

## AGENDA - IHAP

<b>Meeting:</b>	Georges River Independent Hearing Assessment Panel (IHAP)
<b>Date:</b>	Wednesday, 31 January 2018
<b>Time:</b>	4.00pm
<b>Venue:</b>	Dragon Room, Georges River Civic Centre, corner MacMahon and Dora
<b>Participants:</b>	Paul Vergotis (Chairperson) Gabrielle Morrish (Panel Member) Juliet Grant (Panel Member) George Vardas (Community Representative)
<b>Additional Invitees:</b>	Meryl Bishop (Director Environment and Planning) Tina Christy (Manager Development and Building) Cathy Mercer (Team Leader Administration)

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### 1. On Site Inspections - 1.00pm –3.30pm

- a) 7 Wharf Road Kogarah Bay
- b) 16-18 Thurlow Street Riverwood
- c) 24-24B Barry Avenue Mortdale

### Break - 3.30pm

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

#### Public Meeting Session Closed - 6.00pm

(Break – Light Supper served to Panel Members)

**3. Reports and IHAP Deliberations in Closed Session - 6.30pm**

<b>Item:</b>	<b>DA No:</b>	<b>Address:</b>	<b>Description:</b>
3.1	DA2017/64	7 Wharf Road Kogarah Bay	Construction of a new three level attached dual occupancy with swimming pools and outbuildings to each dwelling
3.2	DA2017/0265	16 - 18 Thurlow Street Riverwood	Demolition of existing structures and construction of a new multi-dwelling housing development including strata subdivision (SEPP Affordable Rental Housing 2009)
3.3	DA2017/0044	24 - 24B Barry Avenue Mortdale	Demolition of existing structures and construction of new light industrial building with parking

**4. Confirmation of Minutes by Chair**

# **REPORT TO GEORGES RIVER COUNCIL**

## **IHAP MEETING OF WEDNESDAY, 31 JANUARY 2018**

<b>IHAP Report No</b>	<b>3.1</b>	<b>Application No</b>	<b>DA2017/64</b>
<b>Site Address &amp; Ward Locality</b>	7 Wharf Road, Kogarah Bay Kogarah Bay Ward		
<b>Proposal</b>	Construction of a new three level attached dual occupancy with swimming pools and outbuildings to each dwelling		
<b>Report Author/s</b>	Development Assessment Officer		
<b>Owners</b>	Mr A & Mrs D Mohana		
<b>Applicant</b>	Zoabi Tawadros Architecture		
<b>Zoning</b>	R2 – Medium Density Residential		
<b>Date Of Lodgement</b>	28/03/2017		
<b>Submissions</b>	One (1)		
<b>Cost of Works</b>	\$1,342,550.00		
<b>Reason for Referral to IHAP</b>	DCP Variations and unresolved objections		

<b>Recommendation</b>	Approval
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### **Site Plan**



## Executive Summary

### Proposal

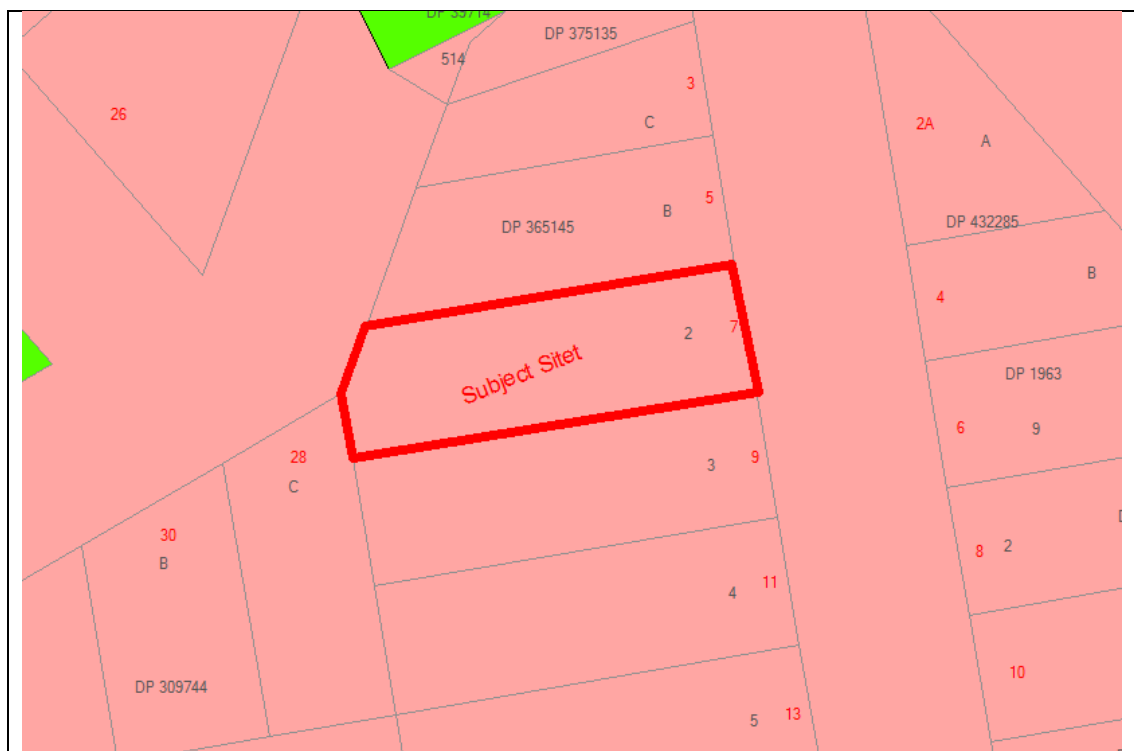
1. Council is in receipt of an application for the construction of a new three level attached dual occupancy with swimming pools and outbuildings to each on the subject site.

### Site and Locality

2. The subject site is located on the western side of Wharf Road comprising of a street frontage width of 15.24m, site lengths of 44.3m (northern) and 48.4m (southern) yielding a total site area of 723.4m<sup>2</sup>.

### Zoning and Compliance with LEP Standards

3. The subject site is zoned R2-Low Density Residential Zone 2012 and the proposal is a permissible form of development with Council's consent. The proposed development satisfies the objectives of the zone.



### Development Control Plan

4. The proposed development satisfies the objectives of the applicable DCP and complements the existing streetscape character. However, the proposal does not comply with Council's controls for:

- Ceiling Height
- Front Setback

### Submissions

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

- The design of the development
- Height and Floor Space non-compliances
- Setbacks and depth of development
- Privacy

### Level of Determination

6. The application is forwarded to the IHAP for determination due to unresolved submissions and DCP variations sought.

### Conclusion

7. Having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment of the proposal, Development Application No.2017/0064 should be approved.

## Report in Full

### Proposal

8. Council is in receipt of an application for the construction of a new three level attached dual occupancy with swimming pools and outbuildings to each on the subject site.

### The Site and Locality

9. The subject site is located on the western side of Wharf Road comprising of a street frontage width of 15.24m, site lengths of 44.3m (northern) and 48.4m (southern) yielding a total site area of 723.4m<sup>2</sup>. The subject site presents a notable slope from the street towards the rear where it is densely vegetated.



*Figure 1: Aerial photo with the subject site identified*

### Background

10. The application was submitted with Council on 28 March 2017. A stop the clock letter was sent to the applicant on 12 April 2017 requesting that additional information be provided.
11. The requested information was submitted with Council on 31 May 2017. These plans were placed on neighbour notification from 22 June to 6 July 2017 where one submission was received raising concern to bulk and scale, privacy impacts and front setback.



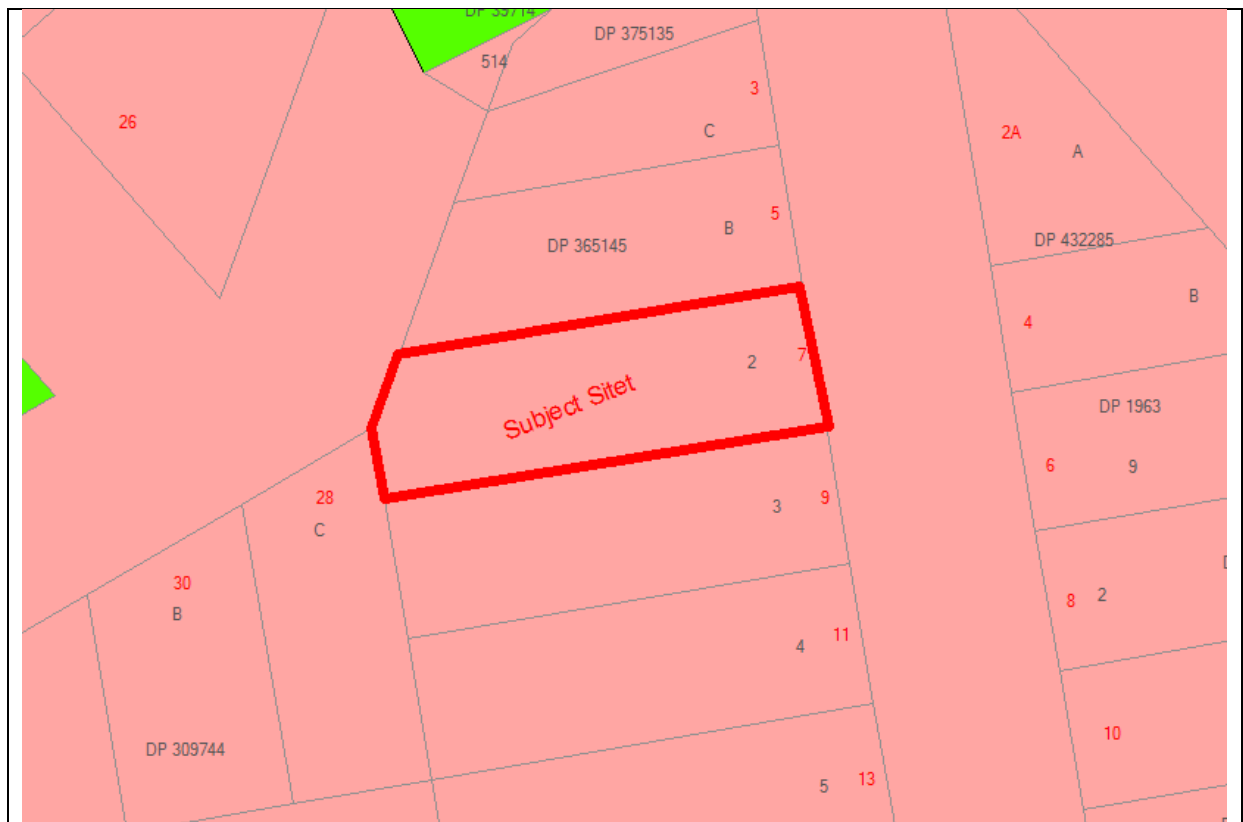
12. Further plan amendments were made and these were submitted with Council on 7 September 2017. The plans were neighbour notified from 14 September to 28 September 2017 where one submission was received raising concern to height, FSR, front setback, design of the dual occupancy and privacy.
13. A number of discussions were held with the applicant in regards to the numerous outstanding concerns that were still not addressed. These concerns were primarily related to the overall scale of the building in relation to neighbouring properties and the resulting visual impact that would be incurred by these properties.
14. A number of plan revisions were undertaken the last of which was submitted with Council on 15 December 2017. These revisions satisfactorily addressed the remaining concerns and did not require renotification as the amendments involved a notable reduction to the visual bulk of the dwelling when viewed from neighbouring properties. This report has been prepared on the plans and information received on this date.

## **Kogarah LOCAL ENVIRONMENTAL PLAN 2012**

### **Part 2 – Permitted or Prohibited Development**

#### **Clause 2.1 – Land Use Zones**

15. The subject site is zoned R2-Low Density Residential Zone under Kogarah Local Environmental Plan 2012. The proposal is a permissible form of development with Council's consent. The proposed development satisfies the objectives of the zone.



*Figure 2: Zoning map extract with the subject site identified*

### **Part 4 – Principal Development Standards**

Applicable LEP Clause	Development Standard	Development Proposal	Compliance/ Comment
<b>4.1B</b> Minimum Lot size for dual occupancies	650m <sup>2</sup>	723.4m <sup>2</sup>	Yes
<b>4.3</b> Height of Buildings	9m	8.8m	Yes
<b>4.4</b> Floor Space Ratio	0.6:1 (434m <sup>2</sup> )	0.49:1 (354m <sup>2</sup> )	Yes

## Part 5 – Miscellaneous Provisions

### Clause 5.10 – Heritage Conservation

16. The subject site is not listed as a heritage item in Schedule 5, is not within a Heritage Conservation Area, nor are there any heritage items located nearby.

## Part 6 – Additional Local Provisions

### Clause 6.1 – Acid Sulfate Soils

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

### Clause 6.2 – Earthworks

18. The proposed earthworks are considered acceptable having regard to the provisions of this clause as the works are not likely to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

### Clause 6.3 – Flood Planning

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

## State Policies

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

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

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

22. Given the history of residential uses on the site, site contamination is not suspected.

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

23. One (1) small (bottlebrush) is located on Council's nature strip adjacent to the site. This tree is being removed to make way for the new central driveway. This tree is of little amenity, aesthetic or ecological value and contributes to the streetscape character to a negligible degree. The replacement tree proposed to be planted along Council's nature strip will more than compensate for the loss of this tree.
24. In regards to the *Glochidian ferdinandi* and the *Ficus macrocarpa* located at the rear of the site, these trees are considered significant on the site and have been nominated for

retention. These trees shall be protected in accordance with the requirements of Section 4 - Australian Standard AS 4970-2009 - Protection of trees on development sites.

25. As a result, the proposed Gazebos along the rear boundary of the site need to be deleted. A consent condition will be imposed outlining the requirement to have the Gazebos deleted and the landscape and architectural plans to be made reflective of this amendment.

### **Deemed State Environmental Planning Policy – Georges River Catchment**

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

### **Draft Environmental Planning Instruments**

27. There are no draft planning instruments that are applicable to this site.

### **Development Control Plans**

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

### **Streetscape Character**

#### **Building Scale**

29. The proposal results in a built form that will present as three residential levels/storeys. Considering the site slope exceeds 1:8 or 12.5%, three residential levels are considered acceptable and consistent with the DCP design objectives. The proposed building has been appropriately designed to respond to the topography of the site which presents a notable slope from the street towards the rear while the resulting built form is consistent with that of the neighbouring dwellings adjoining the site to the north and south.
30. The proposal will comprise of a maximum ceiling height of 8m along both the northern and southern elevations that exceeds the maximum 7.2m ceiling height as outlined in the DCP. The extent of non-compliance is limited to a length of 4m and identified in the location of the garage windows on the lower ground floor where the disparity in land levels is most evident. The remainder of the dwelling along both the northern and southern elevations is located well within the allowable ceiling height limits. In regards to potential impacts, the non-compliance is not anticipated to result in the creation of any adverse visual bulk nor will it result in the creation of an unreasonable overshadowing to neighbouring properties.
31. Further, the overall height of the building complies with the 9m maximum height limit as outlined in KLEP 2012. The non-compliance with ceiling height is supported.
32. In regards to second storey depth, the development does not protrude beyond the 60% allowable depth limit.

#### **Rhythm of Built Elements in the Streetscape**

33. Council's DCP requires a primary setback of 5.75m being the average setback of the two neighbouring properties located at 5 and 9 Wharf Road.
34. The development presents a predominant setback to the external face of the facade of 10.49m. Along the northern elevation, the protruding balcony element off Dwelling A presents a street setback of 4.87m that from a visual perspective can be interpreted as



the primary building line. Along the southern side, the protruding balcony element is setback 8.45m from the street edge that again can be interpreted as the primary building line.

35. In regards to existing setbacks of the adjoining dwellings, to the north 5 Wharf Road is setback 4.6m from the street while to the south, 9 Wharf Road is setback 6.9m from the street. The proposed setbacks of this development while not entirely consistent with the setbacks of the neighbouring properties when measured to the extremal dwelling facades are considered to provide a suitable level of transition which has been achieved with the introduction of protruding balcony elements. This design outcome will result in greater visual consistency with the established setbacks of the neighbouring dwellings as currently observed.
36. Side setbacks are a minimum of 1.2m along both the northern and southern side elevations while a minimum rear setback of 19m is provided complying with Council controls.

#### Fenestration and External Materials

37. The development will incorporate a mix of finishes that will include render, face brick, timber cladding and aluminium black framed glazing. The finishes proposed are consistent with that identified on more modern contemporary homes which are slowly becoming more evident within both the sites immediate and local context.

#### Street Edge

38. A maximum 1m high rendered and painted fence with aluminium pedestrian gates is proposed along the street edge. The height and style of the proposed fence is not inconsistent with that identified along the street edge.

#### **Open Space**

39. The proposal results in 27.6% or 199m<sup>2</sup> complying with Council controls of 15% or 108m<sup>2</sup>.

#### **Vehicular access, Parking and Circulation**

40. The proposal provides two car spaces to each dwelling that exceeds Council DCP controls requiring the provision of 1.5 spaces per dwelling.

#### **Privacy**

41. Windows have been suitably offset from that of the neighbouring glazed areas while increased sill heights and elongated windows will further reduce the potential for overlooking into neighbouring properties. In regards to balcony areas, these balconies incorporate privacy screens along the northern and southern side balcony perimeters located off the living areas and master bedrooms reducing the potential for direct overlooking into neighbouring properties.

#### **Solar Access**

42. The DCP states that at least 50% of the primary open space area of the proposed development should have access to a minimum of 4 hour hours of sunlight between 9am and 3pm on 21 June. In addition, the DCP requires at least 50% of the neighbouring existing principal open space or windows to main living areas must receive a minimum of 3 hours of sunlight between 9am and 3pm on 21 June. The proposal satisfies these requirements.

## **Views and View Sharing**

43. The proposal does not result in the creation of any adverse view impacts to neighbouring properties.

## **Attached Dual Occupancy & Secondary Dwellings**

44. The proposed development is subject to the specific controls for attached dual occupancies & secondary dwellings contained within Section 2 – Dual Occupancy & Secondary Dwellings of KDCP2013. The following comments are made with respect to the proposal satisfying the relevant objectives and controls contained within the DCP.

### Attached Dual Occupancy Provisions

45. The relevant controls (where not discussed elsewhere in this report) are outlined and addressed as follows:
- *Each dwelling within an attached dual occupancy development should either be side by side or one dwelling above the other.*
46. Comment: The dual occupancy is designed such that each dwelling is side by side and thus complies.
- *One dual occupancy dwelling must not intrude into the rear yard further than 5 metres beyond the other.*
47. Comment: Dwelling B intrudes into the rear yard of dwelling A by a maximum of 4m.
- *Attached dual occupancies should take account of the building form and roof lines of adjoining dwellings, where a pattern is established by a group of adjoining houses.*
48. Comment: There is little consistency in terms of the built form of existing dwellings in the immediate locality of the site. The proposal's individual architectural expression is acceptable in the circumstances.
- *No more than one third of the width of the frontage of a property should be used for driveways and access ways.*
49. Comment: The proposal does not comply with this control in that approximately 55% of the width of the frontage is used for driveways and pathways. This is mainly a consequence of the proposal adopting a more contemporary design approach whereby each dwelling within the dual occupancy has its own individual driveway access. This design approach has advantages over the more traditional approach utilising a shared driveway, in that a better streetscape presentation is often achieved in terms of minimising the visual impact of garaging within front facades.
50. The overall extent of driveways has been minimised as far as practicable consistent with the contemporary design approach that has been adopted. The landscape plan submitted with the application includes an appropriate mix of tree, shrub and groundcover planting to adequately soften the visual impact of the hard paved areas forward of the building line.
- *Access to garaging and additional parking spaces for dual occupancy dwellings should not result in large expanses of paved surfaces to the front of the building.*

51. Comment: The garaging for the dual occupancy development does result in visible expanses of paved surfaces; however, these surfaces will not be visually apparent from the street edge. The proposed driveways slope away from the street edge and are located well below the public domain view line. Additionally, appropriately dimensioned landscaped zones are provided between each driveway and the neighbouring boundary. These zones provide a balance between the paved and landscaped areas along the front of the building.
- *Garages for each dwelling within an attached dual occupancy development must be single fronted only. However, garages that provide for tandem parking may be acceptable.*
52. Comment: The proposed garages are double fronted and do not comply. Having said this, the garages have been designed to sit below the street level line and are setback 10.49m from the street edge ensuring that no visual impacts will result from this design outcome.
- *Where existing dwellings in a streetscape are on one side of a block and have a side driveway, this pattern should also be observed by the design of the attached dual occupancy.*
53. Comment: Whilst older housing stock in the street generally includes side driveways, the majority of newer dwellings do not incorporate this design element. Whilst the proposal does not strictly replicate this pattern of development, it nonetheless results in an acceptable streetscape presentation, particularly given that the garaging and associated driveway areas have been designed such that they recede into rather than dominate the built form.
- *Attached dual occupancies should not have central garages or driveways.*
54. Comment: Whilst the garages and associated driveways are centralised contrary to this control, they nonetheless result in an acceptable streetscape presentation. In this regard, the garages are recessed and setback further from the street than the front balconies.

### **Ancillary Structures**

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

### Outbuildings

56. Detached gazebos are proposed along the rear boundary. As the proposed gazebos will have an adverse impact on the retention of two (2) significant trees along the rear of the site, a consent condition is being imposed requiring their deletion. This was discussed earlier in this report.

### Swimming Pools, Spas & Associated Enclosures

57. Individual swimming pools are proposed to the rear of each dwelling. Both pools are centrally located within the rear yards and are provided with generous separation from the neighbouring boundaries. While the pool coping levels of the pools are 2m above the natural ground lines in each location, the generous separation of the pools from the neighbouring boundaries and the landscape buffer provided between the pools and the

boundary will ensure that no unreasonable impacts will result. A consent condition will be imposed outlining that the private open space area of Dwelling B adjacent to the pool be a maximum RL16.5. This will further ensure that no adverse amenity impacts will result to neighbouring properties.

### **Section 94 Contributions**

58. The proposal requires payment of \$11,047.08 in Section 94 contributions based on the provisions of Council's Section 94 Contributions Plans for Open Space, Libraries and Road and Traffic Management. This contribution amount is based on 2 x 3 bedroom dwellings. A concession is given for the single residential lot comprising the site.

### **Prescribed Matters**

59. Not applicable.

### **Environmental, Social and Economic Impacts**

60. The proposal is not considered to generate unreasonable environmental, social and/or economic impacts upon the locality.

### **Suitability of the site**

61. It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

### **Submissions**

62. In accordance with the provisions of Section A2 – Public Notification of KDCP 2013 application was placed on neighbour notification on two separate occasions for periods of fourteen (14) days. Upon renotification, one submission was received raising the following concerns:

#### The proposal will result in an unacceptable dual occupancy design solution

63. Comment: This observation is not supported. The streetscape presentation is considered reasonable given the significant articulation of the front façade, substantial recessing of the garages and selective use of minor architectural elements to mitigate the mirror imaged appearance.

#### Front setback inconsistency resulting in additional visual bulk

64. Comment: The front setback proposed while not entirely consistent with that of the neighbouring properties, does provide a reasonable transition as a number of protruding elements that can be interpreted as the predominant building line have been introduced. This was discussed in more detail in the body of this report.
65. It should be noted that even if the proposed dwelling was relocated to be in closer proximity to the street, this design outcome would not necessarily reduce the extent the building would protrude to the rear. The current proposal has been designed to be 80m<sup>2</sup> under the allowable FSR for the site. This additional area could be introduced to the building resulting in a significantly increased visual scale while adopting a more identical front setback to that of the adjoining properties.

#### Visual and Privacy Impacts

66. Comment: The proposal complies with the side and rear boundary setback controls, as well as the two (2) storey depth control. The proposal presents a visual massing and scale that is consistent with that of the neighbouring properties. This is clearly identified in Figures 3 and 4 below. Additionally, the proposed upper floor balconies at the rear of the building are relatively small in dimensions and have been suitably screened away from the neighbouring properties. Glazing has been suitably offset from that of the neighbouring dwelling elevations.

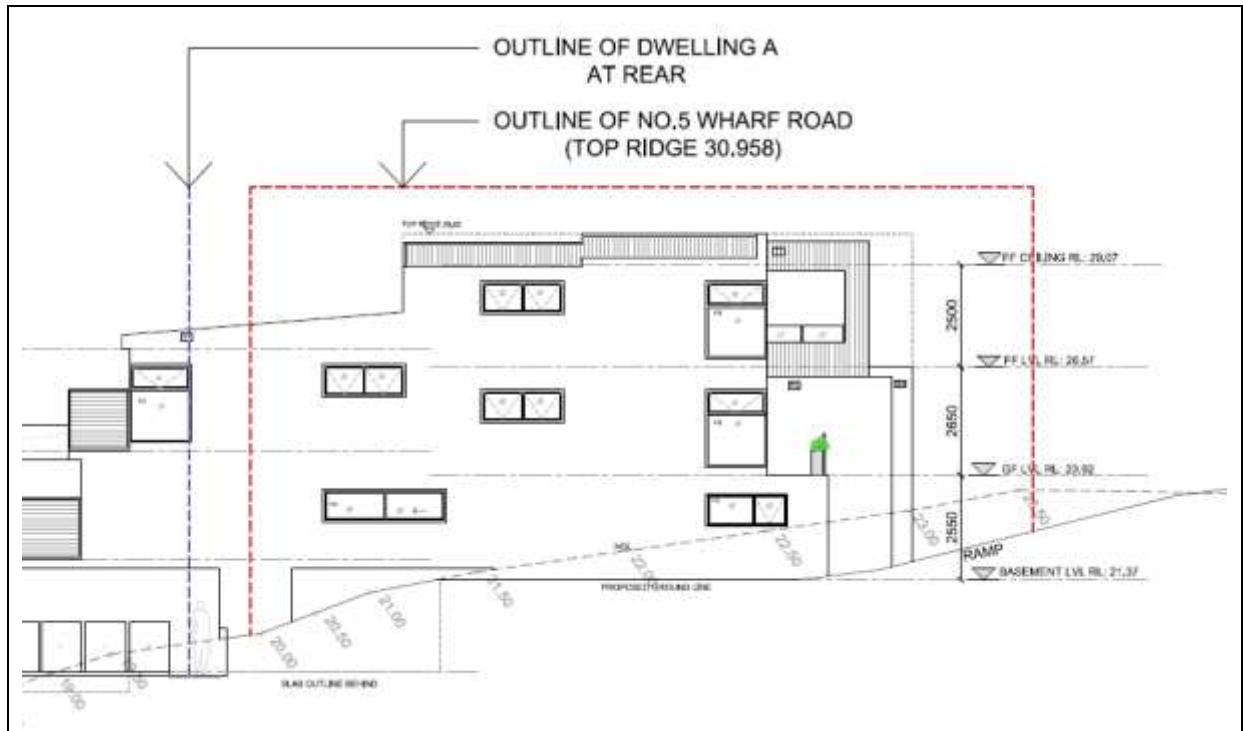


Figure 3: Outline of Dwelling A (Northern side) in respect to 5 Wharf Road

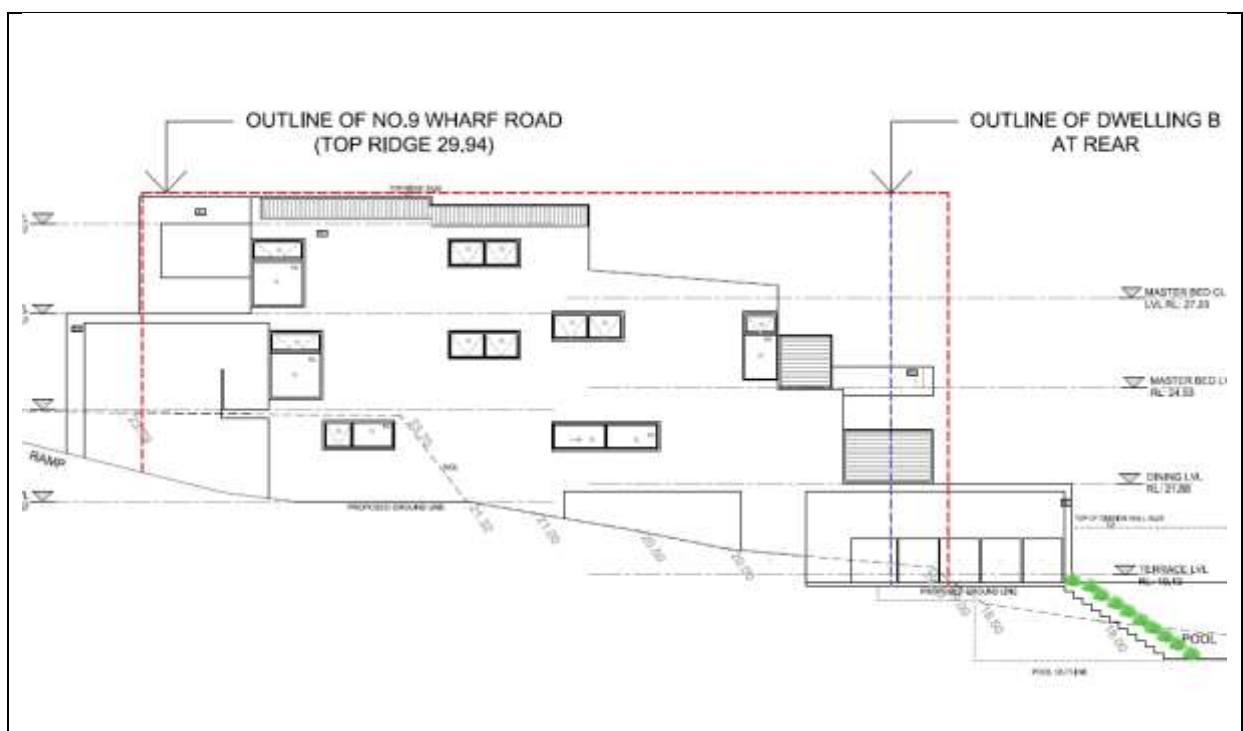


Figure 4: Outline of Dwelling B (Southern Side) in respect to 9 Wharf Road

### Height and FSR Non-Compliances

67. As discussed in the body of this report, the proposal complies with the height and is well below the FSR standards in KLEP 2012. A minor DCP height non-compliance is presented to the uppermost ceiling; however, this non-compliance is not considered to result in any adverse impacts to neighbouring properties.

### **Mediation/Public Meeting**

68. The objector from 5 Wharf Road was met on site on 8 August 2017. (Photos provided on file). Since this on-site meeting was held, a number of design changes were undertaken that substantially reduced the visual bulk and scale of this development when viewed from this neighbour.

### **Public Interest**

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

### **Consultation – Internal and External Referrals**

#### Internal Referrals:

- Tree officer
- Stormwater

70. No concerns were raised in the above referrals, subject to the imposition of conditions.

### **Conclusion**

71. The application has been assessed having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979, the provisions of the relative State Environmental Planning Policies, Local Environmental Plans and Development Control Plans. The proposed development achieves an acceptable level of compliance with those requirements and does not cause any unreasonable impacts upon neighbouring properties and/or the streetscape.
72. The application is recommended for approval.

### **Recommendation**

73. The application has been assessed having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979, the provisions of KLEP 2012 and KDCP 2013.
74. Following detailed assessment it is considered that Development Application No 2017/0064 should be approved subject to conditions.

### **Recommendation**

THAT pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, as amended, the Council grants development consent to Development Application DA2017/64 for construction of a new three level attached dual occupancy with swimming pools and outbuildings to each dwelling on LOT: 2 SEC: 8 DP: 1963, known as 7 Wharf Road, Kogarah Bay, subject to the attached conditions.

### **SPECIFIC DEVELOPMENT CONDITIONS**

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## **SECTION A - General Conditions**

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

### **(1) Approved Plans of Consent**

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

- (i) Architectural plans- Prepared by ZTA architects Drawing number DA01, DA03, DA04, DA05, DA06, DA07, DA08, DA09, DA10, DA11, DA12, DA13, DA14 and DA15 Issue D dated 10 November 2017
- (ii) Landscape plans Greenland Design Drawing number 1598.GD.01 Issue C dated 5 December 2017
- (iii) Stormwater plans- Prepared by L&C Building Design Drawing number SW1 sheets 1 and 2 updated 13 December 2017

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

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

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

### **(2) Additional DA Fee**

The construction costs of the approved development were incorrect. In accordance with the submitted QS report the applicable DA fee is \$3,108.00. As a Development Application fee of \$2,117.00 was paid when lodging the application, the difference of \$991.00 shall be paid to Council

### **(3) Asset & Building Fees**

Payment of the following amounts as detailed below:

- Damage Deposit of \$1,900.00
- \*Builders Long Service Levy of \$4,698.00

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

### **(4) Section 94 Contributions**

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

No.1 – Roads and Traffic Management – Residential	\$ 144.38
No.5 – Open Space 2007	\$10,310.24
No.9 – Kogarah Libraries – Buildings	\$ 345.57
No.9 – Kogarah Libraries – Books	\$ 246.39
<b>TOTAL</b>	<b>\$11,047.08</b>

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

## **(5) Dilapidation Report**

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

- (i) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- (ii) 5 and 9 Wharf Road.

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

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

## **(6) Soil and Water Management**

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

## **(7) Sydney Water (DA Only)**

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

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for;

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

**(8) Private Open Space**

The Private Open Space area of Dwelling B adjacent to the pool and gazebo area is to be a maximum RL16.5

**(9) Stormwater Plan**

The submitted stormwater plan has been assessed and approved as a concept plan only. No detailed assessment of the design has been undertaken. A Detailed Stormwater Plan and supporting information of the proposed on-site stormwater management system is to be submitted. The required details in this Plan and the relevant checklist are presented in the document 'Water Management Policy. Kogarah Council. August 2006'

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

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

- a) The plan is to show detail of how the runoff from all roof and hard paved areas is to be collected and discharged to the stormwater system.
- b) The plan is to be amended to show the required Rainwater tank storage of 5000 litres for each dwelling in accordance with the Basix requirements.

The Detailed Stormwater Plan is to be certified by a professional engineer specialising in hydraulic engineering. A Statement, that the stormwater system has been designed in accordance with the document 'Water Management Policy. Kogarah Council. August 2006' and satisfies the provisions and objectives of that policy along with the requirements stated above must be included with the Stormwater Detailed Plan.

A separate approval will need to be lodged and receive written approval from Council under Section 138 of the Roads Act and Section 68 of the Local Government Act 1993 for the stormwater connection to Parkside Drive.

**(10) Gazebos**

The proposed gazebos located at the rear of the site are to be deleted in order to retain the *Glochidion ferdinandi* and the *Ficus macrocarpa*. The submitted architectural and landscape plans are to be amended to be made reflective of this amendment.

**SECTION C – Prior to Commencement of Construction Conditions**

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

**(11) Geotechnical Report**

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

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

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

**(12) On-Site Detention – Dwelling A**

A 7.4m<sup>3</sup> On-Site Detention system with a Maximum Site Discharge of 6.2 Litres per Second is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.

**(13) On-Site Detention – Dwelling B**

A 7.7m<sup>3</sup> On-Site Detention system with a Maximum Site Discharge of 6.2 Litres per Second is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.

**(14) Structural Engineer's Details**

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

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

**(15) Protection of Site – Hoarding**

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

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

If necessary an awning is to be erected which is sufficient to prevent any substance from

or in connection with the work from falling into a public place.

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

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

**(16) Driveway**

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

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

**(17) Council Infrastructure Inspection**

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

**(18) Public Liability Insurance**

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

**(19) Soil Erosion Controls**

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

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

**SECTION D – Construction and Operational Conditions**

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

## **(20) Inspections - New Dwelling**

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

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

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

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

- ☐ Erosion Control
- ☐ Earthworks/Excavation
- ☐ Building setout
- ☐ Landscaping
- ☐ Pool Fencing
- ☐ Driveways

## **(21) Storage of materials on Public Road**

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

## **(22) Use of Crane on Public Road**

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

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

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



proposal.

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

**(23) Building Height - Surveyors Certificate**

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

**(24) Excavation of Site**

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

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

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

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

**(25) Stormwater to Kerb**

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

**(26) Redundant Driveway**

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

**(27) Work within Road Reserve**

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

**(28) Damage within Road Reserve & Council Assets**

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

**(29) Public Utility & Telecommunication Assets**

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

**(30) Stormwater Drainage**

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

**(31) Hours of Construction**

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

**(32) Provision of Amenities**

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

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

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

**(33) Basix Certificate Details – DA Only**

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

**(34) Air Conditioning / Offensive Noise**

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

**(35) Swimming Pool/Spa shall be Fenced**

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

**(36) Pool Filter/Pump no Offensive Noise**

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

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

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

**(37) Building Finishes**

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

**(38) Street Tree Removal and Replacement**

The street tree a *Callistemon viminalis* (Bottlebrush) located on council's nature strip shall be removed to accommodate the driveway proposal and an appropriate replacement tree/s provided. The following conditions will apply:

- a) All cost associated with the removal of the tree/s and the planting of replacement shall be met by the applicant/owner and paid to council.
- b) Georges River Council works shall undertake all works associated with the removal of the subject tree/s and the replanting of the replacement tree/s.
- c) The replacement tree/s are required to be planted prior to the final building inspection/occupation.

**(39) Roof and Surface Water**

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

**(40) Natural Features**

All natural landscape features including trees and other vegetation, natural rock outcrops, soil and watercourses shall remain undisturbed except where affected by necessary works detailed on approved plans;

**(41) Tree Retention**

The trees identified in the table below shall be retained and not damaged, pruned or removed without the prior approval of Council. These trees shall be protected in accordance with the requirements of Section 4 - Australian Standard AS 4970-2009 - Protection of trees on development sites.

Tree Species	Tree No / Location on site	TPZ
<i>Glochidion ferdinandi</i>	7 Wharf Rd, Kogarah Bay	4.8m
<i>Ficus macrocarpa</i>	7 Wharf Rd, Kogarah Bay	4.8m

**SECTION E – Prior to Occupation or Subdivision Certificate Conditions**

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

**(42) Stormwater Compliance Certificate**

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

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

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

**(43) Positive Covenant**

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

**(44) Maintenance Schedule**

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

**(45) BASIX Completion Receipt**

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

**SECTION F – Prescribed Conditions**

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

**(46) Compliance with the Building Code of Australia**

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

**(47) Insurance Requirements under Home Building Act 1989**

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

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

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

**(48) Erection of Signs**

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

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

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

**(49) Notification of Home Building Act 1989 Requirements**

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

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

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

#### **(50) Shoring and Adequacy of Adjoining Property**

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

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

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

#### **(51) Council Notification of Construction**

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

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

### **SECTION G – Demolition Conditions**

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

Nil



## **END CONDITIONS**

### **NOTES/ADVICES**

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#### **(i) 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.

#### **(ii) 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.

#### **(iii) 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.

#### **(iv) Worksite Safety**

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

#### **(v) Worksite Safety Scaffolding**

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

#### **(vi) Kid Safe NSW**

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

**(vii) Dial Before You Dig**

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

**(viii) Demolition Waste**

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

**(iv) Property Address**

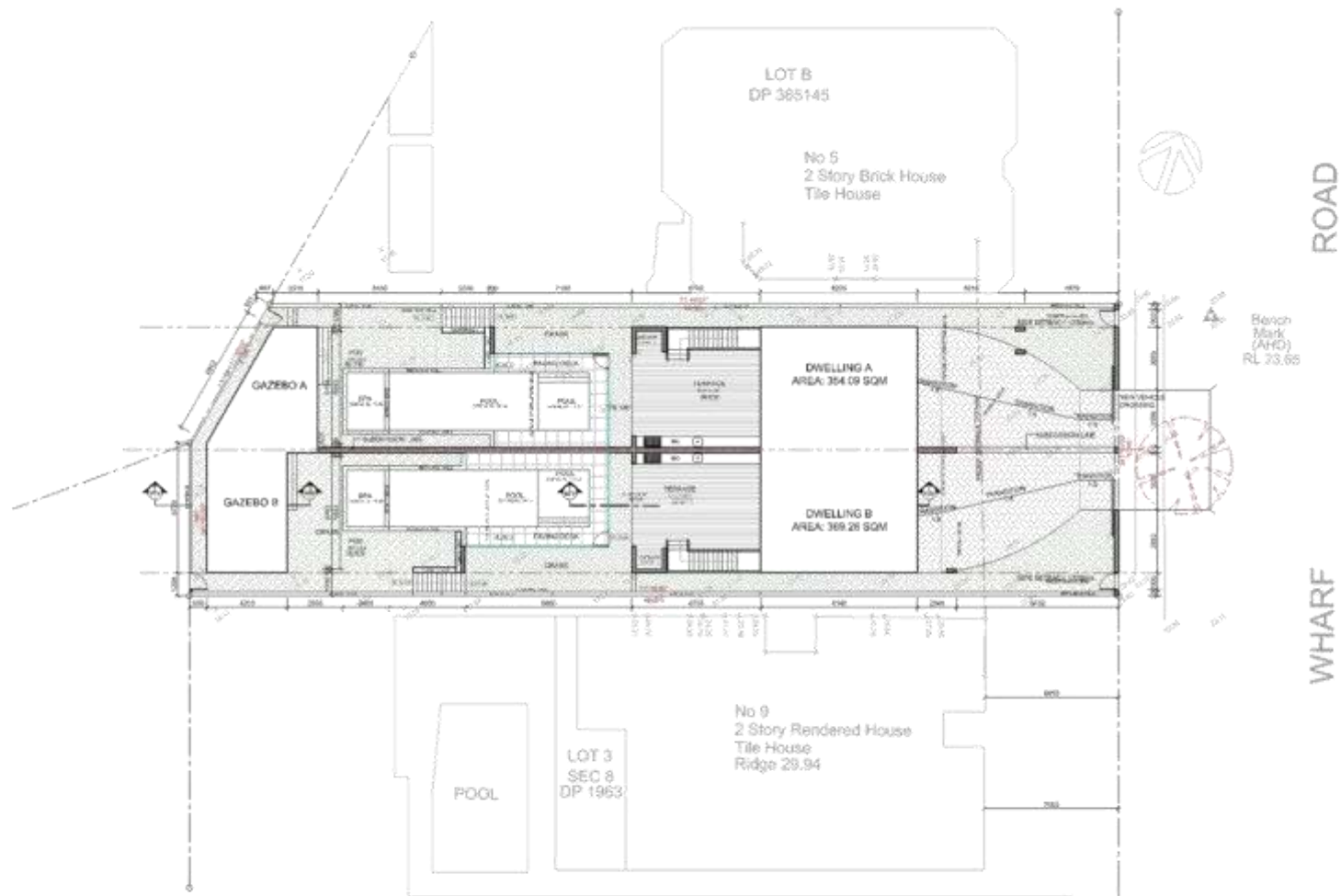
Property addresses shall be allocated by Council in accordance with the Addressing Standard AS/NZS 4819:2011.



**(x) Vehicular Access**

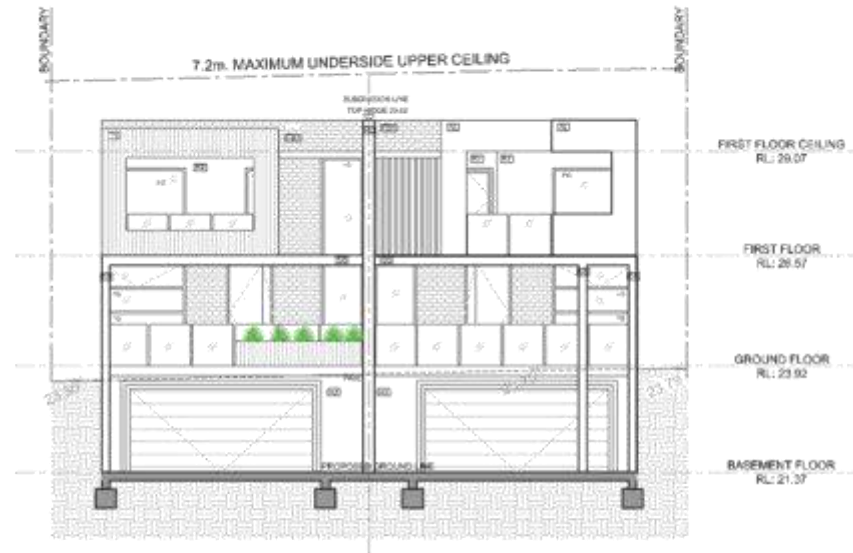
The vehicular access and parking arrangement were deemed unsatisfactory by Council's Engineers. An independent Access and Parking arrangement report was prepared by Varga Traffic Planning (dated 14 December 2017). This report stipulated that the proposed arrangements comply with the relevant aspects of AS2890.1 in terms of garage parking space dimensions, driveway width and gradients and overhead clearances.

**ATTACHMENTS**

Attachment <a href="#">View1</a>	Site Plan - 7 Wharf Road Kogarah Bay - Revision D
Attachment <a href="#">View2</a>	East Elevation - 7 Wharf road Kogarah Bay - Revision D
Attachment <a href="#">View3</a>	Western Elevation - 7 Wharf road Kogarah Bay - Revision D
Attachment <a href="#">View4</a>	Northern Elevation - 7 Wharf road Kogarah Bay_Revision D 7.12.2017 11
Attachment <a href="#">View5</a>	Southern Elevation - 7 Wharf road Kogarah Bay
Attachment <a href="#">View6</a>	Shadow Drawing - Winter - 7 Wharf road Kogarah Bay_Revision D 7.12.2017 18
Attachment <a href="#">View7</a>	Shadow Drawing - Equinox - 7 Wharf road Kogarah Bay Revision D 7.12.2017 19



<div></div> <div>320, Stender Development, Ave 2009 ph: 02 2999 7896 fr: 02 2999 7896 e: admin@zta.com.au ABN 56 144 652 317</div> <div>zta architects</div> <div>architects   urban design   interior design</div>	CONSULTANTS	NOTE	<table><tr><th>ISSUE</th><th>DATE</th><th>PURPOSE OF ISSUE</th></tr><tr><td>A</td><td>16/03/2017</td><td>DA APPLICATION</td></tr><tr><td>B</td><td>09/05/2017</td><td>REVISION</td></tr><tr><td>C</td><td>26/05/2017</td><td>REVISION</td></tr></table>	ISSUE	DATE	PURPOSE OF ISSUE	A	16/03/2017	DA APPLICATION	B	09/05/2017	REVISION	C	26/05/2017	REVISION	<div>PROJECT</div> <div>7 WHARF ROAD, KOGARAH BAY NEWCAST</div> <div>RESIDENTIAL DEVELOPMENT</div> <div>CLIENT</div> <div>-</div>	<div>STATUS</div> <div>DEVELOPMENT APPLICATION</div> <div>STAGE</div> <div>PRELIMINARY</div> <div></div>	<table><tr><td>DRAWING NO.</td><td>ISSUE</td><td>JOB NO.</td></tr><tr><td>DA01</td><td>D</td><td>14279</td></tr><tr><td>DRAWN BY</td><td>CHECKED BY</td><td>SCALE</td></tr><tr><td>SS</td><td>KE</td><td>1:200</td></tr><tr><td>DRAWING TITLE</td><td>DATE</td><td></td></tr><tr><td>SITE PLAN</td><td>18 NOV 2017</td><td></td></tr></table>	DRAWING NO.	ISSUE	JOB NO.	DA01	D	14279	DRAWN BY	CHECKED BY	SCALE	SS	KE	1:200	DRAWING TITLE	DATE		SITE PLAN	18 NOV 2017	
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ISSUE	DATE	PURPOSE OF ISSUE
A	16/03/2017	DA APPLICATION
B	09/05/2017	REVISION
C	26/05/2017	REVISION

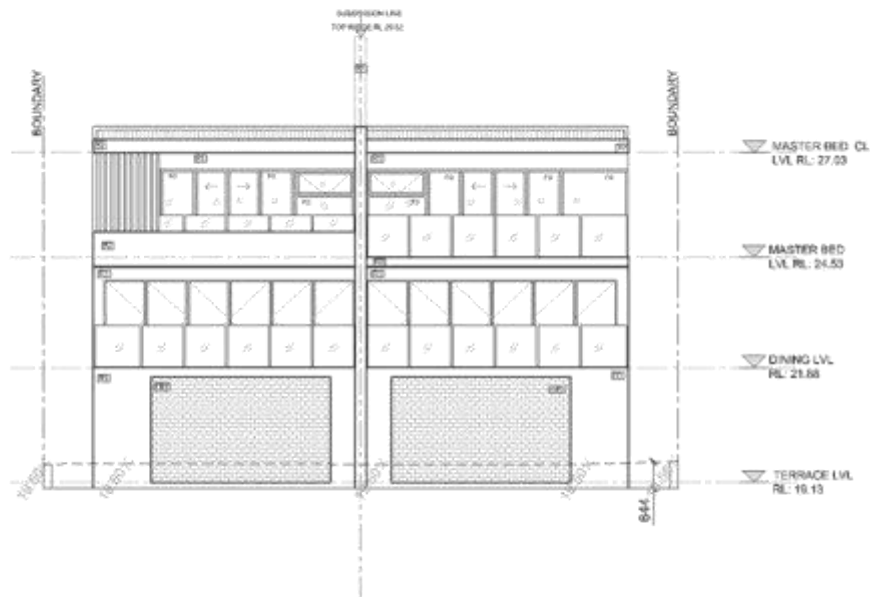
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NEW/EXIST**  
**RESIDENTIAL DEVELOPMENT**  
CLIENT  
-

STATUS  
**DEVELOPMENT  
APPLICATION**  
STAGE  
**PRELIMINARY**

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<b>DA08</b>	<b>D</b>	16219

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DRAWING TITLE  
EASTERN ELEVATION



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NOTE

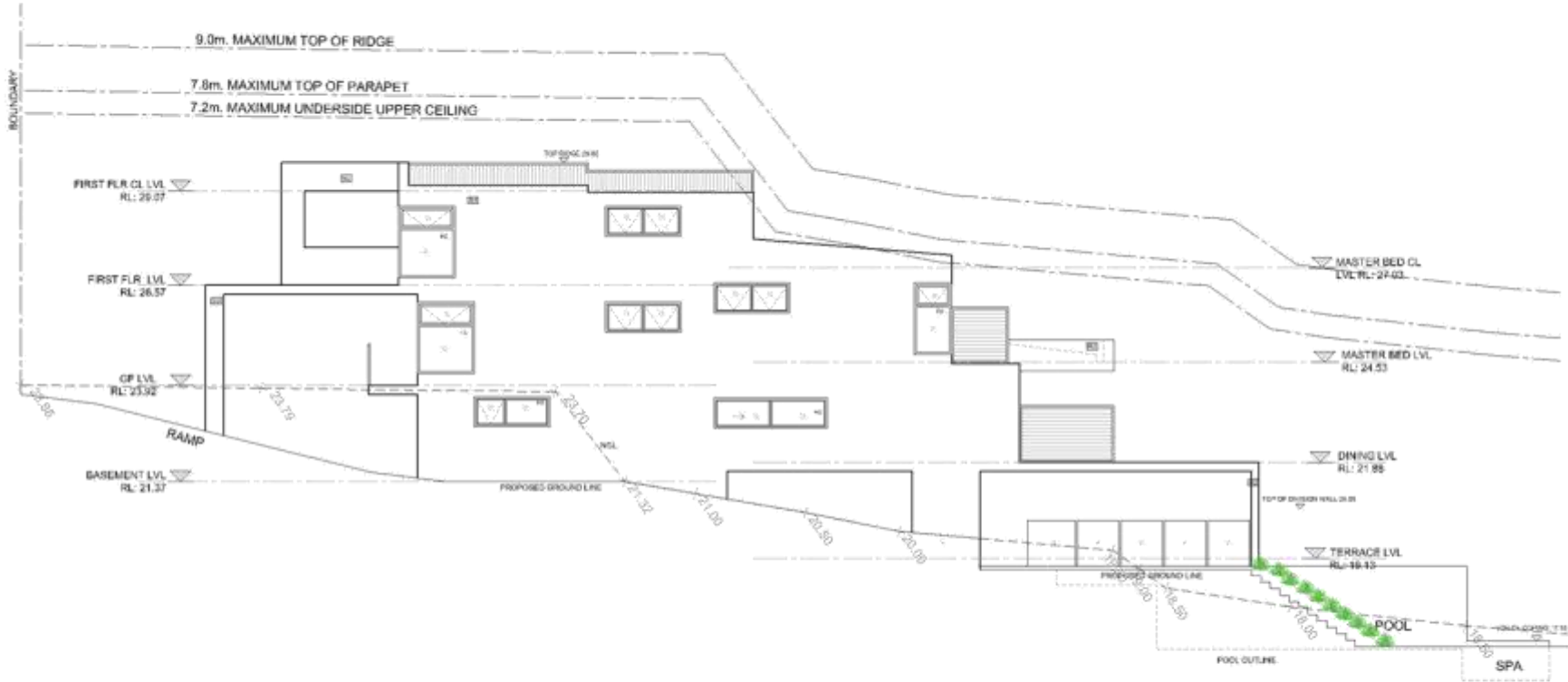
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B	09/05/2017	REVISION
C	26/05/2017	REVISION

PROJECT  
**7 WHARF ROAD, KOGARAH BAY  
NEW 2207**  
**RESIDENTIAL DEVELOPMENT**  
CLIENT  
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STATUS  
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APPLICATION**  
STAGE  
**PRELIMINARY**

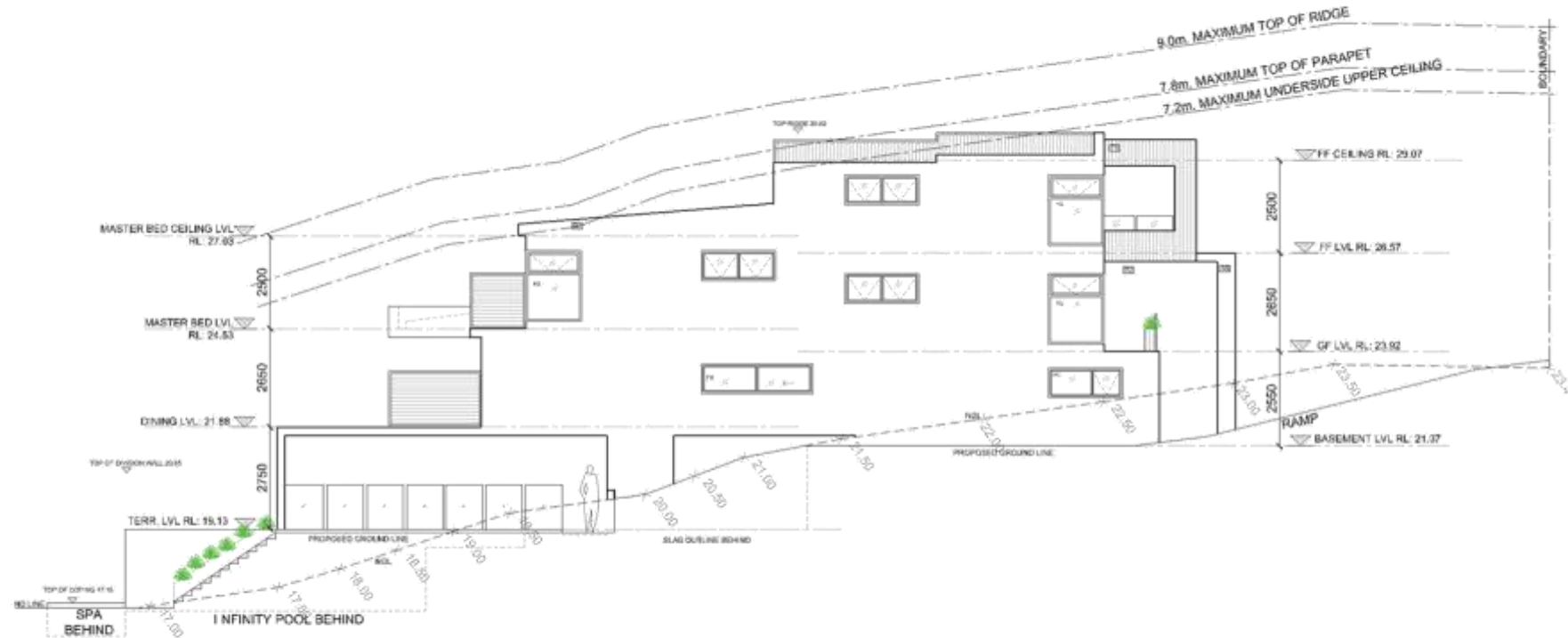
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DRAWING TITLE  
**WESTERN ELEVATION**



<div><div>zfa</div><div>zfa architects</div><div>architecture   urban design   interior design</div></div> <div>010 550 880 0000, fax 2009 yfa - 012 0000 0000, fax 2009 0000 e - admin@zfa.net.au ABN 56 144 622 517</div>	CONSULTANTS	NOTE	ISSUE	DATE	PURPOSE OF ISSUE	PROJECT	STATUS	DRAWING NO.	ISSUE	JOB NO.	
			A	16/03/2017	DA APPLICATION	7 WHARF ROAD, KOGARAH BAY NSW 2217	DEVELOPMENT APPLICATION	DA10	D	16219	
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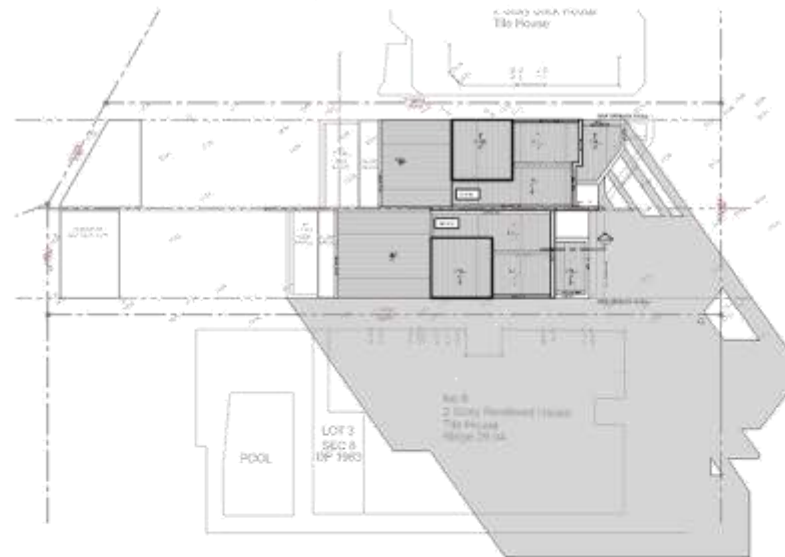
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JUNE 21 @ 9 AM



JUNE 21 @ 12 PM



JUNE 21 @ 3 PM

 <p>030 5500 8888 / 030 5500 8888 e. admin@zfa.com.au A81 55 144 888 888</p> <p>zfa architects</p> <p>urban design   interior design</p>	CONSULTANT	NOTE	<p>ISSUE DATE PURPOSE OF ISSUE</p> <p>A 14/03/2017 DA APPLICATION</p> <p>B 08/05/2017 REVISION</p> <p>C 24/05/2017 REVISION</p>	<p>PROJECT</p> <p>7 WHARF ROAD, KOGARAH BAY NSW 2217</p> <p>RESIDENTIAL DEVELOPMENT</p> <p>CLIENT</p>	<p>STATUS</p> <p>DEVELOPMENT APPLICATION</p> <p>STAGE</p> <p>PRELIMINARY</p>	<p>DRAWING NO. DA16</p> <p>DATE 18 NOV 2017</p> <p>SCALE 1:500</p> <p>DRAWING TITLE SHADOWS DRAWING (WINTER)</p>
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<div><div>zha</div><div>020 55666666/020 55666666 ph: +61 2 9000 8888 to +61 2 9000 7888 e: admin@zha.com.au A/11 St 1st 600 017</div><div>zha architects</div><div>architecture   urban design   interior design</div></div>	<div>CONSULTANT</div>	<div>NOTE</div>	<div><table><tr><th>ISSUE</th><th>DATE</th><th>PURPOSE OF ISSUE</th></tr><tr><td>A</td><td>14/03/2017</td><td>DA APPLICATION</td></tr><tr><td>B</td><td>08/05/2017</td><td>REVISION</td></tr><tr><td>C</td><td>26/05/2017</td><td>REVISION</td></tr></table></div>	ISSUE	DATE	PURPOSE OF ISSUE	A	14/03/2017	DA APPLICATION	B	08/05/2017	REVISION	C	26/05/2017	REVISION	<div><div><div>PROJECT</div><div>7 WHARF ROAD, KOGARAH BAY NSW 2217</div><div>RESIDENTIAL DEVELOPMENT</div><div>CLIENT</div><div>-</div></div></div>	<div><div><div>STATUS</div><div>DEVELOPMENT APPLICATION</div><div>STAGE</div><div>PRELIMINARY</div></div><div></div></div>	<div><table><tr><td>DRAWING NO.</td><td>ISSUE</td><td>JOB NO.</td></tr><tr><td>DA17</td><td>D</td><td>18219</td></tr><tr><td>DRAWN BY</td><td>CHECKED BY</td><td>SCALE</td></tr><tr><td>ES</td><td>RS</td><td>1:5000000</td></tr><tr><td colspan="2">DRAWING TITLE</td><td>DATE</td></tr><tr><td colspan="2">SHADOWS DRAWING (EQUINOX)</td><td>18 NOV 2017</td></tr></table></div>	DRAWING NO.	ISSUE	JOB NO.	DA17	D	18219	DRAWN BY	CHECKED BY	SCALE	ES	RS	1:5000000	DRAWING TITLE		DATE	SHADOWS DRAWING (EQUINOX)		18 NOV 2017
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## REPORT TO GEORGES RIVER COUNCIL IHAP MEETING OF WEDNESDAY, 31 JANUARY 2018

<b>IHAP Report No</b>	<b>3.2</b>	<b>Application No</b>	<b>DA2017/0265</b>
<b>Site Address &amp; Ward Locality</b>	16 - 18 Thurlow Street Riverwood Peakhurst Ward		
<b>Proposal</b>	Demolition of existing structures and construction of a new multi-dwelling housing development including strata subdivision (SEPP Affordable Rental Housing 2009)		
<b>Report Author/s</b>	Senior Development Assessment Planner		
<b>Owners</b>	G B Prideaux and M Prideaux		
<b>Applicant</b>	Benson McCormack Architecture		
<b>Zoning</b>	R2 – Medium Density Residential		
<b>Date Of Lodgement</b>	21/07/2017		
<b>Submissions</b>	Three		
<b>Cost of Works</b>	\$4,721,064.00		
<b>Reason for Referral to IHAP</b>	DCP Variations and unresolved objections		

<b>Recommendation</b>	Deferred commencement approval.
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### Site Plan



## Executive Summary

### Proposal

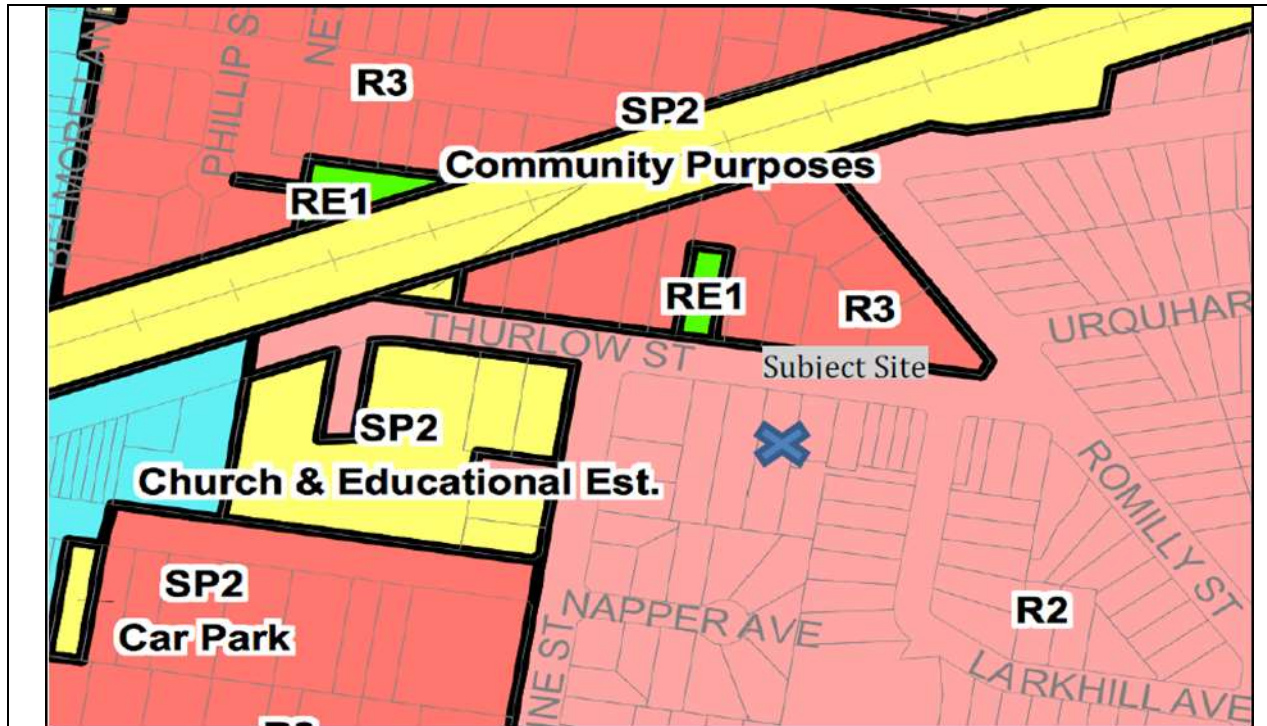
1. Council is in receipt of an application for the demolition of existing structures and construction of a new multi dwelling housing development including strata subdivision on the subject site. The application has been made in accordance with the provisions contained within SEPP (Affordable Rental Housing) 2009.

### Site and Locality

2. The site is comprised of two (2) lots on the southern side of Thurlow Street, Riverwood. The site has a total area of 2108.9m<sup>2</sup>.

### Zoning and Permissibility

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



### Development Control Plan

4. The proposed development satisfies the objectives of the applicable DCP and complements the existing streetscape character. However, the proposal does not comply with Council's controls for:
  - Dwelling density;
  - Private open space;
  - Rear single storey requirements; and
  - Separation requirements.

### Submissions

5. Three (3) submissions were received raising the following concerns:
  - The design of the development is inconsistent with the character of the area;
  - No other development in the streetscape have underground car parking;
  - Property damage due to excavation works;
  - Security and privacy;
  - Sewer line running through the site;
  - Traffic and parking impacts;
  - Presence of asbestos;
  - Excessive density;
  - Excessive height; and
  - View loss.



### Level of Determination

6. The application is forwarded to the IHAP for determination due to unresolved submissions and DCP variations sought.

### Conclusion

7. Having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment of the proposal Development Application No.2017/0265 should be approved as a deferred commencement consent subject to the preparation of a detailed site investigation (Phase 2 Environmental Site Assessment).

### Report in Full

### PROPOSAL

8. Council is in receipt of an application for the demolition of existing structures and construction of a new multi dwelling housing development including strata subdivision on the subject site. The application has been made in accordance with the provisions contained within SEPP (Affordable Rental Housing) 2009.
9. The development proposes a total of 12 dwellings, comprised of 3x4 bedroom dwellings, 6x3 bedroom dwellings and 3x2 bedroom dwellings. Three of the new dwellings (9, 10 and 11) are proposed to be provided as affordable housing units. The proposal includes a new basement accessed off Thurlow Street which provides a total of 24 car parking spaces, 3 of which are visitor spaces.
10. The submitted photomontage of the proposed development is reproduced below:



*Figure 1: Photomontage – as viewed from the opposite side of Thurlow Street*

## THE SITE AND LOCALITY

11. The site is comprised of two lots located on the southern side of Thurlow Street. The site is 30.48m wide, approximately 69.2m deep and has an area of 2108.9m<sup>2</sup>. The site presents a slight slope from the rear towards the street and a slight crossfall from the western side of the site towards the eastern side. The site is vegetated throughout. The existing residences accommodated on site are brick and clad with tiled roofs. A number of detached ancillary structures also occupy the rear of the sites.
12. The immediate area is primarily comprised of a mixture of single detached dwellings and residential flat buildings. Directly adjoining the site to the west (20 Thurlow Street) is a single storey villa development containing three detached single storey dwellings. Directly adjoining the site to the east (31 Larkhill Avenue and 14 Thurlow Street) are two detached, two storey dwellings. To the north, on the opposite side of Thurlow Street are multi-level residential flat buildings.



Figure 2: Aerial photo with the subject site identified

## BACKGROUND

13.
  - \* The subject DA was submitted to Council on 21/07/2017.
  - \* The DA was notified from 9/08/2017 until 25/08/2017. A total of three (3) submissions were received.
  - \* Council sent the applicant a letter on 27/09/2017. This letter raised concerns



with the design of the private open space areas, building separation and tree impacts/retention. Subsequent to this, Council officers met with the applicant to discuss the concerns raised.

\* Amended plans were submitted on 23/10/2017.

## HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012

### Part 2 – Permitted or Prohibited Development

#### Clause 2.1 – Land Use Zones

14. The subject site is zoned R2 – Low Density Residential and the proposal is a permissible form of development with Council's consent and satisfies the objectives of the zone in that the development would provide additional housing options, including 3 affordable dwellings, provides a high level of residential amenity for the development itself and does not unreasonably compromise the amenity for surrounding properties.

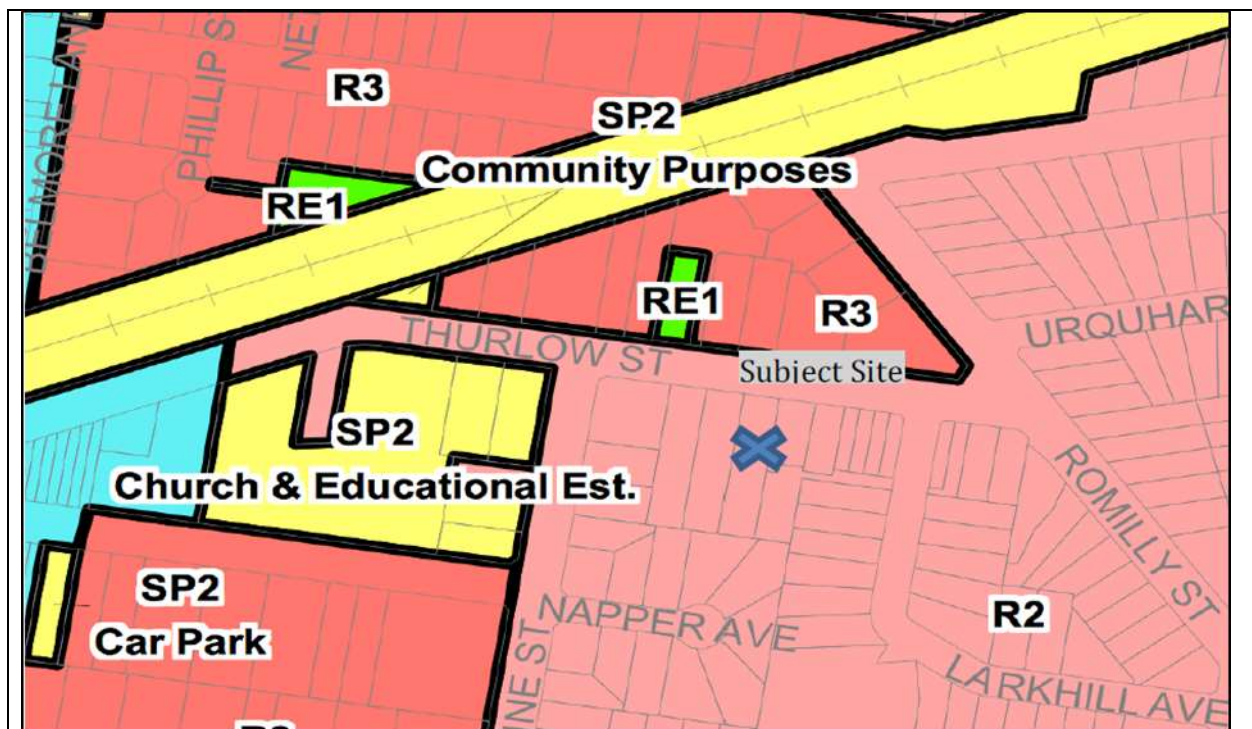


Figure 3: Zoning map extract with the subject site identified

### Part 4 – Principal Development Standards

Applicable LEP Clause	Development Standard	Development Proposal	Compliance/ Comment
<b>4.1A</b> Minimum Lot size for dual occupancies and multi dwelling housing	630m <sup>2</sup>	2108.9m <sup>2</sup>	Yes
<b>4.3</b> Height of Buildings	9m	9m	Yes
<b>4.4</b> Floor Space Ratio	0.6 + 0.21 bonus = 0.81:1	0.76:1	Yes



## **Part 5 – Miscellaneous Provisions**

### **Clause 5.10 – Heritage Conservation**

15. The subject site is not listed as a heritage item in Schedule 5, is not within a Heritage Conservation Area, nor are there any heritage items located nearby.

## **Part 6 – Additional Local Provisions**

### **Clause 6.1 – Acid Sulfate Soils**

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

## **STATE POLICIES**

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

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

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

18. The application was accompanied by a Preliminary Site Investigation which also included surface soil sampling at various locations on the subject site. The results of this investigation state that the site can be made suitable for the proposed development subject to the preparation of a Detailed Site Investigation (Phase 2 Environmental Site assessment) by a suitably qualified Environmental consultant.
19. In view of the above, a deferred commencement condition has been imposed requiring the preparation of a Detailed Site Investigation (and a Remedial Action Plan, if required by the DSI).

### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

20. This application includes the provision of infill affordable housing development lodged pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal has been considered against the relevant requirements below:

#### **Development to which the Policy Applies**

21. Clause 10(1) of the ARH SEPP states that in-fill affordable housing development applies within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of dwelling houses, multi-dwelling housing or residential flat buildings are permissible within the zone:
  - Zone R1 General Residential
  - Zone R2 Low Density Residential
  - Zone R3 Medium Density Residential
  - Zone R4 High Density Residential
22. The subject site is zoned R2 Low Density Residential and therefore the Policy can be applied to the subject site and the use is permissible in the zone pursuant to the ARH SEPP.

Accessibility (clause 10)

23. The site is located within an 'accessible area' as it is approximately 350m walking distance from a public entrance to a railway station (Riverwood Station). On this basis, the development satisfied clause 10(2) and the proposal may be assessed under the ARH SEPP.

Floor Space Ratios (clause 13)

24. Based on the ARH SEPP formula for bonus floor space calculations of  $Y = AH \div 100$  (where the gross floor area provided is less than 50% of the total gross floor area), the additional floor space allowance in this case equates to a maximum potential bonus of 0.2126:1 (where AH is the percentage of gross floor area provided as Affordable Housing).
25. The maximum allowable floor space ratio for the subject site under the provisions of the Hurstville Local Environmental Plan is 0.6:1. Therefore, under the bonus provisions available utilising Clause 13 of ARH SEPP a maximum permissible FSR for the site is 0.8126:1 (0.6:1 + 0.2126:1bonus) equating to a maximum permissible floor area on the site of 1713.7m<sup>2</sup>. In this case, the gross floor area proposed is 1610.3m<sup>2</sup>, which represents an FSR of 0.763:1 well within the maximum FSR of 0.81:1.

Standards that cannot be used to refuse consent (clause 14)

26. Clause 14 of the ARH SEPP prescribes minimum standards which cannot be used by Council to refuse consent. The following table is an assessment of the proposal against these standards:

Control	Requirement	Proposal	Complies
Site area	Minimum 450m <sup>2</sup>	2108.9m <sup>2</sup>	Yes
Landscaped area	Minimum 30% of site area or 632m <sup>2</sup>	31.1% or 656.6m <sup>2</sup>	Yes
Deep soil zone	15% of the site area or 316m <sup>2</sup>	25.9% or 547m <sup>2</sup>	Yes
Solar access	Living rooms and private open space areas for a minimum of 70% of dwellings are to receive a minimum of 3 hours solar access between 9am and 3pm at the winter solstice.	Units 1 to 8 receive required solar access	Acceptable – see comment below
Car Parking	1 space per 2 bedroom 1.5 spaces per 3 bedroom dwelling or greater than 95m <sup>2</sup> floor area = Total 16.5 required (Rounded up to 17 spaces)	24 spaces provided  21 spaces (resident) and 3 (visitor) spaces.	Yes
Dwelling size	70m <sup>2</sup> per 2 bedroom 95m <sup>2</sup> per 3 or more bed	All dwellings exceed the minimum requirements.	Yes

### Additional Comment

#### *Solar access*

27. Eight out of the twelve dwellings proposed are required to receive a minimum of 3 hours solar access between 9am and 3pm at the winter solstice. Proposed dwellings 1 to 8 would receive the requisite amount of solar access. The following comments are made in this respect:
- The private open space areas at the front of dwellings 1, 2 and 3 are relied upon to achieve compliance with the solar access guidelines. This is acceptable in this instance given that these are well proportioned, useable spaces that are directly accessible off the internal combined living/kitchen/dining areas which offer an open floor plan; and
  - The solar access afforded to the living spaces of dwellings 4,5,6,7 and 8 is spread throughout the day between 9am and 3pm on June 21<sup>st</sup>. In this regard, the east facing living areas would receive solar access in the morning, whilst the west elevation of these dwellings (and thus the internal kitchen/dining areas) would receive solar access from approximately 1pm.
28. It is considered that the design of the development has been designed in an energy efficient manner which maximises the reasonable availability of solar access in the site circumstances.

### Design requirements (clause 15)

29. A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development. The design of the development has been assessed against this policy and generally meets the objectives, as of relevance to the proposal, including:
- Responding to context
  - Site planning and Design
  - Impacts on streetscape
  - Impacts on neighbours
  - Internal site amenity

### Character of the Local Area (clause 16)

30. Clause 16(A) of the ARH SEPP requires that a consent authority take into consideration whether the design of the development is compatible with the character of the local area. The current planning controls applicable to the subject site and its surrounds allow for a range of development types, including multi dwelling development, single dwellings and dual occupancies.
31. The proposed development is similar in scale and height (when viewed from the street frontage) to permissible developments envisaged by the existing planning controls. This is because the proposed development achieves compliance with the maximum allowable building height, complies with the building setback requirements and provides a landscaped front setback that is characteristic with other developments in the locality. Further, the existing 3 storey RFB's opposite the subject site in the R3 Medium Density zone to the north form part of the streetscape and the character of the proposed building is not inconsistent with those developments.

32. The general scale of development in localities such as this, and particularly with the nomination of Riverwood as a State Significant Precinct, herald a change in the building scale and character of this locality. The proposed scale is considered to be a suitable balance between the currently presented building scales, forms and themes and the emerging scale and character of more contemporary buildings.
33. It is noted and acknowledged that the existing building form surrounding the subject site is characterised by pitched tiled roof forms and the subject development proposes a flat roof structure with mansard style attic roof design facing Thurlow Street. However, relevant case law in the NSWLEC has held that for the purposes of the character test, new development need not to 'mimic' existing development found in the street, but be capable of co-existing in harmony. Further, many of the surrounding buildings with pitched tiled roofs are older development (such as the red brick walk-up RFB's on the opposite side of Thurlow Street) which may eventually redevelop over time with more contemporary forms.
34. In summary, the proposed development is considered to satisfy the Character of the Local Area test under Clause 16(A) of the ARH SEPP.

Must be used for affordable housing for 10 years (clause 17)

35. Three (3) dwellings are proposed as affordable housing. Suitable conditions of consent are included to ensure compliance in this respect.

Subdivision (clause 18)

36. Clause 18 of the ARH SEPP states that the development may be subdivided with consent. The application proposes strata subdivision of the development upon completion. However, strata subdivision cannot be approved having regard to the outcomes in recent case law (*DM & Longbow Pty Ltd v Willoughby City Council* [2017] NSWLEC 1358)

**Deemed State Environmental Planning Policy – Georges River Catchment**

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

**DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

38. The draft Environment SEPP is currently on exhibition but is not applicable to this development.

**DEVELOPMENT CONTROL PLANS**

39. The proposed development is subject to the provisions of the applicable Hurstville DCP. The following comments are made with respect to the proposal satisfying the objectives and controls contained within those DCP's.

**DEVELOPMENT CONTROL PLAN NO 1 – SECTION 3.1 VEHICLE ACCESS, PARKING AND MANOUEVERING**

40. The proposed car parking arrangements are generally acceptable. The basement parking has been designed to minimise its visual impact on the street and is located beneath the building footprint as much as practically possible so as to maximise deep soil landscaping. Council's standard conditions have been included to ensure compliance with the applicable Australian Standards for vehicular access and car parking.

**DEVELOPMENT CONTROL PLAN NO 1 - SECTION 3.3 ACCESS AND MOBILITY**

41. In development containing 5 more dwellings, a minimum of 1 adaptable dwelling is provided thereafter at the rate of 1 per 5 dwellings or part thereof. On the basis of 12

dwelling proposed, 3 adaptable dwellings are required. Dwellings 9, 10 and 11 have been nominated as adaptable dwellings, therefore complying with this requirement. 3 accessible car parking spaces are required and have been provided.

#### **DEVELOPMENT CONTROL PLAN NO 1 – SECTION 4.3 MULTIPLE DWELLINGS AND RESIDENTIAL FLAT BUILDINGS**

42. The key controls concerning multi dwelling housing developments are examined below:

	<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
Site frontage	Minimum 15m	30.38m	Yes
Dwelling density	Where in the R2 Low Density Residential zone, an average of 315m <sup>2</sup> site area per dwelling	Density has been provided in accordance with the ARH SEPP. The DCP requirement cannot override the provisions available in the SEPP in relation to density.	No
Building height	The maximum building height is in accordance with the Hurstville LEP 2012 and:  Two (2) storeys where in the R2 Low Density Residential zone and the maximum number of storeys is limited to 1 for the rear most dwelling.	Dwellings are the front of the site are 2 storeys with attic elements. Rear dwellings are single storey with attic element.	No – see discussion
	The minimum floor to ceiling height is 2.7m.	Capable of complying	Yes
Excavation	Natural ground level is not excavated more than 0.5m for the finished ground floor level.	Proposed finished ground floor levels are generally consistent with the existing site RL's.	Yes
Setbacks and Building Separation	Minimum side boundary setback is 3m.	Minimum 3m building setbacks provided from side boundaries.	Yes
	The minimum setback to a primary street is 4.5m.	5m front setback provided.	Yes
	The minimum separation distance between balconies and / or windows of different buildings located upon the same site is 5m.	Compliant with the exception of the separation between dwelling 8 and dwellings 10/11.	No – see discussion

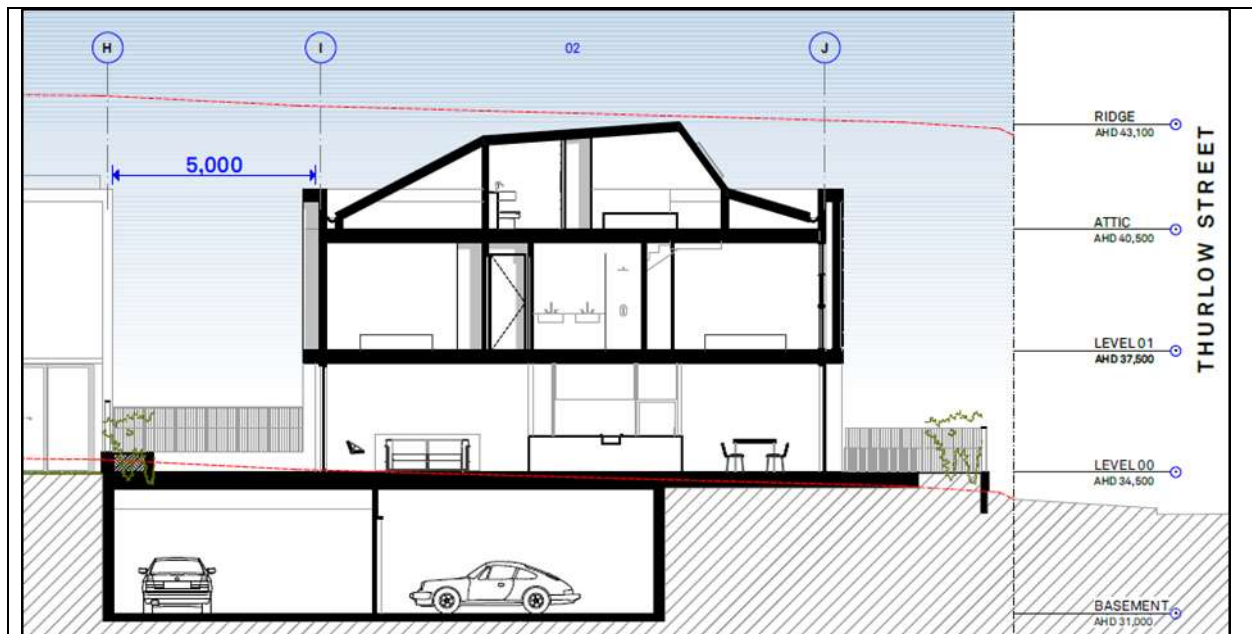
	Minimum rear boundary setback is 6m.	6.4m setback provided.	Yes
Vehicle access, parking and manoeuvring	<p>Car parking provided at the following rates:</p> <ul style="list-style-type: none"> <li>1 resident space for every studio, one or 2 bedroom dwelling</li> <li>2 resident spaces for every 3 or more bedroom dwelling</li> <li>For developments of 4 dwellings or more, one visitor space per 4 dwellings</li> </ul> <p>The maximum height of a basement above natural ground level is 1m.</p>	<p>Required – 20 resident spaces + 3 visitor spaces. Therefore, 23 spaces</p> <p>Proposed – 24 spaces</p> <p>&lt;1m</p>	<p>Yes</p> <p>Yes</p>
Landscape Open Space	Landscaped open space: Min. 20% of site area with minimum width of 2m = 421.78m <sup>2</sup>	23% or 484m <sup>2</sup> (deep soil landscaping)	Yes
Private Open Space	<p>2 bedrooms or more:</p> <ul style="list-style-type: none"> <li>Min 50m<sup>2</sup></li> <li>3m min dimension</li> </ul> <p>3 bedrooms or more:</p> <ul style="list-style-type: none"> <li>Min 60m<sup>2</sup></li> <li>3m min dimension</li> </ul> <p>Principal private open space = 4m x 6m, max. grade of 1 in 20 and must be accessible from main living area</p>	Refer to discussion	No
Solar Access	<p>Comply with Section 3.5 Energy Efficiency and BASIX</p> <p>Main living areas and areas of private open space to be orientated between 20 degrees west and 30 degrees east. Development allows for at least 3 hours of sunlight on the windows of main living areas</p>	<p>BASIX Certificate provided</p> <p>Refer to previous discussion regarding solar access under the ARH SEPP</p>	Yes

	and adjoining principal private open space of adjacent dwellings between 9.00 am and 3.00 pm on 22 June.		
Privacy and Noise	<p>Visual privacy: Habitable room windows with a direct outlook within 9m of the habitable room windows of an adjacent dwelling must be:  offset 1m from the edge of the opposite window, or Be screened or oriented to ensure the visual privacy.</p> <p>Acoustic privacy: Min. 3m separation for windows (development site and adjoining properties)</p> <p>Site layout: Active recreational areas, parking areas, vehicle accessways and service equipment areas must be separate from bedroom areas of adjoining dwellings</p>	<p>Visual privacy outcomes are acceptable – see discussion below</p> <p>Achieved</p> <p>Site layout is acceptable</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Streetscape		Considered under the ARHSEPP character test	-
Fences at the front boundary	<p>Solid fences and walls fronting public space are no more than 1m in height</p> <p>Where private open space has a common boundary to a street, the maximum height of fences is 1.8m provided that the fence has openings which make it a minimum 50% transparent.</p>	The design of the development includes private open space with a common boundary to the street. A 1.5m high open palisade style fence has been provided along the street edge. The fencing style and height is acceptable in terms of form and scale.	Yes
Site services	Storage - 6m <sup>3</sup> per dwelling	Compliant storage areas have been provided in the basement level.	Yes

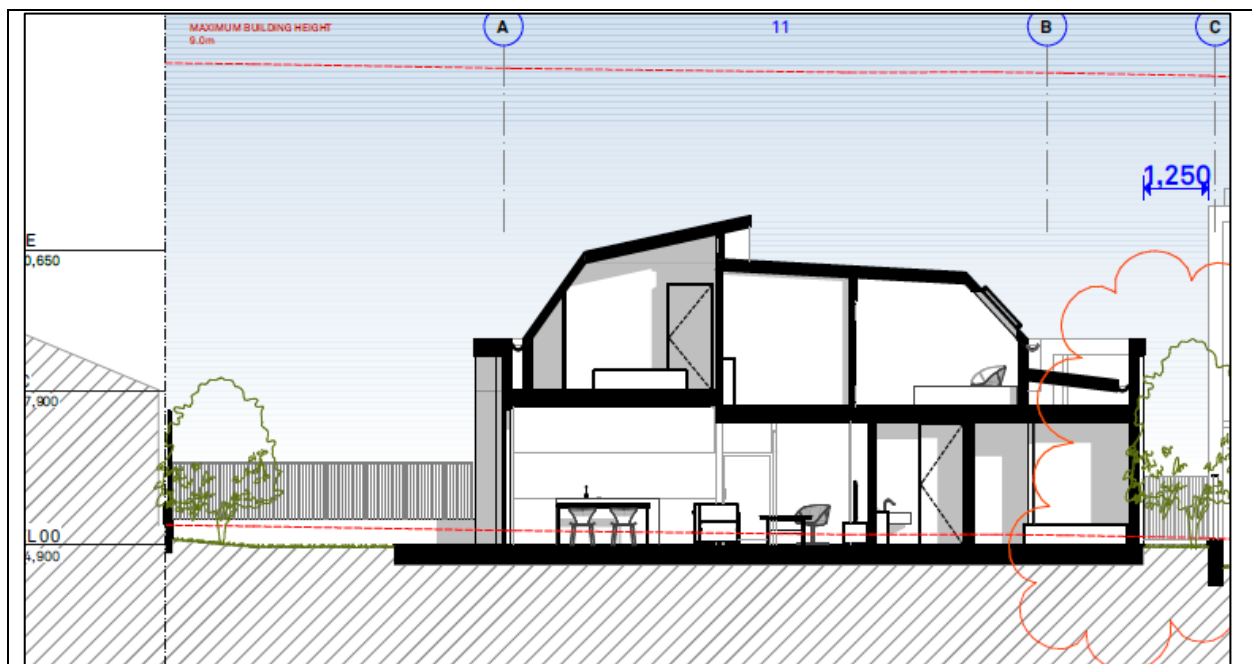
### Building Height

43. Control DS4.1 restricts buildings to a maximum of 2 storeys in the R2 Low Density Residential zone. Dwellings 1, 2 and 3 at the front of the site are comprised of 2 storeys

with an attic element. *Storey* and *attic* are separately defined in HLEP 2012. The structure proposed is contained wholly within a roof above the ceiling line of the storey immediately below and is therefore best classified as being an attic. See section extract below:



44. The proposed development is fully compliant with the building height development standard within HLEP 2012. It is conceivable that the use of a traditional pitched, tiled roof form may yield a similar bulk and scale and overall height.
45. Control DS4.2 states that in the R2 Low Density Residential zone, the maximum number of storeys is limited to 1 for the rear most dwelling. The subject development proposes the following form:



46. The proposed roof is folded away from the adjoining properties at the rear to limit bulk and scale and any associated amenity impacts. The proposal has been assessed against the objectives set out in Part PC4 of the DCP and is considered to satisfy those requirements in that this component of the development is not visible from the street, results in negligible



overshadowing impacts to adjoining properties at the rear, and the internal spaces are functional.

#### *Separation distances*

47. Control DS6.6 states that *the minimum separation distance between balconies and/or windows of different buildings located upon the same site is 5m.*
48. The proposed development will result in a non-compliance with the 5m separation requirements between buildings within a site. This non-compliance is presented between the central and rearmost building blocks where a 3m separation has been provided.
49. The separation requirement references separation between balconies and or windows and therefore the relative objectives are inferred to relate to visual and aural privacy between those elements. In this case, the design specifically provides for a blank solid masonry wall to the whole of the southern elevation of dwelling 8 ensuring that visual privacy impacts and possible adverse noise transmission between dwellings 9-12 located within the rearmost block and dwelling 8 will be suitably mitigated. The blank solid masonry wall proposed is acceptable given that it cannot be seen from the public domain.
50. This variation to the DCP controls is nominal only and it could be deemed to be satisfied as there are no balconies or windows on opposing buildings within the site that are subject to the variation.

#### *Private Open space*

Dwelling number	Required POS	Proposed POS	Complies
1	60m <sup>2</sup>	91.6m <sup>2</sup>	Yes
2	60m <sup>2</sup>	54.8m <sup>2</sup>	<b>No</b>
3	60m <sup>2</sup>	52.3m <sup>2</sup>	<b>No</b>
4	60m <sup>2</sup>	52m <sup>2</sup>	<b>No</b>
5	60m <sup>2</sup>	52m <sup>2</sup>	<b>No</b>
6	60m <sup>2</sup>	52m <sup>2</sup>	<b>No</b>
7	60m <sup>2</sup>	52m <sup>2</sup>	<b>No</b>
8	60m <sup>2</sup>	52m <sup>2</sup>	<b>No</b>
9	50m <sup>2</sup>	73.4m <sup>2</sup>	Yes
10	50m <sup>2</sup>	50.7m <sup>2</sup>	Yes
11	50m <sup>2</sup>	50.7m <sup>2</sup>	Yes
12	50m <sup>2</sup>	92.3m <sup>2</sup>	Yes

#### Comments

51. As can be seen in the above table, the sizes of the private open space areas proposed for dwellings 2 – 8 do not comply with the minimum size requirements.
52. Although dwellings 2 and 3 are 5.2m<sup>2</sup> and 7.7m<sup>2</sup> respectively below the 60m<sup>2</sup> requirement, the design of these dwellings are provided with dual areas (i.e. - at the front and rear of the dwellings) of private open space offering a high level of amenity. Both spaces are accessible from the main internal living/dining areas and contain well proportioned, useable dimensions. It is noted that compliant 6x4m principal POS area are provided in accordance with the DCP requirements.
53. Dwellings 4,5,6,7 and 8 in the centre of the site are all approximately 8m<sup>2</sup> below the 60m<sup>2</sup> requirement. However, these figures are exclusive of the 6.5m<sup>2</sup> areas of private open

space proposed at the front (western) end of dwellings 4 -7. These spaces have not been included in the calculation because they do not have a minimum 3m dimension as required by the DCP. In any case, they represent useable areas for those dwellings. The principle POS areas proposed at the eastern end of the dwellings are well proportioned spaces, benefit from solar access, are accessible off the main internal living areas and are not steeper than 1 in 20 in accordance with the DCP requirements.

54. Overall, the extent of the non-compliances sought to the minimum size requirements for private open space areas is not significant. It is noted that the ARHSEPP provides a development incentive in permitted floor space to encourage the provision of affordable housing. The consequence that arises from the utilisation of that bonus is inevitably a possible conflict with the compliance with any number of development controls that are formulated to guide development at a lesser intensity, as is the case with private open space.
55. During the assessment of the application the applicant was requested to modify the design of the rear south facing dwellings to ensure that compliant private open space areas are provided to all of those dwellings, in view of their compromised amenity due to the southerly aspect. Amended plans were submitted satisfying this request.

#### *Visual privacy*

56. The visual privacy outcomes are generally well resolved. Windows on the upper floors are restricted to rooms of a low-active nature, being bedrooms or bathrooms. All of the key active spaces (living, dining, kitchen) are located on the ground floor which therefore restricts their capability to overlook surrounding properties, particularly given that these spaces are positioned close to existing natural ground level.
57. Privacy concerns have been raised by the adjoining property to the east with particular mention made to the east facing upper level windows proposed for dwellings 4,5,6,7 and 8. These windows are not considered to cause an adverse privacy impact on the basis of the following:
  - The windows service bedrooms; and
  - The windows are setback approximately 9 metres from the eastern side boundary and contain external screening devices.

#### **Section 94 Contributions**

58. The proposed development requires payment of \$184,773.25 of Section 94 contributions based on the provisions of Hurstville Section 94 Contributions Plan.

#### **Prescribed Matters**

59. Not applicable.

#### **Environmental, Social and Economic Impacts**

60. The proposal is not considered to generate unreasonable environmental, social and/or economic impacts upon the locality. The proposal would provide the provision of additional housing stock, including 3 affordable dwellings to be managed by a registered community housing provider.

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

61. It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

## Submissions

62. In accordance with the provisions of Council's notification requirements, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. There were a total of three (3) submissions received raising the following concerns:

1. The design is out of character with the area as pitched roofs are common in the street. The proposed colour scheme does not compliment the streetscape.

Comment: This matter has been considered as part of the ARH SEPP character test within this report.

2. Underground car parking is not characteristic of the street or the R2 zone

Comment: It is agreed that underground car parking cannot be found elsewhere in this part of Thurlow Street. However, there are very few new, contemporary buildings in this location. Multi dwelling housing is a permissible form of development within the R2 zone and it is evident that the planning controls contemplate the provision of underground car parking given that there are specific provisions regarding their design in Part PC7 of 4.2 – Multi Dwelling Housing DCP.

3. Property damage associated with excavation works

Comment: Whilst the matter of property damage is a civil one, Council has imposed various standard conditions concerning excavation (geotechnical report and dilapidation reports) to ensure that this component of the construction is suitably managed.

4. Proposed stairwell adjacent to the eastern boundary and impacts upon the adjoining property

Comment: Fire stairs are proposed adjacent to the eastern boundaries which are accessed from the basement. The stairs are setback approximately 1.5m from the common side boundary. These stairs required to satisfy BCA fire requirements and are not intended, or likely to be used as, a highly trafficable area. This is particularly the case given that dwellings 1, 2 and 3 have their own internal stair access from the basement.

5. Impacts associated with new lighting installed

Comment: Conditions have been imposed addressing this concern.

6. Privacy impacts

Comment: This matter has been addressed in the main body of the report.

7. Sydney water sewer runs through the property

Comment: The applicant is required to address this issue with the relevant utility authority.

8. Traffic and parking impacts

Comment: The development provides an amount of car parking that exceeds the ARH SEPP requirements and complies with Council's DCP requirements.

9. Asbestos

Comment: Conditions have been imposed addressing this concern.

10. View loss impacts

Comment: The resident at No.27 Larkhill Avenue raises view loss concerns. In accordance with the decision in *Tenacity Consulting v Warringah Council*, there are no water or iconic views available from the locality and as such, it is more likely to be a district outlook which cannot be protected under the planning controls and/or the relevant Court planning principle.

11. Building height/form/density

Comment: This matter has been addressed in the main body of the report.

**Public Interest.**

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

**Consultation – Internal and External Referrals**

Internal Referrals:

- Tree officer
- Building surveyor
- Stormwater
- Environmental Health

64. No concerns were raised in the above referrals, subject to the imposition of conditions.

*Further comments - Tree Officer*

65. It is noted that the application includes the removal of the existing tree growing at the front of No.20 Thurlow Street adjacent to the common boundary with the subject site. The tree has low retention value. The appropriate owners consent has been provided and a condition of consent has been included to ensure that a suitable replacement tree is provided.

**Conclusion**

66. Development consent is sought for demolition of the existing structures and construction of a new multi dwelling housing development including strata subdivision (SEPP Affordable Rental Housing 2009).
67. The application has been assessed having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979, the provisions of the relative State Environmental Planning Policies, Local Environmental Plans and Development Control Plans. The proposed development achieves an acceptable level of compliance with those requirements and does not cause any unreasonable impacts upon neighbouring properties and/or the streetscape.
68. The application is recommended for deferred commencement approval.

## Recommendation

69. THAT pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, as amended, the Council grants deferred commencement consent to Development Application DA2017/0265 for demolition of the existing structures and construction of a new multi dwelling housing development at 16-18 Thurlow Street Riverwood, subject to the attached conditions.

## Schedule A

1. **Deferred Commencement - Drainage** - Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this consent will not operate until such time as the following requirements are satisfied:
  - (a) A Detailed Site Investigation is required to be undertaken and submitted to Council in accordance with the recommendations in the Preliminary Site Investigation, prepared by Benviron Group, dated May 2017. Should remediation works be required, a Remedial Action Plan must accompany the Detailed Site Investigation.

Subject to A above being satisfied a development consent be issued, subject to the following conditions.

## Schedule B – Site Specific Conditions

### GENERAL CONDITIONS

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

1. **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
Basement Plan	A-0101	Oct 17	B	Benson McCormack Architecture
Demolition and Excavation Plan	A-0007 & A-0008	Jun 17	A	Benson McCormack Architecture
Level 00(Ground) Plan	A-0102	Oct 17	B	Benson McCormack Architecture
Level 01 Plan	A-0103	Oct 17	B	Benson McCormack Architecture
Level 02 Plan	A-0104	Oct 17	B	Benson McCormack Architecture
North Elevation	A-0201	Oct 17	B	Benson

				McCormack Architecture
South Elevation	A-0202	Oct 17	B	Benson McCormack Architecture
East Elevation	A-0203	Oct 17	B	Benson McCormack Architecture
West Elevation	A-0204	Oct 17	B	Benson McCormack Architecture
Section AA	A-0221	Oct 17	B	Benson McCormack Architecture
Section BB	A-0222	Oct 17	B	Benson McCormack Architecture
Section CC	A-0223	Oct 17	B	Benson McCormack Architecture
Schedule of Colours and Finishes	A-1307	Jun 17	A	Benson McCormack Architecture
Window and Door Schedule	A-1001, A-1002, A-1003, A-1104 and A-1105.	Jun 17	A	Benson McCormack Architecture
Landscape Plans	L-01, L-02 and L-03	-	-	Site Design + Studios

**NOTE:** This consent does not provide any approval for Strata subdivision.

## SEPARATE APPROVALS UNDER OTHER LEGISLATION

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

2. **APR7.4 - 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 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) 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.

3. **APR7.2 - Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

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

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

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

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

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

4. **APR7.5 - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

## **REQUIREMENTS OF OTHER GOVERNMENT AGENCIES**

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

5. **GOV8.13 - 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](http://www.sydneywater.com.au) then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

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

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

6. **GOV8.14 - Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

## **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

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

7. **CC9.42 - 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 rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm;
  - (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
  - (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

8. **CC9.47 - 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.

9. **CC9.53 - Commonwealth Disability (Access to Premises) Standard** - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.
10. **CC9.62 - Construction Traffic Management Plan [Large Developments only]** - A Construction Traffic Management Plan detailing:
  - (a) Construction vehicle routes;
  - (b) Anticipated number of trucks per day;
  - (c) Hours of construction;
  - (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.

11. **CC9.69 - 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.

12. **CC9.86 - Compliance with submitted Arborist Report** - The recommendations outlined in the Arborist's Report titled prepared by dated must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - Australian Standard AS 4970-2009: Protection of trees on development sites.
13. **CC9.87 - Tree Protection and Retention** - The following trees shall be retained and protected:

14.

<b>Tree Species</b>	<b>Location of Tree / Tree No.</b>	<b>Tree Protection Zone (metres)</b>
Callistemon viminalis	Street Tree T1	2.0m
Camellia sasanqua	Within the site T11	3.1m
Litchi chinensis	Adjoining site at the rear T41	2.0m
Erythrina x sykesii	Rear yard T20	-
Nandina domestica	Rear yard T21	-
Acacia decurrens	Rear yard T14	3.8m

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

### **General Tree Protection Measures**

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. 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.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

### **Excavation works near tree to be retained**

- (a) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (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 or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

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

15. **CC9.89 - Tree Removal & Replacement - Tree removal** - Permission is granted for the removal of the following trees as referenced in the submitted Arborist report:

- (a) Remove the following Exempt trees on site: Trees 2, 3, 7, 8, 9, 10, 13, 16, 17, 18, 19, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 35, 37, 38 & 40;
- (b) Remove the following trees on site: Trees 4, 5, 6, 12, 15, 27, 33, 34 & 39;
- (c) Remove tree 36 at the front of the adjoining property at No.20 Thurlow Street.

### **General Tree Removal Requirements**

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

### **Tree Replacement**

The following replacement trees are to be planted prior to the issue of either an Occupation Certificate or Subdivision Certificate (whichever is first). All replacement trees must be replanted a minimum of 3m away from any driveway, building or structure.

<b>Replacement Tree Species</b>	<b>Number of trees</b>	<b>Location</b>	<b>Pot Size</b>
Applicant to select species from Recommended species for landscaping within Appendix 1 of Hurstville DCP 1	1	In the front yard of No.20 Thurlow Street	75L

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

16. **CC9.1 - Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au)).

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

Please contact Council prior to the payment of Section 94 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
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Builders Damage Deposit	\$1,957.00
Inspection Fee for Refund of Damage Deposit	\$150.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Hurstville Section 94 Development Contributions Plan 2012 - Residential (Community Facilities)	\$22 893.95
Hurstville Section 94 Development Contributions Plan 2012 - Residential (Open Space, Recreation, Public Domain)	\$161,879.30
	\$184,773.25

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

#### Indexation

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

#### Timing of Payment

The contribution must be paid and receipted by Council, prior to the release of the

## Construction Certificate.

### Further Information

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

17. CC9.13 - **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.
18. CC9.32 - **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.

19. CC9.33 - **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) 14 and 20 Thurlow Street; and
  - (b) 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.

20. **CC9.34 - Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

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).

21. **Stormwater Systems with Basement** - The underground basement car park must pump to and all other stormwater must drain by gravity to:
  - i. the street gutter.
  - ii. the existing drainage system.
  - iii. the easement to drain water.
  - iv. the upper level of the new kerb inlet pit required to be constructed directly in front of the development site.

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.

22. **CC9.35 - On Site Detention** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

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

- (a) Peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,
- (b) At Annual Recurrence Intervals of 2 years and 100 years.

Refer to Flow Controls in Council's Draft/Adopted Stormwater Drainage Policy.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the

words:

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

Full details shall accompany the application for the Construction Certificate.

23. **CC9.4 - Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,957.00**
- (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: **\$150.00**
- (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.

24. **CC9.48 - 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.

25. **CC9.54 - Geotechnical report** - Geotechnical Reports: The applicant must submit a 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 (address) and (address) 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.

26. **CC9.6 - Site Management Plan -**

Major Development

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

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

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

- 27. **CC9.61 - 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).
- 28. **CC9.78 - 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.
- 29. **CC9.84 - Landscape Plans** - All landscape works shall be carried out in accordance with the approved landscape plans. The approved landscape plans shall be updated to



ensure they are consistent with the approved architectural drawings. The landscaping shall be maintained in accordance with the approved plans in perpetuity. The approved landscape plans shall be updated to ensure they are consistent with the approved architectural drawings.

30. CC9.9 - **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. 830980M must be implemented on the plans lodged with the application for the Construction Certificate.

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

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

31. PREC10.1 - **Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

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

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

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

32. PREC10.10 - **Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.
33. PREC10.2 - **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.

34. **PREC10.3 - 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.

35. **PREC10.14 - Registered Surveyors Report - During Development Work** - A report must be submitted to the PCA at each of the following applicable stages of construction:

(a) Set out before commencing excavation.

(b) Floor slabs or foundation wall, before formwork or commencing brickwork.

(c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.

(d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.

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

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

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

36. **PREC10.15 - 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 WORK**

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

37. **CON11.12 - 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. **CON11.1 - 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.
39. **CON11.13 - 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.
40. **CON11.13 - 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.
41. **CON11.21 - 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.

42. **CON11.2 - 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.

#### **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

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

43. **CC12.24 - Consolidation of Site** - The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land and Property Information prior to the issue of a final occupation certificate.

44. **OCC12.26 - Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:
- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
  - (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
  - (c) Construct any new vehicle crossings required.
  - (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
  - (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
  - (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
45. **OCC12.28 - 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 footpath for the full length of the frontage of the site in in accordance with Council's Specifications for footpaths.
  - (b) Construct the vehicular crossing in accordance with Council's Specifications for vehicular crossings.
  - (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in in accordance with Council's Specifications for kerb and guttering.
  - (d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.
- 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.
46. **OCC12.29 - Completion of Major Works** - Prior to the issue of a Final Occupation

Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;
- (b) Driveways and vehicular crossings within the road related area;
- (c) Removal of redundant driveways and vehicular crossings; and
- (d) New footpaths within the road related area.

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.

47. **OCC12.3 - Restriction on use of land - Clause 17(1) SEPP (Affordable Rental Housing) - Infill Affordable Housing** - For ten (10) years from the date of the issue of the Occupation Certificate:

- (a) The dwellings proposed to be used for the purposes of affordable housing, identified on the approved plans as Units 9,10 and 11 will be used for the purpose of affordable housing, and
- (b) All accommodation that is used for affordable housing will be managed by a registered community housing provider.

A Restriction of Use of the Land is to be created using Section 88E of the Conveyancing Act 1919 over the subject property. This Restriction shall ensure that the requirements of Clause 17(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 are met and shall be worded as follows:

For a continuous period of ten (10) years from the date of issue of any occupation certificate (being an Interim or Final Occupation Certificate) the following Restrictions on the Use of the Land will apply:

- (i) The dwellings proposed to be used for the purposes of affordable housing, identified on the approved plans as Units 9,10 and 11 will be used for the purpose of affordable housing, and
- (ii) All accommodation that is used for affordable housing will be managed by a registered community housing provider.

This Restriction shall benefit Council and Council is to be nominated as the Authority to release, vary or modify this Restriction.

This Restriction on Use of Land shall be registered on the title of the land, prior to of the issue of any Occupation Certificate. Documentary evidence of the registration of this Restriction on title is to be supplied to the PCA (and Council where it is not the PCA) with the application for any Occupation Certificate.

48. **OCC12.17 - Restriction to User and Positive Covenant for On-Site Detention**

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

### **Restrictions on Use of Land**

*The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system".*

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

### **Positive Covenants**

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
  - a) *keep the system clean and free from silt, rubbish and debris*
  - b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
  - c) *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
  - d) *comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*
2. *Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*
  - a) *in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*
  - b) *the Council may recover from the registered proprietor in a Court of competent jurisdiction:*
    - i. *any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably*

*estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*

- ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.*

- 49. OCC12.18 - **Maintenance Schedule - On-site Stormwater Management** - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.
- 50. OCC12.19 - **Works as Executed and Certification of Stormwater works** - Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

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

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

- (a) The location of any detention basin/s with finished surface levels;
  - (b) Finished site contours at 0.2 metre intervals (if applicable)
  - (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 (if applicable);
  - (f) Details of any infiltration/absorption systems; and (if applicable);
  - (g) Details of any pumping systems installed (including wet well volumes) (if applicable).
- 51. OCC12.4 - **BASIX Certificate** - All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.
  - 52. OCC12.5 - **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.

53. OCC12.6 - **Completion of Landscape Works** - All landscape works (including the green wall) must be completed before the issue of the Final Occupation Certificate.

### ONGOING CONDITIONS

These conditions have been imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood or environment.

54. ONG14.26 - **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.

55. ONG14.67 - **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.

56. ONG14.27 - **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.

57. ONG14.5 - **Maintenance of Landscaping** - All tree, plants and the green wall 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 turf areas.

### ADVICE

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

58. ADV17.1 - **Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)
59. ADV17.12 - **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.

60. **ADV17.19 - Noise - Noise related conditions** - Council will generally enforce noise related conditions in accordance with the Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nlg.htm>) and the Industrial Noise Guidelines (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

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

61. **ADV17.28 - Sydney Water Section 73 Certificates** - The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.
62. **ADV17.3 - 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.
63. **ADV17.13 - Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

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

64. **ADV17.2 - 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.

65. **ADV17.6 - 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](http://www.georgesriver.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. 2012/DA) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

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

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

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

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

66. **ADV17.5 - 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.

## Schedule C – Prescribed Conditions

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

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

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

67. PRES1001 - **Clause 97A – BASIX Commitments** - *This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.*
68. PRES1002 - **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.*
69. PRES1003 - **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 Certifying Authority and the Principal Contractor.*
70. PRES1004 - **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.*
71. PRES1007 - **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.*

## Schedule D – Operational & Statutory Conditions

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

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

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

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

73. **OPER1002 - Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:

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

If the work is not going to be undertaken by an Owner-Builder, then the beneficiary of the consent must:

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

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

74. **OPER1003 - Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the PCA must notify:

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

75. **OPER1004 - Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

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

76. **OPER1005 - Subdivision Work – Construction Certificate & Appointment of Principal Certifying Authority** - Subdivision work in accordance with a development

consent cannot commence until:

- (a) A Construction Certificate has been issued by the consent authority, the council (if not the consent authority) or an accredited certifier; and
- (b) The beneficiary of the consent has appointed a Principal Certifying Authority for the subdivision work.

No later than two (2) days before the subdivision work commences, the PCA must notify:

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

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

77. **OPER1006 - Subdivision work – Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the subdivision works.

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

78. **OPER1007 - Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifying Authority. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

79. **OPER1008 - Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

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

80. **OPER1009 - Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

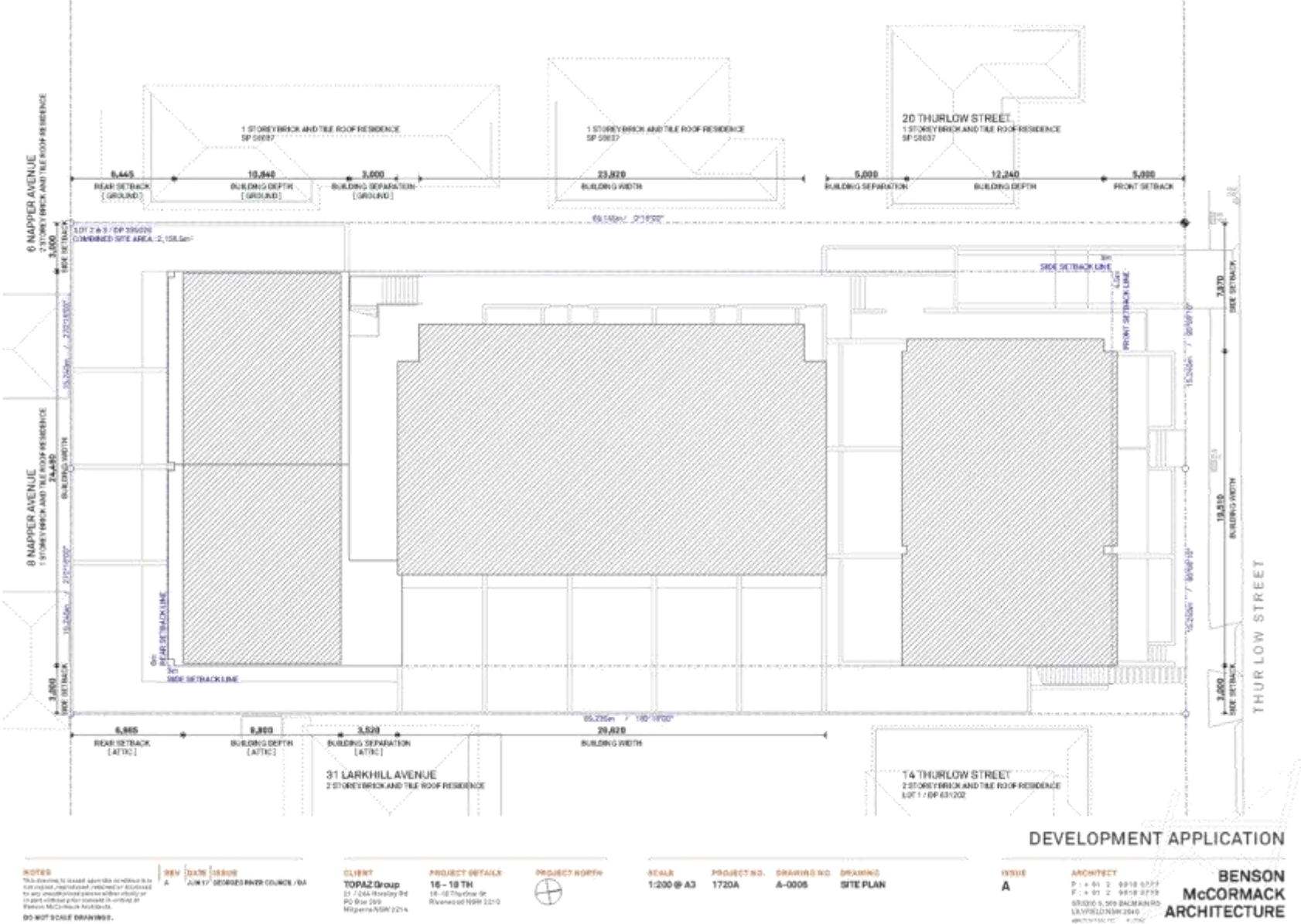
An **Occupation Certificate** Application Form is attached for your convenience.

## **ATTACHMENTS**

Attachment [View1](#) Site Plan

Attachment [View2](#) Architectural elevations and shadow diagrams







**NOTES**  
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**REV**  
A  
B

**DATE**  
JUN 17  
OCT 17

**ISSUE**  
GEORGES RIVER COUNCIL / SA  
GEORGES RIVER COUNCIL / SA ADD-INFO

**CLIENT**  
TOPAZ Group  
31 / 34a Waverley Rd  
PO Box 305  
90 Jerrisa RDW 2214

**PROJECT DETAILS**  
16 - 18 TH  
16 - 18 Thurlow St  
Riverwood NSW 2213

**PROJECT NORTH**

**SCALE:**  
1:100 @ A3  
1:7.31 @ A3

**PROJECT NO.**  
1720A

**DRAWING NO.**  
A-0201

**DRAWING**  
NORTH ELEVATION

DEVELOPMENT APPLICATION

**ISSUE**  
B

**ARCHITECT**  
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LIVERPOOL NSW 1500  
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ARCHITECTURE**



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B OCT 17 GEORGES RIVER COUNCIL / SA ADD INFO

**CLIENT**  
TOPAZ Group  
31 / 34a Watney Rd  
PO Box 305  
Riverwood NSW 2214

**PROJECT DETAILS**  
16 - 18 TH  
16 - 18 Thurlow St  
Riverwood NSW 2213

**PROJECT NORTH**

**SCALE:** 1:100 @ A3  
1:7.31 @ A3  
**PROJECT NO.** 1720A  
**DRAWING NO.** A-0202  
**DRAWING** SOUTH ELEVATION

DEVELOPMENT APPLICATION

**ISSUE**  
B

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LIVERPOOL NSW 2160  
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B	OCT 17	GEORGES RIVER COUNCIL / DA ADD-INFO

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TOPAZ Group  
31 / 34a Watney Rd  
PO Box 303  
90-penn RDW 2214

**PROJECT DETAILS**  
16 - 18 TH  
16-18 Thurlow St  
Riverwood NSW 2213

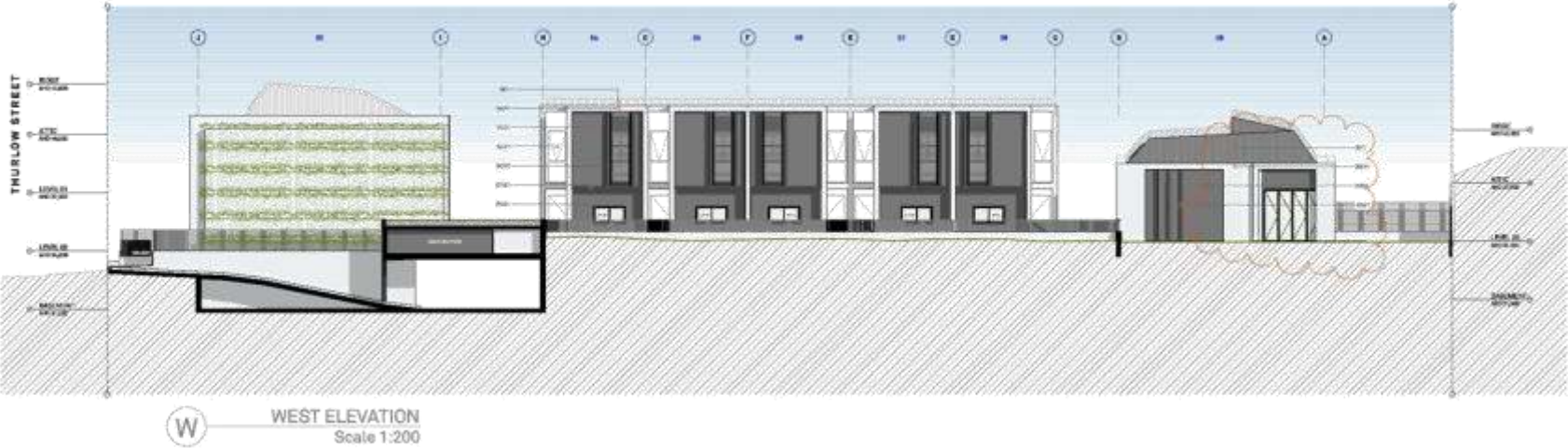
**PROJECT NORTH**

SCALE:	PROJECT NO.	DRAWING NO.	DRAWING
1:200 @ A3 1:3.61 @ A3	1720A	A-0203	EAST ELEVATION

DEVELOPMENT APPLICATION

ISSUE	ARCHITECT
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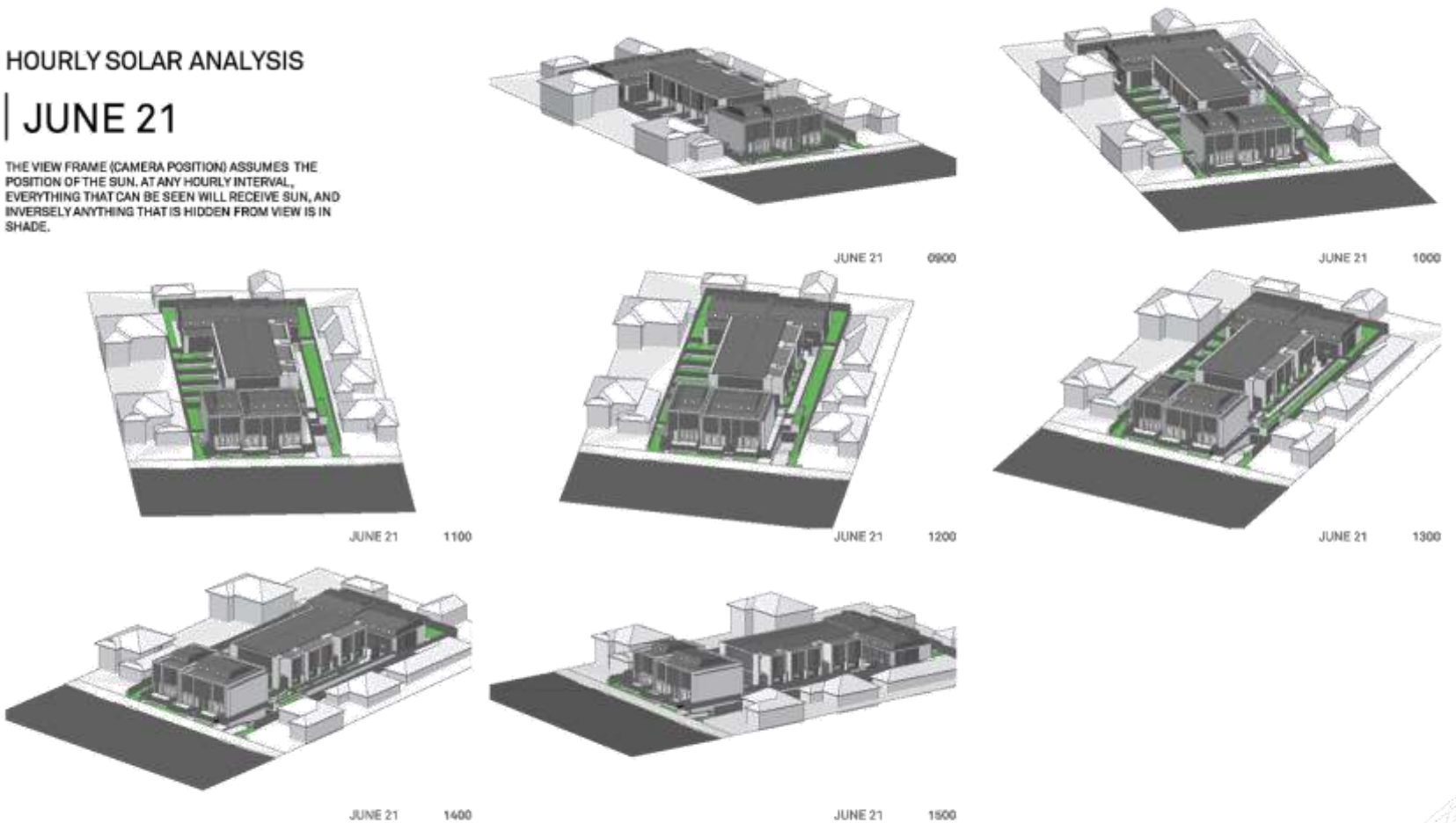


NOTES				CLIENT		PROJECT DETAILS		PROJECT NORTH		SCALE		PROJECT NO.		DRAWING NO.		DRAWING		ISSUE		ARCHITECT	
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				PO Box 205		Riverwood NSW 2213		PROJECT NORTH												ARCHITECTURE	
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																				L. CYPRIOS RD NEW TOWN	
																				444-76 00 100 00	

HOURLY SOLAR ANALYSIS

JUNE 21

THE VIEW FRAME (CAMERA POSITION) ASSUMES THE POSITION OF THE SUN. AT ANY HOURLY INTERVAL, EVERYTHING THAT CAN BE SEEN WILL RECEIVE SUN, AND INVERSELY ANYTHING THAT IS HIDDEN FROM VIEW IS IN SHADE.



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**CLIENT**  
TOPAZ Group  
21 / 24A Marney Rd  
PO Box 205  
RIVERWOOD NSW 2214

**PROJECT DETAILS**  
16 - 18 TH  
16-18 Thurlow St  
Riverwood NSW 2215

**PROJECT NORTH**

**SCALE**  
1:784.72 @ A3

**PROJECT NO.**  
1720A

**DRAWING NO.**  
A-1304

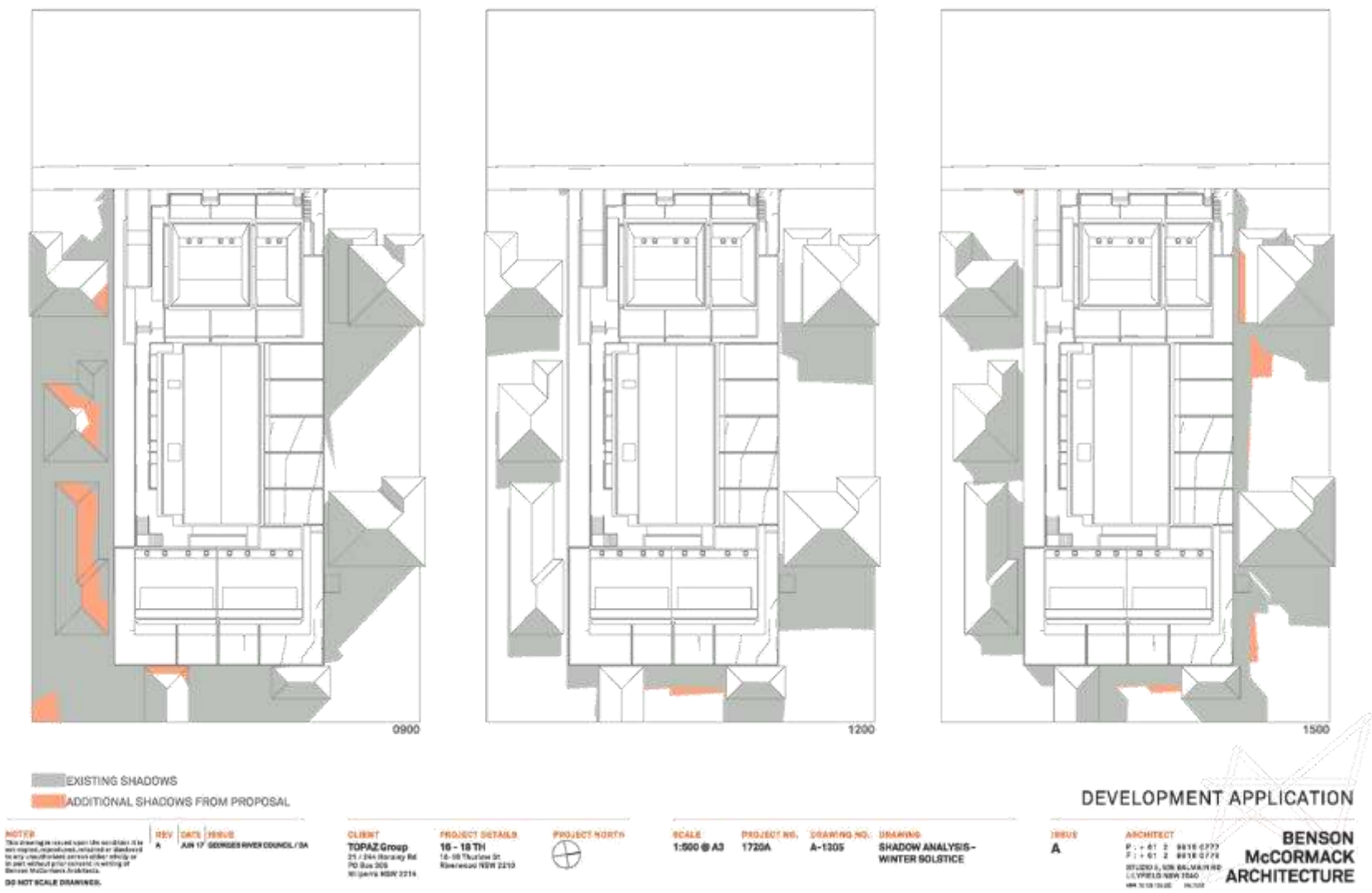
**DRAWING**  
SOLAR ANALYSIS

DEVELOPMENT APPLICATION

**ISSUE**  
A

**ARCHITECT**  
P 1 + 61 2 9816 2777  
F 1 + 61 2 9816 2778  
30 CECIL ST, 10th FLOOR, BALMAIN NSW  
15 CECIL ST, 10th FLOOR, BALMAIN NSW  
15 CECIL ST, 10th FLOOR, BALMAIN NSW

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ARCHITECTURE**





# REPORT TO GEORGES RIVER COUNCIL

## IHAP MEETING OF WEDNESDAY, 31 JANUARY 2018

<b>IHAP Report No</b>	<b>3.3</b>	<b>Application No</b>	<b>DA2017/0044</b>
<b>Site Address &amp; Ward Locality</b>	24 - 24B Barry Avenue Mortdale Mortdale Ward		
<b>Proposal</b>	Demolition of existing structures and construction of new light industrial building with parking		
<b>Report Author/s</b>	Senior Development Assessment Officer		
<b>Owners</b>	Mr A Ashworth and Mrs P Ashworth		
<b>Applicant</b>	Craig Ashworth		
<b>Zoning</b>	IN2 – Light Industrial		
<b>Date Of Lodgement</b>	2/03/2017		
<b>Submissions</b>	Nil		
<b>Cost of Works</b>	\$1,300,000.00		
<b>Reason for Referral to IHAP</b>	Building Height		

<b>Recommendation</b>	Grant development consent subject to conditions.
-----------------------	--

### Site Plan



## **Executive Summary**

### **Proposal**

1. Council is in receipt of an application for demolition of existing structures and construction of a new light industrial building.

### **Site and Locality**

2. The site is located on the northern side of Barry Avenue within the Mortdale light industrial area. The site is currently occupied by an existing light industrial building which is proposed to be demolished.

### **Zoning and Compliance with LEP Standards**

3. The site is zoned IN2 – Light Industrial under HLEP 2012 and the proposed light industrial use is permissible in the zone.

### **Submissions**

4. The application was notified for 14 days in accordance with the DCP. No submissions were received.

### **Level of Determination**

5. The application has been referred to the Independent Hearing and Assessment Panel due to the height non-compliance exceeding a 10% variation.

### **Conclusion**

6. Having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment of the proposal Development Application No. DA2017/0044 should be approved subject to the conditions of this report.

## **Report in Full**

### **PROPOSAL**

7. Development consent is sought for the demolition of the existing structures on the site and construction of a light industrial building.
8. The light industrial building is two storeys with office and amenity spaces cantilevered over an undercroft parking area at the front of the site, and a manufacturing area which has a raised roof level at the rear of the site to accommodate an internal overhead crane.
9. The development provides seven parking spaces at the front of the property which are screened by a landscaped area and outdoor staff amenity space.
10. The development is proposed to be used for light industrial purposes for general engineering including welding, machining and mechanical repairs.
11. The proposed hours of operation are:
  - 7am to 5pm Monday to Friday
  - 6am to 2pm Saturday.

### **THE SITE AND LOCALITY**

12. The site is identified as Lot 4 in DP 15552 and known as 24-24B Barry Avenue, Mortdale. The site is located on the northern side of the road with a frontage of 19.1m and a total area of 957.3sqm.
13. Adjoining the site to the north is a large industrial complex operated by Ace Gutters. To the east and west are smaller light industrial uses.
14. The area is characterised by a mix of light industrial uses ranging in size and height. The area transitions into the R2 Low Density Residential zone approximately 80m to the south east of the site.



## BACKGROUND

15.
  - 2 March 2017 – Application Lodged.
  - 14 March 2017 – Application notified in accordance with DCP.
  - 15 September 2017 – Additional information requested.
  - 10 October 2017 – Additional information lodged.

## COMPLIANCE AND ASSESSMENT

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

## ENVIRONMENTAL PLANNING INSTRUMENTS

### HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012

#### Part 2 – Permitted or Prohibited Development

##### Clause 2.1 – Land Use Zones

17. The property is zoned IN2 – Light Industrial pursuant to the HLEP 2012. The light industrial use is permissible in the zone.

#### Part 4 – Principal Development Standards

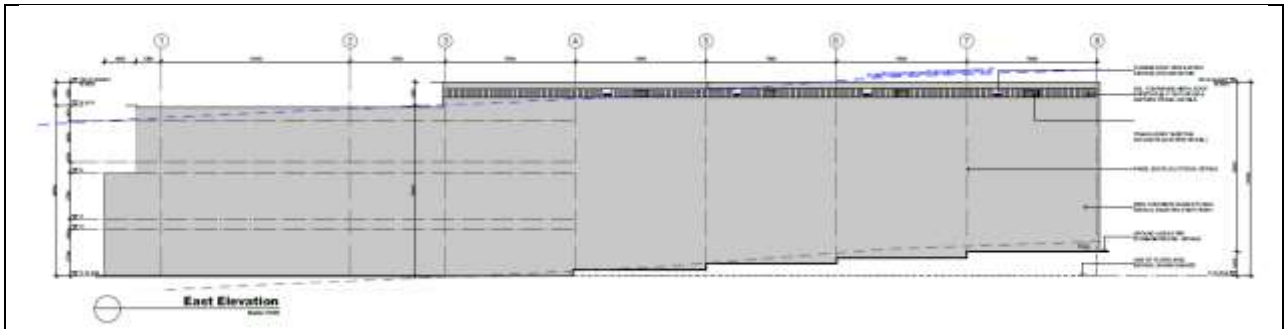
Applicable LEP Clause	Development Standard	Development Proposal	Compliance
4.3 – Height of Buildings	10m as identified on Height of Buildings Map	11.55m	No
4.4 – Floor Space Ratio	1:1 as identified on Floor Space Ratio Map	0.87:1	Yes

##### Clause 4.6 – Exceptions to Development Standards

##### Detailed Assessment of Variation to Clause 4.3 – Height of Buildings Development Standard under HLEP 2012

18. The proposal seeks a variation to Clause 4.3 – Maximum building height under the Hurstville Local Environmental Plan 2012. The maximum building height development standard for this site is 10m, however the proposed development has a maximum proposed height of 11.55m.
19. There are two areas of non-compliance on the site. The first is located on the south eastern corner of the building where the parapet height is 10.9m above existing ground level. This non-compliance is located along a small part of the front elevation. And the variation extends approximately 11m in building length on the eastern side elevation. The variation decreases with the slope of the land. This variation is a result of the west to east fall across the site but also, an additional storey which is for services only but has a proposed floor to ceiling height of 2.4m which is excessive. Following correspondence with the applicant, a condition is recommended to reduce the floor to ceiling height to 2m, and the overall roof and parapet height in this location is also to be reduced accordingly. This will reduce the height of the building on this part of the site to 10.5m, minimising the variation and any associated visual bulk.
20. The second, and more significant area of non-compliance is located in the centre of the site and forms the front section of the warehouse portion of the building. The maximum height of 11.55m is located in the centre of the site along the south eastern corner of this section. The variation reduces towards the rear of the site. The total length of the variation is approximately 21m which constitutes 37.5% of the length of wall.





21. A request for a variation in accordance with Clause 4.6 has been provided with the application as part of the Statement of Environmental Effects prepared by Mayan Engineering dated February 2017. An assessment of the variation against the provisions of Clause 4.6 is provided below.

**“1. Is the planning control in question a development standard?”**

22. Comment: The proposal seeks to vary the building height development standard under Clause 4.3 of the Hurstville Local Environmental Plan 2012. The extent of the variation 1.55m above the limit or 15.5%.

**“2. What are the underlying objectives of the development standard?”**

23. The relevant objectives of Clause 4.3 Height of Buildings are discussed below.

**Objective (a): To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality**

24. Applicant's response:

*The proposal consists of a two storey office building with attached warehouse space. The surrounding area consists of developments of comparable scale and height. The proposed building is designed so as not to dominate the streetscape appearance and represents a significant improvement to the current building. The proposed development is consistent with the use of the area for light industrial purposes and large warehouse style buildings and associated offices. The height limit is not exceeded across the entirety of the site and proposed development. The height limit is exceeded due to the south to north sloping nature of the site and need to accommodate a modern office and warehouse building that allows for the most efficient use of the site.*

25. Comment: The proposed development is consistent with the height, bulk and scale of surrounding industrial developments. In particular the Ace Gutters building which adjoins the site to the rear is of a similar height to the proposal. It is noted that the development would be higher than some of the existing, older industrial buildings along Barry Avenue, however as they redevelopment to accommodate modern light industrial uses this is likely to change.

The building is designed so that the height of the building steps back from the street to allow for an appropriate relationship with the adjoining buildings and overall bulk and scale of the development is considered compatible with the character of the locality.

**Objective (b): to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and public domain, including parks, streets and lanes.**

26. Applicant's response:

*When viewed direct from Barry Street the building will be of a two storey appearance. The southern elevation directly viewed along Barry Street is within the 10 metre height limit. The windows of the proposed development along the West elevation will not result on a loss of privacy to the existing development to the west as they are not directly adjoining. Additionally no loss of privacy, amenity or solar access to residential properties or public spaces will be affected as the building is located within a primarily industrial area. The site is not located on an active street frontage or classified as a miscellaneous permissible uses. No residential properties directly adjoin the site.*

27. Comment: The height of the building graduates towards the rear of the site to minimise the visual impact of the development. Due to the sites location within an industrial zone, the proposal would not result in any unreasonable impacts on the adjoining properties or public domain.

**Objective (c): To minimise the adverse impact of development on heritage items.**

28. Applicant's response:

*The site is not a heritage item or located within a heritage conservation area. No heritage items/conservation area located adjacent to the site.*

29. Comment: N/A

**Objective (d): To nominate heights that will provide a transition in built form and land use intensity.**

30. Applicant's response:

*The height limit is not exceeded across the entirety of the site and proposed development. The height limit is exceeded due to the south to north sloping nature of the site and therefore provides a transition in the height of the building.*

31. Comment: The height of the building is concentrated in the rear half of the site and is similar to the height of building that adjoins the rear boundary. Although exceeding the height limit, the development is consistent with other recent developments in the Mortdale industrial area. The height of the development is required to accommodate an internal overhead crane, which is required to maintain the light industrial use of the site.

The built form of the development is consistent with the intensity of development in the light industrial zone.

**Objective (e): To establish maximum building heights that achieve appropriate urban form consistent with the major centre status of the Hurstville City Centre.**

32. Applicant's response:

*The site is not located within the Hurstville City Centre.*

33. Comment: N/A

**Objective (f): To facilitate an appropriate transition between the existing character of areas or localities that are not undergoing, and are not likely to undergo, a substantial transformation.**

34. Applicant's response:

*The site is located within an industrial area that is predominately industrial.*

35. Comment: The development is consistent with modern light industrial developments in the locality but would remain complementary to the existing older buildings in the Mortdale industrial area.

***Objective (g): To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.***

36. Applicant's response:

*No adverse environmental effects are anticipated as a result of the proposed building height variation as the site is located within an industrial area and does not adjoin any public open spaces. The site is not located on an active street frontage or classified as a miscellaneous permissible uses.*

37. Comment: The development would not result in any adverse environmental impacts on adjoining properties or the public domain.

38. It is considered that the applicant has adequately addressed the matters identified in Clause 4.3 and Clause 4.6 and the proposed development is consistent with the objectives identified in Clause 4.3 Height of Buildings.

***“3. What are the underlying objectives of the zone?”***

39. The objectives of the IN2 Light Industrial Zone are as follows:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To enable industrial development which does not pollute or adversely affect adjoining land, air or water.*
- *To ensure industrial development creates areas that are pleasant to work in, safe and efficient in terms of transportation, land utilisation and service distribution.*

40. Comment: The proposal is considered to be consistent with the IN2 Light Industrial Zone on the following basis:

- The height of the development is to accommodate an internal overhead crane and facilitate the use of the site for light industrial purposes.
- The proposal would provide employment opportunities in the area.
- The proposal would not have any adverse amenity impact on the surrounding properties.
- The development would maintain an industrial use in the area.

***“4. Is the variation to the development standard consistent with Clause 4.6 of the HLEP 2012?”***

41. Comment: The proposal is considered consistent with the zone and objectives of the development standard. The proposed variation will facilitate the use of the building for light

industrial purposes and is unlikely to cause any unreasonable impacts on the adjoining properties.

For the above reasons there are sufficient planning grounds to justify the non-compliant height of the building. It is also noted that in supporting this Clause 4.6 variation that it is considered unlikely to generate an undesirable precedent within the area. Therefore the proposal is considered to be consistent with Clause 4.6 of the HLEP 2012.

**“5. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?”**

42. Applicant’s response: *Considering the site characteristics and zoning of the site, strict compliance with Clause 4.3 of the LEP is considered to be unnecessary and unreasonable. The proposal is justified on the following environmental planning grounds:*

- *The proposed FSR complies with the LEP FSR limit, ensuring the scale and built form of the development is consistent with the industrial character of the area and the amenity of adjoining properties is maintained.*
- *It represents an efficient and best use development of the site for light industrial purposes consistent with the objectives of the zone.*
- *It will result in a significant improvement to the physical appearance of the site through a contemporary designed building that has considered the surrounding area and intended use of the site for light industrial purposes.*
- *The architectural design of the new development provides a good quality built form outcome for the site.*
- *The proposed height limit exceedance is consistent with the height of existing buildings in the surrounding industrial area.*
- *If the proposed building was reduced in height, the same design outcome could not be achieved. The proposed development presents the most efficient use of the site while providing new office facilities, amenities, warehouse space and designated car parking and loading areas.*

*The proposed height limit exceedance is considered appropriate and consistent with the objectives and intent of the site and surrounding area and Clause 4.3 of HLEP 2012.*

43. Comment: As discussed earlier in this report, the variation to the building height is consistent with the objectives of both the development standard and the IN2 Light Industrial zone. The variation is required to accommodate an internal overhead crane and facilitate the continued operations of this light industrial use from this site. Further, the development would not result in any adverse impacts on adjoining properties or set an undesirable precedent.

As such, strict compliance with the maximum building height is considered to be both unreasonable and unnecessary in this case.

**“6. Is the objection well founded?”**

44. Comment: The Clause 4.6 variation is considered to be well founded, and compliance with the development standard is unreasonable in the circumstances of the proposal for the reasons stated in this report.

**Part 5 – Miscellaneous Provisions**

None relevant.

## Part 6 – Additional Local Provisions

### Clause 6.1 – Acid Sulfate Soils

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

## STATE POLICIES

State Environmental Planning Policy	Complies
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes
State Environmental Planning Policy 55 – Remediation of Land	Yes
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Part 3 Council permits for clearing of vegetation in non-rural areas)	Deemed to satisfy the provisions of this SEPP as no trees are being removed with this application

## DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

46. There are no draft planning instruments that are applicable to this site.

## DEVELOPMENT CONTROL PLANS

47. The development is subject to the controls contained in Development Control Plan No.1. An assessment against the relevant controls is provided below.

### Section 3.1 - Car Parking

48. The proposed use is defined as 'light industry' comprising 'manufacturing' and 'office' floor space under DCP 1 for the purposes of calculating car parking. An assessment of parking is provided below.

Section 3.1	Standard	Proposal	Complies
Light Industry <ul style="list-style-type: none"> <li>Office</li> <li>Manufacturing</li> </ul>	1 per 40sqm 1 per 100sqm  Total 7 spaces required.	7 spaces provided	Yes

49. The development is consistent with the objectives and controls of Section 3.1 Car Parking and conditions are recommended to ensure the parking area complies with the relevant Australian Standards.

### Section 3.3 - Access and Mobility

50. One disabled parking space has been provided in accordance with this clause.

51. Conditions are recommended requiring access in accordance with the relevant Australian Standards and the BCA.

### **Section 3.4 - Crime Prevention through Environmental Design**

52. The proposed development has been assessed against crime prevention principles and is considered to be acceptable. The proposed development does not create any additional opportunities for crime. The development has a frontage to Barry Ave which allows casual surveillance of the street which is consistent with crime prevention principles.

### **Section 3.9 - Waste Management**

53. A waste management plan has been submitted with the application for the the development. The site can also accommodate waste facilities for the proposed use.

### **Section 5.1 - Light Industrial Areas**

54. The relevant provisions of Section 5.1 which apply to the proposed development are as follows.

<b>Section 5.1</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
PC1 – Development density	Floor Space Ratio controls are in Clause 4.4 and associated maps of the Hurstville LEP 2012 = 1:1 maximum.	0.72:1	Yes
PC3 – Setbacks	Primary setback to Barry Avenue 4.5m  3m min landscaped area Within the front setback area, a minimum of 3 metres is to be landscaped and maintained as open area in order to enhance the streetscape. This area is not to consist of buildings, storage areas or car parking and manoeuvring areas.	>4.5m  3.5m landscaped area proposed which meets this criteria	Yes
PC4 - Building design	The maximum height of a building in the light industrial zone is contained within Clause 4.3 and the associated maps of the Hurstville LEP 2012 and Appendix 1 for building heights and indicative storeys =10m  Schedule of materials to be submitted.  Non reflective materials and finishes to be use. Reflective surfaces on the external wall of a proposed building are to be no greater than 20%.  Fencing is not to be erected	11.55m  Proposed external finishes satisfactory.  Reflective requirements can be a condition of consent.  Front boundary	No, see discussion earlier in this report.       Yes

	<p>within any landscape setback area. Fencing at the front of premises is to be of an open design and a maximum height of 2.5m.</p> <p>Buildings must present a satisfactory facade to the street. Blank wall facades are not acceptable.</p> <p>Architectural features are to be included in the design of new buildings to provide for more visually interesting light industrial areas. Such features may include:</p> <ul style="list-style-type: none"> <li>-Distinctive parapets or roof forms</li> <li>-Articulated facades</li> <li>-Distinctive entries</li> <li>-A variety of window patterns</li> <li>-Balustrades</li> <li>-Pergolas and other sun shading devices; and</li> <li>-Selection of building materials.</li> </ul>	<p>fence is palisade fencing which is open. A condition is recommended to limit fence height.</p> <p>Façade is satisfactory.</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p>
PC5 - Landscaping	<p>Development applications are to be accompanied by a landscape plan prepared by a suitably qualified landscape architect or designer.</p> <p>A survey plan is to accompany a development application indicating the precise location of existing trees, their condition, species and crown size, and which trees are proposed to be removed.</p> <p>Landscape design is to generally incorporate species indigenous to the area and those which will not cause damage to adjacent buildings and driveways. Plants to avoid are those which have a short life, drop branches, gum or</p>	<p>Landscape plan has been submitted however it is not by a qualified landscape architect. Condition will require submission of plan prior to CC.</p> <p>No existing landscaping on site.</p> <p>The landscaping design is consistent with PC5.</p>	<p>Yes (condition recommended)</p>

	<p>fruit, or which interfere with underground pipes.</p> <p>Landscaping is to be provided in the front setback area to soften the appearance of buildings and enhance the streetscape.</p> <p>Landscaping is to be provided where the site abuts access streets, service roads, railway lines or residential development.</p> <p>Buildings, driveways and service trenches are to have a minimum setback of 4 metres from trees and groups of trees which have been assessed as significant.</p> <p>An outdoor eating and sitting area is to be provided within sites at the rate of 1sqm per employee, with a minimum total area of 10sqm.</p> <p>Trees planted on site should provide shade in summer and allow sunlight in winter and should be positioned appropriately.</p>	<p>The front part of the site includes landscaping and a 10sqm outdoor area for employees.</p>	
PC6 - Vehicle access and parking	<p>Car parking and loading bays must comply with Section 3.1– Vehicle Access, Parking and Manoeuvring.</p> <p>Access and mobility provisions must comply with section 3.3 – Access and Mobility.</p> <p>Where possible, parking is to be provided to the rear of buildings or below ground level.</p> <p>Design and layout of parking facilities is in accordance with relevant Australian Standards.</p>	<p>Complies.</p> <p>Parking is located at the front of the site but screened by landscaping which is acceptable.</p>	Complies
PC7 - Acoustics	<p>Noise levels are not to exceed specified limits at the most affected point of the property boundary.</p>	<p>The proposed light industrial use is surrounded by other similar uses and would not result in any</p>	Yes



	<p>The hours of operation of light industrial activities are between the hours of 7.00 am and 5.00 pm. Mondays to Saturdays inclusive, with no work on Sundays or Public Holidays. For those properties that are not located adjoining or opposite a residential property where the use does not result in heavy machinery work the extended trading hours, 7am to 7pm Mondays to Saturdays inclusive with no work on Sundays or Public Holidays apply.</p>	<p>unreasonable acoustic impact. Standard conditions of consent will require the development to comply with acoustic standards.</p> <p>The proposed hours of operation of 7am to 5pm Monday to Friday and 6am to 2pm Saturday are satisfactory as the development does not directly adjoin residential properties</p>	
<p>PB8 - Energy efficiency and services</p>	<p>Passive solar design measures are to be incorporated into a building's design.</p> <p>Ceiling insulation is to be provided.</p> <p>The use of solar collectors for hot water heating and power is encouraged to reduce energy consumption.</p> <p>Buildings are to have windows that are appropriately sized and shaded to reduce summer heat load while permitting entry of winter sun.</p> <p>External shading devices are to be incorporated but should not completely eliminate or substantially reduce natural lighting or views.</p> <p>Low energy, high efficiency plant, fittings and appliances are to be specified.</p>	<p>Satisfactory – the building will comply with the energy efficiency measures of the BCA</p>	<p>N/A</p>

	<p>Water consumption is to be minimised by the use of dual flushing toilets and the planting of indigenous species in landscaped areas.</p> <p>The applicant is to ascertain, by reference to Energy Australia, the position where the service box and meters are to be installed.</p> <p>Energy Australia may require an area within the site to be dedicated, suitable for the location and maintenance of a distribution substation.</p>		
PC9 - Waste management	Adequate storage for waste materials is to be provided on the site in accordance with requirements identified in PC 9.	The site can accommodate appropriate waste facilities	Yes

## ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

### Natural Environment

55. The development would not result in any loss of vegetation as there are currently no landscaped areas on the site. The introduction of a landscaped area along the front boundary of the site would improve the overall natural environment.

### Built Environment

56. Although the development exceeds the building height limit, for the reasons discussed earlier in this report, the proposal would be compatible with existing and future character of the Mortdale light industrial area. The development would not have any detrimental streetscape impacts and will improve the appearance of the area. Further, the proposal would not have any adverse impacts on adjoining properties.
57. Overall, the contemporary building design would be a positive contribution to the surrounding built environment.

### Social Impact

58. The development would not result in any adverse social impacts.

### Economic Impact

59. The proposed light industrial building will provide an improved facility for the existing engineering business and would continue to the success of the Mortdale light industrial area.

### Suitability of the Site

60. For the reasons outlined throughout this report, the site is considered suitable for the development.

### Submissions

61. In accordance with the provisions of Council's notification requirements, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

## **Consultation – Internal and External Referrals**

### Internal Referrals:

#### **Development Engineer**

62. No objections subject to conditions.

#### **Senior Building Surveyor**

63. No objections subject to conditions.

### **Conclusion**

64. The application has been assessed having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979, the provisions of the relative State Environmental Planning Policies and Local Environmental Plan.
65. Following detailed assessment it is considered that Development Application No DA2015/0278 should be approved subject to conditions.

## **Schedule A – Site Specific Conditions**

### **GENERAL CONDITIONS**

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

#### **1. Approved Plans (DEV6.1)**

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:

<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Site Plan	A100	9.10.17	D	Algorry Zappia and Associates
Ground and First Floor Plan	A200	9.10.17	D	Algorry Zappia and Associates
Roof and Services Plan	A201	21.02.17	C	Algorry Zappia and Associates
Sections	A300	21.02.17	C	Algorry Zappia and Associates
Elevations	A400	21.02.17	C	Algorry Zappia and Associates
Materials Schedule	A502	21.20.17	C	Algorry Zappia and Associates

### **SEPARATE APPROVALS UNDER OTHER LEGISLATION**

2. These conditions have been imposed to ensure that the applicant is aware of any separate approvals required under other legislation, for example: approvals required

under the Local Government Act 1993 or the Roads Act 1993.

3. **APR7.4 - 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) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
  - (b) 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.

4. **APR7.7 - 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' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 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 Section 68 of the Local Government Act 1993 and Section 138 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 at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au)) before the commencement of work; and
  - (d) A Public Risk Insurance Policy with a minimum cover of \$20 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.
5. **APR7.2 - Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

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

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

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

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

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

6. **APR7.5 - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

## **REQUIREMENTS OF OTHER GOVERNMENT AGENCIES**

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

7. **GOV8.11 - Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.
8. **GOV8.13 - 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](http://www.sydneywater.com.au) then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

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

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

9. **GOV8.14 - Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.
10. **GOV8.15 - Electricity Supply** - An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services).

#### **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

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

11. **CC9.15 - Structural Engineers Details** - Before the issue of the Construction Certificate, structural engineer's details prepared by a suitably qualified practising structural engineer must be submitted, having regards to the geotechnical report and recommendations, in connection with the excavation of the site and method of support to the adjoining land.
12. **CC9.31 - Structural design** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, a Compliance or Structural Certificate, to the effect that building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority during construction and prior issue of the Occupation Certificate.
13. **CC9.36 - Detailed Stormwater Drainage Design** - The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line

Analysis) must be submitted with the Construction Certificate application.

14. **CC9.37 - Driveway Surface Waters** - For driveways on private property sloping to the street and greater than 10 metres in length, drainage control devices such as humps or grated surface inlet pits shall be installed at the front boundary in order to control excess stormwater flowing across Council's footpath.
15. **CC9.47 - 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.
16. **CC9.52 - Access for Persons with a Disability** - Access and sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.
17. **CC9.53 - Commonwealth Disability (Access to Premises) Standard** - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.
18. **CC9.61 - Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
19. **CC9.62 - Construction Traffic Management Plan [Large Developments only]** - A Construction Traffic Management Plan detailing:
  - (a) Construction vehicle routes;
  - (b) Anticipated number of trucks per day;
  - (c) Hours of construction;
  - (d) Access arrangements; and
  - (e) Proposed traffic measures to minimise impacts of construction vehiclesmust 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.
20. **CC9.68 - Acoustic Requirements - Compliance with submitted Acoustic Report** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 (as amended) and Regulations.

An Acoustic Report shall be prepared by a suitably qualified acoustic consultant

demonstrating that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's NSW Industrial Noise Policy.

21. **CC9.80 - Waste Storage Containers - Commercial/Industrial** - Appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:

**Industrial Waste**

- (a) General Waste Facilities - 0.1-0.2 cubic metres per 100 square metres of floor area per day;
- (b) Industrial Waste - that is solid waste derived from the manufacture or repair of equipment - specialised containers appropriate for the nature of waste derived from the manufacture or repair of equipment; and,
- (c) Recycling Facilities - appropriate recycling facilities to be provided.

All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins for the number of units and intended uses of the building.

Bins shall be stored in an area of the building that can be adequately serviced by waste collection vehicles. If the waste storage area is located in a part of the building that cannot be easily accessed by service providers, it will be the responsibility of the Owners Corporation to present the bins for collection to the kerb-side.

Details of the waste storage area must be illustrated on the plans submitted with the application for the Construction Certificate for approval.

22. **CC9.83 - Landscape Plan** - A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other



approved architectural and engineering plans.

23. CC9.1 - **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au)).

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

Please contact Council prior to the payment of Section 94 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
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$150.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Georges River Council Section 94A Development Contributions Plan 2017	\$ 13,000.00

### General Fees

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

### Development Contributions

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

### Indexation

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

Timing of Payment

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

Further Information

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

24. **CC9.12 - Required design changes** - The following changes are required to be made and shown on the Construction Certificate plans:

Amendments	The floor to ceiling height of the 'services space' shown on the approved plans is to be reduced in height to a maximum of 2metres. The height of the roof structure and parapets over the 'services space' portion of the building are also to be reduced by a minimum of 0.4m to correspond with the floor to ceiling height change.
Front fence	The front fence must be open style palisade fencing with a maximum height of 2.5m.

25. **CC9.32 - 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.

26. **CC9.33 - 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.

- 27. **CC9.34 - Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

All stormwater shall drain by gravity to the upper level of Council's kerb inlet pit located in Barry Avenue in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

- 28. **CC9.35 - On Site Detention** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

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

- (a) Peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,
- (b) At Annual Recurrence Intervals of 2 years and 100 years.

Refer to Flow Controls in Council's Draft/Adopted Stormwater Drainage Policy.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

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

during heavy storms."

Full details shall accompany the application for the Construction Certificate.

29. **CC9.4 - Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
- (a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,900.00**
  - (b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$150.00**
  - (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.

30. **CC9.43 - Stormwater Drainage Plan Details** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's

31. **CC9.48 - 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.

32. **CC9.54 - Geotechnical report** - Geotechnical Reports: The applicant must submit a 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 (address) and (address) 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.

33. **CC9.6 - 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.

Major Development

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

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

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

34. **CC9.78 - 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.

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

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

35. **PREC10.11 - Dilapidation Report on Public Land - Major Development Only** - 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:

(a) Footpath, Kerb & Gutter and road pavement.

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) 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 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.

36. **PREC10.1 - Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011 unless specified in the Act and/or Regulation that a

license is not required.

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

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

37. **PREC10.10 - Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.
38. **PREC10.2 - 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.
39. **PREC10.3 - 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.
40. **PREC10.14 - 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.

- 41. **PREC10.15 - 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 WORK**

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

- 42. **CON11.11 Physical connection of Stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's in.
- 43. **CON11.12 - 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.
- 44. **CON11.1 - Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
- 45. **CON11.13 - 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.

46. **CON11.2 - 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.

47. **CON11.13 - 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.
48. **CON11.21 - 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.

49. **CON11.3 - 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.

#### **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

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

50. **OCC12.26 - Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:
- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
  - (b) 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.
51. **OCC12.28 - 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) 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.

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.

52. **OCC12.29 - Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

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

Council's 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.

53. **OCC12.31 - Dilapidation Report on Public Land for Major Development Only** - Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site including:

- (a) Footpath, Kerb & Gutter and road pavement.

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.

54. **OCC12.32 - 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);
  - (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's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

55. **OCC12.34 - Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of

the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

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

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

- 56. OCC12.38 - **Structural Detail** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified 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 prior issue of the Occupation Certificate.
- 57. OCC12.17 - **Restriction to User and Positive Covenant for On-Site Detention Facility** - A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows:

#### **Restrictions on Use of Land**

*The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system".*

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

#### **Positive Covenants**

- 1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
  - a) *keep the system clean and free from silt, rubbish and debris*
  - b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
  - c) *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency)*

*to enter and inspect the land for the compliance with the requirements of this covenant*

*d) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*

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

*a) in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*

*b) the Council may recover from the registered proprietor in a Court of competent jurisdiction:*

*i. any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*

*ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.*

58. **OCC12.18 - Maintenance Schedule - On-site Stormwater Management** - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

59. **OCC12.19 - Works as Executed and Certification of Stormwater works** - Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

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

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

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable)
- (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 (if applicable);
- (f) Details of any infiltration/absorption systems; and (if applicable);
- (g) Details of any pumping systems installed (including wet well volumes) (if applicable).

60. **OCC12.6 - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.

### **ONGOING CONDITIONS**

These conditions have been imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood or environment.

61. **ONG14.2 - Hours of operation** - The approved hours of operation shall be restricted to the following:

7am – 5pm Monday to Friday

6am – 5pm Saturday

No work is permitted on Sundays or Public Holidays

62. **ONG14.67 - 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.

63. **ONG14.27 - 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.

64. **ONG14.5 - 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.

## ADVICE

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

65. **ADV17.11 - 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.

66. **ADV17.8 - Access for persons with disabilities** - Should the Council be appointed as the PCA, an Access report prepared by an Accredited Access Consultant may be required to be submitted with the Construction Certificate Application, detailing the existing level of compliance in the building with the above requirements, and to provide details of proposed upgrading work necessary to bring the building into conformity with the Premises Standards and the BCA. All recommendations of the accredited access consultant must be incorporated in the plans to be submitted with the Construction Certificate application.

67. **ADV17.9 - Council as PCA** - Should the Council be appointed as the Principal Certifying Authority, the following matters prepared and certified by an appropriately qualified person, must be specifically detailed on the plans to be submitted with the Construction Certificate Application, but is not necessarily be limited to include the following:

- a) *Fire-fighting services and equipment including hydrant systems, hose reels, mechanical air handling system, portable fire extinguishers, emergency lights, exit signs, smoke hazard management and warning systems, etc.*
- b) *Energy efficiency report demonstrating compliance with the BCA.*
- c) *Fire resistance levels of all building elements including walls, floors, columns, doors and windows openings, etc.*
- d) *Protection to wall openings in the building that stand less than 3 metres from the boundary or fire source feature.*
- e) *Egress and exit travel distances that demonstrate compliance with the BCA.*
- f) *Fire compartmentation and separation.*
- g) *A certified Fire Engineered Building Report prepared by an accredited fire engineer, where an alternative solution is proposed to be implemented in the building must be submitted.*

68. **ADV17.13 - Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The

fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

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

69. **ADV17.2 - 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.

70. **ADV17.5 - 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.

71. **ADV17.7 - 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 provisions 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.

72. **ADV17.6 - 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](http://www.georgesriver.nsw.gov.au).



- (b) In the Application Form, quote the Development Consent No. (eg. 2012/DA) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

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

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

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

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

## Schedule B – Prescribed Conditions

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

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

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

73. **PRES1001 - Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
74. **PRES1002 - 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.
75. **PRES1003 - 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 Certifying Authority and the Principal Contractor.
76. **PRES1004 - 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.
77. **PRES1005 - Clause 98C- Entertainment Venues** - Schedule 3A of the *Environmental Planning and Assessment Act 1979* outlines the prescribed conditions which apply to Entertainment Venues.
78. **PRES1006 - Clause 98D – Erection of sign for maximum number of persons** - This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.
79. **PRES1007 - 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.

### **Schedule C – Operational & Statutory Conditions**

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

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

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

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

81. **OPER1002 - Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:

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

If the work is not going to be undertaken by an Owner-Builder, then the beneficiary of the consent must:

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

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

82. **OPER1003 - Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the PCA must notify:

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

83. **OPER1004 - Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

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

84. **OPER1005 - Subdivision Work – Construction Certificate & Appointment of Principal Certifying Authority** - Subdivision work in accordance with a development consent cannot commence until:

- (a) A Construction Certificate has been issued by the consent authority, the council (if not the consent authority) or an accredited certifier; and
- (b) The beneficiary of the consent has appointed a Principal Certifying Authority for the subdivision work.

No later than two (2) days before the subdivision work commences, the PCA must notify:

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

An **Information Pack** is attached for your convenience should you wish to appoint Hurstville City Council as the Principal Certifying Authority for your development.

85. OPER1006 - **Subdivision work – Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the subdivision works.

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

86. OPER1007 - **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifying Authority. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.
87. OPER1008 - **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

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

88. OPER1009 - **Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

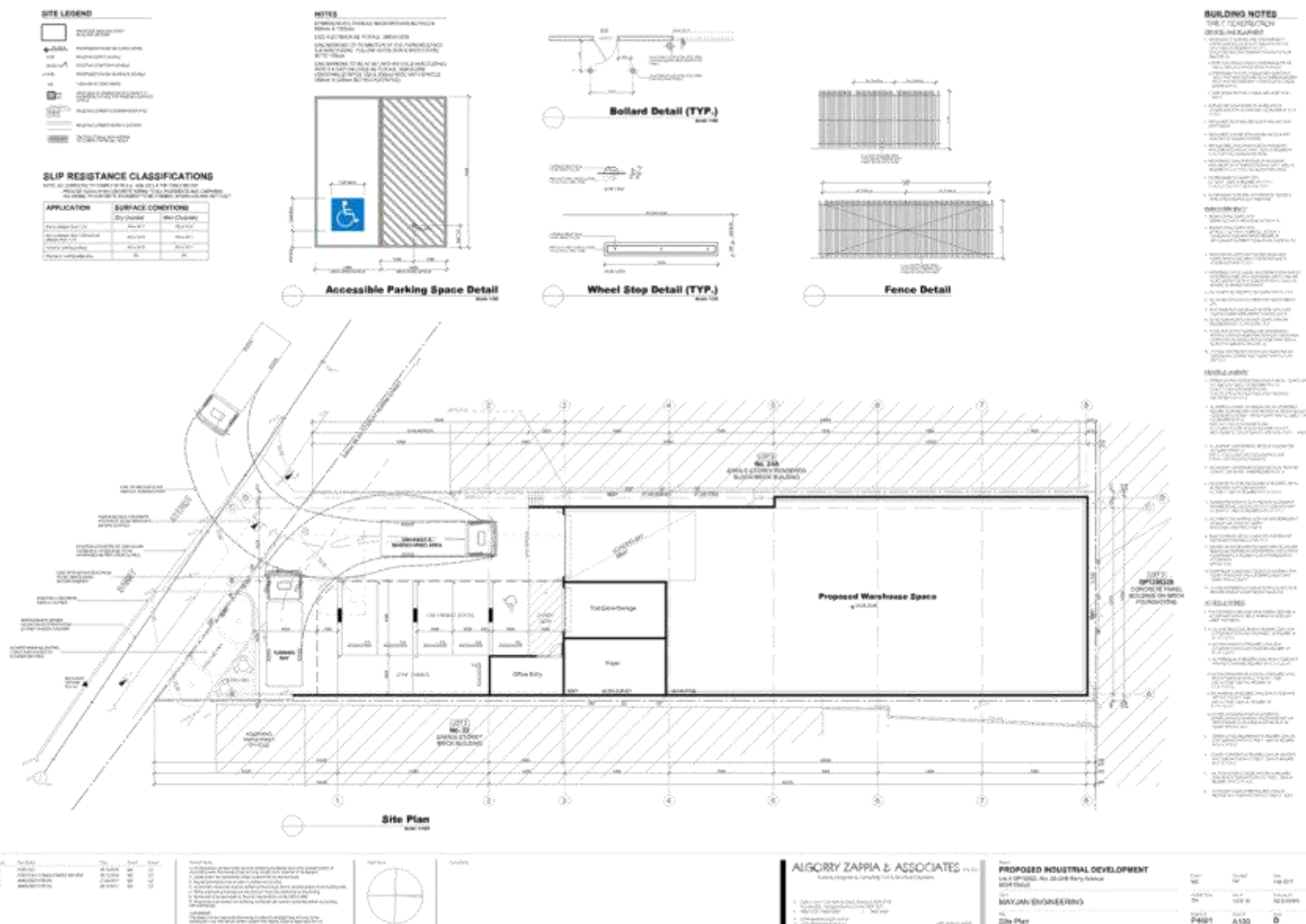
Only the Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

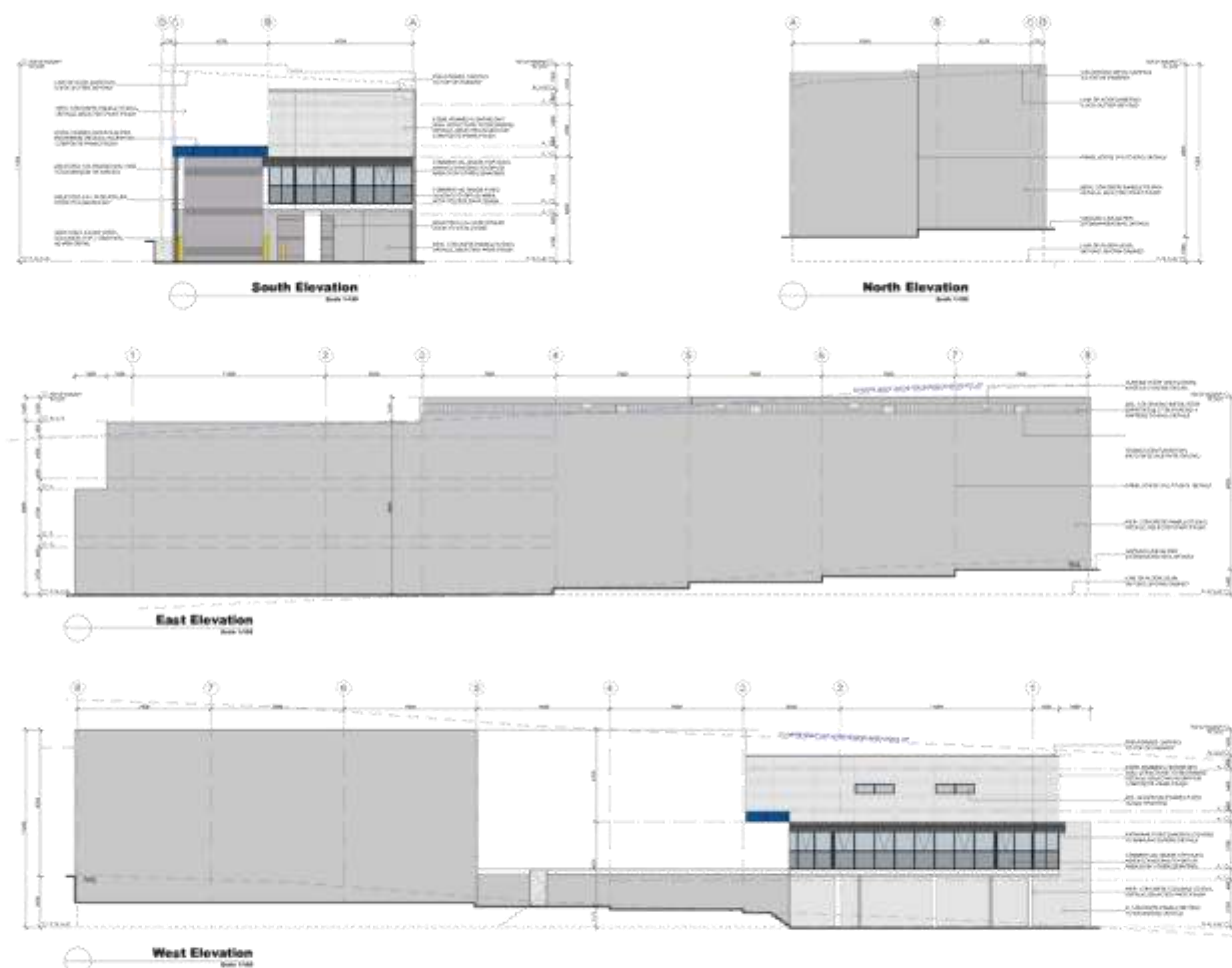
An **Occupation Certificate** Application Form is attached for your convenience.

## ATTACHMENTS

Attachment [View1](#) Site Plan - 24 Barry Avenue Mortdale

Attachment [View2](#) Elevations - 24 - 24B Barry Ave Mortdale



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