to the proposal, subject to the retention of all relevant building conditions on the original consent.

Engineer

81. Council's Engineer reviewed the proposed changes to the pump out system in the basement and raised no objections to the proposal, subject to minor changes to Condition 64, which is included in the recommended changes to the conditions.

External Referrals

82. The following external referrals were sent for the modification application:
- (a) Transport for NSW – advised on 8 March 2022 that no objection is raised to the proposed modifications as they are unlikely to have a significant impact onto the classified road network;
 - (b) Sydney Airport Corporation Limited – advised on 25 February 2022 that no objection is raised to the modification application; and
 - (c) NSW Department of Primary Industries (Fisheries) – advised on 21 February 2022 that there did not appear to be any reason for this referral under Clause 29 of the *SEPP (Primary Production and Rural Development) 2019* (oyster aquaculture).

Contributions

83. No changes are proposed to the existing consent conditions.

Conclusion

84. Modified development consent is sought for changes to the approved development at 505-507 Rocky Point Road, Sans Souci. The proposal has been assessed with regard to the matters for consideration listed in Section 4.15(1) and 4.56 of EP&A Act. The proposal is considered to be an appropriate response to the context of the site and will result in a reasonable planning and urban design outcome, subject to the recommended conditions of consent.

85. In relation to the specific modifications requested, the following conclusions are made:

- (a) The provision of a rooftop communal open space and fencing (proposed change No 13) is not supported due to the likely adverse impact on privacy of adjoining residential properties to the west. The proposed rooftop communal open space is considered to be contrary to design quality Principle 6 (Amenity) as visual privacy for adjoining properties has not been achieved. Furthermore, the proposed rooftop communal open space is also contrary to Clause 5.3.10 of Part D2 of the Kogarah DCP in that it will face towards the rear setback and on to No 56, 58, 60 and 62 Harris Street, adversely impacting on their privacy.

It is considered that while there is a shortfall in communal open space on the site, as outlined in the Court proceedings, there is ample available open space in the vicinity of the site including the Sans Souci Leisure Centre and Sans Souci Park. As a result, the proposed new stairs to the rooftop communal open space (proposed change 3) are also not supported. Relevant conditions have been recommended which require the plans to be updated to remove these proposed changes prior to the issue of an amended Construction Certificate for the modification;

- (b) The proposed provision of an additional courtyard for Unit 502 on Level 5 (proposed change No 2) is not supported as this will reduce the overall amount communal open space on Level 5 and Unit 502 has a separate balcony on the eastern elevation of an appropriate size and dimension. A condition has been recommended which requires the plans to be updated to remove these proposed changes prior to the issue of an amended Construction Certificate for the modification;

- (c) The proposed reduction in one (1) unit through the consolidation of three units (501, 502 & 503) into two (2) units (502 & 502) on Level 5 with the overall addition of one (1) bedroom (proposed change 1) is considered acceptable. This change will still allow for a diversity of housing types within the development and allows for an additional four (4) bedroom apartment to be provided on the site. No changes to the approved conditions are required for this change as it is included on the plans;
- (d) The proposed minor changes to windows and doors on Levels 1 and 5 comprising proposed changes 8, 12, 14, 15 and 17 are acceptable with no impact to adjoining properties. No changes to the approved conditions are required for this change as it is included on the plans;
- (e) The proposed change to two (2) car parking spaces to small car spaces (B85 car space) with a depth of 5,100mm due to increase in lift dimensions (proposed change 6) is supported by Council's Traffic Engineer and is therefore acceptable. No changes to the approved conditions are required for this change as it is included on the plans;
- (f) The proposed minor changes to building services contained in proposed changes 4,5, 7, 10, 11, 16, 18, 19 and 20 are supported as such changes will have minimal impact on the overall form and appearance of the approved development. These changes include alteration to lift dimensions and surrounding walls and structures, minor change to walls in basement 1, enlarged electrical room doors, relocation of the photovoltaic cells on the roof, change to substation levels and its rooftop planting, minor changes to columns. No changes to the approved conditions are required for this change as it is included on the plans;
- (g) The proposed reduction in the roof top planter width (proposed change 9) is minor and still provides planting along the entire eastern and southern edge of this portion of Level 5. No changes to the approved conditions are required for this change as it is included on the plans.

86. The changes to the approved conditions include the following:

- (a) Modify Condition 1 – approved plans – to reflect the amended plans provided (architectural, landscaping, stormwater and BASIX);
- (b) New condition (Condition 17A) to require the submission of amended plans prior to the issue of an amended Construction Certificate to provide the following changes:
 - i) Delete the proposed communal open space on the rooftop and roof edge fencing (proposed change CC-B-13);
 - ii) Delete the proposed stairs from Level 5 to the roof (proposed change CC-B-03) and reinstate the planter to the approved communal open space area on Level 5;
 - iii) Delete the proposed private courtyard to Unit 502 on Level 5 (proposed changes CC-B-02 and CC-B-12); and
- (c) Modify Condition 64 - Pump-Out System Design for Stormwater Disposal - to amend the condition in relation to the changes to the pump out system outlined on the amended stormwater plan.

87. The proposal has been assessed against the provisions of the relevant State Environmental Planning Policies, *Georges River Local Environmental Plan 2021*, *Kogarah Local Environmental Plan 2012* and *Kogarah Development Control Plan 2013*. The proposed modification exceeds the maximum height of buildings development standard of the LEP, however, complies with the remaining development standards and development controls and meets the underlying objectives of planning controls is worthy of support subject to the recommended conditions of consent.

Determination and Statement of Reasons

Statement of Reasons

88. The Statement of reasons include:

- The proposed modification to the approved development forms a permissible use within the B1 Neighbourhood Centre Zone within the *Georges River Local Environmental Plan 2021*.
- The changes proposed in the modified design is suitable for the subject site as the objectives of the controls have been reasonably satisfied and conforms with the objectives of the applicable planning controls, with the exception of the proposed rooftop communal open space.
- The modified proposal provides good levels of amenity for future occupants and results in minimal adverse material impacts on adjoining properties and surrounding development subject to the deletion of the proposed rooftop communal open space.

Determination

89. Pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979, as amended, the Georges River Local Planning Panel grant approval to MOD 2022/0029 to modify DA2018/0252 for the demolition of existing structures onsite and construction of a mixed use development, including basement parking at No 505 and 507 Rocky Point Road, Sans Souci (SP 44919 and SP 49146) subject to the following conditions.

CONDITIONS OF DEVELOPMENT CONSENT THAT MUST BE SATISFIED BEFORE THE CONSENT CAN OPERATE

Architectural and Landscape Plans

DCC1 – Deferred Commencement Condition 1

This consent is not to operate until the following condition is satisfied, within 12 months of the date of this determination:

1. Design Modifications

Architectural Plans and Landscape plans are to be provided with regard to the marked-up plans prepared by Geoff Bonus which formed part of the Supplementary Joint Report dated 14 February 2020. The plans are to detail the following:

- i) Deletion of Unit 5.04 and replacement with communal open space including proposed landscaping and privacy screens to protect the amenity of units within the development and to neighbouring properties.

- ii) The 145.12m² GFA attributed to the former Unit 5.04 is to be redistributed to the ground floor retail to provide a nil setback, to the extent possible without exceeding the 2:1 Floor Space Ratio applicable to the site pursuant to clause 4.3 of the Kogarah Local Environmental Plan 2012, to the street.
- iii) Solar Access diagrams to be updated relative to the deletion of Unit 5.04
- iv) Communal open space at main roof level is to be deleted.
- v) Lift overruns serving former communal open space at main roof level to be lowered and fire stairs serving the rooftop to be deleted as access to residents is no longer required. Associated awning connecting lift overruns to be deleted.
- vi) The proposed planting to the verge fronting Rocky Point Road is to consist of 5x Banksia integrifolia (400 litre specimens) with tree guards surrounding. Georges River Council will implement the installation of trees and tree surrounds and full costs are to be borne by the proponent.

SPECIFIC DEVELOPMENT 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
Architectural Plans				
Cover Page	001	30 December 2019	I	Tecton Group
Site Location	0.1	30 December 2019	I	Tecton Group
Wide Context	0.2	30 December 2019	I	Tecton Group
Site Survey and context	0.3	30 December 2019	I	Tecton Group
LEP Zoning Map	0.4	30 December 2019	I	Tecton Group
Street Character	0.5 S02	30 December 2019 15 October 2021	I S4.55	Tecton Group
Site Analysis	0.6	30 December 2019	I	Tecton Group
Perspective	0.7	30 December 2019	I	Tecton Group
Perspective	0.8	30 December 2019	I	Tecton Group
BASIX	A1.00	30 December 2019	I	Tecton Group
Proposed Site Plan	A1.01 S01	30 December 2019 15 October 2021	I S4.55	Tecton Group
Proposed Roof Plan	A1.02 S03	30 December 2019 as amended to	I S4.55	Tecton Group

		address Deferred Commencement Condition 15 October 2021 except as amended by Condition 17A		
Level 1 Plan	A1.03 S04	30 December 2019 as amended to address Deferred Commencement Condition 15 October 2021	↳ S4.55	Tecton Group
Level 2 Plan	A1.04 S05	30 December 2019 15 October 2021	↳ S4.55	Tecton Group
Level 3 Plan	A1.05 S06	30 December 2019 15 October 2021	↳ S4.55	Tecton Group
Level 4 Plan	A1.06 S07	30 December 2019 15 October 2021	↳ S4.55	Tecton Group
Level 5 Plan	A1.07 S08	30 December 2019 15 October 2021	↳ S4.55	Tecton Group
Basement 1	A1.08 S09	30 December 2019 15 October 2021	↳ S4.55	Tecton Group
Basement 2	A1.09 S10	30 December 2019 15 October 2021	↳ S4.55	Tecton Group
GFA Plan	A1.10 S11	30 December 2019 15 October 2021	↳ S4.55	Tecton Group
Cross Flow ventilation diagrams	A1.11 S12	30 December 2019 15 October 2021	↳ S4.55	Tecton Group
Section A-A, Driveway Ramp	A2.01 S13	30 December 2019 15 October 2021 except as amended by Condition 17A	↳ S4.55	Tecton Group
Section D-D, Northern Boundary screen planting	A2.02	30 December 2019	I	Tecton Group
Section E-E	A2.03 S14	30 December 2019 as amended to address Deferred	↳ S4.55	Tecton Group

		Commencement Condition 15 October 2021 except as amended by Condition 17A		
Section F-F	A2.04 S15	30 December 2019 as amended to address Deferred Commencement Condition 15 October 2021 except as amended by Condition 17A	± S4.55	Tecton Group
Eastern (Front) & Western (Rear) Elevation	A2.05 S16	30 December 2019 as amended to address Deferred Commencement Condition 15 October 2021 except as amended by Condition 17A	± S4.55	Tecton Group
Side (Northern & Southern) Elevation	A2.06 S17	30 December 2019 as amended to address Deferred Commencement Condition 15 October 2021 except as amended by Condition 17A	± S4.55	Tecton Group
Internal Elevations	A2.07	30 December 2019 as amended to address Deferred Commencement Condition	I	Tecton Group
Materials and Finishes	A2.08 S18	30 December 2019 15 October 2021	± S4.55	Tecton Group
Survey Plan with roof slab overlay	3.1	30 December 2019	I	Tecton Group
Height plane models	3.2	30 December 2019 as amended to address Deferred Commencement	I	Tecton Group

		Condition		
Shadow diagram June/Mid winter	4.1 S19	30 December 2019 15 October 2021	± S4.55	Tecton Group
Shadow diagram December/Mid summer	4.2 S20	30 December 2019 15 October 2021	± S4.55	Tecton Group
Solar and daylight access plans level 1	4.3	30 December 2019	I	Tecton Group
Solar and daylight access plans level 2	4.4	30 December 2019	I	Tecton Group
Solar and daylight access plans level 3	4.5	30 December 2019	I	Tecton Group
Solar and daylight access plans level 4	4.6	30 December 2019	I	Tecton Group
Solar and daylight access plans Analysis level 5	4.7 S21	30 December 2019 15 October 2021	± S4.55	Tecton Group
Solar Analysis level 5	S22	15 October 2021	S4.55	Tecton Group
Solar Calculation	S23	15 October 2021	S4.55	Tecton Group
Door Schedule	5.1 S24	30 December 2019 15 October 2021	± S4.55	Tecton Group
Window Schedule	5.2 S25	30 December 2019 15 October 2021	± S4.55	Tecton Group
Landscape Plans				
Level 1	18-3687 LO1	18 December 2019 10 December 2021	H L	Zenith Landscape Design
Level 2	18-3687 LO2	18 December 2019 10 December 2021	H L	Zenith Landscape Design
Level 5	18-3687 LO3	18 December 2019 10 December 2021 except as amended by Condition 17A	H L	Zenith Landscape Design
Existing Tree Plan	18-3687 LO6	18 December 2019 10 December 2021	H L	Zenith Landscape Design
Stormwater Plans				
Basement 1	STO260318.1/	4 January 2020	D	13. R

drainage concept plan	9	17 September 2020	E	Square Pty Ltd
Roof drainage concept plan	STO260318.2/9	4 January 2020 as amended to address Deferred Commencement Condition 17 September 2020 except as amended by Condition 17A	D E	R Square Pty Ltd
Stormwater drainage concept plan	STO260318.3/9	4 January 2020 17 September 2020	D E	R Square Pty Ltd
Stormwater drainage concept plan	STO260318.4/9	4 January 2020 17 September 2020	D E	R Square Pty Ltd
Level 2 drainage concept plan	STO260318.5/9	4 January 2020 17 September 2020	D E	R Square Pty Ltd
Level 3 drainage concept plan	STO260318.6/9	4 January 2020 17 September 2020	D E	R Square Pty Ltd
Level 4 drainage concept plan	STO260318.7/9	4 January 2020 17 September 2020	D E	R Square Pty Ltd
Level 5 drainage concept plan	STO260318.8/9	4 January 2020 17 September 2020 except as amended by Condition 17A	D E	R Square Pty Ltd
Proposed new line plan	STO260318.9/9	4 January 2020	D	R Square Pty Ltd
Other Documentation				
Detail and Level Survey		19 August 2018		S. J Surveying
Access Report		June 2018		Code Performance
Acid Sulphate Report		21 May 2018		Dirt Doctors
Acoustic Report – Traffic Noise		21 May 2018		Acoustic, Vibration and Noise Pty Ltd
Arborist Report		9 June 2018		Dr Trevor J

				Hawkeswood
Ausgrid Assessment		8 June 2018 and 12 June 2018		Ausgrid
Arboricultural Impact Statement		1 June 2019		Dr Trevor J Hawkeswood
BASIX Certificate	772683M-03 772683M_05	4 January 2020 7 January 2022		Green Sustainable Homes
Geotechnical Assessment		7 November 2016		Dirt Doctors
Soil Contamination Report		21 May 2018		Dirt Doctors
Waste Management Plan		19 December 2019		Elephant's Foot
Amended Clause 4.6 Variation Request – Height of Buildings (CL 4.3 KLEP 2012)		11 March 2020		BMA Urban

LPP033-22

(This condition is modified as part of MOD2021/0100 (DA2016/0336))

2. Powerlines

All existing overhead power lines within or along the street frontage of the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power line underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilised at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.

3. Privacy screen fencing

Privacy screen fencing is to be provided between the communal area and the private open space of the ground floor unit 101 to the extent necessary to ensure privacy is maintained for future occupants.

Design details of all privacy screens including materials finishes and elevations are to be submitted to Council for approval prior to the release of any Construction Certificate.

4. BASIX

An amended BASIX Certificate which reflects the approved plans as reflected in Condition 1 is to be submitted to Council for approval prior to the release of any Construction Certificate.

5. Amendments

- a) Notwithstanding the approved plans referenced above, amended plans shall be submitted to resolve inconsistencies in proposed elevations, sections and floor plans regarding highlight windows and screening to the U-Shaped portion of the building are to be submitted to Council for approval prior to the release of any Construction Certificate.

6. External Finishes – Colours and Textures

A material board / schedule demonstrating all external building materials, colours and textures shall be submitted to Council for approval prior to the release of any Construction Certificate.

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

7. 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 (e.g., 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.

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 Certifier prior to the issue of the Construction Certificate.

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

8. 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, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

9. 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 1.2m metre wide footpath for the full length of the frontage of the site in Rocky Point and Water Street 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) 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.

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.

REQUIREMENTS OF OTHER GOVERNMENT AUTHORITIES

10. NSW Police

The development shall comply in full with all recommendations made by NSW Police as listed in the Crime Risk Assessment Report prepared by St George Area Command Reference no. D/2018/564322 dated 9 July 2018.

Specifically recommendation 1 to 26 forms part of the conditions of Consent. Details of compliance shall be incorporated in the Construction Certificate Plans to the satisfaction of Council prior to issue of Construction Certificate.

11. Ausgrid

The development shall comply in full with all requirements made by Ausgrid for the Electricity Network Connection letter Reference no. 800217172 dated 8 June 2018. Specifically Ausgrid recommendation forms part of the conditions of Consent. Details of compliance shall be incorporated in the Construction Certificate Plans to the satisfaction of Council prior to issue of Construction Certificate.

12. Sydney Water – Tap in TM

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

13. Notice of Requirements for a Section 73 Certificate

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

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

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

14. 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 (Business and Commercial Services).

15. Electricity Supply to Development

The electricity supply to the development must be underground.

16. Roads and Maritime Services (RMS) now Transport for NSW (TfNSW)

The following TfNSW requirements are to be met:

- I. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Rocky Point Road boundary.
- II. Prior to issue of a Construction Certificate, the following requirements must be complied with:

- a. The developer is to submit design drawings and documents that provide final details on the development's basement car parking levels to TfNSW and approval obtained. This includes but is not limited to the proposed extent of the structure and the foundations.
- b. The developer is to submit all documentation relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001 and approval obtained. The developer is to meet the full cost of the assessment by Roads and Maritime Services or TfNSW.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- c. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Rocky Point Road are to be submitted to TfNSW and approval obtained.

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued.

- d. Any redundant driveways on Rocky Point Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval.

A plan checking fee and lodgment of a performance bond is required from the applicant prior to the release of the approved road design plans by RMS.

Please send all documentation detailed above to development.sydney@rms.nsw.gov.au

- III. All vehicles shall enter and exit the site in a forward direction via Water Street. No vehicle access is to be provided via Rocky Point Road.
- IV. All ongoing waste collection and deliveries associated with the residential and commercial components of the development are to occur from Water Street and not from Rocky Point Road.
- V. A Road Occupancy Licence (ROL) must be obtained from Transport Management Centre for any works that may impact on traffic flows on Rocky Point Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

- VI. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Rocky Point Road.

PRIOR TO ISSUING THE CONSTRUCTION CERTIFICATE

17. Dial before your dig

The applicant will 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” will be forwarded to Council’s Engineers for their records.

17A Required Design Changes

Prior to the issue of an amended Construction Certificate, the following design changes shall be made to the plans and reflected on the Construction Certificate plans:

- (a) Delete the proposed communal open space on the rooftop and roof edge fencing (proposed change CC-B-13);
- (b) Delete the proposed stairs from Level 5 to the roof (proposed change CC-B-03) and reinstate the planter to the approved communal open space area on Level 5; and
- (c) Delete the proposed private courtyard to Unit 502 on Level 5 (proposed changes CC-B-02 and CC-B-12).

(This condition is added as part of MOD2021/0100 (DA2016/0336))

18. Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans and specifications, Drawn by Zenith Landscape Designs Pty Ltd Job no. 18-3687, Rev H, dated 18/12/19.

The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following –

- a) In accordance with Georges River Councils Tree Management Policy, all trees proposed to be removed must be replaced at a 2: 1 ratio. This policy and the number of trees proposed shall reflect the replacement ratios at 2:1.
- b) The proposed tree and plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives. All trees nominated upon the landscape plan shall be of minimum size 75 litre pot/ bag size.
- c) All trees proposed upon the approved landscape plan, Rev G, shall comply with AS 2303 – 2018, *Tree Stock for Landscape use* and *NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)*, and be planted and maintained in accordance with Councils standard specification.

- d) If the planted trees and plants are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.
- e) *A certificate of compliance for the planting of all trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.*

19. Geotechnical works

Prior to the issuing of the Construction Certificate the recommendations in the Geotechnical Report prepared Dirt Doctors Pty Ltd, referenced “DDE229-1 and DDE-229-2 dated 21 May 2018 and report No. DD294-1 7 November 2016 shall be implemented.

20. Site Management Plan - Major Development

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.

21. Public Domain works plan

Prior to issuing the Construction Certificate, a Public Domain Works Plan is to be prepared which shall provide details on how the public domain will be treated and landscaped. The following features are to be shown on the plan (but not limited to these);

- Footpath design and layout including materials and finishes;

- Design and treatment of Council's front verge. This shall include the planting of mature trees in accordance with the Landscape conditions as part of this consent.
- Location of any infrastructure services although electricity lines are recommended to be relocated below ground where possible.
- Type and area of any grass to be replaced.
- New driveway cross-overs

A detailed plan shall be provided and approved by Council's Manager of Planning and Building prior to the issuing of the Construction Certificate.

22. 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.

23. Above ground power lines

Where practicable, all existing overhead power lines within or adjacent to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power line underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilised at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.

Written compliance with this condition is required to be provided prior to the issuing of the Construction Certificate.

24. NBN Connection

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

25. Acoustic Requirements - Compliance with submitted Acoustic Report

The Construction Certificate plans shall demonstrate compliance with the recommendations of the Acoustic Report submitted and approved by Council, titled “**Acoustic Report** for No. 505-507 Rocky Point, Sans Souci Reference No.: 2018-198 prepared by Acoustic, Vibration and Noise Pty Ltd and dated 21 May 2018.

This means that a review of glazing design and mechanical plant must be undertaken to ensure that acoustic objectives will be met. 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.

26. Car Wash Bays

Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

27. Fire requirements

Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the *Environmental Planning & Assessment Regulation, 2000* to seek written comment from FR NSW about the location of water storage tanks, construction of hydrant/booster pump and valve rooms, and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator / mimic Panels.

28. SEPP 65 Design Verification Statement

A design verification statement, prepared by a qualified designer, shall be submitted to the Certifying Authority verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of *State Environmental Planning Policy No 65 —Design Quality of Residential Flat Development*.

29. Street Tree Removal / Replacement by Council –

- (a) Council shall be appointed to remove and plant all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.
- (b) The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.
- (c) The fees payable will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant conditions set out in this consent.

A copy of Georges River Council's Tree Management Policy, 2019, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

30. Fees to be paid

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

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit (54.97m frontage x \$1236.00)	\$67,942.92
Inspection Fee for refund of Damage Deposit (x2)	\$742.00
DEVELOPMENT CONTRIBUTIONS	
Kogarah Section 94 Development Contributions Plan No.1 - Roads and Traffic Management - Residential	\$9,809.66
Kogarah Section 94 Development Contributions Plan No.5 - Open Space 2007	\$421,241.42
Kogarah Section 94 Development Contributions Plan No.9 - Kogarah Libraries - Buildings	\$9,608.10

Kogarah Section 94 Development Contributions Plan No.9 - Kogarah Libraries - Books	\$6,850.56
Total Section 94 Contribution Currently Payable	\$447,509.74

General Fees

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

Development Contributions

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

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

Indexation

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

Timing of Payment

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

Further Information

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

31. Damage Deposit - Major Works

In order to insure against damage to Council property the following is required:

- i. 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: **\$67,942.92**
- ii. Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee (for two inspections) to enable assessment of any damage and repairs where required: \$742.00.

32. Tree Retention

The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) Fencing distance from trunk
<i>Ulmus Spp</i>	Within 503 Rocky Pt Rd	Min 3.0 m
<i>Photinia Spp</i>	Within 503 Rocky Pt Rd	Min 3.0m

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

- The client shall engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current financial member of Arboriculture Australia – AA and or Institute of Australian Consulting Arboriculturists – IACA to oversee and validate all works.
- A certificate of compliance for tree protection measures shall be completed and forwarded to the Certifying Authority, before works, during works and once all building works have been completed, that tree protection measures have been installed and maintained during the building process.

33. General Tree Protection Measures

All trees to be retained shall be protected before and maintained during demolition, excavation and construction of the site.

- (a) The tree protection measures must be undertaken in accordance AS4970 - 2009 Protection of trees on development sites as well as tree protection measures as shown upon the landscape plan by Zenith Landscape Designs, Rev H, Sheet L06, dated 18/12/19.
- (b) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current financial member of Arboriculture Australia – AA and or Institute of Australian Consulting Arboriculturists – IACA.
- (c) The Project Arborist must be present on-site during the stages of excavation, demolition and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
- (d) Unless otherwise specified in AS 4970-2009 Protection of trees on development sites, a protective fence consisting of 2.4 x 1.8 metres high, fully supported chainmesh fence shall be used. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (e) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.

- (f) No building products/ materials or services shall be installed within the TPZ of the tree/s unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.

34. Excavation works near tree to be retained

Excavation and earthworks near trees to be retained shall comply with the following measures;

- (a) Excavations around the trees (13 and 14 within 503 Rocky Point Road) to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (b) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (c) Tree Protection Zone around the trees to be retained are not to have soil level changes, building product / materials stored or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.
- (d) Details satisfying this condition shall be shown on the Construction Certificate plans.
- (e) 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).

35. Tree Removal & Replacement

Permission is granted for the removal of the following trees:

- *Lophostemon confertus* – As identified in the Arboriculture Impact Assessment prepared by Dr Trevor J. Hawkeswood.
- Trees 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 as per Rev H, sheet L06, dated 18/12/19 , ten (10) trees have been identified by Zenith Landscape Design

All trees removed from within the site are to be offset via replanting at a ratio of 2 new trees per every tree removed in accordance with Council's Tree Management Policy.

36. 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.

37. Compliance with submitted Arborist Report

The recommendations outlined in both arboriculture Impact Assessments, prepared by Dr Trevor J. Hawkeswood must be implemented throughout the relevant stages of site set up, excavation and construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

38. Parking and Layout

The design of the development shall comply with the following requirements;

- No commercial vehicles such as a SRV, MRV or HRV as defined in the “AS2890.2:2018 - *Off Street Commercial Facilities*” document shall access the basement carpark.
- The applicant shall ensure that the carpark is designed so that all movements can be made in accordance with the swept paths for a B85 vehicle using the turning templates and swept path clearances defined in “AS/NZS 2890.1:2004 - *Off Street Car Parking, Appendix B3.1(b)*” specifically onto and off the driveway ramps.
- Convex safety mirrors are recommended to be installed in the basements to improve driver visibility, especially near the ramps and corners.
- Disabled Parking Spaces and the adjacent shared zone shall comply with “AS/NZS 2890.6:2009 - *Off Street Parking for People with Disabilities*”
- The layout of the proposed car parking and loading areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.
- Bicycle parking associated with the subject development shall be in accordance with AS 2890.3 (Bicycle Parking Facilities).
- Driveway access is 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.

- 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*.
- All vehicles shall enter and exit the premises in a forward direction.

39. Construction materials

Any proposed new cladding shall be constructed of fire resistant materials which comply with the requirements of the National Construction Code (NCC) 2019 Volume (1) One Building Code of Australia (BCA). Details of the proposed materials and finishes shall be to the satisfaction of the Principal Certifier.

40. 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

41. 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.

42. Geotechnical Reports

The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- (c) On-site guidance by a vibration specialist during the early part of excavation.

- (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
- (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

43. Vibration Damage

To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. **The report shall be submitted with the Construction Certificate application.**

44. Slip Resistance

All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any residential unit must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.

45. (This condition number was not in the original consent)

46. 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).

47. Development Engineering - Driveway Construction Plan Details

Engineer's details shall be submitted with the Construction Certificate application regarding the proposed construction of the driveway.

These details shall show longitudinal and cross sections, gradients, swept paths, type of construction materials and shall be designed in accordance with AS/NZS2890.1-2004.

The driveway shall be designed with a surface that shall be non-slip.

48. Construction Traffic Management Plan

A Construction Traffic Management Plan is to be prepared detailing:

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;
- (c) hours of construction activity;
- (d) Access arrangements; and
- (e) Proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council's Engineers. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate. The Construction Traffic Management Plan may require approval from RMS.

49. Waste Storage - Residential and Mixed Use Developments

- (a) The plans shall include details of the waste storage area. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans. The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day. The path to the bin room is to be at least 1.0 metre wide and kept clear and unobstructed at all times. All garbage rooms must have double doors to allow the access of bins from the basement to kerbside.

Residential Waste

The development will require the provision of the following waste and recycling facilities:

Domestic Waste

- (a) A minimum of 20 x 240L or 4x 1100L mobile bins Domestic Recycling

- (b) A minimum of 13 x 240L mobile bins

Green Waste

- (c) A minimum of 1 to 2 x 240 litre mobile bins per unit block.

These figures are based on one weekly collection. If two waste collections occur on a weekly basis the number of bins can be reduced.

- (b) Commercial waste is to be managed in accordance with the Operational Waste Management Plan dated 19 December 2019 Revision B by Elephant's Foot Recycling Solutions.

50. Garbage room sizes

If the designated garbage rooms on basement No.1 are not large enough to cater for the bins that are required by Condition No. 49 a second enclosed space for all recycled materials and bins shall be provided. The designated "storage" area adjoining the driveway ramp along the south-eastern side of the basement level could easily accommodate an additional room for waste.

51. Bulky Goods Waste Room

An area with minimum dimensions of 3m x 3m shall be enclosed and designated as a Bulky Goods Waste/Storage space. This room is to cater for larger goods such as furniture that is to be disposed of and can be stored in this space until collection occurs.

52. Waste Management Plan

The recommendations of the Waste Management Plan prepared by Elephants Foot and dated 19 December 2019 shall be implemented as part of the design of the building and in the future use and operation of the development. Details of compliance shall be provided prior to the issuing of the Construction Certificate.

53. Waste room design

The waste room will contain the following to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:

- waste room floor to be sealed;
- waste room walls and floor surface is flat and even;
- all walls painted with light colour and washable paint;
- equipment electric outlets to be installed 1700mm above floor levels;
- The bin storage rooms will be mechanically exhausted as required by AS 1668.2;
- light switch installed at height of 1.6m;
- waste rooms must be well lit (sensor lighting recommended);
- optional automatic odour and pest control system installed to eliminate all pest types and assist with odour reduction - this process generally takes place at building handover - building management make the decision to install;
- all personnel doors are hinged and self-closing;
- waste collection area must hold all bins - bin movements should be with ease of access;
- Conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensured.
- Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
- Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.

This information shall be reflected on construction drawings submitted to the certifying authority.

54. Commonwealth Disability (Access to Premises) Standard

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (including a 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.

55. Access for Persons with a Disability and Adaptable Housing

Access for persons with disabilities must be provided throughout the site, including to all communal spaces, lobby/entry areas and sanitary facilities in accordance with the requirements of the Premises Standards, the Building Code of Australia and AS 1428.1. Details of which must be submitted with the Construction Certificate Application.

In regards to the above, pedestrian access throughout basement levels shall be highlighted/line marked and sign posted to safeguard egress.

In the event that full compliance cannot be achieved the services of an accredited access consultant is to be obtained to determine alternative methods of compliance, such a report must be submitted to and endorsed by the Certifying Authority prior to issue of the Construction Certificate.

56. Access

The recommendations of the Access Report prepared by Vista Access Architects Reference No. 18216 shall be implemented in the Construction Certificate Plans and Documents.

57. BCA Assessment

The recommendations in the Assessment of BCA Compliance Capability prepared by Certified Building Specialists and dated 26 November 2018 shall be incorporated within the Construction Certificate Plans and relevant documents.

58. Design of the proposed extension to Council's stormwater system.

The submitted design of the proposed extension to Council's stormwater system has been assessed as a concept plan only.

A detailed design is to be prepared to address the following:

- a) The plan is show the position and alignment of all underground services, services pits and power poles in the vicinity of the proposed works. The underground services types, alignments and depth to be determined by a professional service locating contractor.
- b) A long section is to be included that shows existing surface levels, design pipe levels, all junction pits and position / levels of all services that the extension crosses or are in the vicinity (within 2 metres of the works). The long section will need to show that the pipe can be installed with adequate cover, and clearance from all underground service mains. If any service mains are proposed to be adjusted evidence will need to be provided that the relevant service providers will allow the adjustment.
- c) The proposed alignment of the pipe is under the street gutter in close vicinity to two power poles. Note that evidence of any requirements of Ausgrid would need to be forwarded to Council due to excavation within one metre of their poles.
- d) Full construction details of all stormwater pits are to be included All new kerb inlet pits will need to be grated with 1.8m clear opening lintels unless otherwise advised by Council.
- e) A typical pipe trench details is to be included.

- f) The plan is to include the extent and construction details of all required restorations associated with the works.

**59. Prior to Issue of Construction Certificate:
Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993**

The proposed extension of Council's stormwater system is to be approved through Council's Stormwater Drainage Application process as required under Section 138 of the Roads Act 1993 and/or Section 68 Local Government Act 1993.

Notes with respect to lodging this application:

- I. Complete the "Stormwater Drainage Application Form" which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au
- II. In the Application Form, quote the Development Consent No. (eg. DA2018/0081) and reference this condition number (e.g. Condition 10)
- III. 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 Drainage applications.
- IV. 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.
- V. The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

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

60. Stormwater System

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

- (a) All stormwater shall drain by gravity to an upper level of proposed Kerb inlet pit located in Water Street in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- (b) During works, the PCA/builder shall ensure that the stormwater discharge pipe across the footpath is laid with minimum disturbance at a minimum 1% grade to the proposed pit in the street and is made in good working condition.
- (c) There shall be no damage to the adjoining driveway crossing. All damages are to be rectified to its original condition at the cost of the applicant.

- (d) 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.

Design details and certifications shall be submitted for approval with the Construction Certificate application.

61. Stormwater Systems with Basement

The underground basement car park must pump to and all other stormwater must drain by gravity to the drainage system within the site via a silt trap pit.

The design of the proposed drainage system must be prepared by a professional engineer who specialises in hydraulic engineering and be submitted for approval with the Construction Certificate application.

62. Protection of basement from inundation of stormwater waters

The protection of the underground basement shall be protected from possible inundation by surface waters from the street.

Evidence from a professional engineer who specialises in hydraulic engineering that this design requirement has been adhered to shall be submitted with the Construction Certificate application.

63. On Site Detention

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

- a) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden;
- b) at Annual Recurrence Intervals of 2 years and 100 years;
- c) Ensure that the stormwater discharge pipe between the boundary pit and the proposed Kerb Inlet Pit has a minimum 1% gradient.
- d) Overflow from the OSD storage shall be diverted to the proposed Kerb Inlet Pit.
- e) All drainage lines must be accessible for maintenance purposes

Full details shall accompany the application for the Construction Certificate.

64. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the minimum of either 4 litres per second or the rate of inflow generated from 1% AEP 5-minute duration storm event of the area of the contributing ramp that draining into the system;
- b) The pump holding tank shall be capable of holding the total volume of runoff generated by the 1% AEP 3-hour storm event of the area of the contributing ramp assuming pumps are not working.
- c) Install two 900x900 square grates at the opposite corner of the pump sump with proposed 12.0 cubic meter volume is satisfactory.
- d) The pump system shall be regularly maintained and serviced, every six (6) months;
- e) Drainage disposal from a pump system can also be allowed to discharge directly to the OSD tank.

Details and certification of compliance from a qualified and practicing professional civil engineer currently registered with National Engineer Register in Civil Engineering, specialising in stormwater drainage system modelling and design shall be provided for approval with the Construction Certificate application.

(This condition is modified as part of MOD2021/0100 (DA2016/0336))

65. Driveway Construction Plan Details

Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
- c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 3m wide pavement/kerb face to kerb face width, and a non-slip surface.

66. Council Property Shoring

Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

67. Allocation of street addresses

In order to comply with AS/NZS 4819:2011 Rural and Urban Addressing, the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council's requirements, the street address for the subject development is allocated as follows:

Primary Street Address

505 - 507 Rocky Point Road, Sans Souci NSW 2210

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

68. BASIX Commitments

All energy efficiency measures as detailed in the BASIX Certificate referenced in Condition 3 of this consent must be implemented on the plans lodged with the application for the Construction Certificate.

69. Written comments from FRNSW

Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of booster pump and valve rooms and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION AND EXCAVATION)**70. 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).

71. Demolition

Prior to the demolition of the structures on site and prior to the issuing of the Construction Certificate the recommendations of the Geotechnical Investigation Report prepared by Dirt Doctors Pty Ltd, shall be adopted as part of the design and included in the construction management plan for the site.

72. Building – Hoarding Application

Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/roadway where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under s68 of the Local Government Act and s138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party; and
- (e) The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.

73. Building - Structural Engineers Details - Supporting excavations and adjoining land

Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.

74. 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 Certifier for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the Certifier.

75. Registered Surveyor's Report - During Development Work

A report will be submitted to the Certifier 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 will be provided at each subsequent storey.
- (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey will indicate the reduced level of the main ridge.

Work will not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans

76. Dilapidation Report on Public Land

Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site. The report must include the following:

- (i) Photographs showing the existing condition of the road pavement fronting the site
- (ii) Photographs showing the existing condition of the kerb and gutter fronting the site
- (iii) Photographs showing the existing condition of the footpath pavement fronting the site
- (iv) Photographs showing the existing condition of any retaining walls within the footway or road,
- (v) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (vi) The full name and signature of the structural engineer.

The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Certifier and a copy provided to the Council.

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

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

77. Pre-Construction Dilapidation Report (Private Land)

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

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

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

78. Demolition and 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 Principal Certifier 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.

79. 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.

80. Demolition/excavation

Should the site soils require excavation and disposal from the site then these soils should be classified in accordance with the EPA (2014) Waste Classification Guidelines and disposed to an approved landfill facility. Any soils to be imported onto the site for the purpose of back-filling excavated areas will also require validation testing to confirm their suitability for the proposed residential land use.

81. Demolition Notification Requirements

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.

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.

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.

82. 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.

83. Erosion and Sedimentation Control

Erosion and sediment controls must be provided in accordance with the approved Site Management Plan.

Removal or disturbance of vegetation and top soil is confined to within 3 m of the approved building area (no trees to be removed without approval). All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.

All clean water run-off is diverted around cleared or exposed areas.

Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways.

Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway. Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#) is to be met.

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.

84. Site sign – Soil and 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.

85. Physical connection of stormwater to site

No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to the proposed Kerb Inlet Pit within the property frontage.

86. 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 1.2m metre wide footpath for the full length of the frontage 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 frontages on both streets 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 boundary line levels shall remain to be higher than the top of kerb in the street.

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.

87. Waste Storage

The number of bins required for this property is in accordance with Condition 49. Bins will be collected at least once a week.

The waste room will contain the following to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:

- i) floor to be sealed;
- ii) walls and floor surface is flat and even;
- iii) all walls painted with light colour and washable paint;
- iv) equipment electric outlets to be installed 1700mm above floor levels;
- v) is mechanically exhausted as required by AS 1668.2;
- vi) must be well lit (sensor lighting recommended); a light switch is installed at height of 1.6m;
- vii) an optional automatic odour and pest control system may be installed to eliminate all pest types and assist with odour reduction;
- viii) all personnel doors are hinged and self-closing; and
- ix) conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensure that the bin movements should be with ease of access.
- x) Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
- xi) Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.

DURING CONSTRUCTION

88. Hazardous or Intractable Waste – Removal and Disposal

Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and with the provision of:

- a) Work Health and Safety Act 2011 (NSW) (as amended);
- b) Work Health and Safety Regulation 2011 (as amended);
- c) Protection Of the Environment Operations Act 1997 (NSW) (as amended); and
- d) Protection of the Environment Operations (Waste) Regulation 2014 (as amended)

89. 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.

90. 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.

91. Hours of construction for demolition and building work

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

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

92. 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 Principal Certifier, and Council, where Council is not the Principal Certifier.

93. Site contamination – Discovery of Additional information

Any Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

94. 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.

95. Registered Surveyors Report - During Development Work

A report must be submitted to the Principal Certifier at each of the following applicable stages of construction:

- (i) Set out before commencing excavation;
- (ii) Floor slabs or foundation wall, before formwork or commencing brickwork;
- (iii) 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;
- (iv) 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;

- (v) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries;
- (vi) 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 Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

96. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

97. Completion of Landscape Works

All landscape works must be completed **before** the issue of the Final Occupation Certificate in accordance with approved landscape plans and specifications, drawn by Zenith Landscape Designs Pty Ltd Job no. 18-3687, Rev H, dated 18/12/19. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following –

- (a) The proposed tree and plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan, revision H. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives. All trees nominated upon the landscape plan shall be of minimum size 75 litre pot/ bag size.
- (b) All trees proposed upon the approved landscape plan shall comply with AS 2303 – 2018, *Tree Stock for Landscape use* and *NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)*, and be planted and maintained in accordance with Councils standard specification.
- (c) If the planted trees and plants are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.
- (d) *A certificate of compliance for the planting of all trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.*

98. Major Development

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

99. Post Construction Dilapidation report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the five adjoining premises.

The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the Principal Certifier prior to the issue of any Occupation Certificate.

100. Traffic Control Devices

The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with Australian Standard - AS1742, Manual of Uniform Traffic Control Devices.

If an exit from car park utilises a pedestrian footpath, then a warning system such as flashing light and/or 'alarm sound' must be installed on the subject property to alert pedestrians of vehicles exiting the car park. The Alarm System must be designed and installed in accordance with AS2890.1 -2004.

101. 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 an occupation certificate.

102. 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

The registered proprietor of the lot(s) hereby burdened will in respect of the system:

- i) keep the system clean and free from silt, rubbish and debris*
- ii) 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*
- iii) 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*
- iv) 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.*

Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:

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 b) (iii) above.

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 (c) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (c) 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.

103. Maintenance Schedule for On-site Stormwater Management

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

104. Requirements prior to the issue of the Occupation Certificate

The following shall be completed and or submitted to the Principal Certifier 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) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- c) Construct any new vehicle crossings required.
- d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the Principal certifier prior to the issue of the Occupation Certificate.

Vehicular crossing & Frontage work – Major development

The following road frontage works shall be constructed in accordance with Council's Specification for Vehicular Crossings and Associated Works together with the Vehicular Crossing Approval issued by Council's Engineering Services Division:

- (a) Construct a 1.2 metre wide footpath for the full length of the frontage of the site in Rocky Point Road and Water Street as per the approved drainage plan and subject to the satisfaction of Council's Asset's engineer in accordance with Council's Specifications for footpaths.
- (b) Construct the vehicular crossing in accordance with Council's Specifications for vehicular crossings. The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- (c) 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.
- (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.

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

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

105. Completion of major road related 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) Driveways and vehicular crossings within the road related area;
- (b) Removal of redundant driveways and vehicular crossings;
- (c) New footpaths within the road related area;
- (d) Relocation of any existing above ground utility services
- (e) Relocation/provision of street signs
- (f) New or replacement street trees;
- (g) 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.
- (h) New or reinstated kerb and guttering within the road related area; and
- (i) New or reinstated road surface pavement within the road.

Council's Engineering Services 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.

106. Dilapidation Report on Public Land

Upon completion of works, a follow up dilapidation report must be prepared or the items of Council infrastructure adjoining the development site. The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (i) Photographs showing the condition of the road pavement fronting the site;
- (ii) Photographs showing the condition of the kerb and gutter fronting the site;
- (iii) Photographs showing the condition of the footway including footpath pavement fronting the site;
- (iv) Photographs showing the condition of retaining walls within the footway or road;
- (v) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (vi) The full name and signature of the professional engineer.

The report must be provided to the Principal Certifier and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether or not to refund the damage deposit.

107. Stormwater drainage works – Works As Executed

Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- a) Compliance with conditions of development consent relating to stormwater;
- b) The structural adequacy of the On-Site Detention system (OSD) for OSD tanks;
- c) Volume of storage available in any detention areas;
- d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- e) The orifice size/s.
- f) 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;
- g) Pipe invert levels and surface levels to Australian Height Datum;
- h) 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.
- i) Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed for the works within the public domain area prior to the issue of an Occupation Certificate.

108. 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 that:

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

109. Structural Certificate During Construction

The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.

110. 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 Report** for No. 505-507 Rocky Point, Sans Souci Reference No.: 2018-198 prepared by Acoustic, Vibration and Noise Pty Ltd” dated 21 May 2018.

111. BASIX Certificate

All energy efficiency measures as detailed in the approved BASIX and in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

112. Maintenance Schedule – On-site Stormwater Management

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

113. Acoustic Certification

Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant will certify that the operation of the premises and plant equipment will not give rise to a sound pressure level at any affected premises that exceeds the relevant acoustic criteria. The development will at all times comply with these noise levels post occupation.

114. Certification - Air handling systems (including water-cooling system, hot-water systems and warm-water systems)

Certification by a suitably qualified person engineer '2012 must be submitted to the PCA prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:

- (a) Public Health Act 2010 (as amended)
- (b) Public Health Regulation 2012 (as amended)
- (c) AS/NZS 3666.1:2011 Air-handling and water systems of buildings -Microbial control -Design, installation and commissioning

OPERATIONAL CONDITIONS (ONGOING)

115. 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).

116. Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with the Acoustic Report submitted by Acoustic, Vibration and Noise Pty Ltd titled "Acoustic Report for No. 505-507 Rocky Point, Sans Souci Reference No.: 2018-198" dated 21 May 2018.

117. Rooftop access restricted

Access to the rooftop area is to be restricted to that required for maintenance purposes only.

118. 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.

119. 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.

120. Boundary fencing

Any new boundary fencing erected along the side and rear boundaries shall not exceed a height of 1.8m unless specified by any other conditions.

121. Safety

All communal entrances for the building will be capable of being secured. Entry doors are to be self-closing and signs are to be displayed requesting that building occupants not wedge doors open.

122. Security

If any security screens/grilles are installed, they are to be openable from within the building.

123. Building identification

Numbering that presents to public areas (i.e. the adjoining road reserve) are to be at least 7cm high and are to be situated 1-1.5m above ground level on the street frontage. The numbering is to be constructed from durable materials and shall not be obscured by vegetation.

124. Entering & Exiting of vehicles

All vehicles shall enter and exit the premises in a forward direction.

125. 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.

126. Responsibility of Owners Corporation

The Owners Corporation shall be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

127. Maintenance of Landscaping

All trees and plants forming part of the approved landscaping in must be maintained in perpetuity. 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.

128. 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.

129. Waste facilities

Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored. Cleaners must monitor the bin storage area and all spills need to be attended to immediately by cleaners.

130. Activities and Storage of Goods Outside Buildings

There will 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.

131. Disability Discrimination Act

The applicant is responsible to ensure compliance with this and other anti-discrimination legislation.

132. Intensity of carpark lighting

Prior to occupation, the intensity of lighting at the entrance to the basement carpark is to be designed to allow for progressive adjustment of light.

133. Removal and collection

Bins are to be taken to the kerbside for collection and garbage bins and recycling bins are to be collected on a weekly basis. They are to be collected from the kerbside and removed from the kerbside as soon as possible after collection.

134. Allocation of Car Parking Spaces

A total of eighty (80) car parking spaces, and a minimum of twenty-two (22) bicycle parking spaces associated with the development is to be allocated as follows, sign posted and/or line marked accordingly:

- Seventy three (73) residential spaces, including designated accessible spaces.
- Eight (8) dedicated visitor spaces.
- One (1) of the visitor spaces can also be a shared as a wash bay.
- Seventeen (17) bicycle spaces.
- Nine (9) spaces dedicated to the commercial/retail component
- One Loading bay marked and signposted accordingly
- The turning bay shall be signposted and remain free at all times.

135. Development Engineering - Conditions relating to future Strata Subdivision of Buildings

No approval is expressed or implied for the subdivision of the subject building(s). For any future Strata subdivision, a separate Complying Development Certificate shall be approved by Council or an Accredited Certifier.

Prior to the issue of any Strata Certificate of the subject building(s) the following conditions shall be satisfied:

(a) Unit Numbering

Apartment type numbers shall be installed adjacent or to the front door of each unit.

The unit number shall coincide with the strata plan lot numbering.

(b) Car Parking Space Marking and Numbering

Each car space shall be line marked with paint and numbered in accordance with the strata plan lot numbering.

"Visitor Parking" signs shall be installed adjacent to any and all visitor car spaces prior to the issue of any Strata Certificate.

(c) Designation of Visitor Car Spaces on any Strata Plan

Any Visitor car spaces shall be designated on the final strata plan as "Visitor Parking - Common Property".

(d) Allocation of Car Parking Spaces, Storage Areas and Common Property on any Strata Plan

- I. All car parking spaces shall be created as a part lot of the individual strata's unit lot in any Strata Plan of the subject building.
- II. All storage areas shall be created as a part lot of the individual strata's unit lot or a separate Utility Lot (if practical) in any Strata Plan of the subject building.
- III. The minimum number of parking spaces required to be allocated as a part lot to each individual strata's unit lot shall be in accordance with the car parking requirements of Council's Development Control Plan and as required by the relative development consent for the building construction.
- IV. No parking spaces shall be created as an individual strata allotment on any Strata Plan of the subject building unless these spaces are surplus to the minimum number of parking spaces required.

If preferred the surplus car spaces shall be permitted to be created as separate Utility Lots, (instead as a part lot of the individual strata's unit lot), in accordance with section 39 of the Strata schemes (freehold development Act 1973).

The above requirements regarding car parking spaces and storage areas may only be varied with the conditions of a separate Development Application Approval for Strata Subdivision of the Building(s).

(e) On Site Detention Requirements

The location any on-site detention facility shall be shown on the strata plan and suitably denoted.

(f) Creation of Positive Covenant

A Positive Covenant shall be created over any on-site detention facility by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

"It is the responsibility of the Owner's Corporation to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The on-site detention facilities shall not be modified in any way without the prior approval of Georges River Council."

Georges River Council is to be nominated as the Authority to release, vary or modify this Covenant.

136. Strata Subdivision

Council will check the consent conditions on the relevant Strata Subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision. Council will undertake the required inspections to satisfy the requirements of the [Strata Schemes Development Regulation 2016](#) to determine the Strata Certificate.

Strata Plans, Administration Sheets, 88B Instruments and copies must not be folded. All Strata Plans, Strata Plan Administration Sheets and 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**137. Requirement for a Construction Certificate**

The erection of a building must not commence until a Construction Certificate has been issued.

138. Appointment of a Principal Certifier

The erection of a building must not commence until the applicant has:

- i) appointed a Principal Certifier for the building work; and
- ii) if relevant, advised the Principal Certifier 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:

- i) 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
- ii) notify the Principal Certifier of the details of any such appointment; and
- iii) 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.

139. Notification of critical Stage Inspections

No later than two days before the building work commences, the Principal Certifier 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.

140. Notice of Commencement

The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection of a building.

141. Critical Stage Inspections

The last critical stage inspection must be undertaken by the Principal Certifier. 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.

142. Notice to be given prior to critical stage inspections

The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out. Where Georges River Council has been appointed as the Principal Certifier, 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.

143. Occupation Certificate

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the building work can issue the Occupation Certificate.

PRESCRIBED CONDITIONS

144. Clause 97A - BASIX Commitments

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

145. 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.

146. 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 Principal Certifier and the Principal Contractor.

147. 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.

148. 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.

149. 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

150. Review of Determination

Section 82A 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.

151. Appeal Rights

Division 8 (Appeals and Related matters) Part 4 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.

152. 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 95 of the Environmental Planning and Assessment Act 1979 as amended.

153. Council as PCA

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

154. 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 BCA. 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

155. Compliance with Access, Mobility and AS4299

Adaptable Housing - Should the Council be appointment as the PCA, the Construction Certificate Application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Council's DCP and AS 4299 Adaptable Housing.

156. Council as PCA - Total Conformity with BCA

Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
- Provision of natural light to all habitable areas.
- Fire-fighting services and equipment including hydrant and booster assembly systems, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems and sound & warning systems.
- Emergency lighting and exit signs throughout, including terrace areas, lobby and basement areas.
- Construction of all fire (smoke) doors including warning and operational signage to required exit and exit door areas.
- Egress, travel distance and the discharge from an exit including the swing of exit doors.
- The protection of openings including spandrel separation.
- Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- Protection of openings including paths of travel from fire isolated exists
- Re-entry facilities from fire isolated exit stairways.
- Sound transmission and insulation details.
- Window schedule is to include the protection of openable windows.
- The location of sanitary facilities for employees in accordance with Table F2.1

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

157. 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.

158. 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 (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

159. 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.

160. Stormwater & Ancillary Works

Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993 - To apply for approval under Section 138 of the [Roads Act 1993](#):

- (a) Complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au.

- (b) In the Application Form, quote the Development Consent No. (DA2018/0303) and reference the relevant condition number.
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications

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

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

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

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

161. 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.

162. Noise

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.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).
 - (b) Department of Environment and Conservation NSW, Noise Policy Section web page (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).
 - (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).
- Department of Gaming and Racing-(www.dgr.nsw.gov.au).

163. Acoustic Engineer Contacts & Reference Material

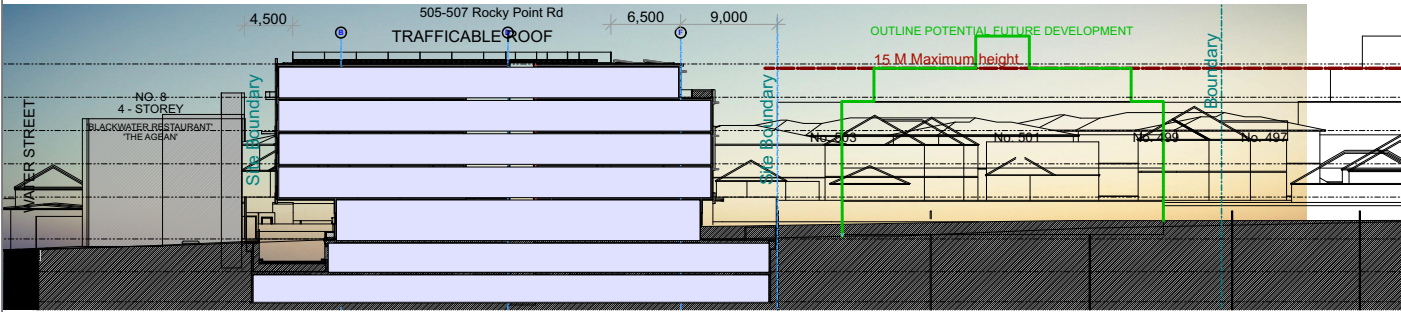
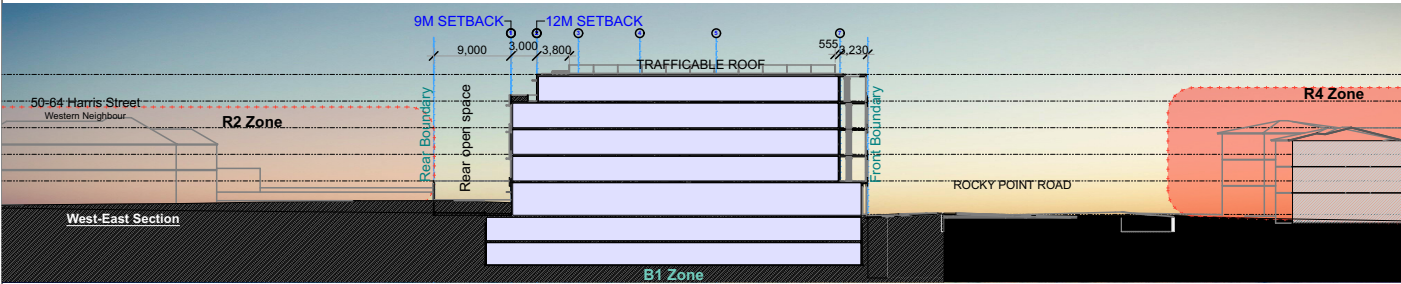
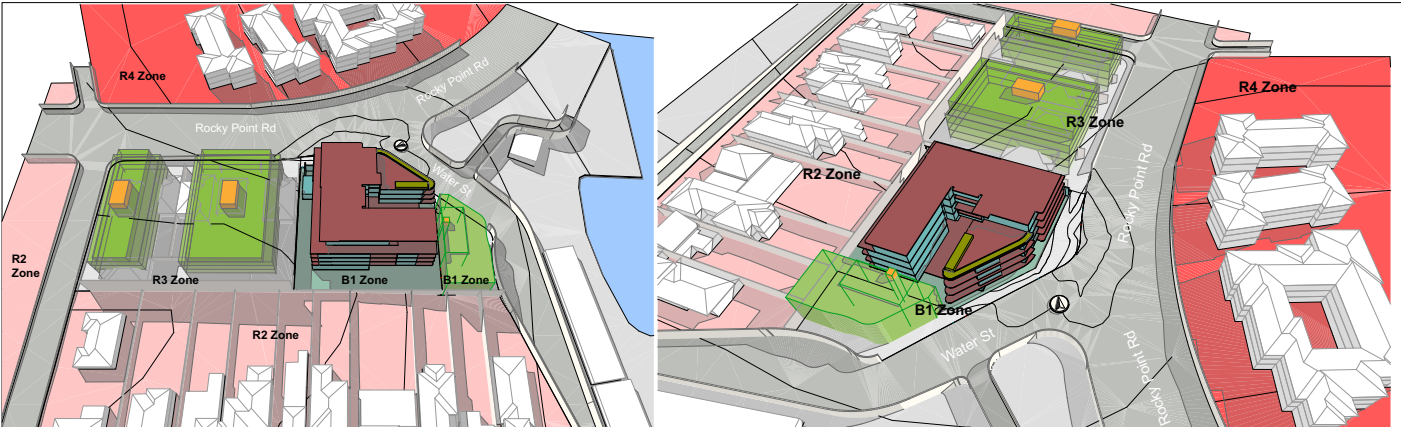
Further information including lists of Acoustic Engineers can be obtained from:

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

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

ATTACHMENTS

Attachment  1  Site Plan an Elevations



Change List	
ID	Name
CC-B-01	DELETION OF UNIT AND AMALGAMATION OF ADJACENT UNITS
CC-B-02	UNIT 502 PRIVATE COURTYARD AND PRIVACY SCREENING
CC-B-03	RELOCATE STAIR FOR ROOFTOP ACCESS
CC-B-04	WALL MOVED CLEAR OF LIFT OPENING
CC-B-05	REVISED LIFT AND SURROUNDING STRUCTURES TO FIT
CC-B-06	PARKING CHANGED TO SMALL CAR SPACES
CC-B-07	MOVED FIRE STAIR WALL AND AIRLOCK WALLS CLEAR OF FIRE PUMP CIRCULATION
CC-B-08	AMEND DOOR TO BECOME WINDOW
CC-B-09	REDUCED ROOFTOP PLANTER WIDTH
CC-B-10	PHOTOVOLTAIC PANELS TO ROOF TOP
CC-B-11	SUBSTATION LEVELS AMENDED IN ACCORDANCE WITH AA POWER ENGINEERING AND AUSGRID REQUIREMENTS
CC-B-12	NEW DOORS AND WINDOWS
CC-B-13	PROPOSED TRAFFICABLE ROOFTOP AREA AND FENCING
CC-B-14	WINDOW SIZE CHANGE
CC-B-15	DOORS AND WINDOWS DELETED
CC-B-16	RELOCATED FEATURE COLUMN TO OPPOSITE OF DRIVEWAY
CC-B-17	REDUCED SHOP WINDOW TO BE PROTECTED FROM SUBSTATION
CC-B-18	ELECTRICAL ROOM DOORS ENLARGED
CC-B-19	NEW STRUCTURAL COLUMN TO ENGINEERS DETAILS
CC-B-20	AMENDED SUBSTATION ROOFTOP PLANTING AND BALCONY

CD-A	---	FUTURE CONSTRUCTION DOCUMENTATION DRAWINGS
CC-B	15-10-21	REVISED SUBSTATION SECTION I-I + NEW SECTION C-C
CC-B	27-04-21	NEW SUBSTATION SECTION I-I
CC-B	09-03-21	UPDATED SITE PLAN TO SHOW WATER MAIN
CC-A	3-12-2020	CONSTRUCTION CERTIFICATE ISSUE
CC-A	20-10-2020	SITE PLAN PUBLIC DOMAIN WORKS ISSUED
REVISION	DATE	DESCRIPTION

NOTE:
- Do not scale off the drawings
- All works to be set out by a registered surveyor
- Builder and contractors to verify all dimensions and levels as well as notify the architectural designer of any discrepancies prior to commencing any work
- Refer to engineering drawings for all structural details
- Not for construction unless noted otherwise
in the issue and revision block
- The design is licensed only to be used by the stated client and for that particular project as shown on the drawings and documents
- These drawings are not to be reproduced and ownership is not transferable without the written permission of
- Refer to specifications in conjunction with these drawings.
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NOMINATED ARCHITECT THOMAS POTTER 7467
NOMINATED ARCHITECT AILEEN O'NEILL 7728

Project SECTION 4.55
RESIDENTIAL DEVELOPMENT
505 - 507 ROCKY POINT ROAD
SANS SOUCI
NSW 2210

Drawing STREET CHARACTER	Drawing No S02
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Scale 1:500, 1:400 @ A3 DOUBLE @ A1	Issue date 15-10-2021	Revision S4.55
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