



## Hurstville City Council

Our Ref: ik:tz:mw: 10/DA-80

25 June 2010

Australian Consultant Architects  
12 Union Street  
PARRAMATTA NSW 2150

Civic Centre  
MacMahon Street  
Hurstville NSW 2220

PO Box 205 Hurstville BC NSW 1481  
DX 11310 Hurstville  
Telephone (02) 9330 6222  
Facsimile (02) 9330 6223  
email [hccmail@hurstville.nsw.gov.au](mailto:hccmail@hurstville.nsw.gov.au)  
website [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au)

### **Notice of Determination of Development Application** Environmental Planning and Assessment Act 1979, Section 81(1)(a)

#### **Development Application: 10/DA-80**

**Property:** Lot 1, DP534643  
219-231 Kingsgrove Road, Kingsgrove

**Development:** Joint Regional Planning Panel- Demolition of existing- New  
5 (five) Storey Mixed Use Development with Basement  
Parking

**Date of Deferred Commencement Determination:**

**Date of Deferred Commencement Endorsement:**

**BEFORE COMMENCING BUILDING WORK, you must have completed Schedule 1 of this consent and obtained development consent and a Construction Certificate from the Council or an Accredited Certifier.**

**The Development Application described above has been determined by the granting of a Deferred Commencement Consent subject to the conditions specified in this notice.**

This Development Application is a Deferred Commencement Consent under Section 80(3) of the Environmental Planning and Assessment Act (as amended) 1979. Strict compliance is required with **all conditions appearing in Schedule 1** within **twelve (12) months from the Endorsement Date of this consent**. Upon confirmation in writing from Hurstville City Council that the Schedule 1 Conditions have been satisfied, the consent shall commence to operate as a Development Consent for a period of five (5) years from the **Endorsement Date of this consent**.

#### **Schedule 1**

- A. A Remedial Action Plan, in accordance with the Department of Environment and Climate Change's guidelines for Consultants Reporting on Contaminated Sites, 1997, is prepared in connection with the contamination on the land.

Documentary evidence as requested or the above information must be submitted within twelve (12) months of the granting of this deferred commencement consent. Commencement of the Consent cannot commence until written approval of the submitted information has been given by Council.

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

## **Schedule 2**

1. **OC1 - Act, Regulations and Environmental Planning Instruments Prevail** - This consent is granted subject to compliance with the relevant requirements of the Environmental Planning and Assessment Act 1979 as amended ("the Act"), the Environmental Planning and Assessment Regulation 2000 ("the Regulation"), the Building Code of Australia ("the BCA"), Hurstville City Council's ("the Council's") Local Environmental Plan 1994, Development Control Plan No. 1 (Hurstville LGA Wide DCP) or Development Control Plan No. 2 (Hurstville City Centre) as applicable, and any applicable codes, except if varied by this consent.
2. **OC2 -Approved Plans** - The development shall be carried out in accordance with the details set out on the application form, supporting information received with the application and the schedule of plans and details below, except as amended by the conditions of this consent. A copy of the plans is stamped approved, and attached to this consent.

<b>Plan Number</b>	<b>Plan Date</b>	<b>Description</b>	<b>Prepared By</b>
Issue A	Feb 2010	Cover Page & Windows Schedule	Australian Consultant Architects
DA03 Issue A	Mar 2010	Site Plan	Australian Consultant Architects
DA02 Issue A	Mar 2010	Site Analysis Plan	Australian Consultant Architects
DA04 Issue B	May 2010	Basement 2 Floor Plan	Australian Consultant Architects
DA05 Issue B	May 2010	Basement 1 Floor Plan	Australian Consultant Architects
DA06 Issue B	May 2010	Ground Floor Plan	Australian Consultant Architects
DA07 Issue A	Mar 2010	Floor Plan Level 1	Australian Consultant Architects
DA08 Issue A	Mar 2010	Levels 2 & 3	Australian Consultant Architects
DA09 Issue A	Mar 2010	Level 4	Australian Consultant Architects
DA19 Issue A	Mar 2010	Post Adaptable Unit Plan	Australian Consultant Architects
DA15 Issue A	Mar 2010	Site Section & Diagrams	Australian Consultant Architects
DA16 Issue A	Mar 2010	Section A-A	Australian Consultant Architects
DA10 Issue A	Mar 2010	Roof Plan	Australian Consultant Architects

			Architects
DA11 Issue A	Mar 2010	Elevation – Northeast	Australian Consultant Architects
DA12 Issue A	Mar 2010	Elevation - Southeast	Australian Consultant Architects
DA13 Issue A	Mar 2010	Elevation - Northwest	Australian Consultant Architects
DA14 Issue A	Mar 2010	Elevation – Southwest	Australian Consultant Architects
17178-H11 REV01	Mar 2010	Stormwater Drainage	ITC Group
17178-H03 REV08	10 June 2010	Stormwater Drainage – Ground Floor	ITC Group
01/01 Issue A	Mar 2010	Schedule of Finishes	Australian Consultant Architects
DWG No. 101 Issue E	5 Mar 2010	Landscape Plan- Ground Level	Site Image Landscape Architects
DWG No. 102 Issue C	1 Mar 2010	Landscape Plan Levels 1-3	Site Image Landscape Architects
DWG No. 103 Issue B	3 April 2010	Landscape Plan Level- 4	Site Image Landscape Architects
DWG No. 501 Issue C	4 Mar 2010	Details & Specifications	Site Image Landscape Architects

3. The proposal must comply with the provisions of the Building Code of Australia. However, if this requires any changes to the external portion of the building it may require a Section 96 Modification to be lodged and approved with Council, prior to the issue of the Construction Certificate.
4. All works associated with the proposed development shall be at no cost to the RTA.
5. **Subdivision** - No approval is expressed or implied to the subdivision of the subject land or dwellings. For any future Strata subdivision, a separate development application is required to be submitted and approved by Council.
6. **OC3 - Amenity** - The implementation of this development shall not adversely affect the amenity of the neighbourhood by way of the emission or discharge of noise, vibrations, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
7. **MI17** - A separate Development Consent shall be obtained for the first commercial / retail / office use of each occupancy.
8. **OC4 - Prescribed Conditions** - This development consent is subject to the conditions as prescribed pursuant to Section 80 A(11) and Section 85A(6)(a) of the Environmental Planning and Assessment Act 1979 and Clauses 98-98B of the Environmental Planning and Assessment Amendment Regulation 2000.

### **Erection of Signs**

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

- (a) showing the name, address and telephone number of the principal certifying authority for the work
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number at which that person may be contacted outside working hours
  - (c) stating that unauthorised entry to the work site is prohibited
- (2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and must be removed when the work has been completed.
- (3) This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (4) These signage requirements do not apply to in relation to Crown building work that is certified to comply with the technical provisions of the State's building laws.
9. **MI130.1 - Slip Resistance** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials.

Note: SAA/SNZ Handbook 197:1999 - An Introduction Guide to the Slip Resistance of Pedestrian Surface Materials may assist in the use of AS/NZS 4586:2004.

## **To Obtain a Construction Certificate**

10. The following must be submitted to either Council or an Accredited Certifier before a Construction Certificate is issued:

(a) Fees to be paid to Council:

Schedule of fees, bonds and contributions					
Fee Type	Paid	Fee Type	Amount	Receipt Date	Receipt No
Development Application Fee	X	DA1	\$9,175.00		
Plan First Fee	X	AP35	\$6,400.00		
Notification Fee	X	AP12	\$200.00		
Imaging Fee	X	AP165	\$208.00		
DA Advertising Fee	X		\$830.00		
Urban Design Review Panel Fee	X		\$600.00		
Long Service Levy		AP34	\$35,000.00		
Builders Damage Deposit		BON2	\$3,520.00		
Inspection Fee for Refund of Damage Deposit		DA6	\$117.00		
S94 - Open Space & Community Recreation		CONT9	\$136,920.00		
S94 - Community Services & Facilities		CONT3	\$59,620.00		
S94 - Management		CONT8	\$4,401.72		
S94 - Library Infrastructure		CONT7	\$30,512.00		
S94 - Library Bookstock		CONT4	\$172.89		
The following fees apply where you appoint Council as your Principal Certifying Authority (PCA). (If you appoint a private PCA, separate fees will apply)					
PCA Services Fee		DA6	\$6,796.94		

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.

11. **BI1 - Building Code of Australia ("BCA")** - A Construction Certificate must be obtained before the commencement of work from Council or an Accredited Certifier. Detailed plans and specifications for the proposed building must demonstrate compliance with the BCA.
12. **OC8 - Design Changes Required** - The following design changes are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application**.
  - (a) The planter box at the northern corner at the Kingsgrove Road to be detached from the corner, reduced to a length of 3m from the southern end to avoid concealment near the fire doors.
  - (b) The blank walls on the north and western elevations of the building to incorporate a design pattern with specific colours and finishes on the blank walls to ensure the proposed north and western elevations of the development are visually appealing.
  - (c) One (1) car space in the basement is to be provided as a designated car wash bay.
13. **BI2 - Long Service Leave Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to [www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au) or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
14. **BDI - Damage to Council Property** - In order to insure against damage to Council property the following is required:
  - (a) Payment to Council of a Damage Deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$3,520.00.**
  - (b) Payment to Council of a non refundable Inspection Fee to enable assessment of any damage and repairs where required: **\$117.00.**
  - (c) 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.
  - (d) Prior to 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, shall be submitted to Council.
  - (e) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.

15. **S942 - Open Space and Community Recreation** - Pursuant to Section 94(1) of the Environmental Planning and Assessment Act, 1979, payment shall be made to Council of a monetary contribution for open space and community recreation facilities.

The contribution relates to Plan no. 2 and is based on the criteria that any development which results in a nett increase in the City's population will create extra demand on open space and community recreation facilities. Therefore the requirement for additional open space and embellishment of existing open space is a direct measurable consequence of the approved development.

**The total open space and community recreation facilities contribution required and payable before release of the Construction Certificate is \$136,920.00.**

16. **S944 - Community Services and Facilities** - Pursuant to Section 94(1) of the Environmental Planning and Assessment Act, 1979, payment shall be made to Council of a monetary contribution for community services and facilities. The contribution relates to Plan no. 4 and is based on the criteria that any development which results in a nett gain of people living in the City or a change in the population structure will create extra demand on community services and facilities.

**The total community services and facilities contribution required and payable before release of the Construction Certificate is \$59,620.00.**

17. **S945 - Management** - Pursuant to Section 94(1) of the Environmental Planning and Assessment Act, 1979, payment shall be made to Council of a monetary contribution for Section 94 planning and management.

The contribution is related to Plan no. 5 and is based on the criteria that the significant costs to Council associated with Section 94 planning and management are a direct measurable consequence of the approved development. Therefore it is appropriate to seek to partly offset these costs from the development.

**The total Section 94 Management contribution required and payable before release of the Construction Certificate is \$4,401.72.**

18. **S946 - Library and Information Services** - Pursuant to Section 94(1) of the Environmental Planning and Assessment Act, 1979, payment shall be made to Council of a monetary contribution for library and information services.

The contribution is related to Plan no. 6 and is based on the premise that any development which results in a nett increase in the City's population will create extra demand on Council's library and information services provision. Furthermore, any such development will also generate an additional demand for the acquisition of library book stock.

Contributions are also sought from retail/commercial development within the Hurstville Town Centre, as defined by the map in the Plan.

- (a) The contribution rate for residential development is \$30,512.00.
- (b) The book stock acquisition contribution for residential development is \$172.89.

**The total Library and Information Services Section 94 contribution required and payable before release of the Construction Certificate is \$30,684.89.**

19. S948 - **Indexing of all Section 94 Contributions** - All contributions payable pursuant to Section 94 conditions must be paid before issue of the Construction Certificate, and will be indexed quarterly in accordance with the Consumer Price Index - Sydney All Groups, published by the Australian Bureau of Statistics. **If you seek to obtain a Construction Certificate more than three (3) months from the date of this consent you must contact Council to determine the variation in the contribution(s) before payment. If you engage an accredited certifier payment(s) must be made before issue of the Construction Certificate. Failure to do so can result in problems including incorrect cheque preparation, return of payment, and delay in obtaining your Construction Certificate.**
20. ST1 - **Structural details** - Structural plans and specifications prepared and endorsed by a suitably qualified practising structural engineer shall be submitted along with the Construction Certificate application to the Principal Certifying Authority for any of the following, as required by the building design:
  - (a) piers
  - (b) footings
  - (c) slabs
  - (d) columns
  - (e) structural steel
  - (f) reinforced building elements
  - (g) retaining walls
  - (h) stabilizing works
21. IN3 - **Fire Safety Measures** - Prior to the issue of a Construction Certificate a list of the 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 an accredited certifier. Such list must also specify the Minimum Standard of Performance for each Fire Safety Measure included in the list. The Council or Accredited Certifier will then issue a Fire Safety Schedule for the building.
22. MI131 - All building materials shall be compatible in colour and texture throughout the whole project and materials and colours shall accord with a schedule to be submitted with the Construction Certificate. Roof materials and finishes are to be of low reflectivity. A schedule of finishes is to be submitted to Council or the Principal Certifying Authority to demonstrate compliance with this condition.
23. PN9 - No excavation, pier hole drilling, construction or the like may be carried out **before the issue of the Construction Certificate.**
24. PN10 - The site is not to be filled or excavated other than as strictly indicated on the approved plans.
25. PN11 - Details of all proposed retaining walls, including height, materials, finish and structure, must be submitted **with the Construction Certificate Application.**

26. PW1 - The developer must ensure that appropriate dust suppression measures are installed/utilised during the periods of excavation/placement of fill/construction. Details of the means of dust suppression must be submitted **with the Construction Certificate application**.
27. PW4 - The developer must take all measures available to control the emission of dust from the site and in this regard adequate watering equipment acceptable to Council shall be used on the site at all times other than in wet weather. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail. Details to be submitted **with the Construction Certificate application**.
28. PW5 - The developer must submit a site works plan detailing sedimentation controls, fencing, builders site sheds office and amenities, materials storage and unloading arrangements **with the Construction Certificate application**. This is required before the commencement of any work on-site, including demolition.
29. PW6 - **Vehicle Wash Bays** - All car washing shall be conducted in a roofed and bunded wash bay, with pre-treatment approved by Sydney Water, graded to a drainage point and connected to the sewer. Evidence of approval of the system by Sydney Water to be submitted **with the application for a Construction Certificate**.
30. DR14 - The underground basement car park must pump to Council's kerb and gutter. All other stormwater must drain by gravity to Council's kerb and gutter.
31. FP3 - **Trade Waste** - A Trade Waste Agreement with Sydney Water must be obtained. If no trade waste agreement or grease trap is required, a letter from Sydney Water is to be submitted to Council to this effect. A copy of the Trade Waste Agreement or letter to Council shall be provided **before the issue of the Construction Certificate**.
32. PU1.1 - **Sydney Water - Access to Water and Waste Water Services** - 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 Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Co-ordinator" under "Developing Your Land" 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 **with the application for a Construction Certificate**.

33. PU2 - **Sydney Water** - The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. A copy of the Sydney Water Quick Check approval is to be submitted to Council.



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

- \* Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- \* Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.

or telephone 13 20 92.

34. **RR1 - Access Levels** - An access levels application must be submitted to Council to obtain footpath alignment levels and vehicle crossing levels before designing internal driveways and car parking. Evidence that the proposed internal driveway design complies with Council's issued levels and general access standards shall be submitted **with the Construction Certificate application**.
35. **RR2 - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Traffic Authority, in the case of State roads, for every opening of the public road to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications **before the commencement of work in the road**.
36. **PU4 – Energy Australia - Substations/Kiosks** Energy Australia shall be consulted to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area, having the required dimensions as agreed with Energy Australia, indicating the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site to be dedicated to Council as public roadway, or as otherwise agreed with Energy Australia. For details visit [www.energy.com.au](http://www.energy.com.au) or call 131525:
  - (a) written confirmation of Energy Australia's requirements is to be submitted before the issue of the Construction Certificate; and
  - (b) Energy Australia's requirements are to be met before the issue of the Occupation Certificate.
37. **PU5 – Energy Australia - Underground Electrical Conduits** – Energy Australia is to be consulted to determine if underground electricity conduits are to be installed in the footway. If so, the developer is to install the conduits within the footway across the frontage/s of the development site, to Energy Australia's specifications. Energy Australia will supply the conduits at no charge. The developer is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. . For details visit [www.energy.com.au](http://www.energy.com.au) or call 131525.
  - (a) a copy of Energy Australia's requirements is to be submitted to Council **before issue of the Construction Certificate**.
  - (b) Where conduits are to be installed, evidence of compliance with Energy Australia's requirements is to be submitted **before the issue of the Occupation Certificate**.

Where works within the road reserve are to be carried out by the developer, a Road Opening Permit Application must be submitted to, and approved by, Council **before the commencement of work.**

38. **PU6 – Energy Australia - clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Energy Australia is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Energy Australia for any necessary modification to the electrical network in question. For details visit [www.energy.com.au](http://www.energy.com.au) or call 131525.

The following condition only applies to developments where overhead low voltage mains are to be placed underground, within the Hurstville CBD area.

39. **PU10** - For all commercial/industrial and medium high density residential developments elsewhere in the City, the developer shall be responsible for :
- (a) providing conduits for the future undergrounding of low voltage cables ; and
  - (b) providing the connection to future underground supply to the development.
40. **PU11 - Water, Waste Water, Electricity, Gas and Telecommunications** - 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 developer's expense.
41. **PU12 -Telecommunications Aerial Cables** - Where the under grounding of low voltage electricity cables is required, the developer shall be responsible for arranging and payment of the cost of the under grounding of all telecommunications aerial cables, where the electricity poles are to be removed.
42. **WA10** - A detailed Waste Management Plan must be provided with the application for the Construction Certificate, indicating how waste generated from the end use is proposed to be managed.
43. **WA9** - Arrangements must be made for the collection, storage and disposal of all waste materials in an approved container, to the satisfaction of the Principal Certifying Authority.
44. Where a condition of consent requires RailCorp's endorsement the Principle Certifying Authority shall not issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.
45. All excavation and construction works are to be undertaken in accordance with the methodology and recommendations detailed in the Geotechnical Report prepared by Jeffery and Katauskas Pty Ltd, dated 27 May 2010, in addition to the following RailCorp requirements:
- Prior to the issuing of a construction certificate the applicant is to submit a revised Geotechnical and Structural Report to RailCorp for its endorsement based on the selected method of shoring and support if a Construction Certificate given that the

current Report indicates that "along the northern boundary behind the existing retaining wall of the East Hills Railway, the walls may need to be laterally supported by alternative methods, such as berms or props." The proposed shoring system along the rail retaining wall should be clearly defined and stability of the existing rail retaining structure must be ensured.

- Due care must be taken to not de-stabilise the existing retaining wall.
  - The Applicant is to consult with RailCorp as to the need to shore up the rail corridor cutting during works
  - Employing appropriate excavating tools or equipments which produce least vibration to prevent any adverse effect on the railway embankment and/or the Kingsgrove Station building. Details of these are to be submitted to RailCorp prior to the issuing of a construction certificate.
  - Provide an appropriate monitoring plan to check the vibration level and induced deformations due to excavation operation, in accordance with the RailCorp Standards.
  - Loads of the proposed building should be carried to levels deeper than the appropriate influence zone level of foundation of the retaining wall and embankment of the railway track by a well designed pier foundation.
  - No anchors to cross the boundary into RailCorp's land and that any anchors are to be restrained entirely within the subject development site.
  - The Applicant is to provide RailCorp of a detailed survey prepared by a Registered Surveyor indicating the location of all rock anchors along the common boundary with RailCorp's land within two (2) weeks of installation.
  - Any dewatering should be closely monitored to prevent drawdown of groundwater outside the subject development site.
46. A Construction Certificate shall not be issued until the measures detailed in the Jeffery and Katauskas Pty Ltd report and additional RailCorp requirements have been incorporated into the construction drawings and specifications.
47. The development must comply with Clause 5.13 of RailCorp's Standard ESC 380 in relation to derailment protection of structures. The wall must be designed for full collision load in accordance with AS5100, i.e. 3000kN longitudinal and 1500kN transverse applied concurrently, as it's within 10m from the track.
48. Prior to the issuing of a construction certificate the applicant is to submit to RailCorp and Council a revised Noise and Vibration Report including the following recommendations:-
- the applicant is to conduct an assessment of potential train ground borne regenerated noise impact including:
  - define and appropriate criteria for the level of train regenerated noise permitted inside the residential premises of the proposed development;
  - predict regenerated train noise levels inside the first affected residential premises,

and;

- determine compliance and mitigation if required.
- Compliance with the Department of Planning's Road and Rail Guidelines

Actual rail vibration level should be measured on site rather than relying on measures of third parties at unspecified location in unspecified conditions. RailCorp recommends the measurement of the actual ground vibration levels on site due to train operations. A Construction Certificate must not be issued until the measures recommended in the revised Acoustic Report have been incorporated into the design.

49. Prior to the issuing of a Construction Certificate the applicant shall request a service searches from RailCorp, to establish the existence and location of any RailCorp services and structures in close proximity to the site.
50. An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's Road and Rail Guidelines.
51. Prior to the issuing of a Construction Certificate the Applicant is to procure a report on the Electrolysis Risk to the development from stray currents, and the measures that will be taken to control that risk. The Applicant is advised to consult an Electrolysis expert. A Construction Certificate must not be issued until the measures recommended in the Electrolysis report have been incorporated into the design.
52. Given the possible likelihood of objects being thrown onto the rail corridor from balconies the Applicant is required to install adequate measures or to enclose balconies that are within 20m of the rail corridor. The measures to be utilised are to be endorsed by RailCorp prior to the issuing of a Construction Certificate.
53. The Applicant is required to install mechanisms that limit the opening of windows or provide awning windows to prevent the throwing of objects onto the rail corridor. The measures to be utilised are to be endorsed by RailCorp prior to the issuing of a Construction Certificate.
54. Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by RailCorp. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The Applicant is to contact RailCorp's Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principle Certifying Authority must witness written proof of this insurance in conjunction with RailCorp's written advice to the Applicant on the level of insurance required.
55. A copy of the "Assessment of Noise and Vibration" report prepared by ITC Group Pty Limited on 8 March, 2010 under Report No. 17178 - Revision B0 - must be submitted to RailCorp for their approval. In this regard, the written consent of RailCorp must be obtained, together with any conditions that may be imposed by that Body, in their absolute discretion to preserve the safe and efficient operations of the railway and the future development of the railway, prior to the issue of a construction certificate for the development.

Note: The Assessment of Noise and Vibration report prepared by ITC Group Pty Limited on 8 March, 2010 under Report No. 17178 - Revision B0 - requires glazing to the residential units to be closed in order to achieve acceptable internal noise levels in relation to rail noise, unless a review of the detailed design of the final glazing is conducted to allow consideration to be given to other requirements. If RailCorp does not accept the reviewed design of the final glazing, i.e. the windows in the residential units are required to be closed in order to achieve acceptable internal noise levels, the residential units must be provided with a mechanical air-handling system/s. Details, prepared by a mechanical ventilation engineer showing the installation of a mechanical air-handling system/s in the residential units, must be submitted with the construction certificate application.

56. On the basis that the Assessment of Noise and Vibration report prepared by ITC Group Pty Limited on 8 March, 2010 under Report No. 17178 - Revision B0 - requires glazing to the residential units to be closed in order to achieve acceptable internal noise levels in relation to road noise, the residential units must be provided with a mechanical air-handling system/s. Details, prepared by a mechanical ventilation engineer showing the installation of a mechanical air-handling system/s in the residential units, must be submitted with the construction certificate application.

Alternatively, if, as set out in the above report, the road noise levels and the final glazing are reviewed during a detailed design of the building, and, as a result of that review, it can be determined that the windows are not required to be closed in order to achieve acceptable internal noise levels, the installation of the mechanical ventilation system will not be mandatory. If this is the case, an amended Assessment of Noise and Vibration report, detailing the review of the building design including, but not limited to, details of the construction of glazing, acoustic seals, etc. as regards the road noise, must be submitted with the construction certificate application.

57. A noise report prepared by a practising Acoustical Consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants), upon finalisation of the design of the mechanical ventilation equipment required to service the development, must be submitted with the construction certificate application to either Council or accredited certifier verifying that any noise emission from the building does not exceed the background level in any octave band from 63.0Hz centre frequencies inclusive at the boundaries of the site by more than 5dB(A). Such noise assessment must also include any ameliorative measures, if required, to ensure compliance with this condition.
58. **SM3 - Construction Management Plan** – Prior to the issue of a Construction Certificate, a Construction Management Plan must be submitted to and be approved by Council's Manager – Building Control that clearly sets out the following:
- (i) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
  - (ii) the proposed method of loading and unloading of excavation machines, building materials, formwork and the erection of any part of the structure within the site;

- (iii) the proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period;
  - (iv) how it is intended to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
  - (v) a soil and water management plan detailing all sedimentation controls.
59. The proposed extension of Council's pipeline along Mashman Avenue shall be approved by Council's Engineer prior to the issue of the construction certificate. A separate application under Section 138 of the Roads Act 1993 for that portion of the work within the Road Reserve shall be submitted to Council for approval of such drainage works. This application shall be approved by Council **prior to the issue of the Construction Certificate.**
60. A report from a Hydraulics Engineer should be submitted to verify the methods of protection of the basement area being inundated with the storm waters from the overland flows along Mashman Avenue generated in a 100 year storm. This report should consider any new alignment levels and include recommendations for any design changes. Full details shall accompany the application for the construction Certificate.
61. **DR12 - On-Site Detention** - An on-site detention (OSD) facility designed by a professional hydrological/hydraulic engineer, shall be 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) For events up to a 1% (depending upon the type of development) annual exceedance probability (AEP) design event as defined by Australian Rainfall and Runoff (May 1987). Maximum peak site discharge resulting from the development shall not be greater than peak site discharge, where the lots were previously occupied by a single dwelling, garage, lawn and garden.
  - (b) Where the stormwater discharge points are connected to the street gutter system, the peak flow from the site shall not increase the width of gutter flow by more than 200mm at the design storm.
  - (c) The OSD facility shall be designed to meet all 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:

*"This is an on-site detention basin/tank and is subject to possible surface overflow during heavy storms."*

Full details shall accompany the application for **the Construction Certificate.**

62. The underground basement must pump to and all other storm water must drain by gravity to the upper level of the proposed new kerb inlet pit located outside the subject site in Mashman Avenue

The design of the proposed drainage system must be prepared by a qualified practising hydraulics engineer and be submitted for approval **with the Construction Certificate application.**

63. **DR11 - Stormwater drainage plans** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, **shall accompany the application for the Construction Certificate.**
64. The proposed development shall be designed such that road traffic noise from the Kingsgrove Road and railway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 of the State Environmental Planning Policy (Infrastructure) 2007.
65. A lighting plan is to be prepared by a suitably qualified lighting engineer and submitted to Council for approval, prior to the issue of the Construction Certificate.
66. Alignment levels shall be obtained from Council's engineer for the full frontages of the site in Kingsgrove Road and Mashman Avenue. Evidence that the proposed internal driveway design complies with Council's issued levels and general access standards shall be submitted **with the Construction Certificate application.**

### **Before Commencing the Development**

67. **IN3 - Appointment of Principal Certifying Authority** - No work shall commence in connection with this Development Consent until;
- (a) a construction certificate for the building work has been issued by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - (b) the person having the benefit of the development consent has appointed a principal certifying authority for the building work; and
  - (c) the principal certifying authority has, no later than 2 days before building work commences:
    - (i) notified Council of his or her appointment;
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are required to be carried out in respect of the building work; and
  - (d) the person having the benefit of the development consent has:

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence for the residential building work involved;
    - (ii) notified the principal certifying authority of any such appointment, and
    - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
  - (e) the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
68. **BC1 - Construction Certificate - No work shall commence until you:**
- (a) Obtain a Construction Certificate from either Hurstville City Council or an Accredited Certifier - a fee applies for this service; and
  - (b) Lodge with Hurstville City Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.
69. **BC2 - Notice of Commencement - No work shall commence until** you submit a Notice of Commencement (form attached or available from our website) giving Council:
- (a) Not less than two (2) days notice of the date on which it is proposed to commence work associated with this Development Consent.
  - (b) Details of the appointment of a Principal Certifying Authority (either Hurstville City Council or an Accredited Certifier).
  - (c) Details of the name, address and licence details of the Builder.
- Note: If the Principal Certifying Authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.
70. **MI128 - Notice of Excavation** - The developer must notify the owners of the adjoining properties, by way of Certified Mail, of the proposed excavation of the subject land at least fourteen (14) days prior to the excavation of the site. Copies of the letters notifying the adjoining owners must be submitted to the Principal Certifying Authority **before the commencement of work.**
71. **BC3 - Site Safety Fencing** - Erect site fencing complying with WorkCover 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 through out any demolition and construction work.
72. **BC4 - Principal Certifying Authority (PCA) Sign** - A sign must be erected in a prominent position on the site indicating that entry to the site by unauthorised persons is not permitted, and including the contact details of the PCA. Where Council is the PCA, a sign may be obtained at no cost from Council's Customer Service Centre. A PCA sign must be erected on the site **before the commencement of any work.**



73. PW2 - The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.
74. **ES1 - Erosion and Sedimentation Controls** - Erosion and sedimentation controls must be provided to ensure:
- (a) compliance with the approved Soil and Water Management 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 uncontaminated run-off is diverted around cleared or disturbed areas
  - (d) silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
  - (e) all erosion and sediment controls are fully maintained for the duration of demolition/ development works
  - (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
  - (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
  - (h) all water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
  - (i) pumped or overland flows of water are discharged so as not to cause, permit or allow erosion
  - (j) compliance with the Do it Right on Site brochure requirements published by SSROC

**before the commencement of work (and until issue of the Occupation Certificate).**

75. **PU6 – Energy Australia - Clearances to Electricity Mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Energy Australia is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Energy Australia for any necessary modification to the electrical network in question. For details visit [www.energy.com.au](http://www.energy.com.au) or call 131525.
76. A Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed demolition, excavation and construction works are to be submitted to RailCorp for review and comment prior to the works commencing on site. It should be noted that RailCorp's representative may impose conditions on the methods to be used and require the provision of on-site Safe Working supervision for certain aspects of the works.
77. The Applicant is required to submit to RailCorp for its endorsement a plan showing all craneage and other aerial operations for the development. The Applicant is advised that no loads are to be carried over RailCorp's land.

78. The Applicant must submit any proposals to RailCorp for the use of lights, signs and reflective materials, whether permanent or temporary, in the proximity of the RailCorp's facilities prior to commencing work.
79. As large-scale excavation is involved, the Applicant is required to put in place a vibration monitoring system to monitor vibration levels on the adjoining rail corridor for the duration of the works. The plan shall meet RailCorp's requirements and be submitted to RailCorp for review prior to the commencement of works.
80. Prior to the commencement of works the Principle Certifying Authority shall provide verification to RailCorp that the measures detailed in the Jeffery and Katauskas Pty Ltd report and additional RailCorp requirements have been incorporated into the construction drawings and specifications.
81. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
82. The Applicant shall obtain RailCorp's approval prior to the installation of any hoarding or scaffolding along the common boundary with the rail corridor.
83. Details as to the method of supporting the excavation adjacent to neighbouring premises must be submitted to the certifying authority prior to commencement of work.
84. Prior to the commencement of work in connection with the excavation of the site associated with the basement carpark levels, structural engineer's details relating to the method of supporting/stabilising Council's roadway/footpath in Mashman Avenue must be submitted to Council's Manager – Building Control and be formally acknowledged by Council as acceptable.

Note: (a) The structural engineer's details must be accompanied by a geotechnical investigation report prepared by a geotechnical engineer practising in the field of geotechnical investigations, which, in addition to setting out information on subsurface conditions of the site and specifying the design constraints that are to be placed on the foundation, earthworks and excavations for the proposed building, must specify the means of supporting/stabilising Council's roadway/footpath in Mashman Avenue.

The geotechnical investigation report prepared by Jeffery and Katauskas Pty. Ltd. on 14<sup>th</sup> August, 2007 under Reference No: 2138Vrpt is unacceptable for this purpose for the reason that such report refers to excavation work involving one (1) basement level. The latest development application proposed the erection of a two (2) storey basement.

(b) As set out on Page 17 of the Statement of Environmental Effects report prepared by Planning Ingenuity Pty Ltd. on 9<sup>th</sup> March, 2010 under Project Reference: 0138/09, the roadway/footway in Kingsgrove Road is a classified road. In this case, details of the method of supporting the

roadway/footpath in this road must be submitted to and approved by the Roads and Traffic Authority.

85. In the event that the excavation associated with the basement carpark levels is to be supported by the use of either soldier piles or parallel flange channels incorporated in a 'Shotcrete' wall system, and which are held in place by belowground (cable) anchors that are constructed under Council's roadway/footway in Mashman Avenue, an application must be submitted to and be approved by Council's Manager – Building Control to construct the belowground (cable) anchors under its roadway/footway prior to commencement of any work in connection with the excavation of the site.

Note: (a) the cable anchors must be stressed released when the building extends above ground level to the satisfaction of Council,

- (b) the applicant must indemnify Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council until the cables are stress released.

Documentary evidence of a Public Risk Insurance Policy having a minimum cover to the value of ten (10) million dollars, being in the name of the applicant and noting Hurstville City Council as an interested party, must be submitted to Council with the application to construct the belowground (cable) anchors,

- (c) the applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$80,000.00. The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released,

- (d) in the event of any works taking place on Council's roadway/footway adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors must be borne by the applicant, and

- (e) as set out in the previous condition, Kingsgrove Road is a classified road and the method of supporting the roadway/footway in this street must be submitted to and approved by the Roads and Traffic Authority. Such approval must include permission to construct the ground anchors under Kingsgrove Road.

86. Prior to the commencement of any work in connection with the excavation of the site, an 'A' Class hoarding must be erected around the curtilage of the property. In the event that it is intended that the hoarding along Mashman Avenue is to occupy any portion of Council's footway along this street at any time during construction, an application under Section 68 of the Local Government Act, 1993, and in accordance with Section 138 of the Roads Act, 1993, to construct the hoarding on such footway must be lodged with and be approved by Council's Manager – Building Control.

For the reason that the building along Mashman Avenue will stand within 3.6m of the alignment of this street, when the building has reached a height of one(1) storey above ground level, or it is intended to hold all temporary site accommodation (sheds) for the project on an overhead hoarding during excavation of the land, a 'B' Class hoarding, in

accordance with the requirements of WorkCover Authority of NSW, must be erected along the portion of the footway in the aforesaid street that adjoins the land.

87. Prior to commencement of work in connection with the 'B' Class hoarding, an application for this work, under Section 68 of the Local Government Act, 1993, and in accordance with Section 138 of the Roads Act, 1993, must be submitted to and be approved by Council's Manager – Building Control.
88. Irrespective of whichever hoarding system is constructed, a Public Risk Insurance Policy with a minimum cover of ten (10) million dollars in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained, and a copy of the Policy must be submitted with the Section 68 application for the hoarding. The Policy must be in the name of the applicant and note Hurstville City Council as an interested party.

Note: In respect of the erection of any hoarding along Kingsgrove Road, as set out on Page 17 of the Statement of Environmental Effects report prepared by Planning Ingenuity Pty Ltd. on 9<sup>th</sup> March, 2010 under Project Reference: 0138/09, the roadway/footway in Kingsgrove Road is a classified road. In this case, an application to erect a hoarding along this road must be lodged with the Roads and Traffic Authority prior to commencement of any work in connection with the hoarding construction.

89. Subject to Council's local Traffic Committee approval, an application should be made to Council for the installation of a 'No Stopping' restriction along the frontages of the proposed development.
90. A demolition traffic management plan detailing demolition vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the commencement of any demolition works on the site.

### **During the Development**

91. IN3 - The Principal Certifying Authority must carry out the last critical stage inspection and, as well, the Principal Certifying Authority, or another certifying authority, must carry out all other critical stage inspections, as are prescribed in the Environmental Planning and Assessment Regulation, 2000, together with the inspections required by the principal certifying authority and the undermentioned inspections:
  - (a) All structural inspections,
  - (b) All inspections necessary to determine that the appropriate conditions attached to this consent have been complied with, and
  - (c) All inspections necessary to determine that the requirements of the Building Code of Australia are being met.

Where Council has been appointed as the principal certifying authority, a PCA Services Fee will be paid in accordance with the Schedule of Fees and Charges. Forty-eight (48) hours notice in writing, or alternatively twenty-four (24) hours notice by facsimile or telephone, must be given to Council when specified work requiring inspection has been completed.

92. **DD2 - Registered Surveyor's Report - Submit to the Principal Certifying Authority During Development Work**

A Registered Surveyor's Report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:

- (a) Setout 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.
- (g) Other.

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

93. **PN1 - Hours of Operation for Building and Demolition Work** - Work in connection with the proposed development or building that involves the demolition of any existing buildings, any excavation or earthworks, the depositing of materials on the site, the removal of spoil and materials from the site or the erection of the building that requires the use of any tools (including hand tools) or any power operated plant or machinery that creates noise on or adjacent to the site shall only be performed between the hours of 7.00 am and 5.00 pm, Monday to Saturday inclusive. No work is to take place on Sundays, Good Friday, Christmas Day, and any public holiday.

Additionally, construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) is prohibited on Saturdays and Sundays on weekends adjacent to a public holiday.

A Penalty Infringement Notice may be issued for failure to comply with this condition.

94. **MI130.2 - Slip Resistance** - Details relating to the type of pedestrian surface materials to be used in areas such as the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units, the location of each type of surface material, the slip resistance classifications of those materials as determined through test methods using wet or dry conditions, and verification by way of,

for example, copies of test reports issued by the CSIRO, that the pedestrian surface materials comply with AS/NZS 4586:2004 must be submitted to either Council or accredited certifier before installation of such materials.

95. BC5 - **Bulk Excavation or Filling Levels** - The bulk excavation or filling levels for footings or slabs, when placed, shall not exceed the levels as required by this consent. A surveyor's certificate verifying compliance with this condition must be submitted **before placement of concrete in footings or slabs**.
96. DE4 - **Ground Levels** - The ground levels of the site shall not be raised, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved separately by Council.
97. MI1 - The street number of the property, according to its rateable address indicated in Council's records, must be clearly displayed on the front of the building, front fence or the like.
98. MI3 - The unit number, at least 50mm high, must be provided to the entry door to each unit.
99. MI7 - The shop number, at least 50mm high, must be clearly displayed adjacent to the entry door to each shop/unit.
100. MI25 - **Balcony Drainage** - The floors of the balconies must be graded and drained to a grated inlet and connected to the stormwater drainage system.
101. WA3 - In order to make provision for the **residential - home unit** - portion of the building, the following waste and recycling facilities apply:
  - (a) Domestic waste: 1 x 240 litre Mobile Garbage Bin (MGB) for each 4 units (or part thereof).
  - (b) Domestic recycling: 1 x 240 litre MGB for each 5 units (or part thereof).

The Waste Storage Area must house the number of MGBs as indicated above. Access to the Waste Storage Area is to be unimpeded, such that there is no fence, gate or door that will prevent unrestricted access the Waste Storage Area.

The Waste Storage Area is to be located level with all adjacent pathways and the rear of the Waste Storage Area is to be no more than fifteen (15) metres from the front boundary.

All pathways and access areas to the Waste Storage Area are to be a minimum of 1.5 metres in width.

In order to make provision for the **commercial portion** of the building, the appropriate waste and recycling containers and facilities for all specific end use businesses applies in accordance with the following waste generation rates:

- (a) Retail Trading shops: to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;

(b) Restaurants and Food Shops: 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals; and,

(c) Office - 0.01-0.03 cubic metres per 100 square metres of floor area per day.

The waste storage area shown in the waste management plan must house all waste and recycling containers, be appropriate for the number of units/intended uses of the building, and be located where it can be serviced by waste collection vehicles.

102. MI16 - No goods shall be stored or displayed outside the building.
103. ZC2 - Only signage that is exempt under Council's Development Control Plan or has consent from Council may be affixed to the building. All signage must comply with Council's Development Control Plan. In particular:
  - (a) window signs should be on the inside of the glass and must not cover more than one half of the window
  - (b) if a language other than English is used on the sign, there must be an accurate English translation in lettering of at least the same size
  - (c) signs should look professional (not handwritten) and must be securely fastened
  - (d) signs, posters or notices must not be glued to any part of the exterior of the building
104. PV4 - All access driveways, queuing areas, ramps, gradients and the like for parking areas must be constructed in accordance with the provisions of Council's Development Control Plan, except where otherwise approved by Council.
105. RR8 - Any existing vehicular crossing and/or layback which is redundant must be removed, and the kerb, any other footpath and turf is to be restored at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work may be carried out either by Council, after payment of a quotation, or by a private contractor, subject to Council approval.
106. RR9 - Any utilities/services/drains/power poles that require relocating or altering as a result of construction of the vehicular crossing to Council's issued levels and/or Council's standard shape, is to be done in accordance with the requirements of the relevant service/utility and at the expense of the beneficiary of this consent.
107. MI21 - All enclosed and unrestricted car parking spaces, internal driveways and the like, shall be designed to conform with Council's Development Control Plan. Regard shall be given to the crossfall, in longitudinal profile, of the footpath in the design of footpaths.
108. MI21.1 - **Internal Driveways** - Internal driveways, entered from the footpath, shall be designed to conform with Council's Development Control Plan. Regard shall be given to crossfall, in longitudinal profile, of the footpath in the design of footpaths
109. PV1 - **Linemarking and Numbering** - All car parking spaces are to be sealed, graded, drained, clearly linemarked, and numbered.

110. PN4 - **Offensive Noise Generally** - The use of the premises, building services, equipment, machinery and ancillary fittings must not give rise to offensive noise as defined under the Dictionary of the Protection of the Environment Operations Act 1997.
111. PN6 - The maximum noise level from plant and equipment used on the site must not exceed the background noise level by more than 5dB(A) for the approved hours of the use, when measured at the boundary of the nearest residential premises.
112. LA3 - **Retaining Edge** - A retaining edge of masonry or other approved barrier of a minimum height of 150 mm must be erected around the landscaped areas to contain the soil and mulch material and to prevent the encroachment of motor vehicles.
113. LA5 - **Wheel Stops** - The developer must install wheel stops to all parking spaces fronting landscape beds.
114. LA6 - **Common Taps** - The developer must provide a common tap/taps or an irrigation system to enable all landscape works to be adequately watered.
115. LA7 - **Protection of Tree Roots** - Underground services shall be routed to avoid existing tree root zones. Where trenching for services is unavoidable, any roots larger than 25mm in diameter shall be conserved and services placed below the roots.
116. LA8 - **Protection of Tree Roots** - During construction, protective fencing shall be provided around the trees on the western boundary outside the site with a tree management plan to be implemented to protect such trees.

This fencing shall encompass the maximum possible area covered by the drip line of the canopy to prevent damage to the trees and their root system by the movement of vehicles, the handling or storage of building materials, any excavation, filling, or the like. There is to be no storage of building materials, fill or equipment permitted under the canopy of trees retained on site. The Principal Certifying Authority is to approve on-site protection methods **before work commences and to ensure maintenance of those protection methods during construction works.**

117. PA3 - **Prohibition of Burning Off** - No article, material or the like shall be ignited or burnt whatsoever on or in association with the work on the site.
118. PW3 - The developer must remove any material deposited on public roads, adjacent to the site, resulting from construction/subdivision works, immediately it occurs and as directed by Council.
119. DE5 - The footpath and roadway shall be kept clear of obstructions, building materials, and liquid or solid waste of any type whatsoever at all times. Severe fines apply for an offence and where Council makes repairs or provides temporary public safety measures. The cost of these works may be deducted from the damage deposit.
120. RR6 - **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence. A severe penalty applies.



121. **RR7 - Maintenance of Road and Footpath** - During construction, the footpath and road are to be maintained in a condition which prevents any trip or safety hazard to pedestrian or vehicular traffic.
122. **AD11 - Other approvals required** - Where it is proposed to:
- (a) Pump concrete from within a public road reserve or laneway.
  - (b) Stand a mobile crane within the public road reserve or laneway.
  - (c) Use part of Council's road/footpath area.
  - (d) Pump stormwater from the site to Council's stormwater drains.
  - (e) Store waste containers, skip bins, and/or building materials on part of Council's footpath or roadway.

An appropriate application for a Work (construction) Zone, a pumping permit, a hoarding, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee in accordance with Council's adopted Schedule of Fees and Charges shall be submitted to Council's Manager Engineering Services prior to comm. Commencement of work in connection with any of the above activities.

123. Should a car wash bay(s) be installed, such area must discharge to the Sydney Water's sewer.

### **Before Occupation**

124. **Occupation Certificate** (Class 1 to 10 buildings inclusive) - The building must not be occupied or used until an occupation certificate is issued by the principal certifying authority appointed for the erection of the building.

Prior to the issue of the occupation certificate the principal certifying authority for the building work to be carried out on the site must be satisfied that:

- (a) any preconditions required by the development consent to be met have been met; and

such building work has been inspected by that principal certifying authority, or, in the case of all inspections other than the last critical stage inspection, by another certifying authority, on such occasions as are prescribed in the Environmental Planning and Assessment Regulation, 2000, and on such other occasions as may be required by the principal certifying authority and the conditions required by this development consent.

125. **IN3 - Fire Safety Certificate Before Occupation or Use** - Prior to the issue of an occupation certificate the owner of the building must issue a fire safety certificate and must cause a copy of that fire safety certificate to be given to the principle certifying authority issuing the occupation certificate. The fire safety certificate must be issued to the effect that each essential fire safety measure specified in the fire safety schedule for the building to which the certificate relates:
- (a) has been assessed by a properly qualified person, and
  - (b) was found, when it was assessed, to be capable of performing to at least a standard required by the current fire safety schedule for the building for which the certificate is issued.

Note: The owner of the building:

- (a) must cause a copy of the fire safety certificate (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner, and
  - (b) must cause a further copy of the fire safety certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
126. MI130.3 - **Slip Resistance** - At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. A Compliance Certificate must be submitted to either the Council or accredited certifier detailing the results of the slip resistance measurements and that the pedestrian floor surfaces comply with AS/NZS 4586:2004 **before occupation.**
127. PU1.2 - **Sydney Water - Access to Water and Waste Water Services** - The Section 73 Certificate must be submitted to the Principal Certifying Authority **before occupation of the development/release of the plan of subdivision.**
128. PU3 - **Sydney Water - Trade Waste Water** - Trade waste water must be disposed of in accordance with the requirements of Sydney Water. For more details visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or call 13 20 92. A copy of the trade waste water agreement must be provided to the Principal Certifying Authority **before the issue of the Occupation Certificate.**
129. BAI - **BASIX** - All energy efficiency measures as detailed in the BASIX Certificate 299450M\_02 dated 5 March 2010, and in the plans approved with the Development Consent, must be implemented **before issue of the Occupation Certificate.**
130. MI27 - **Driveway Construction** - A vehicular crossing shall be provided in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work may be carried out by Council (after payment of a quotation), or by a private contractor (subject to Council approval).
- The work must be completed **before the issue of an Occupation Certificate.**
131. LA1 - **Completion to Approved Landscape Plan** - All landscape works in accordance with the landscape plan shall be completed before the issue of the occupation certificate.
132. WA7 - All rubbish and waste materials on-site must be removed before occupation of the premises/commencement of the approved activity.
133. The applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor and provided to RailCorp for endorsement prior to the issue of an Occupancy Certificate.

134. If it is found during demolition of the existing building that asbestos associated with this structure exists, at completion of such work, a clearance certificate must be issued by a qualified asbestos consultant engaged to supervise the removal of the asbestos. A copy of the asbestos removal certificate must be given to the principal certifying authority appointed for the erection of the building prior to the issue of an occupation certificate.
135. If the following occurs:
- a) after demolition of the existing building and prior to excavation of the land, further sampling of the soil beneath the footprint of the former building reveals that the site is contaminated, which, as set out in a preliminary environmental site assessment report prepared by Environmental Investigation Services, is required to be carried out in accordance with the Department of Environment and Climate Change's guidelines for Consultants Reporting on Contaminated Sites, 1997,
  - b) a Remedial Action Plan, in accordance with the Department of Environment and Climate Change's guidelines for Consultants Reporting on Contaminated Sites, 1997, is prepared in connection with the contamination on the land, and
  - c) the site is remediated in accordance with the Remediation Action Plan,
136. Prior to the issue of an occupation certificate, a copy of the Remediation Action Plan together with a copy of a Validation Report, which certifies that the site has been remediated in accordance with the Remediation Action Plan and in accordance with Department of Environment and Climate Change's guidelines for Consultants Reporting on Contaminated Sites, 1997, must be submitted to the principal certifying authority appointed for the erection of the building.
137. At completion of work, and prior to issue of an occupation certificate, a certificate from a practising acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants) must be submitted to the principal certifying authority appointed for the erection of the building certifying that the rail noise and vibration mitigation measures, that may be imposed by RailCorp, have been implemented in the building.
138. At completion of work, and prior to issue of an occupation certificate, a certificate from a practising acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants) must be submitted to the principal certifying authority appointed for the erection of the building certifying that the noise amelioration measures that may be set out in an amended Assessment of Noise and Vibration report, that is required to be submitted as part of this development consent with the construction certificate in respect of road noise, have been installed in the building.
139. At completion of work, and prior to issue of an occupation certificate, a certificate from a practising acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants) must be submitted to the principal certifying authority appointed for the erection of the building certifying that the installed mechanical ventilation equipment in the building will not result in any noise emission exceeding the background level in any octave band from 63.0Hz centre frequencies inclusive at the boundaries of the site by more than 5dB(A).

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

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

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

141. The internal road network, pedestrian facilities and parking facilities shall be clearly designated (sign posted) and line marked prior to the issuing of an Occupation Certificate. Signage and line marking shall comply with Australian Standards, AS1742, Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.
142. External lighting in accordance with the lighting plans is to be provided under all awnings. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as not to cause any glare or spill over light nuisance within the development or to neighbouring properties or road users with all lighting must comply with AS4282-1997 – Control of the obtrusive effect of outdoor lighting.
143. **PV17 - Removal of Redundant Crossings and Restoration of Kerb/Gutter/Footpath**  
- Any existing vehicular crossings which are redundant must be removed, and the kerb (and any footpath) restored at your expense, by either prepayment to Council to:
- (a) Construct a new full width footpath (boundary to kerb) in Mashman Avenue in paving materials to match existing pavement in Kingsgrove Road or in other materials approved by Council's Engineer
  - (b) Construct a 150mm thick concrete crossing reinforced with F72 fabric.
  - (c) Replace all redundant laybacks with kerb and guttering and redundant laybacks with approved paving material.
  - (d) Replace all damaged sections of footpath pavement in Kingsgrove Road.
  - (e) Replace the kerb and gutter in Mashman Avenue with new 150mm high concrete kerb and 450mm wide gutter to council Engineers levels for the full frontage of the site in Mashman Avenue.

Council will provide a quote for this work upon request.

**or alternatively:**

A private contractor may carry out above work subject to:

- (a) Council's conditions and specifications, including payment of asphalt infill repairs.
- (b) Payment of Council's administration fee listed in our Schedule of Fees and Charges
- (c) No stencilled or coloured concrete may be used outside the boundary of the property.

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

### **After Occupation/Ongoing Conditions**

144. **EF3 - Annual Fire Safety Statement** - The owner of the building must issue an annual fire safety statement in respect of each essential fire safety measure in the building premises and cause a copy of that certificate to be given to Council within 14 days of its receipt by the owner.

The annual fire safety statement must be to the effect that:

- (a) in respect of each essential fire safety measure, such measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:
  - (i) in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
  - (ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- (b) the building has been inspected by a properly qualified person and was found when it was inspected to be in a condition that did not disclose any grounds for a prosecution under Part2, Division 7 of the Environmental Planning and Assessment Regulation, 2000.

The owner of the building must also cause a copy of the statement (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner and as well cause a further copy of the statement (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

145. **MI130.4 - Slip Resistance** - The pedestrian surface materials in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units must be maintained on a regular basis which must include, as part of the maintenance programme, inspections and testing of the floor surfaces which must be carried out in accordance with AS/NZS 4663:2004 - Slip Resistance Measurement of Existing Pedestrian Surfaces.
146. **MI7** - The shop/factory unit number, at least 50mm high, must be clearly displayed adjacent to the entry door to each shop/unit.
147. **Drainage Maintenance** - The on-site detention drainage facility shall be maintained at all times in accordance with the approved plans.
148. **PV6 - Residential Parking Requirements for 4 or More Units** - 35 resident parking spaces and 8 visitor spaces shall be provided in accordance with the approved plans. The visitor spaces are to be clearly signposted with durable metal or similar signs. The visitor car spaces shall be shown as common property in any strata plan.

149. **Access to Visitors' Parking** - visitor parking spaces are to be clearly signposted, with durable metal or similar signs, and accessible at all times. Any security gates or doors must be located to permit sufficient manoeuvring area for visitor vehicles to enter and leave the property in a forward direction.
150. **PV8 - Parking Space Number/Availability, Retail / Commercial / Office Uses** – Thirty four (34) parking spaces are to be provided and these spaces must be unobstructed and available at all times for the parking of visitors/customers/employees/service vehicles.
151. **PV9 - General Signage** - The owner of the property must maintain the car park, including all signs, line marking, and bay numbering, in accordance with AS 2890.1-1993 Australian Standard Parking facilities Part 1: Off-street car parking.
152. **PV10 - Car Park Direction Signage** - the direction of every entry/exit point and circulation route must be clearly marked in durable paint and/or durable metal or similar signposting.
153. **PVI2 - Use of Car Parking Spaces** – The car parking spaces shall be linemarked and used only for the parking of vehicles and not used for the storage of any materials or waste matter.
154. **PV13 - Use of Loading Dock(s)** - The loading dock(s) shall be linemarked, clearly signposted and used only for the purpose of loading and unloading of goods and not used for the storage of any materials or waste matter.
155. **PV14 - Prohibited Parking** - Staff, company and visitors' vehicles must only be parked in the spaces provided on the subject premises and not on adjacent footpath or landscaped areas.
156. **PV15 - Disabled Parking** - The parking space(s) for disabled persons must be sized/marked/signposted in compliance with Australian Standard 2890.1-1993.
157. **PV16 - Obstruction of Parking and Manoeuvring Areas** - Goods and/or waste or extraneous material must not be stored in the vehicular manoeuvring and parking areas. Those areas must be kept clear at all times for the manoeuvring of vehicles.
158. **PV18 - Vehicles must Enter and Exit in Forward Direction** - With the exception of garbage and recycling collection vehicles, all other vehicles must be driven in a forward direction entering or exiting the property. Adequate space must be provided and maintained on the land to permit all vehicles to turn. A durable metal or similar sign at the entrance of the site indicating that "All vehicles are to enter and exit the site in a forward manner".
159. **PV19 - Loading or Unloading** - The loading and/or unloading of all goods and materials used in conjunction with the development must take place within the property.
160. **PV22** - Approved car parking spaces must not be partitioned or otherwise enclosed to form garages.
161. **LA2 - Maintenance to Approved Landscape Plan** - All landscape works in accordance with the landscape plan shall be maintained.

162. LA4 - **Parking on Landscaped Areas** - No vehicles, goods, materials or extraneous matter may be parked, deposited, or stored on any of the landscaped areas.
163. WA4 - **Handling of Waste** - No bottle, can or garbage disposal shall take place between the hours of 10.00pm and 8.00am daily.
164. WA5 - Service of trade waste bins must be carried out between 7.00am and 7.00pm. weekdays.
165. WA8 - The premises must be maintained in a clean and tidy state at all times.
166. ZC3 - No goods for sale or display are to be placed outside the front facade of the building unless approved by Council.
167. ZC7 - Under awning lighting to illuminate the footpath at night time for pedestrians is to be provided. The lighting should be energy efficient.
168. ZC9 – No tables, chairs, planters, display signs or goods and the like are to be placed on the footpath unless approved by Hurstville City Council.
169. ZC10 - The building exterior is to be maintained in a clean and neat manner, including the regular cleaning of windows. Any such window cleaning is to be done in an water efficient manner, for example no hosing of the windows is permitted.
170. ZC11 - Any operation of the business between the hours of 9pm and 6am requires a separate Development Consent - for more detail refer to Council's Extended Trading Hours Policy, available from our website or from Customer Service.
171. ZC12 - The entrance to a shop or business must remain clear of obstructions to enable easy entrance/exit for customers, including those with a stroller, in a wheelchair or with visual impairment.
172. ZC14 - Amplified music/public address systems must not be audible outside the premises, unless approved by Hurstville City Council.
173. Access driveway of the off-street parking facility and the loading dock shall be clearly delineated to ensure safety of vehicles accessing the facility.
174. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
175. Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distance requirements stipulated in the *Australian Standards AS2890.1*.
176. Disabled parking spaces shall conform to the *Australian Standards AS 2890.6:2009 "off street parking for people with disabilities"*
177. Parking bays, aisles and ramps of the proposed car park shall comply with the *Australian Standards, Australian Standards AS2890.1, AS2890.2 and AS2890.6*.

178. Balconies must not be used for the drying of washing or the airing or hanging of clothes, linen etc. The developer must ensure that the Building's By-Laws prevent the use of balconies for the drying of washing or the airing or hanging of clothes, linen etc.
179. The balconies must not at any time be enclosed to form habitable rooms.
180. In the event that the residential units are strata subdivided, the By-Laws under the Strata Schemes (Freehold Development) Act, 1973 in respect of the ongoing waste management in the building must include rules stating that:
  - (i) the owners corporation will employ sufficient staff to ensure that general waste and recyclable materials are separated into appropriate containers and presented for removal or collection on designated collection days, and
  - (ii) waste transfer equipment, storage spaces and containers are maintained in a clean condition.
181. The maximum size of truck (service vehicles and garbage trucks) using the proposed development shall be restricted to a small rigid vehicle with a maximum length of 6.4 metres.
182. All vehicles shall enter and exit the premises in a forward direction.
183. No deliveries to the premises shall be made direct from a public place or street inclusive of footpaths, nature strip, roadway and car parks.
184. All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within the dedicated loading/unloading areas, which is wholly within the site.

### **Other Approvals - Section 78(5), Local Government Act 1993**

Nil

### **Advices to Applicant**

185. **Consent Operation** - This consent operates from the date of endorsement set out in this notice and will lapse five (5) years after that date, unless development has commenced within that time, pursuant to the provisions of the Sections 83, and 95 of the Act.
186. If you are not satisfied with this determination, you may:
  - (a) Apply for a Review of a Determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within twelve (12) months of the date this Notice of Determination and be accompanied by the relevant fee; or
  - (b) Appeal to the Land and Environment Court within twelve (12) months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.



(Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.)

187. AD1 - **Dial Before you Dig** - contact Sydney One Call Service to ascertain which utility services are underground in the proposed excavation area, via details of:
- (a) street/house number and street name
  - (b) side of the street
  - (c) name of nearest cross street
  - (d) distance from nearest cross street

For more details visit [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) or call 1100. You can find out the location of Council drainage pipes by contacting Council's Service Delivery Directorate.

188. AD2 - **Dividing Fences** - You must satisfy the requirements of the Dividing Fences Act before erecting any fencing on common boundaries. The Chamber Magistrate at the Local Court advises on the Dividing Fences Act, particularly for legal advice or disputes, and the Community Justice Centre can also assist with disputes.
189. AD3 - **Covenants** - irrespective of the terms of this consent you must make sure that covenants on the title of the property are complied with for proposed construction. For more details contact the Lands Department - [www.lands.nsw.gov.au](http://www.lands.nsw.gov.au) or call 9228 6713 or contact your Solicitor.
190. AD4 - **WorkCover Authority** - For premises which are/will be workplaces a copy of the approved plan to the WorkCover Authority shall be submitted to ensure that the proposal complies with WorkCover requirements. Where factory registration is required by WorkCover, a separate application to Council may be required for a statement of compliance with the egress provisions of the Building Code of Australia. If so it is best to do so as soon as possible. For more details visit [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or call 131050.
191. AD5 - **Australia Post** - A mail box meeting certain position, dimension and height requirements must be installed to satisfy Australia Post. For more details visit [www.auspost.com.au](http://www.auspost.com.au) or call 131318.
192. AD6 - **Access for Persons with a Disability** - In addition to Council's Development Control Plan and the Building Code of Australia, the Commonwealth Disability Discrimination Act 1992 may impose greater obligations on providing access/facilities for disabled persons. For more details visit the Human Rights and Equal Opportunity Commission website [www.hreoc.gov.au](http://www.hreoc.gov.au) or call 9284 9600.
193. AD7 - **Tree Preservation** - Council's Tree Preservation Order prohibits the ringbarking, cutting down, lopping, removing, injuring, or the wilful destruction of any tree, that is 3 metres or more in height, have a girth of 30 cm or more when measured 45 cm above the ground and/or has a branch spread of 3 metres or more, except with the specific consent of the Hurstville City Council. Severe penalties apply for an offence.
194. AD8 - **Stencilling** - Colouring or stencilling of the footpath crossing within the road reserve is prohibited.

195. AD9 - **Construction Zone** - You may apply for a construction zone on the roadway adjacent to the site for the duration of the construction work, by way of written application and payment of fees detailed in our Schedule of Fees and Charges.
196. AD10 – **Energy Australia** - The minimum safe distance from overhead power lines shall be maintained in accordance with the requirements of EnergyAustralia. For details visit [www.energy.com.au](http://www.energy.com.au).
197. AD13 - A separate application must be lodged and approved under Section 68 of the Local Government Act 1993 for the erection of any A-Frames or signage boards proposed to be erected on Council's footway.
198. If you need more information, please contact me on telephone number 9330-6169 during normal office hours.

Ilyas Karaman  
Senior Development Assessment Officer

Attachments