

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

<b>JRPP No</b>	<b>2011SYE098</b>
<b>DA Number</b>	<b>10/DA-461</b>
<b>Local Government Area</b>	<b>Hurstville City Council</b>
<b>Proposed Development</b>	<b>Demolition of existing structures and construction of a mixed retail, commercial and residential development and associated car parking and road works</b>
<b>Street Address</b>	<b>11 Mashman Avenue and 7 Colvin Avenue, Kingsgrove</b>
<b>Applicant/Owner</b>	<b>Applicant: Kingsgrove Village Apartments Pty Ltd and Kingsgrove Retail Management Pty Ltd</b>  <b>Owner: Fred A Mashman Pty Ltd</b>
<b>Number of Submissions</b>	<b>Five (5) submissions received</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Paula Bizimis – Senior Development Assessment Officer Hurstville City Council</b>

### Assessment Report and Recommendation

<b>ZONING</b>	<b>3c Business Centre</b>
<b>APPLICABLE PLANNING INSTRUMENTS</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No 55 - Remediation of Land</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• Draft State Environmental Planning Policy (Competition) 2010</li> <li>• Hurstville Local Environmental Plan 1994</li> </ul>

	<ul style="list-style-type: none"> <li>Hurstville Development Control Plan No. 1 – Section 2.2 Neighbour Notification and Advertising of Development Applications, Section 3.1 Car Parking, Section 3.3 Access and Mobility, Section 3.4 Crime Prevention through Environmental Design, Section 3.5 Energy Efficiency, Section 3.7 Drainage and On-Site Detention Requirements, Section 3.9 Waste Management, Section 6.10 Mashman Site, Kingsgrove</li> </ul>
<b>HURSTVILLE LOCAL ENVIRONMENTAL PLAN 1994 INTERPRETATION OF USE</b>	“Demolish”, “Shop”, “Office Premises”, and “Residential Flat Building”
<b>EXISTING DEVELOPMENT</b>	Industrial development (Pottery manufacture)
<b>COST OF DEVELOPMENT</b>	\$25,377,000
<b>REASON FOR REFERRAL TO JRPP</b>	Cost of work exceeds \$10M
<b>FILE NO</b>	10/DA-461
<b>HAS A DISCLOSURE OF POLITICAL DONATIONS OR GIFTS BEEN MADE?</b>	No

## EXECUTIVE SUMMARY

1. The application seeks approval to demolish the existing structures and construct a mixed retail, commercial and residential development with associated car parking and road works. It is noted that amended plans were submitted on the 28 March 2011 whereby an additional mezzanine level was provided to basement level 3 so to provide additional car spaces to the development.
2. The application has been assessed against the requirements of the relevant planning instruments and development control plans and complies except in the number of storeys to Block C and D, the deep soil zone and number of single aspect apartments. The variation to these requirements is discussed in the report.
3. The application was notified in accordance with Council’s requirements and five (5) submissions were received in reply. The issues raised in the submissions are detailed in the report.

## RECOMMENDATION

THAT the application be granted a “Deferred Commencement Consent” in accordance with the conditions included in the report.

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## **DESCRIPTION OF THE PROPOSAL**

The application seeks permission to demolish the existing structures and construct a mixed retail/commercial (7 tenancies + supermarket), and residential development (96 residential dwellings) with associated car parking on the subject site and road works.

Specifically, the proposed development will comprise the following:

### **Basement Level 3**

Basement Level 3 will be primarily used as the resident parking level. Vehicular access to this level will be via a direct ramp from Colvin Avenue with this access being the primary entry point for residents. Basement Level 3 will contain:

- 160 car parking spaces including four (4) disability accessible spaces. 146 car spaces are for the residential component and 14 car spaces are allocated as supermarket staff parking.
- 5 lifts and 3 goods lifts for the supermarket
- A storeroom for the supermarket 176sqm
- Space for bicycle parking
- Storage areas for the residential units

### **Basement Level 2**

Basement Level 2 will be primarily used as for parking for the retail component of the development. Vehicular access to this level will be via a ramp via Basement Level 1, which will be accessed from Mashman Lane. Basement Level 2 will contain:

- 137 car parking spaces for the retail component
- A travelator providing pedestrian access to Basement Level 1
- 5 lifts and 3 goods lifts for the supermarket
- Plant room for the supermarket 148sqm
- Trolley bays

### **Basement Level 1**

Basement Level 1 will accommodate a 2,905sqm retail supermarket area in the north eastern part of the site. This area will be accessed via travelators and a lift from Basement Level 2 and via escalators and lift from the ground level.

Vehicular access to Basement Level 1 and Basement Level 2 will be via a ramp from Mashman Lane. Basement Level 1 will contain:

- 50 car spaces including 4 disability accessible car spaces
- 5 lifts and 3 goods lifts for the supermarket
- Travelator
- Trolley Bay

### **Basement Level 1 – Mezzanine**

Basement Level 1 – Mezzanine will contain the following:

- 50 car spaces for the retail component of the development
- 5 lifts and 3 goods lifts for the supermarket
- Travelator
- Trolley Bay

## **Building Blocks**

The proposed development will comprise of four residential/retail blocks comprising:

- Block A: Located to the south west corner of the site, 4 storeys in height.
- Block B: Located in the central southern portion of the site, 4 storeys in height.
- Block C: Located adjacent to the eastern boundary of the site, 4 storeys in height.
- Block D: Located to the north west corner of the site, 4 storeys in height.

### **Building Block A**

Block A is located in the south west portion of the site and is aligned generally parallel to Colvin Avenue. This block contains two storey townhouses and a retail tenancy on ground level, with the remaining two levels comprising apartments. The development has a step-back design to the Colvin Avenue frontage and contains the following:

#### ***Ground Floor Retail***

A 55m<sup>2</sup> retail tenancy is included in the north east corner of the building. A specific business/shop has not been identified and the occupation of this space will be subject to a separate development application.

#### ***Ground and Level 1***

Six x 2 bedroom, two storey residential town houses (ground floor and level 1) are proposed for Block A. These dwellings range from 110m<sup>2</sup> to 132m<sup>2</sup> in area. Townhouses AG-04, AG-05, AG-06 have front and rear courtyards, whilst the remainder have courtyards on the western side fronting Colvin Avenue.

Each townhouse is accessed via their Colvin Ave courtyards, in addition to the lobby access for townhouses AG-01, AG-02, AG-03 and rear courtyard access for townhouses AG-04, AG-05, AG-06. Balconies are also provided at Level 1 and accessed via the bedrooms.

#### ***Levels 2 and 3***

Five single storey residential apartments are proposed within levels 2 and 3 of Block A. Access to the apartments is via a lift from the ground floor residential lobby. The apartments are described as follows:

- 2 x 3 bedroom apartments (106m<sup>2</sup> and 102m<sup>2</sup> in area) and 1 x 2 bedroom apartments (81m<sup>2</sup> in area) are proposed on Level 2.

- 2 x 3 bedroom apartments are proposed on Level 3.

All apartments have balconies for private open space which overlook Colvin Avenue.

#### **Building Block B**

Building B is located to the southern part of the site between Buildings A and C. There is a separation distance of 10.2m to Block A and 6m to Block C. Block B generally includes commercial and retail uses at ground level and residential uses above. Access to apartments is from the lift in Building A via a covered link on Levels 1 and 2, between Buildings A and B:

#### **Ground Level**

The Ground Level of Block B comprises a:

- Commercial Building Managers Office of 150m<sup>2</sup> in the south west portion.
- Retail tenancy of 172m<sup>2</sup> in the northern portion. No business or shop has been identified here however it is envisaged that a cafe or the like will occupy this space, with the opportunity for outdoor seating provided. This will be subject to a separate development application.
- Residential and retail garbage storage areas (separate) in the south east portion.
- A specialty loading dock area is located between Block B and Block C.

#### **Level 1**

- Level 1 includes 4 x 2 bedroom apartments ranging in size between 77m<sup>2</sup> and 83m<sup>2</sup>. Each unit is afforded a balcony, which is accessed from living areas and at least one bedroom. A covered above ground link between buildings A and B provides access to Levels 1 and 2 of Building B.

#### **Level 2 and 3**

- Levels 2 and Level 3 comprise 6 x 2 storey, 2 bedroom residential apartments ranging in area from 84m<sup>2</sup> to 109m<sup>2</sup>. All apartments have balconies on both levels.

#### **Building Block C**

Block C is located adjacent to the eastern boundary of the site. The Block generally comprises retail and commercial uses at ground level, as well as a supermarket loading dock and residential uses in the above levels. At ground level, Block C also incorporates the main pedestrian entry to the development site with a two storey void:

#### **Ground Floor**

##### ***Supermarket Loading Dock Area, Switch Board Room and Substation***

The loading dock area and substation are located in the southern portion of Block C at ground level. A truck turntable is located within the loading area, allowing vehicles to enter and leave in a forward direction. Waste storage for the supermarket is also provided in this area. Goods lifts are also provided, with access to the supermarket and the Basement Level 3 storage area.

#### **Retail Tenancies**

There are two retail tenancies in this block, one on each side of the pedestrian thoroughfare. The tenancy to the north has an area of 236m<sup>2</sup> and the tenancy to the south has an area of 145m<sup>2</sup>. These are large enough to contain more than one business or shop. The occupancy of this space has not been determined and will be subject to a separate development application. The tenancies are proposed to be glazed, to encouraged activity, as this space is the main pedestrian link into the site.

### ***Garden Apartments***

3 x 2 bedroom Garden Apartments are proposed within the northern portion of Block C at Ground Level. These apartments will comprise a one bedroom mezzanine level and rear courtyards facing north. Access to these apartments is provided via a residential lobby which is accessed from Mashman Lane.

### ***Level 1 Apartments***

A mix of 1, 2 and 3 bedroom apartments will be provided at this level ranging in size between 60m<sup>2</sup> and 120m<sup>2</sup>. There are 11 apartments in total (1 x 1bdrm, 6 x 2bdrm, 4 x 3bdrm). Access to these apartments is via the residential lobby at Ground Level (via Mashman Lane).

### ***Level 2 & 3 Apartments***

A total of 12 apartments per level (1 x 1bdrm, 6 x 2bdrm, 5 x 3bdrm) are proposed on Levels 2 and 3 ranging in size between 60m<sup>2</sup> and 120m<sup>2</sup>. Access to these apartments is via the residential lobby at Ground Level (via Mashman Lane).

### ***Building Block D***

Block D contains retail tenancies at ground level fronting the plaza and residential uses behind and above.

### ***Ground Floor Retail***

Three retail tenancies are provided at Ground Level with floor areas of 196sqm, 101sqm, and 71sqm. The occupation of these tenancies has not been determined and this will be the subject of separate development applications. Block D also provides access to the Basement Level 1 supermarket area via a lift and escalators.

### ***Garden Apartments***

There are 7 Garden Apartments provided at Ground Level, 6 of which have a mezzanine level. Of these there are 2 x 3 bedroom (only 1 with mezzanine) and 5 x 2 bedroom units.

### ***Level 1 Apartments***

There are 10 x 2 bedroom and 1 x 1 bedroom apartments provided at this level. All have balconies for private open space. Access is provided via the residential lobby at Ground Level.

### ***Level 2 Apartments***

There are 9 x 2 bedroom apartments and 1 x 3 bedroom apartment on this level. All are afforded balconies for private open space. Access is provided via the residential lobby at Ground Level.

### ***Level 3 Apartments***

There are 8 x 2 bedroom apartments and 1 x 1 bedroom apartments proposed at this level. Access is provided via the residential lobby at Ground Level.

#### **Public Plaza**

A public plaza area is proposed in the central portion of the site, which will provide a central open space area and separation between the buildings. This area will be paved and include vegetated areas and interpretive historical elements of the site's heritage significance.

The retail spaces within the plaza will be encouraged to be active and to take advantage of the space available within the plaza. Covered walkways are incorporated in some areas, especially to direct people to building entries.

#### **Road Works**

The proposed development will involve the following road works being undertaken to the road network:

- The widening of Mashman Lane by one (1) metre (to achieve a width of 5.2m) along the frontage of the site.
- Variations to the existing conditions within Mashman Avenue including the removal of the Taxi Rank to facilitate one-way eastbound traffic only.
- Removal of four parking spaces on the southern side of Paterson Avenue to improve traffic flow.

#### **BACKGROUND**

Mashman's Pottery and Tile Works has been located on the land at 11 Mashman Avenue since 1908. Mashman's Pottery precedes the establishment of the East Hills Rail line, Kingsgrove Railway Station and the commercial and residential development of the area which largely took place between 1930 and 1950. Initially, the Fred A Mashman Pottery produced clay sewage pipes. Following the purchase of a kiln the business expanded to include production of wire cut air-bricks. Interruption of international trade during World War One saw the pottery enter into the terra-cotta roof tile industry. From the 1940's to the late 1950's the Pottery continued to grow expanding the range of products to include agricultural pipes.

After the Second World War the terra-cotta and clay pipe market was in decline and by the 1960's the economic future of the pottery was in doubt. A revival of home restoration in the 1970's has allowed the Pottery to continue operation with a small work force producing Victorian and Federation finials, gargoyles and other hand moulded decorative objects. At the present time the production side of the pottery has virtually ceased with a skeleton staff, with operations limited to one-off hand moulded objects and the sale of existing terra-cotta stock. The present owner of the site Mr Michael Mashman proposes to close down the present operation within the next few months.

The site contains several built structures, which have developed over time associated with the different stages of the company's expansion. The site is listed as an item of local significance in the Local Environmental Plan. A Heritage Conservation Management plan was developed by John Graham and Associates which supports

the demolition of the buildings on site, with investigation into the interpretive re-use of materials from the pottery in the proposed landscaping and buildings. The report concludes:

*“John Graham and Associates believe that in the event of the pottery’s closure due to economic imperatives, there are no long- term heritage issues that require the maintenance and preservation of the buildings beyond their present use by the current proprietors. Though the pottery has cultural significance while it remains operational, the existing buildings are structurally impermanent with limited scope for adaptation. The items of significance should be recorded and possible kept in part, but they should not impede future changes of use of the site”.*

## **DESCRIPTION OF THE SITE AND LOCALITY**

The subject site has a street address of 11 Mashman Avenue and 7 Colvin Avenue, Kingsgrove with the two (2) lots known as lot 2 DP 534643 and lot 69 DP 356823 respectively. 11 Mashman Ave has a site area of 7209sqm and 7 Colvin Ave has a site area of 456sqm with a total site area of 7665sqm. The site has a frontage to Mashman Ave and Colvin Ave on most of its western boundary, a frontage to Mashman Lane on most of its eastern boundary, and adjoins the Tempe-East Hills Rail line on its northern boundary.

The site contains various industrial buildings, sheds and associated infrastructure related to the former use of the site as a Pottery. The scale of the buildings vary from a large traditional saw tooth roofed styled industrial building approximately two/ three storeys in height to smaller single storey buildings principally located along the eastern boundary of the site.

The site is relatively flat and contains a minimal number of trees which are primarily located to the eastern side of the site. The site is listed as a heritage item of local significance in the Hurstville Local Environmental Plan.

Located to the east and adjacent to the site is the main commercial/retail precinct of Kingsgrove (Kingsgrove Town Centre). It is centralised along Kingsgrove Road, which is a ‘traditional strip style’ shopping centre. Buildings within this area are generally the traditional single and two storey ‘shop-top’ style buildings some of which have been modified over time. The uses within the area vary and are typical for the strip style shopping and include a newsagency, butcher, real estate agent, delicatessen, chemist, banks and takeaway food shops.

To the south of the subject site are predominantly low density single and two storey residential dwelling houses. The former Kingsgrove Police Station is located to the south east of the site on the corner of Paterson Avenue and Mashman Lane. Residential development is also located to the west of the subject site along Mashman Avenue.

Adjoining the subject site to the north along the boundary is the Tempe-East Hills Rail line. The rail line separates the site from the main industrial area of Kingsgrove, which primarily contains large industrial/commercial buildings up to five storeys in height with some smaller scale buildings. The buildings also vary in age and



architectural design from contemporary to the more traditional style industrial buildings.

It is noted that the lots surrounding the subject site are identified on the Register of the National Estate. The identification of these lots has no statutory effect and as such they are not considered to be heritage items.

## **COMPLIANCE AND ASSESSMENT**

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

### **1. Environmental Planning Instruments**

#### HURSTVILLE LOCAL ENVIRONMENTAL PLAN

The land is zoned 3c Business Centre and the proposed development is permitted in the zone with development consent. The proposed development meets the zone objectives.

The objectives of this zone are:

- (a) To maintain a commercial and retail focus for larger scale commercial precincts;*
- (b) To allow for residential development in mixed use buildings, with non-residential uses on at least the ground level and residential uses above, so as to promote the vitality of business centres, and*
- (c) To provide opportunities for associated development such as parking, service industries and the like.*

The proposed development is for a retail/commercial and residential development. The retail/commercial portion of the development will be provided on the ground floor of the development. This will ensure that a commercial and retail focus will be maintained on the ground level of the site and in relation to the site's proximity to the Kingsgrove Town Centre. The provision of the retail/commercial uses on the ground floor and residential uses above the ground floor will promote the vitality of the site, the proposed public plaza, and as an extension of this, the Kingsgrove Town Centre. Accordingly, the proposed development meets the objectives of the zone.

#### Clause 13 – Floor space ratios

Clause 13(2A)(d) of the Hurstville Local Environmental Plan states that:

- (d) if the buildings are on the land shown edged heavy black on Sheet 1 of the map marked "Hurstville Local Environmental Plan 1994 (Amendment No 71)":*
  - (i) the maximum floor space ratio overall is 2:1, and*
  - (ii) the minimum floor space ratio for the exclusively non-residential component is 0.5:1, and*

(iii) *the maximum floor space ratio for the exclusively residential component is 1.5:1.*

The proposed development complies with the floor space ratio requirements as follows:

<b>Floor space ratio</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies</b>
For whole development	2:1 maximum	1.99:1	Yes
Non residential component	0.5:1 minimum	0.6:1	Yes
Residential component	1.5:1 maximum	1.39:1	Yes

#### Clause 14 - Tree preservation orders

A Landscape Plan prepared by a Landscape Architect has been submitted with the application. The Plan shows that nine (9) trees existing on the site will be retained and incorporated in to the proposed Landscape Plan. Twelve (12) existing trees/shrubs will be removed, six (6) of which are considered to be weed species. The removal of the six (6) trees/shrubs is considered acceptable given that fifty-nine (59) additional trees and many shrubs, climbers and grasses are proposed for the site. The Landscape Plan provides an integrated landscape scheme for the site which includes screen planting and appropriate species to the public plaza. Accordingly, the proposed landscaping of the site is supported.

#### Clause 15 - Services

Clause 15 states that:

*“Before granting consent to the carrying out of development on land for any purpose the council must be satisfied that:*

*(a) Facilities for the supply of water and for the removal or disposal of sewage and drainage are available to that land.”*

The proposed development will provide appropriate facilities for the supply of water and for the removal or disposal of sewage and drainage to the subject site. Council's Development Engineer has examined the application and raised no objection to the proposed method of drainage of the site. The drainage works however, will require work to be undertaken to Council's drainage system and as such have to be completed prior to the development being undertaken on site. In this regard, any consent granted is to be in the form of a “deferred commencement” consent which requires a Section 138 application under the Roads Act being approved prior to the consent commencing.

#### Clause 15A – Height restrictions for land within zones Nos 3(a) and 3(c)

Clause (1A) of the Hurstville Local Environmental Plan states that:

- (1A) *Consent may be granted for development for the purposes of the erection of a building that exceeds 2 storeys in height on the land shown edged heavy black on Sheet 2 of the map marked "Hurstville Local Environmental Plan 1994 (Amendment No 71)" but only if:*
- (a) *the building will not exceed the number of storeys shown on that map in respect of that land, or*
  - (b) *the consent authority is satisfied that the proposed development:*
    - (i) *constitutes no more than a minor variation to the height limits indicated on that map, and*
    - (ii) *is not inconsistent with the aims of Hurstville Local Environmental Plan 1994 (Amendment No 71).*

The subject site is identified on the map marked "Hurstville Local Environmental Plan 1994 (Amendment No 71)" as having a maximum height of four (4) storeys. As such consideration can be given to a development of four (4) storeys on the subject site.

The proposed development has a height of four storeys, however a mezzanine level has been provided to part of Block C and D which results in that part of the development being five (5) storeys in height. The extent of the variation is limited to the proposed mezzanine which provides the second bedroom of nine (9) townhouses which face the railway line.

The applicant has submitted that the variation to the height requirement should be supported for the following reasons:

- *The provision of mezzanines will not be inconsistent with the aims of the Local Environmental Plan*
- *The overall height of Block C and D will not be increased as a result of the mezzanine level because it is proposed within the Ground Level which has a higher floor to ceiling height than the other levels to accommodate the retail uses.*

It is considered that the variation to the height requirement is acceptable for the following reasons:

- The provision of a mezzanine level to Blocks C and D does not increase the overall height of these blocks. The floor space ratio of the development complies with the maximum requirements and in this regard the provision of the mezzanine level does not increase the bulk and scale of the development.
- The mezzanine level provides a second bedroom to nine (9) townhouses. This provides for a better amenity to these dwellings as the additional floor space and bedroom provides a more generous and improved layout.
- It is considered that, in accordance with clause (1A)(b) above, the variation to the number of storeys constitutes a minor variation to the height limits and the proposed height is not inconsistent with the aims of the Hurstville Local Environmental Plan 1994 (Amendment No 71). In this regard, consent can be granted to the height of the development without an objection under State Environmental Planning Policy No 1 – Development Standards being considered.

#### Clause 22 - Excavation, filling of land

The subject site will be excavated to provide the proposed basement levels. The excavation to the site is unlikely to adversely impact the amenity of the surrounding developments in terms of disrupting the existing drainage patterns and soil stability.

#### Clause 27 – Aims in relation to heritage

The proposed development complies with the aims in relation to heritage. A Heritage Impact Statement, Archaeological Assessment and Heritage Interpretation Strategy prepared by City Plan Heritage dated October 2010 was submitted with the development application. The information was referred to Council's Heritage Advisor for comment. The Heritage Advisor raised no objection to the development subject to conditions being imposed on any consent granted which includes the commission of a professional historian to complete a book of the history of the Mashman family and the site.

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

The applicant has submitted a Report on Geological Assessment prepared by Douglas Partners (Project Report No E1096.271973 dated September 2010) and a Combined Stage 1 and Stage 2 Environmental Site Investigation prepared by Golder Associates (Report No 04623091/011, dated October 2004) which assesses contamination of the subject site. The report concludes that the subject site is suitable for residential development subject to the recommendations of the report being adopted. A condition of consent has been attached to the recommendation requiring the recommendations of the report being adopted, should consent be granted.

#### STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

##### RailCorp

The subject site adjoins the railway line and as such the concurrence of RailCorp is required. The application was referred to RailCorp who has granted its concurrence to the development subject to conditions of consent being attached to any consent granted.

##### Sydney Regional Development Advisory Committee (SRDAC) and Roads and Traffic Authority (RTA)

The proposed development is identified as being a Traffic Generating Development under the provisions of the SEPP and as such the comments of the SRDAC and the RTA are required. The SRDAC and RTA have provided their comments which have been reviewed by Council's Senior Traffic Engineer. Conditions of consent have been provided in the recommendation, should consent be granted.

#### STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)

The proposed development was referred to the Design Review Panel for comment and assessment pursuant to SEPP 65. The comments made by the Panel are detailed in the “External Referrals” section of this report.

#### STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

A BASIX Certificate was submitted with the development application which shows that the proposed development will provide commitments that result in the minimum target scores being met.

## **2. Draft Environmental Planning Instruments**

The contents of State Environmental Planning Policy (Competition) 2010 which is in draft form have been taken into consideration in the assessment of the proposed development.

### **Any other matters prescribed by the Regulations**

The Regulations prescribe the following matters for consideration for development in the Hurstville Council area:

#### Demolition

Safety standards for demolition and compliance with AS 2601 – 2001 apply to the demolition of any buildings affected by the proposal.

## **3. Development Control Plans**

### DEVELOPMENT CONTROL PLAN NO 1

Hurstville Development Control Plan No 1 (DCP 1) applies to the subject site. Specifically, the following sections of DCP 1 apply to the proposed development:

#### Section 2.2 – Neighbour Notification and Advertising of Development Applications

The development application was notified/advertised in accordance with the requirements of DCP 1 and five (5) submissions were received in reply. The issues raised in the submissions are detailed below under the heading “Referrals, Submissions and the Public Interest”.

#### Section 3.1 – Car Parking

The proposed development meets the requirements of Section 3.1 as follows:

Section 3.1	Requirement	Proposal	Complies
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Residential car spaces: 1 space per 1 or 2 bedroom unit 2 spaces per 3+ bedroom unit (6 x 1 bedroom, 64 x 2 bedroom and 26 x 3 bedroom dwellings proposed)	122 spaces	122 spaces	Yes
Residential visitor car spaces: 1 space per 4 dwellings (96 dwellings proposed)	24 spaces	24 spaces	Yes
Car washing bay for residential component (can also be a visitor space)	1 car washing bay	Not shown	Yes, can be within a visitor space
Retail: 6 spaces per 100sqm where gross leasable floor area is 0-10,000sqm (4057sqm proposed)	244spaces	244 spaces	Yes
Commercial: 1 space per 40sqm of gross leasable floor area (150sqm proposed)	4 spaces	4 spaces	Yes
Car spaces required to be provided on site due to them being lost from on- street parking	4 spaces lost from Paterson Avenue	3 spaces	No (1)

(1) Loss of on-street parking

The proposed road works include the removal of four (4) on-street spaces in Paterson Ave to improve the traffic flow. Should the road works be finalised such that the four (4) on-street spaces are removed they will have to be provided on site in accordance with the requirements of DCP 1. The applicant has provided three (3) additional car spaces on site. A condition of consent has been provided in the recommendation, should consent be granted requiring the provision of on site car spaces, the equivalent number of on-street car spaces lost as a result of the road works. There is capacity in the proposed development to provide the additional car space if required.

Section 3.3 – Access and Mobility

The proposed development complies with the requirements of Section 3.3 as follows.

Access and Mobility Requirements	Requirement	Proposal	Complies
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Adaptable Housing	Ten (10) adaptable dwellings required to be provided, designed in accordance with the AS 4299. Access to the adaptable dwelling and relevant car spaces to be in accordance with AS 1428.2	Adaptable dwellings can be provided within the development with appropriate access to the dwelling and the relevant car spaces	Yes
Car parking for adaptable dwellings	One space required for each adaptable dwelling	One car space can be provided for each adaptable dwelling	Yes
Commercial/Business Premises	Access in accordance with AS1428.2 and AS1735 (Lifts, escalators and moving walkways where required under the BCA.	Access can be provided as per the requirements.	Yes
Car parking for commercial/business premises	2% of parking spaces where 50 or more parking spaces provided in accordance with AS 2890.	Car spaces can be provided as per the requirements.	Yes

Conditions of development consent have been included in the recommendation, should consent be granted, which require the development's compliance with the relevant Australian Standards and the Building Code of Australia with regards to disabled access and facilities.

#### Section 3.4 - Crime Prevention Through Environmental Design

The proposed development complies with the requirements of Section 3.4 as follows:

<b>CPTED</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Complies</b>
3.4.2.2 - Blind Corners	To be avoided	No blind corners evident	Yes
3.4.2.3 – Communal/ Public Areas	Provide opportunities for natural surveillance	Opportunities for surveillance around the site	Yes
3.4.2.4 - Entrances	Provide clear and visible entrances	Entrances are clear and visible	Yes
3.4.2.5 - Landscaping	- Use low vegetation to allow for natural surveillance - Avoid vegetation which conceals building entrance from the street	Landscaping proposed is appropriate	Yes
3.4.2.6 - Lighting	- Diffused/movement sensitive lighting provided externally - Access/egress points	Can be provided by applicant	Yes

	illuminated - No light spill towards neighbours - Hiding places illuminated - Lighting is energy efficient		
3.4.1.7 - Building Identification	- Clearly numbered buildings - Entrances numbered - Unit numbers provided at entry	Yes, can be condition of consent	Yes
3.4.1.8 - Security	Quality locks on external windows and doors	Can be provided by applicant	Yes
3.4.2.9 – Ownership	Ownership, consistent with or improve	Shop fronts face the public plaza	Yes
3.4.2.10 - Maintenance	Use materials that reduce opportunity for vandalism	External finishes appropriate	Yes
3.4.2.11 – Mixed use land uses	Provide opportunity for mixed land uses to increase opportunities for natural surveillance	Mixed land use proposed	Yes
3.4.2.12 - Spaces	Spaces to be clearly defined to express a sense of ownership and reduce illegitimate use/entry	Spaces are clearly defined	Yes
3.4.2.13 – Public Facilities	Locate public services in areas of high activity	No public services proposed	N/A
6.4.2.14 - Shopfront	Allow for natural surveillance and suitable streetscape appearance	Proposed shopfronts and balconies allow natural surveillance	Yes
3.4.2.15 – Building materials	Use building materials which reduce the opportunity for intruder access	Building materials appropriate	Yes
3.4.2.16 – Hours of operation	Provide adequate security to buildings with extended hours of operation	Hours of operation not known	N/A

### Section 3.5 - Energy Efficiency

A BASIX Certificate has been provided for the proposed residential component of the development which shows that the proposed development will meet the minimum target scores.

The proposed development meets the solar access requirements of DCP 1 in that the principle ground level private open space area of adjoining dwellings will receive at least three (3) hours of sunlight between 9am and 3pm on 21 June.

### Section 3.7 - Drainage And On-Site Detention (OSD) Requirements

The proposed development will provide appropriate drainage facilities for the removal of stormwater from the subject site. As previously mentioned in the report, Council's



Development Engineer has examined the application and raised no objection to the proposed method of drainage of the site. The drainage works however, will require work to be undertaken to Council's drainage system and as such have to be completed prior to the development being undertaken on site. . In this regard, any consent granted is to be in the form of a "deferred commencement" consent which requires a Section 138 application under the Roads Act being approved prior to the consent commencing.

### Section 3.9 - Waste Management

A Waste Management Plan has been submitted with the development application that is consistent with the requirements of DCP 1. Council's Waste Services section has examined the application and raises no objection to the waste facilities proposed for the development subject to conditions of consent being imposed which reinforces the provision of appropriate waste facilities.

### Section 6.10 - Mashman Site, Kingsgrove

REQUIREMENT	PROPOSAL	COMPLIES	
6.10.1 GENERAL INFORMATION			
<b>3 Aims of the Section</b>	<p>The aims of this Section are to produce a detailed guide for the development of the land and to:</p> <ul style="list-style-type: none"> <li>• provide high quality retail, commercial and residential development to serve the needs of the surrounding local community;</li> <li>• ensure that the development is of a scale and design to preserve the amenity of neighbouring residents;</li> <li>• ensure that the development of the site has a connection with, and enhances, the Kingsgrove Commercial Centre;</li> <li>• provide a open space and pedestrian link through the site and connecting both sides of Mashman Avenue; and</li> <li>• ensure that the development is environmentally sustainable.</li> </ul>	<p>The proposed development will provide a mixed commercial, retail and residential development centred around a public plaza.</p> <p>The scale of the development is in accordance with the DCP, for example reduction in height in the vicinity of adjoining residential developments.</p> <p>Through-site pedestrian connections are provided from Mashman Ave West to Kingsgrove Road.</p> <p>The development incorporates ESD principles such as passive solar design. It is located in close proximity to public transport options and supermarket retail will reduce car dependency for the residents.</p>	<p>Yes</p>
<b>7 Development Objectives</b>	<p>The development objectives are to:</p> <ul style="list-style-type: none"> <li>• create a high quality mixed use commercial, retail and residential</li> </ul>	<p>The proposed development will provide a mixed commercial, retail and residential</p>	<p>Yes</p>

REQUIREMENT		PROPOSAL	COMPLIES
<b>for the Site</b>	<p>development which will fit in with and complement the residential and commercial character of the surrounding area;</p> <ul style="list-style-type: none"> <li>• create pedestrian connections and a permanent area of public open space within the site;</li> <li>• create a development which will have high standards of environmental sustainability; and</li> <li>• provide an appropriate provision of car parking and access and a safe and efficient access network.</li> </ul>	<p>development centred around the public plaza.</p> <p>The scale of the development is in accordance with the DCP, including a reduction in height in the vicinity of adjoining residential developments.</p> <p>New through-site pedestrian connections are provided from Mashman Ave West to Kingsgrove Road.</p> <p>The development incorporates ESD principles such as passive solar design. It is located in close proximity to public transport options and the provision of a supermarket on site will reduce car dependency for the residents.</p> <p>Car parking is proposed in basement levels in accordance with this DCP.</p>	
<b>6.10.2 BACKGROUND AND CONTEXT</b>			
<b>3 Concept Masterplan</b>	A Concept Masterplan has been prepared for the site to provide general guidance on the overall form of development on the site.	The proposed development is generally in accordance with the Concept Masterplan.	Yes
<b>6.10.3 DEVELOPMENT AND DESIGN CONTROLS</b>			
<b>1 Building Use</b>	A mix of uses consistent with the zoning of land is encouraged; with retail or commercial uses on ground floor and possibly first floor levels and residential above.	The proposed development has been designed in accordance with this mix of uses.	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• To ensure that the site provides for a range of floor space to cater for retail, commercial and residential uses.</li> <li>• To retain and support the active frontages by requiring active retail or commercial uses on the ground level.</li> </ul>	<p>The mix of floor space has been considered in accordance with this DCP. All retail tenancies at ground level provide active frontages.</p> <p>The development adjacent to the surrounding residential developments is at an appropriate scale and of good</p>	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	<ul style="list-style-type: none"> <li>To ensure that development adjacent to existing residential areas is consistent with the character of the area.</li> </ul>	urban design.	
<b>Controls</b>	<p>i. The ground floor level of the development shall comprise a component of retail or commercial floor space that engages with the public realm. Some locations can benefit from multiple public addresses and where practicable they should be encouraged.</p> <p>ii. Where residential floor space is included in the development, it is to be provided above ground floor level other than for development fronting the residential area of Colvin Avenue and Mashman Avenue (west) which may include residential floor space on the ground floor level.</p>	<p>The group of buildings all include ground floor retail or commercial tenancies. These all have separate entrances and front the public plaza.</p> <p>The residential dwellings are mainly located to the edges of the site at ground level and above the ground floor commercial and retail tenancies. Block A will include all residential dwellings at ground level and above, except for a small retail tenancy in its north east portion. Block A is proposed to front the residential area of Colvin Avenue and Mashman Avenue (west).</p>	Yes
<b>2 Building Form – height</b>	<p>Height is an important control because of its major impact on the physical and visual amenity of a place and its character. Height controls can be further refined by decisions about daylight access, roof form, amenity of adjacent residential areas, setting and topography and heritage context.</p> <p>The scale and height of new development should be sympathetic with adjacent residential areas.</p>	The scale and height of the proposed development is in accordance with the DCP except the mezzanine for Blocks C and D which is discussed below.	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide a vibrant mixed use development that takes advantage of its proximity to the Kingsgrove Commercial Centre to the east.</li> <li>To ensure that height of the development responds to the desired scale and character of the adjacent residential areas to the west and south.</li> </ul>	<p>The proposed development incorporates through site pedestrian links and a large public plaza that fosters connectivity with Kingsgrove Road.</p> <p>The height and scale of the buildings varies depending on the location in the site which is in accordance with this DCP.</p>	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	<ul style="list-style-type: none"> <li>To allow reasonable daylight access to all developments and the public domain.</li> <li>To increase amenity of the development by taking advantage of long distance views from the site while avoiding overlooking to adjacent residential areas.</li> </ul>	The residential units have been designed with amenity considerations such as solar penetration and minimal overlooking opportunities.	
<b>Controls</b>	<p>i. Maximum building heights for the site are:</p> <ul style="list-style-type: none"> <li>4 storeys along the eastern boundary of the site fronting Mashman Lane;</li> <li>3 and 4 storeys along the northern boundary;</li> <li>2 storeys along the western boundary adjacent to Colvin Avenue and Mashman Avenue (west);</li> <li>3 and 4 storeys on the southern boundary adjoining residential uses fronting Patterson Avenue with setbacks from the site boundary.</li> </ul>	<p>The building heights are as follows:</p> <p>4 storeys eastern boundary of site fronting Mashman Lane (Block C)</p> <p>5 storeys along the northern boundary (Block C and Block D). The south west corner of Block D steps down to 1 and 2 storeys in accordance with the DCP. 2 storeys on the western boundary (Block A). This steps back to upper levels totaling 4 storeys in height. This is in accordance with the DCP.</p> <p>Block B is 4 storeys and at the southern boundary it steps back, with only 2 storey height immediately adjacent to the boundary.</p>	No (1)
	<p>ii. Floor to ceiling heights:</p> <ul style="list-style-type: none"> <li>The minimum floor to ceiling height for ground level retail and commercial floor space where active public uses are encouraged is 3.6 metres.</li> <li>The minimum floor to ceiling height for upper level commercial floor space is 3.0 metres.</li> <li>The minimum floor to ceiling height for residential floor space is 2.7 metres.</li> </ul>	All of the floor to ceiling heights meet the prescribed requirements.	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	iii. The lift overrun is to be incorporated into the design of the building.	The lift overruns have been incorporated into the design of the development.	Yes
<b>2 Building Form – Floor Space Ratio</b>	The floor space ratio is the maximum capacity of a building. It is the ratio of the gross floor area of a building to the area of the site on which the building is situated.	The proposed development complies with the FSR controls.	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To define the allowable development density to ensure that development is in keeping with the desired future scale of the site and the local area.</li> <li>To define the allowable development density to ensure that development does not detrimentally impact on local traffic.</li> <li>To encourage balconies and terraces within the development.</li> </ul>	<p>The proposed development is consistent with the prescribed FSR, height and setback controls and is in keeping with the desired scale of development.</p> <p>The design of the development is such that structures fronting the surrounding residential areas to the south and west are of a lesser scale and provide a transition in heights and density.</p> <p>All residential units have a balcony or terrace area.</p>	Yes
<b>Controls</b>	<p>Note: Maximum floor space ratio controls are contained in the Hurstville LEP 1994.</p> <p>i. The maximum floor space ratio for the site is 2:1.</p> <p>ii. The minimum commercial or retail floor space component of the development is 0.5:1.</p> <p>iii. The maximum residential floor space component of the development is 1.5:1.</p>	<p>The FSR complies with the maximum 2:1 FSR control.</p> <p>The retail FSR is approximately 0.6:1.</p> <p>The residential FSR is approximately 1.39:1.</p>	Yes
<b>2 Building Form – Building Depth</b>	Building depth is the horizontal cross section dimension of a building. It generally refers to the dimension measured from front to back (from the street to the inside of the block). Control over building depth is important as the depth of a building will have a significant	The building depth has been designed in accordance with this requirement.	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	<p>impact on amenity for its occupants.</p> <p>Building depth is also related to building use. Mixed-use buildings may have wider commercial/retail floors and narrower residential floors, to maximise the amenity of living spaces.</p>		
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• To provide viable and useable commercial, retail and residential floor space.</li> <li>• To promote thin cross-section buildings, which maximise daylight access and natural ventilation.</li> <li>• To provide adequate amenity for building occupants in terms of sun access and natural ventilation.</li> <li>• To provide for dual aspect apartments.</li> <li>• To reduce the apparent bulk and scale of buildings by breaking up expanses of building wall with modulation of form and articulation of facades.</li> </ul>	<p>The supermarket utilises effective and efficient use of floor space as it is located at basement level and foregoes the need to present the street and can be more focused on the retail tenancies.</p> <p>The retail tenancies incorporate active frontages and the opportunity to provide pavement cafe seating is proposed in the public domain adjoining some tenancies.</p> <p>Facade articulation, stepping back of upper levels and diversity of materials and finishes reduces the apparent bulk of the development.</p>	Yes
<b>Controls</b>	<p>i. The maximum allowable depth of the commercial or retail floor space component within a development is 21 metres. The maximum depth can be increased by introduction of a light and ventilation space which is not less than 33% of the width of the building and 5 metres deep.</p> <p>ii. The maximum allowable depth of the residential floor space component within a development is 15 metres. The maximum depth can be increased if a ventilation and light space is introduced, which is not less than 50% of the width of the building and 9 metres deep with provision of acoustic and visual privacy between</p>	<p>The development has been designed in accordance with this requirement.</p>	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	habitable rooms of different units.		
<b>2 Building Form – Setbacks Objectives</b>	<ul style="list-style-type: none"> <li>To establish the desired spatial proportions of the street and define the street edge.</li> <li>To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties and open space areas.</li> <li>To provide an area of landscape buffer between the development and adjacent residential and commercial land uses and the East Hills rail line.</li> </ul>	The setbacks provided are in accordance with this requirement.	Yes
<b>Controls</b>	<p>i. The minimum setback requirements at ground level are:</p> <ul style="list-style-type: none"> <li>5 metres on the western boundary south of Mashman Avenue;</li> <li>6 metres on the western boundary north of Mashman Avenue;</li> <li>4 metres on the northern boundary adjacent to the East Hills rail line;</li> <li>6 metres on the eastern boundary north and south of Mashman Avenue;</li> <li>9 - 12 metres on the southern boundary; and</li> <li>1.5 metres on the southern boundary adjacent to the car park entrance.</li> </ul> <p>ii. All ground level setbacks are to be landscaped to ensure privacy for adjacent residents.</p> <p>iii. The upper levels of any development are to be setback as shown on Figure 5.</p> <p>iv. Vehicle access points and loading docks may be located within the setback area where they do not have a detrimental impact</p>	<p>5m on the western boundary south of Mashman Avenue. It is noted that there is an additional 4m deep planting zone outside the site boundary so there is effectively a 9m setback to Colvin Avenue.</p> <p>6m on the western boundary north of Mashman Avenue.</p> <p>4m+ on the northern boundary adjacent to the East Hills Railway Line.</p> <p>There is a 6m setback on the eastern boundary north and south of Mashman Avenue.</p> <p>There is a 9-15m setback to the southern boundary.</p> <p>&gt;1.5m on the southern boundary adjacent to the car park entrance.</p> <p>The prescribed separation distances of the residential</p>	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	<p>on adjacent residential areas. Note: the preferred access points to the site are shown below.</p> <p>v. All levels containing residential floor space are to provide a building separation of 9 metres between habitable rooms and between habitable rooms and balconies/non-habitable rooms and 6 metres between non habitable rooms.</p>	<p>dwellings comply.</p> <p>The boundary setback will be landscaped with deep soil areas on the perimeter around the site.</p> <p>The vehicular access points and loading dock have been located along the southern part of the site however the development will not result in any significant amenity impacts.</p>	
<b>2 Building Form – Rail Corridor Impacts (Objectives)</b>	To ensure that future development minimises its impact on the adjoining rail corridor and train services.	The proposed development has received concurrence from RailCorp.	Yes
<b>Controls</b>	<p>i. Windows facing the rail corridor that are within 20m of the rail corridor are to contain mechanisms limiting their opening distance.</p> <p>ii. Buildings shall be sited to ensure that they can be constructed and maintained without the need to intrude into the rail corridor.</p> <p>iii. Buildings shall be sited to ensure that demolition, excavation and construction can occur without any intrusion or impact on the rail corridor.</p> <p>iv. Buildings shall be sited to ensure that the use of any rock anchors or footings do not intrude into the rail corridor. Should rock anchors or the like be required within the rail corridor, prior approval of RailCorp needs to be obtained prior to the lodgement of any development application.</p> <p>v. Buildings shall be sited to ensure that there is no impact on rail infrastructure and services. A</p>	<p>The buildings do not encroach on the rail corridor.</p> <p>Construction will generally not intrude into the rail corridor.</p> <p>The noise and vibration assessment report prepared by Acoustic Logic Consultancy (dated 13 September 2010) which has been submitted with the application recommends glazing and other treatments and the development will incorporate these recommendations.</p> <p>There will be no adverse impacts on the rail corridor as a result of the proposed development.</p>	Yes



REQUIREMENT		PROPOSAL	COMPLIES
	Services Search from RailCorp will be required prior to the lodgement of a development application to ensure that all adjoining rail services and infrastructure have been identified.		
<b>3 Traffic, access, parking and servicing</b> <b>(Traffic Analysis and management)</b> <b>– Objectives</b>	<ul style="list-style-type: none"> <li>To assess the potential traffic impacts of the proposed development.</li> <li>To identify the most appropriate traffic and pedestrian management measures to alleviate potential impacts.</li> </ul>	A Traffic Impact Assessment has been submitted with the application (prepared by Traffix and dated November 2010). The report details traffic and pedestrian management measures.	Yes
<b>Controls</b>	<p>i. A micro-simulation traffic model (Paramics or similar) is to be developed to assess the potential impacts of the proposed development and identify appropriate traffic and pedestrian management measure to alleviate potential impacts. The study area for the subject model shall include all the streets in the vicinity of the site including Kingsgrove Road (between M5 Motorway and Stoney Creek Road) and consider all potential land use developments within the study area.</p> <p>The model is to be undertaken in consultation with Council and the RTA and shall examine (at least) the following traffic management scenarios. Other scenarios may also be considered.</p> <p><b>Scenario 1:</b></p> <ul style="list-style-type: none"> <li>Change the current two-way status of Mashman Avenue (eastern section only) to one-way eastbound. The phasing arrangement of traffic lights at the intersection of Mashman Avenue and Kingsgrove Road shall be changed as required.</li> </ul>	<p>Modelling has been undertaken by Traffix in the Traffic Impact Assessment.</p> <p>The Sydney Regional Development Advisory Committee (SRDAC) and Roads and Traffic Authority (RTA) have submitted comments.</p> <p>Council's Senior Traffic Engineer has also provided conditions of consent which are to be attached to any consent granted.</p>	Yes

REQUIREMENT	PROPOSAL	COMPLIES
<ul style="list-style-type: none"> <li>• Install a marked pedestrian crossing in Mashman Lane at Mashman Avenue which connects with the through site pedestrian connection.</li> <li>• Restrict parking on the northern side of Mashman Avenue (eastern section).</li> <li>• Introduce a right-turning bay in Kingsgrove Road at Paterson Avenue with kerb-side parking restrictions on the eastern side of Kingsgrove Road. Assess the impact of the changed parking situation.</li> </ul> <p><b>Scenario 2:</b></p> <ul style="list-style-type: none"> <li>• Change the current two-way status of Mashman Avenue (eastern section only) to one-way eastbound. The phasing arrangement of traffic lights at the intersection of Mashman Avenue and Kingsgrove Road shall be changed as required.</li> <li>• Install a marked pedestrian crossing in Mashman Lane at Mashman Avenue which connects with the through site pedestrian connection.</li> <li>• Restrict parking on the northern side of Mashman Avenue (eastern section).</li> <li>• Restrict peak time right-turn restrictions for traffic on Kingsgrove Road at Paterson Avenue.</li> <li>• Introduce a right-turning bay in Kingsgrove Road at Morgan Street. Assess the impacts on the local streets in the vicinity of the site (including but not limited to Colvin Avenue and Paterson Avenue).</li> </ul>		

REQUIREMENT		PROPOSAL	COMPLIES
	ii. Mashman Lane is to be widened to accommodate a carriageway of 6.5 metres which will require a 2.5m wide strip of the Mashman Site adjacent to Mashman Lane to be dedicated to Council free of cost.	This will be undertaken as required.	Yes
<b>3 (Onsite parking)</b>	<p>Accommodating parking on site (underground or on-grade) has a significant impact on the site layout, landscape design, deep soil zones and stormwater management.</p> <p>The amount of parking provided is related to the size of the development, however, parking provision should also be considered in relation to the local context. The location of public transport facilities, services and recreational facilities within walking or cycling distance may reduce the need for parking spaces.</p>	The on site car parking complies with the requirements.	Yes
<b>Objectives</b>	<p>To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport (public transport, cycling and walking).</p> <p>To provide adequate car parking for the building's users and visitors, depending on building type and proximity to public transport.</p> <p>To integrate the location and design of car parking with the design of the site and the building.</p>	The proposed development incorporates mixed uses including retail, a supermarket, and residential. This will allow residents to undertake their daily shopping needs in the same complex as where they live, thus reducing car dependency. Furthermore, the site is located adjacent to the Kingsgrove Railway Station and near to Kingsgrove Road which is well serviced by buses. This will encourage public transport use and further reduce car dependency.	Yes
	i. Car parking provision is to be in accordance with Section 3.1 (Car Parking). ii. In addition to the requirements contained in Section 3.1, any on street car parking in Mashman Avenue and Kingsgrove	On site car parking is in accordance with the requirements.	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	<p>Road lost as a consequence of identified traffic management measures is to be compensated for within the development.</p> <p>iii. Parking for the development is to be accommodated underground.</p> <p>iv. Ventilation grilles or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.</p> <p>v. Safe and secure access is to be provided for building users, including direct access for residential apartments.</p> <p>vi. Podiums above basement or sub-basement car parks are to be landscaped as private or communal open space.</p> <p>vii. Parking and storage of bicycles (both resident and visitor) is to be provided at a convenient location in the underground car park.</p>		
<b>3</b> <b>(Vehicle Access)</b>	Vehicle access is the ability for cars and maintenance and service vehicles to access the development.	Noted	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.</li> <li>• To encourage the active use of street frontages.</li> <li>• To make vehicle access to buildings more compatible with pedestrian movements and the public domain.</li> </ul>	The proposed development is in accordance with this requirement.	Yes
<b>Controls</b>	i. Vehicle access to the site is to be from Mashman Avenue (east), Mashman Lane and Colvin Avenue in locations generally as shown in Figure 4 of the DCP.	For the residential car parking area ingress and egress is from Colvin Avenue via a ramp to basement level 3.	Yes

REQUIREMENT	PROPOSAL	COMPLIES
<p>ii. The vehicle access entrance off Mashman Lane and/or Mashman Avenue (east) to the Mashman Site is to be used for service and delivery vehicle entry to the site. No large trucks making deliveries to commercial or retail premises are to use the Colvin Avenue entrance.</p> <p>iii. The vehicle access to the site from Mashman Avenue (east) is not to detrimentally impact on the pedestrian link through the site and pedestrian connections to Kingsgrove Road to the east.</p> <p>iv. Potential pedestrian and vehicle conflict is to be minimised by:</p> <ul style="list-style-type: none"> <li>- ensuring clear sight lines at pedestrian and vehicle crossings;</li> <li>- utilising traffic calming devices; and</li> <li>- separating and clearly distinguishing between pedestrian and vehicular access ways (for example by using bollards, change of hard pavement in rear lane).</li> </ul> <p>v. Adequate separation distances are required between vehicular entries and street intersections.</p> <p>vi. The appearance of car parking and service vehicle entries are to be improved by:</p> <ul style="list-style-type: none"> <li>- screening and locating garbage collection, loading and servicing areas within the development; and</li> <li>- avoiding black holes in the façade by providing security doors to car park entries.</li> </ul> <p>vii. Where doors are not provided,</p>	<p>Vehicular ingress and egress is provided to the retail parking areas via a ramp from Mashman Lane.</p> <p>Separate access is provided to the loading dock areas, also from Mashman Lane.</p> <p>The access points have been provided at Mashman Lane rather than at the end of Mashman Avenue to alleviate impacts on the pedestrian connection in this location.</p>	

REQUIREMENT		PROPOSAL	COMPLIES
	<p>ensuring that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed.</p> <p>viii. Vehicle access points to the site are to provide a minimum 1.5 metres landscaped setback to neighbouring properties.</p>		
<b>3 (Pedestrian Access)</b>	Design for pedestrian access focuses on delivering high quality, safe and pleasant walking environments.	As detailed below	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To ensure that the development incorporates publicly accessible pedestrian paths that are well linked into the surrounding area.</li> <li>To provide a public through-site pedestrian access way to link the eastern and western sides of Mashman Avenue.</li> <li>To ensure that the development is integrated into the surrounding area through the provision of a permeable, safe and efficient pedestrian through site links.</li> </ul>	<p>The proposed buildings are focused around a central pedestrian plaza which is a useable space that will be vibrant for residents of the development and consumers visiting the site for commercial/ retail purposes.</p> <p>There is through site pedestrian links connecting both sides of Mashman Avenue. It will be suitably illuminated particularly during the evening. The link will provide accessible entry for persons with a disability with minimal changes in levels</p>	Yes
<b>Controls</b>	<p>i. A public through-site pedestrian access way is to be provided connecting the eastern and western sides of Mashman Avenue generally as shown in Figure 2.</p> <p>ii. The public through-site pedestrian access way is to be a minimum of 8 metres wide.</p> <p>iii. All high quality accessible routes to public and semi-public areas of pedestrian links are to have appropriate levels of illumination.</p> <p>iv. Provide a building and the site,</p>	<p>The pedestrian link will have a minimum of 8m width where it adjoins Mashman Avenue (east) and greater widths in all other areas. It will be suitably illuminated particularly during the evening. The link will provide accessible entry for persons with a disability with minimal changes in levels, with a continuous path of travel through the site.</p> <p>There are multiple entries and lobbies to the different blocks in the proposed development. These will be accessible and</p>	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	<p>including major entries, lobbies, communal open space, site facilities, parking areas and pedestrian pathways.</p> <p>v. Promote equity by ensuring the entrances to buildings are accessible from the street and integrating ramps into the overall building and landscape design.</p> <p>vi. Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space.</p> <p>vii. Separate and clearly distinguish between pedestrian access ways and vehicle access ways and utilise consistent paving treatments through the site.</p> <p>viii. Pedestrian access ways are to have a minimum two storey height where they pass beneath a building.</p>	<p>clearly visible.</p> <p>Entries to the buildings are mainly from the pedestrian plaza area. Separate entries are provided to individual dwellings in Block A through courtyard and open space areas, from Colvin Avenue. The residential lobbies of Block C are from Mashman Lane. There are two main pedestrian accessways from Mashman Avenue, both east and west. These are physically separated from the vehicular access points on Mashman Avenue (east) and Colvin Avenue.</p> <p>The pedestrian accessway to Mashman Avenue (east) passes under Block C at a 2 storey height.</p>	
<b>4 Open Space &amp; Landscaping (Open Space)</b>	<p>The primary function of open space is to provide amenity in the form of:</p> <ul style="list-style-type: none"> <li>• Landscape design;</li> <li>• Daylight and ventilation access to apartments;</li> <li>• Visual privacy;</li> <li>• Opportunities for recreation and social activities;</li> <li>• Water cycle management.</li> </ul>	<p>These elements are provided in the proposed open space of the development.</p>	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• To provide residents with passive and active recreational opportunities.</li> <li>• To provide an area on site that enables soft landscaping and deep soil planting.</li> <li>• To ensure that communal open space is consolidated, configured and designed to be useable and</li> </ul>	<p>The open space of the proposed development is in accordance with these objectives.</p>	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	<p>attractive.</p> <ul style="list-style-type: none"> <li>To provide a pleasant outlook.</li> </ul>		
<b>Controls</b>	<p>Publicly accessible open space</p> <p>i. An area of approximately 500m<sup>2</sup> of publicly accessible open space is to be provided generally in the location shown on Figure 4.</p> <p>ii. Publicly accessible open space is to:</p> <ul style="list-style-type: none"> <li>- be located so that it forms a focus of the development and provides a landscape buffer between buildings;</li> <li>- provides a pleasant outlook;</li> <li>- be located so that solar access is maximised;</li> <li>- be consolidated into useable areas; and</li> <li>- demonstrate that its size and dimensions allow for a variety of uses.</li> </ul>	<p>A publicly accessible open space (1,587m<sup>2</sup>) area will be provided within the development consistent with the locational requirements contained within the DCP. This space will incorporate a variety of elements including landscaping, planter boxes, vegetation, street furniture and the like. Historical elements related to the past use of the site will be incorporated into this area.</p> <p>The space will provide a vibrant and active space for workers and residents to enjoy.</p>	Yes
	<p>Private open space:</p> <p>i. All dwellings are to have access to a private, useable, functional area of open space directly accessible from the main living area.</p> <p>ii. Private open space of apartments at ground level, or similar space on a structure (such as on a podium over a car park) is to have a minimum area of 25m<sup>2</sup> and a minimum dimension in one direction of 4 metres.</p> <p>iii. Private open space of apartments above ground level is to be provided by at least one primary balcony with a minimum depth of 2.5 metres and a minimum area of:</p> <ul style="list-style-type: none"> <li>- 6m<sup>2</sup> for studio and 1</li> </ul>	<p>The development provides access to private, usable functional open space area for each of the dwellings. Each ground floor dwelling has a minimum area of 25m<sup>2</sup> and dimension of 4m.</p> <p>Each of the upper level dwellings has a minimum open space area as prescribed in this DCP.</p>	Yes



REQUIREMENT		PROPOSAL	COMPLIES
	bedroom; - 12m <sup>2</sup> for two and three bedrooms; - 15m <sup>2</sup> for four or more bedrooms.		
<b>4 (Landscape design)</b>	Landscape design includes the planning, design, construction and maintenance of all utility, open space and garden areas. Landscape design builds on the existing site's natural and cultural features to contribute to a development's positive relationship to its context and site	A Landscape Plan has been submitted with the application.	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To add value to residents' quality of life within the development by providing privacy, outlook and views.</li> <li>To maximise absorptive landscaped areas for on-site infiltration of stormwater.</li> <li>To improve the microclimate and solar performance within the development.</li> <li>To ensure that landscaping is integrated into the design of the development and that the development fits in with the existing streetscape.</li> <li>To improve the overall appearance of the development when viewed from neighbouring sites.</li> </ul>	The proposal will provide a contemporary urban environment featuring an appropriate setting for mixed retail and residential use.  Deep Soil Planting is included where possible.  A variety of trees, shrubs, climbers and ground covers are to be incorporated which will complement the design of the buildings and enhance the overall presentation of the development.	Yes
<b>Controls</b>	i. All applications are to include a landscaping plan prepared by a qualified landscape designer. The landscape plan is to include the location of services on the site to ensure that there is no conflict.  ii. The landscaping plan must outline how landscaped areas are to be maintained for the life of the development.  iii. Landscape design is to be in	A Landscape Plan and Landscape Design Statement has been submitted with the application which incorporates these requirements.	Yes

REQUIREMENT	PROPOSAL	COMPLIES
<p>scale with the development and should relate to building form; facilitate stormwater infiltration through the use of permeable surfaces; and be easily maintained.</p> <p>iv. Landscaping is to ensure amenity of private and publicly accessible open spaces by:</p> <ul style="list-style-type: none"> <li>- providing shade from the sun and shelter from the wind;</li> <li>- providing accessible routes through the space and between buildings.</li> </ul> <p>v. Landscape design is to improve the energy and solar efficiency of apartments and the microclimate of open spaces by:</p> <ul style="list-style-type: none"> <li>- locating trees for shading low-angle sun on the eastern and western sides of buildings;</li> <li>- using deciduous trees for shading of windows and open space areas in summer and allowing solar access in winter.</li> </ul> <p>vi. Landscape design is to minimise water consumption by:</p> <ul style="list-style-type: none"> <li>- including local native plants with low water demand (refer list of tree species for landscaping in Section 7.10 Recommended Species for Landscaping);</li> <li>- using plants with low fertiliser requirements.</li> </ul> <p>vii. Fencing and landscaping along the rail corridor should be designed to screen views of the rail corridor and exposure from passing trains.</p> <p>viii. Landscaping and planting plan</p>		

REQUIREMENT		PROPOSAL	COMPLIES
	for land along the rail corridor is to be submitted to RailCorp for endorsement prior to lodgement of any development application to ensure that roots and foliage of trees do not have an impact on rail infrastructure and services.		
<b>4 (Deep soil zones)</b>	<p>Deep soil zones are areas of natural ground with relatively natural soil profiles retained within a development. Deep soil zones are areas of the site that are not to be built upon, and are not to have underground car parking located underneath.</p> <p>Deep soil zones have important environmental benefits including:</p> <ul style="list-style-type: none"> <li>• promoting healthy growth of large trees with large canopies;</li> <li>• protecting existing mature trees;</li> <li>• allowing infiltration of rainwater and reducing stormwater runoff.</li> </ul>	Deep Soil Zones are provided along the northern and western boundaries.	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• To improve the amenity of developments through the retention and planting of trees that are, or will, grow to a large or medium size.</li> <li>• To assist with management of water quality and the water table.</li> </ul>	This is reflected in the Landscape Plan.	Yes
<b>Controls</b>	<p>i. Deep soil zones are to be provided on the northern and eastern boundaries of the site as shown in the DCP.</p> <p>ii. Deep soil zones should accommodate existing mature trees, as well as allow for the planting of trees/shrubs that will grow to be mature trees.</p> <p>iii. Deep soil zones are to have a pervious surface.</p> <p>iv. Deep soil zones are not to be built upon or have underground</p>	Deep Soil Zones are provided along the northern and western boundaries. Existing mature trees have been retained where possible.	No (2)

REQUIREMENT		PROPOSAL	COMPLIES
	<p>car parking areas underneath.</p> <p>v. The area of approximately 500m<sup>2</sup> of publicly accessible open space (refer S.6.10.3.4) is to have a minimum soil depth of 1200mm to allow for deep soil planting. This may be accommodated fully or partly above ground level (ie. in a raised landscape bed).</p>		
<b>4</b> <b>(Planting on structures)</b>	An increasingly common scenario in urban areas is the establishment of landscape areas on top of basement car parks, on podiums and on roofs.	Noted	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards.</li> <li>To encourage the establishment and healthy growth of trees in urban areas.</li> </ul>	Proposed landscaping of the site complies with this.	Yes
<b>Controls</b>	<p>i. Plant growth is to be optimised by:</p> <ul style="list-style-type: none"> <li>- Providing soil depth, volume and area appropriate to the size of the plants selected;</li> <li>- Providing appropriate soil conditions and irrigation methods;</li> <li>- Providing appropriate drainage.</li> </ul> <p>ii. Planters are to be suitable for plant selection and achievement of maximum mature plant growth and are to accommodate the largest volume of soil possible.</p> <p>iii. Minimum standards for a range of plant sizes as per the DCP:</p>	Proposed landscaping of the site complies with this.	Yes
<b>5 Buildings Exterior</b>	A successful commercial centre provides street level retail and commercial activities which satisfy	Retail and commercial uses are provided at street level and uses will be encouraged that	Yes

REQUIREMENT		PROPOSAL	COMPLIES
<b>(Active Street Frontages)</b>	the requirements of local residents and visitors and enliven the public area by day and by night. There is interactivity between commercial uses and the public domain which feels safe and designed for all to use.	incorporate active street frontages.	
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• To provide a range of uses to engage and activate the site.</li> <li>• To provide a walkable environment with visual interest and a feeling of security.</li> <li>• To provide a visual and activity connection between the site and the Kingsgrove Commercial Centre.</li> <li>• To maximise building openings and minimise the extent of blank walls on to the street, especially at ground level.</li> </ul>	The development is consistent with these objectives.	Yes
<b>Controls</b>	<p>i. Provide continuous retail or active commercial frontage on the ground floor of buildings within the site and encourage the site's connection with the Kingsgrove Commercial Centre.</p> <p>ii. Active ground floor uses are to be at the same general level as the footpath and be readily accessible.</p> <p>iii. Restaurants, cafes and the like are to consider providing openable shop fronts.</p> <p>iv. Maximise street level activity e.g. by wrapping shopfronts around corners.</p> <p>v. Minimise blank walls at ground level.</p> <p>vi. Maximise glazing for retail uses on the ground floor.</p> <p>vii. Do not use opaque or reflective glass on the ground floor.</p> <p>viii. Use grilles or transparent</p>	<p>The location of the retail and commercial floor space at the ground floor level will have a connection to the existing Kingsgrove Town Centre. This will be achieved by providing a good visual and open/ active pedestrian link where Mashman Avenue (east) meets the eastern entry point of the site. This is supported by generally maintaining similar ground levels to the surrounding streets/ entry points.</p> <p>The retail/commercial units within the development wrap around the ground floor level to maximise street level activity and there are minimal blank walls at ground level. The design of the development provides good visual interest supported by a high quality of finish and quality landscaping.</p> <p>The application does not</p>	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	security shutters with a minimum of 70% transparency on retail frontages. Solid shutters are not permitted.	propose any specific uses within the retail/ commercial elements of the site, however the spaces have been designed to encourage active uses such as restaurants, cafes and the like through maximisation of glazing and the provision of awnings and covered walkways above shopfronts. The retail tenancies are of a design that allows for flexibility of uses and the openable shopfronts promote active uses.	
<b>5 (Facades and Articulation) Objectives</b>	To ensure that new developments have well articulated and harmonious facades which define the public domain.	The development meets these objectives.	Yes
<b>Controls</b>	<p>i. Design buildings to address the street and the communal open space area and ensure that rear and side facades (where visible) also provide visual interest to the street and surrounding neighbours.</p> <p>ii. Provide architectural features which give a human scale to the building, particularly at ground level.</p> <p>iii. Ensure that the composition of a building façade or a series of facades forms a rhythm that complements and is harmonious with the streetscape.</p> <p>iv. Avoid curtain walling, large expanses of glass and large expanses of concrete as these do not create well articulated and harmonious facades.</p>	<p>The development will address the two street frontages to the east and west and also address the proposed public domain areas. The built form has been well articulated and the high quality finished will provide positive visual elements to the public domain.</p> <p>The separation distances and stepping back of upper levels in the development present a human scale, especially from ground level.</p> <p>There is a variety of facade treatments incorporated into the development. Colours, materials, textures and the like vary throughout the development to create distinction of certain elements and a visually inspiring development from public domain areas and from adjoining properties.</p>	Yes

REQUIREMENT		PROPOSAL	COMPLIES
		There are no long blank wall expanses in the proposed development.	
<b>5 (Building Entry)</b>	Entrances define the threshold between the public street and private areas within the building. Building entries provide a public presence and should contribute to the identity of the development. Using multiple entries helps to create a human scale along the street.	The entrances are in accordance with this requirement.	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To create entrances which are clearly identifiable.</li> <li>To contribute positively to the streetscape and building façade design.</li> </ul>	The entrances are in accordance with this requirement.	Yes
<b>Controls</b>	<p>i. Building entries are to be:</p> <ul style="list-style-type: none"> <li>- oriented to, and clearly visible from the street;</li> <li>- convenient for pedestrians;</li> <li>- a clearly identifiable element of the building in the street.</li> </ul> <p>ii. Buildings facing Colvin Street may have separate entries for individual dwellings to fit in with the predominantly residential character of the street.</p> <p>iii. Building entries must be designed to provide equal access to all people.</p> <p>iv. Safe and secure access is to be provided by:</p> <ul style="list-style-type: none"> <li>- providing a clear line of sight between one circulation space and the next;</li> <li>- providing sheltered, well lit and highly visible spaces for building entry and for the collection of mail.</li> </ul> <p>v. Separate entries from the street are to be provided for pedestrians and cars.</p>	<p>The development meets these controls. The architectural plans demonstrate appropriate building entries which are clearly distinguishable and are orientated to the public areas.</p> <p>The proposed ground floor residential units that front Colvin Avenue have separate entries through courtyards from the street. The 3 southern units have an additional separate entry from the internal public domain and the 3 northern units have an additional access from a residential lobby (where access is provided from the internal public domain). All main entrances throughout the entire development are covered.</p> <p>The site is accessible. The development provides safe and secure access into the building and is consistent with the principles of Crime Prevention Through Environmental Design.</p> <p>The site contains separate</p>	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	vi. Entries, lifts and their associated circulation space are to be of an adequate size to allow movement of furniture between public and private spaces.	entry for pedestrians and vehicles, which minimises conflict.	
<b>5 (Balconies)  Objectives</b>	<ul style="list-style-type: none"> <li>• To provide all apartments with private open space.</li> <li>• To ensure balconies are functional, responsive to the environment and promote outdoor living for apartment residents.</li> <li>• To ensure that balconies are integrated into the overall architectural form and detail of the building.</li> <li>• To contribute to the safety and liveliness of the street by encouraging casual overlooking and address.</li> <li>• To ensure the future development minimises its impact on the adjoining rail corridor and train services.</li> </ul>	The proposed development is consistent with these objectives.	Yes
<b>Controls</b>	<p>i. Each apartment is to have at least one primary balcony (refer Section 6.10.3.4 for size requirements).</p> <p>ii. Primary balconies are to be:</p> <ul style="list-style-type: none"> <li>- located adjacent to the main living areas (such as living room or dining room) to extend the living space; and</li> <li>- sufficiently large and well proportioned to be functional and promote indoor/outdoor living. Consideration should be given to supplying a water tap and gas point.</li> </ul> <p>iii. Balconies are to be detailed and designed in response to the local climate and site context. This may be achieved by:</p> <ul style="list-style-type: none"> <li>- locating balconies facing</li> </ul>	<p>The development meets the controls as follows:</p> <ul style="list-style-type: none"> <li>-Each dwelling has at least one primary balcony/courtyard;</li> <li>-Each primary balcony is accessible from the main living area;</li> <li>-The balconies meets the area requirement contained under the DCP and are well proportioned for their use;</li> <li>-Where achievable balconies and courtyards have been located to take advantage of solar access/ ventilation;</li> <li>-The balconies incorporate sun shading and screening where appropriate;</li> <li>-Some balconies are recessed;</li> </ul>	Yes



REQUIREMENT		PROPOSAL	COMPLIES
	<p>predominantly north, east or west to provide solar access;</p> <ul style="list-style-type: none"> <li>- utilising sun screens, pergolas and shutters to control sunlight and wind;</li> <li>- the use of cantilevered, partially cantilevered and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy;</li> <li>- ensuring that balconies do not prevent sunlight entering apartments adjacent or below.</li> </ul> <p>iv. Balustrades are to be designed to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include: detailing balustrades using a proportion of solid to transparent materials to address privacy, sight lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or apartment interior and are to be avoided.</p> <p>v. Balconies within 20m of the rail corridor are to be enclosed or contain louvers with mechanisms that limit their opening angle.</p>	<p>-The balconies have been provided to contribute to outdoor living; and</p> <p>-The balconies have been designed to maximise passive surveillance and minimise privacy impacts.</p>	
<b>5 (Awnings)</b>	To provide shelter for areas where pedestrian activity occurs.	Awnings are provided in accordance with this.	Yes
<b>Objectives</b>			
<b>Controls</b>	<p>i. Continuous awnings are to be provided within the development on the main pedestrian activity pathways.</p> <p>ii. Provide under awning lighting to facilitate night use and to improve public safety.</p>	The development provides sufficient shelter for public areas. Awnings/ covered areas have been provided with lighting to facilitate use during inclement weather and to ensure suitable public safety.	Yes

REQUIREMENT		PROPOSAL	COMPLIES
<b>5 (Visual Privacy)</b>	<p>Visual privacy measures protect residents' ability to carry out private functions within all rooms and private open spaces without compromising views, outlook, ventilation and solar access or the functioning of internal and external spaces. The consideration of visual privacy requires an understanding of the adjacent context, site configuration, topography, the scale of the development and the layout of the apartments.</p> <ul style="list-style-type: none"> <li>Degrees of privacy are influenced by a number of factors:</li> <li>The activities of each of the areas where overlooking may occur;</li> <li>The times and frequency these spaces are being used; and</li> <li>The occupants' expectations of privacy and their ability to control overlooking with screening devices.</li> </ul>	The proposal has been designed to maximise privacy and amenity.	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide reasonable levels of visual privacy externally and internally, during the day and at night.</li> <li>To maximise outlook and views from principal rooms and private open space without compromising visual privacy.</li> </ul>	The proposed development is consistent with these objectives.	Yes
<b>Controls</b>	<p>i. New development is to be located and oriented to maximise visual privacy between buildings on site and adjacent buildings by providing adequate:</p> <ul style="list-style-type: none"> <li>- building separation;</li> <li>- rear and side setbacks.</li> </ul> <p>ii. Building layouts are to be designed such that direct overlooking of rooms and private open spaces is minimised in</p>	The dwellings along the western side of the site have been orientated to face the street. The rear courtyards are located at ground level and do not overlook any adjacent private open space or living spaces. The upper level apartments of Block A overlook the street and also some overlook the internal public domain area.	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	<p>apartments by:</p> <ul style="list-style-type: none"> <li>- separating communal open space, common areas and access routes from windows of rooms, particularly habitable rooms;</li> <li>- changing the level between ground floor apartments (including their associated private open space) and the public domain or communal open space.</li> </ul> <p>iii. Building and site design are to increase privacy without compromising access to light and air through:</p> <ul style="list-style-type: none"> <li>- offsetting windows of apartments in new development to windows in adjacent development;</li> <li>- recessing balconies and/or providing vertical fins between adjacent balconies;</li> <li>- using solid or semi-solid balustrades to balconies;</li> <li>- using louvres or screen panels to windows and/or balconies;</li> <li>- providing landscape screening;</li> <li>- incorporating planter boxes into walls or balustrades to increase the visual separation between areas;</li> <li>- using pergolas or shading devices to limit overlooking of lower apartments or private open space.</li> </ul>	<p>The centrally located Block B has a compliant southern boundary setback, increasing at the upper levels to minimise privacy impacts.</p> <p>The residences within Block C face the east towards the existing commercial precinct or west internally over the main public open plaza do not permit direct overlooking into any private open space areas or habitable rooms of dwelling within the development or adjacent .</p> <p>The dwellings within Block D that face north will not have a detrimental amenity impact given to the north are the East Hills Railway Line and industrial area, less sensitive uses. The dwelling located on the southern side of the Building will also face the main public open plaza and not into any main private open space area or habitable rooms within the development or adjacent to the site.</p> <p>The garden apartments will be well landscaped and a deep planting zone will provide an appropriate buffer to the railway corridor.</p>	
<b>5</b> <b>(Solar Access &amp; Overshadowing)</b>	<p>Daylight consists of skylight (diffuse light from the sky) and sunlight (direct beam radiation from sun). It changes with the time of day, season and weather conditions. This variability contributes to pleasant environments in which to live and work. Within an apartment, daylight reduces reliance on artificial light, improving energy</p>	<p>Noted</p>	<p>Yes</p>

REQUIREMENT		PROPOSAL	COMPLIES
	efficiency and residential amenity.		
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential development.</li> <li>To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.</li> <li>To provide residents with the ability to adjust the quality of daylight to suit their needs.</li> </ul>	Daylight access is provided to all habitable rooms.	Yes
<b>Controls</b>	<p>i. Retail or commercial component of the development: Direct Solar access is not required, however natural daylighting is critical. Natural light can be gained from the street facing shopfront and from any light wells internally. Daylight should be calculated as achieving minimum 50 lux to 50% of the floor area. This does not apply to any underground retail development (eg supermarket).</p> <p>ii. Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.</p> <p>iii. Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in midwinter.</p> <p>iv. Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10 percent in the total units proposed.</p> <p>v. Developments which seek to vary from the minimum standards must demonstrate how site</p>	<p>Natural daylight is provided to the retail and commercial areas and the public plaza.</p> <p>72% of living rooms and private open space receive a minimum of 3 hours sunlight between 9.00am and 3.00pm in midwinter. 12 units are south facing representing 12.5%.</p>	<p>Yes</p> <p>No (3)</p>

REQUIREMENT		PROPOSAL	COMPLIES
	<p>constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed.</p> <p>vi. The proposed development should not increase overshadowing on adjacent dwellings.</p>		
<b>5</b> <b>(Interface with adjoining rail corridor)</b>  <b>Objectives</b>	<ul style="list-style-type: none"> <li>• To safeguard against any possible impacts from stray currents from the adjoining electrified rail corridor.</li> <li>• To ensure that any future development does not impact on the geotechnical and structural stability of the adjoining rail corridor.</li> <li>• To ensure that lights and reflections do not distract train drivers.</li> <li>• To ensure that there is no stormwater discharge into the rail corridor.</li> <li>• To prevent any unauthorised entry into the rail corridor from the development site.</li> <li>• To improve the overall appearance of the development when viewed from the rail corridor.</li> </ul>	The proposed development is in accordance with this requirement.	Yes
<b>Controls</b>	<p>i. An Electrolysis expert is to be engaged to prepare a report on the Electrolysis Risk and recommendations of this report are to be implemented in any development proposal.</p> <p>ii. A geotechnical report should be prepared to evaluate the stability of the rail corridor from excavation and the impact of vibration from the rail corridor.</p> <p>The report shall meet RailCorp requirements and be submitted to RailCorp for review prior to the lodgement of any development</p>	<p>An Electrolysis report and a Geotechnical report has been submitted with the application.</p> <p>The following comments are provided:</p> <p>The northern shoring wall should be able to be adequately designed to support the rail corridor both in the short term and long-term.</p> <p>A Geotechnical Monitoring Plan will be prepared and submitted to RailCorp prior to seeking a</p>	Yes

REQUIREMENT		PROPOSAL	COMPLIES
	<p>application.</p> <p>iii. The use of any external lights, signs and reflective materials, whether permanent or temporary, in the proximity of the rail corridor are to be approved by RailCorp prior to lodgement of any development application.</p> <p>iv. Drainage from the site must not be allowed to be discharged into the rail corridor unless prior approval has been obtained from RailCorp.</p> <p>v. During excavation and construction extreme care must be observed to prevent water from collecting on or near RailCorp's infrastructure and services.</p> <p>vi. Details of the type of fencing and the method of erection are to be submitted to RailCorp for review and comment prior to the fencing work being undertaken.</p> <p>vii. Fencing along the rail corridor and parts of the building facing the rail corridor are to be coated with anti-graffiti paint or other coating.</p>	<p>Construction Certificate to ensure all parties are satisfied with the protection measures proposed for the rail corridor.</p> <p>Drainage will not discharge to the rail corridor.</p> <p>The fencing will be graffiti resistant.</p> <p>RailCorp has given its concurrence to the application.</p>	
<b>6 Buildings Interior (Acoustic Privacy)</b>	<p>Acoustic privacy is a measure of sound insulation between apartments and between external and internal spaces. Designing for acoustic privacy relates to the location and separation of buildings within a development and the arrangement of apartments and internal spaces within apartments.</p>	<p>The proposed development is in accordance with this requirement.</p>	Yes
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open</li> </ul>	<p>The proposed development is in keeping with these objectives.</p>	Yes

REQUIREMENT	PROPOSAL	COMPLIES
<p>spaces.</p> <ul style="list-style-type: none"> <li>To ensure that future residents and occupiers of the development are no adversely impacted upon by rail or road related noise and vibration.</li> </ul>		
<p><b>Controls</b></p> <p>i. A noise and vibration assessment is to be undertaken and lodged with the development application. The assessment is to be undertaken in accordance with RailCorp's Interim Guidelines for Applicants. The assessment is also to take into account any noise emanating from the adjoining Kingsgrove Railway Station and Kingsgrove Road.</p> <p>ii. Development should be in accordance with the EPA Criteria (The Environmental Criteria for Road Traffic Noise (May 1999).</p> <p>iii. The site and building layout are to maximise acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.</p> <p>iv. Development is to be designed to minimise noise transmission between apartments by:</p> <ul style="list-style-type: none"> <li>- locating busy, noisy areas next to each other and quieter areas next to other quite areas, for example, bedrooms with bedrooms;</li> <li>- locating bedrooms away from busy roads and other noise sources;</li> <li>- using storage and circulation zones within the apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas and minimising the amount of party (shared) walls with other apartments.</li> </ul>	<p>The design of the development is in accordance with these controls.</p> <p>A noise and vibration assessment has been undertaken by Acoustic Logic Consultancy.</p> <p>This assessment is in accordance with RailCorp guidelines.</p> <p>The report's conclusion is summarised as follows:</p> <p>The assessment has been conducted in accordance with the requirements of NSW Government Department of Planning "Development Near Rail Corridors and Busy Roads"- Interim Guideline and project specifications The Australian Standard AS2107 and council requirements.</p> <p>Railway vibration has been predicted for the residents in the future residential tenancies and has also been assessed in accordance with "Development Near Rail Corridors and Busy Roads"- Interim Guideline.</p> <p>Provided the recommendations in this report are implemented, noise and vibration levels will comply with the requirements of requirements of NSW Government Department of Planning "Development Near Rail Corridors and Busy Roads"- Interim Guideline.</p>	<p>Yes</p>

REQUIREMENT		PROPOSAL	COMPLIES
	v. Noise transmission is to be reduced by common corridors or outside the building by providing seals at entry doors.	Noise impacts have been assessed and will be acoustically acceptable provided treatments detailed in this report are incorporated into the project.  The recommendations of this report will be included in the conditions of consent, should consent be granted.	
<b>7 Heritage</b>	The Mashman's Pottery and Tile Works is identified as a heritage item under the Hurstville LEP 1994 and the heritage provisions of the Hurstville LEP 1994 apply to the site. A Conservation Management Plan has been prepared for the site and is included in Appendix 1 of the DCP... The Conservation Management Plan provides detailed background to the operation of the Pottery and Tile Works and a statement of cultural significance of the site. Recommendations of the Conservation Management Plan relating to conservation and recording of the site are included below.	The proposed development has been designed with reference to the Conservation Management Plan and the Heritage Impact Statement and Archaeological Assessment prepared by City Plan Heritage.	Yes
<b>Objectives</b>	To ensure that future development and use of the site is in a manner that acknowledges its past uses and cultural significance of the site as a pottery and tile works.	Interpretive elements of the site's history will be included in the proposed development in the public domain areas.	Yes
<b>Controls</b>	i. Any development on items of heritage significance should be carried out in accordance with the principles of Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter).  ii. The treatment of existing fabric, spaces and elements is to be related to the degree of significance as identified in the Conservation Management Plan	The Heritage Impact Statement and Archaeological Assessment include recommendations for management of the sites heritage.  The HIS concludes the following:  The proposal for demolition of the Mashman Site factory with four other auxiliary buildings	Yes



REQUIREMENT	PROPOSAL	COMPLIES
<p>(refer Appendix 1) as follows:</p> <ul style="list-style-type: none"> <li>- Items of moderate to high cultural significance should be recorded before any further alterations, demolition or redevelopment of the site commences;</li> <li>- Representative items identified as culturally significant should be dismantled in a manner that facilitates their possible re-use in an appropriate context;</li> <li>- Items of low significance and intrusive items may be removed.</li> </ul> <p>iii. An adverse effect on any item or aspect of significance may be permitted provided that it helps to secure the viability of the site or the item and there is no feasible alternative.</p> <p>iv. The site should be photographically recorded for public archival purposes prior to any redevelopment of the site. The methods of pottery manufacture on the site should be documented prior to any closure or removal of major structures, plant and equipment.</p> <p>v. An archaeological assessment of the site should be undertaken prior to any redevelopment of the site, to assist in recording its industrial history. Archaeological site work may include the removal, documentation and preservation of any uncovered items of cultural significance.</p> <p>vi. In the event of the pottery's closure, the relocation of operational plant and equipment to other potteries will be permitted.</p> <p>vii. Redevelopment of the site is to include interpretive and design elements that acknowledge the</p>	<p>and No. 7 Colvin Avenue and the successive development of a multi-storey retail and residential complex on the subject site, which is the subject of this proposal, has been assessed as having an adverse impact on the site and its heritage significance. However, the demolition of all structures within the site was established as part of the Concept Master Plan and the site specific DCP for the Mashman Pottery Site. It has further been established that this is reasonably justifiable for the following reasons:</p> <ul style="list-style-type: none"> <li>-Its primary significance has been extremely diminished by cessation of pottery production on site</li> <li>-The pottery industry as such is no longer economically viable and it is likely that a similar business cannot be sustained here</li> <li>-Individual elements of its fabric have only been ranked as having moderate, little, or no significance</li> <li>-Older and slightly more significant vernacular buildings on site are in poor physical condition</li> <li>-The original chimney, a key visual element with landmark presence, has been removed</li> <li>-The house at No. 7 Colvin Avenue has been assessed and has been established as having no heritage significance</li> </ul> <p>It is believed that there will be no detrimental impact on significant view corridors along</p>	

REQUIREMENT	PROPOSAL	COMPLIES
	<p>site's past use and cultural significance as a 20<sup>th</sup> Century pottery that contributed to the growth of the area.</p> <p>Kingsgrove Road and will enhance the established businesses and engage with the public realm. It will also contribute greatly to providing a desired vibrant mixed-use development that takes advantage of its proximity to the Kingsgrove Town Centre.</p> <p>Additionally, interpretive elements relating to the history of the site, the Mashman family, and the pottery making industry will be incorporated into some of the public outdoor areas of the new development that will continue to relate the message about the site's significance. This will be achieved through traditional didactic interpretive panels and layered with transient and symbolic methods such as the use of terracotta colours and material throughout the complex. The objectives of the site specific DCP will be achieved by the proposed design.</p> <p>The proposal is also considered to be consistent with the desired character of the area and demonstrates compliance with the existing controls in regard to heritage conservation.</p>	

**(1) Maximum Building Heights**

The proposed development does not comply with the requirements of DCP 1 with regards to the number of storeys in Block C and D. This variation has been discussed in the section of the report entitled "Clause 15A – Height restrictions for land within zones Nos 3(a) and 3(c)".

**(2) Deep Soil Zones**

DCP 1 requires that deep soil zones be provided to the northern and eastern boundaries of the site. The proposed development provides deep soil planting to all boundaries, but only part of the eastern boundary. The eastern boundary is where vehicle access will be provided to the retail/commercial component of the use and where the loading and unloading area is located. As such deep soil planting can not

be provided to these areas. The variation to this requirement is acceptable as it is not practical to provide deep soil planting to areas that will be hard paved. The vehicular entry/exit point to the site for retail/commercial vehicles and for loading/unloading is in accordance with the DCP requirements.

### (3) Single Aspect Apartments

DCP 1 requires that no more than 10% of apartments be single aspect with a southerly aspect. The proposed development results in 12.5% of apartments which are single aspect with a southerly aspect which equates to an additional two (2) apartments (12 of the proposed 96 dwellings) of the development with this aspect. Most of these dwellings do have cross ventilation which increases their amenity. In addition, six (6) of these dwellings are two storey with living areas and bedrooms located on different levels which allows for a spacious design and improved light and ventilation to each level.

## **4. Impacts**

### Natural Environment

The proposed development is unlikely to have an adverse impact on the natural environment. Twelve (12) existing trees/shrubs will be removed from the site, six (6) of which are considered to be weed species. The removal of the six (6) trees/shrubs is considered acceptable given that fifty-nine (59) additional trees and many shrubs, climbers and grasses are proposed for the site. The Landscape Plan provides an integrated landscape scheme for the site which includes screen planting and appropriate species to the public plaza. Accordingly, the proposed landscaping of the site is supported as it will make a positive contribution to the site which will improve the natural environment.

### Built Environment

The proposed development is unlikely to have an adverse impact on the built environment. The proposed development has been assessed against the requirements of the relevant planning instruments and development control plans and complies except in the number of storeys to Blocks C and D, the deep soil zone and the number of single aspect dwellings. It is considered that these non compliances do not result in additional impacts to adjoining developments in terms of solar access and privacy. The proposed development is consistent with the design objectives of the DCP and will result in a development that has an appropriate built form for the site.

### Social Impact

The proposed development has no apparent social impact.

### Economic Impact

The proposed development will introduce new residential dwellings and new commercial uses to the site which are likely to increase the commercial activity of the site and the Kingsgrove Town Centre. This is considered to result in a positive economic impact to the area through the creation of new businesses.

### **Suitability of the Site**

The subject site has no apparent impediments that restrict it from being developed for the proposed development. Specific design controls have been prepared for the subject site as detailed in Section 6.10 of DCP 1. In this regard the proposed site is considered to be suitable for a mixed use development, consistent with the proposed development. The subject site is therefore considered suitable for the proposed development.

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

### **Resident**

The application was notified/advertised in accordance with Council's requirements and five (5) submissions (two from the same resident) were submitted in reply. The issues raised in the submissions, with the applicants response and development assessment officer comment is detailed as follows:

#### Issue

The proposal is inconsistent with the aims of the Metropolitan Strategy – South Subregional Strategy.

#### Applicant's response

*It should first be noted that the South Subregional Strategy is still in its draft form and is due for review given the recent endorsement of the Metropolitan Plan for Sydney 2036 on 16 December 2010. The aims of the DSSS are:*

- *To provide a forum for councils to allocate the local distribution of housing and employment capacity targets based on the principles of the Metropolitan Strategy, and to work together on complementary future directions especially in centres crossing LGA boundaries.*
- *To provide for balanced growth among LGAs to build upon regional strengths and bolster opportunities.*
- *To identify the future role of Strategic Centres and Corridors, as well as Towns, Villages and Neighbourhood Centres in relation to the overall structure of the metropolitan area.*
- *To focus coordinated State agency involvement and asset management with respect to Strategic Centres and Corridors including providing a basis for the prioritisation of investment.*
- *To assist planning for investment in regional facilities, within and between subregions.*

*The proposed development is not considered to have an adverse impact on these aims. Indeed the proposed development is very much in accordance with the requirements of the relevant aims, objectives and controls within the Hurstville LEP and DCP (specifically updated by the recent Amendment 71). In terms of the DSSS aims:*

- *The proposed mixed use development is appropriately located within land zoned for the purpose and with good public transport links. It will assist in meeting the distribution of housing and employment targets;*
- *The proposed development within this village is not assessed to adversely impact on the balanced growth and future role of Strategic Centres, including Hurstville, in relation to the overall structure of the metropolitan area;*
- *The proposed development is not assessed to adversely impact on the coordinated State agency involvement coordination of asset management elsewhere, and*
- *The proposed development within this village will not impact on the planning for investment in regional facilities.*

*It is considered that the proposed development is consistent with the aims of the DSSS.*

### Comment

The subject site has been identified by Council as being a development site suitable for a mixed use development. As such specific design controls have been adopted for this site in DCP 1. In preparing the design controls, Council considered the most appropriate form of development suitable for the site and in relation to its proximity to the Kingsgrove Town Centre. The proposed development will increase housing to the area and economic opportunities through the provision of commercial uses. As such the proposed development is not considered to be inconsistent with the aims of the Metropolitan Strategy.

### Issue

The application does not address the Centres Policy included in the South Subregional Strategy.

### Applicant's response

*Kingsgrove itself is nominated as a 'village' which is described in the DSSS as having the typology of "A strip of shops and surrounding residential area within a 5 to 10 minute walk contains a small supermarket, hairdresser, take-away food shops. Contain between 2,100 and 5,500 dwellings":*

*As noted in Promoting Economic Growth and Competition through the Planning System Review Report April 2010, it is not the intention of the State Government, through the Subregional Strategies to limit the number (or even the size) of supermarkets or other types of retail outlets in nominated existing activity centres or zones in regional strategies. Removing such restrictions from current planning instruments will ensure that restrictions are not codified into environmental planning instruments which prevent the potential for competition in regions or subregions.*

*The Draft State Environmental Planning Policy (Competition) 2010 (Competition SEPP) was prepared in 2010 as part of the Promoting Economic Growth and Competition through the Planning System Review Report April 2010. The Draft Competition SEPP was publicly exhibited from 27 July 2010 to 26 August 2010 and is of relevance to this proposal.*

## **3 Aims of Policy**

*The aims of this Policy are:*

- (a) to promote economic growth and competition, and*
- (b) to remove anti-competitive barriers in environmental planning and assessment.*

*It is considered that the proposed development will promote economic growth in Kingsgrove, as well as provide competition with surrounding retail uses. This is considered to be a positive outcome for local shoppers.*

**Clause 8** relates to the commercial viability of a proposed commercial development.

### **8 Commercial viability of proposed commercial development**

*The commercial viability of proposed commercial development is not a matter that may be taken into consideration by a consent authority for the purposes of determining a development application under Part 4 of the Act to carry out the proposed development.*

*The proposed supermarket is considered to be commercially viable in this location. Notwithstanding, in accordance with this Clause of the Draft Competition SEPP, this is not a matter to be taken into consideration by Council when determining the Development application.*

### **9 Loss of trade etc for other commercial development**

*(1) The likely impact of proposed commercial development on the commercial viability of other commercial development is not a matter that may be taken into consideration by a consent authority for the purposes of determining a development application under Part 4 of the Act to carry out the proposed development.*

*(2) However, any such likely impact may be taken into consideration if the proposed development is likely to have an overall adverse impact on the extent and adequacy of facilities and services available to the local community (having regard to the likely impact on existing facilities and services and the facilities or services to be provided by the proposed development).*

*(3) Likely impacts referred to in this clause include likely loss of trade.*

*The impact of the supermarket and retail shops on the viability of other commercial development is not a matter to be taken into consideration by Council in accordance with this Clause. In addition, the proposed development is not considered to significantly impact on the Hurstville Town Centre. The Westfield Hurstville Shopping Centre is central to the Hurstville Town Centre. The Centre includes a department store, variety store and several supermarkets, including Coles, Aldi and Food for Less. Inclusion of a Woolworths supermarket within Kingsgrove is not considered to have a significant impact on the strength of Hurstville as a Major Centre or the viability of retailers within Hurstville Westfield's.*

*Furthermore, the proposed development is not considered to have an overall adverse impact on the adequacy of facilities and services, rather it will lead the way in revitalising the Kingsgrove Town Centre.*

### **Comment**

*The comments provided by the applicant are agreed with. In particular the provision of a supermarket within the development and any potential impact it may have on the viability of commercial uses in Kingsgrove Road can not be considered under the*

Draft Competition SEPP. Notwithstanding this, it is considered that the provision of commercial uses to the subject site will provide additional retail interest in the Kingsgrove Town Centre with the proposed supermarket serving as a magnet to the area. The provision of additional residential dwellings will also provide additional shoppers to the area.

#### Issue

The proposal is inconsistent with the objectives of Hurstville Local Environmental Plan 1994, as amended by Amendment No. 71.

#### Applicant's response

*The LEP Objectives for the site are provided below:*

*(a) to rezone land from part Zone No 4 (Light Industrial Zone) and part Zone No 2 (Residential Zone) to Zone No 3 (c) (Business Centre Zone), and*

*The proposed retail and residential development fully satisfies this objective.*

*(b) to provide retail and commercial development to serve the needs of the surrounding local community and enhance the Kingsgrove Commercial Centre,*

*The proposed development fully satisfies this objective. It provides a high quality retail and residential development including a medium size supermarket based on a site specific Council adopted LEP, DCP and Concept Plan. The design includes the provision of a new through site link to Mashman Avenue and a new public plaza. The proposed development will provide new housing, retail/supermarket uses, visitor parking and public space all serving the needs of the surrounding local community.*

*(c) to provide for development of a scale and type compatible with the character of adjacent residential and commercial areas,*

*The proposed development fully satisfies this objective. The scale and type of buildings are based on the controls contained in Council's site specific LEP and DCP.*

*(d) to promote activity by providing retail and commercial activities at ground floor level.*

*The proposed development fully satisfies this objective. The provision of ground floor retail and commercial uses has been designed to activate the new public plaza.*

#### Comment

The proposed development meets the objectives of the LEP as detailed above in the report under the heading entitled "Hurstville Local Environmental Plan".

#### Issue

The proposal does not comply with the floor space ratio restrictions contained in LEP.

#### Applicant's response

*The site specific LEP (Amendment 71 HLEP) provide the FSR controls for the site as follows:*

- The maximum FSR for the site is 2:1 - The proposed FSR complies at 2:1;*
- The minimum non residential FSR is 0.5:1 – The proposal complies at 0.6:1;*
- The maximum residential FSR is 1.5:1 – the proposal complies at 1.4:1 .*

Comment

The proposed development complies with the floor space ratio requirements of the LEP.

Issue

The proposal does not comply with the height requirements contained in the LEP.

Applicant's response

*The site specific HLEP (Amendment 71) for the site provides a four storey maximum height limit for the site. The proposed design generally complies with this control.*

*The ground level garden apartments of Block C and Block D include mezzanine levels. It is noted the ground level apartments selected are 6 metres in height due to level changes across the site and retail/commercial floor to floor levels. To take advantage of this additional apartment height the mezzanine levels have been included to create an additional apartment type and therefore more variety in the unit mix.*

*While the mezzanine levels are considered to be an additional storey under the LEP definition, in accordance with Clause 15A(1A) of LEP Amendment 71 this is considered to be an acceptable deviation from the prescribed height limit as it is consistent with the aims of the LEP and there is no height increase in the buildings height (therefore no additional adverse impacts) as a result of the inclusion of the mezzanine levels.*

Comment

The non compliance with the required number of storeys is detailed in the report under the heading entitled "Clause 15A – Height restrictions for land within zones Nos 3(a) and 3(c)" and is considered to not have an adverse impact.

Issue

The proposal does not satisfy the objectives of Hurstville DCP No. 1.

Applicant's response

*The DCP Objectives for the site are:*

*-provide high quality retail, commercial and residential development to serve the needs of the surrounding local community;*

*The proposed design fully satisfied this objective. It provides a high quality retail and residential development including a medium size supermarket based on a site specific Council adopted LEP, DCP and Concept Plan. The Concept Plan including*



*the provision of a new through site link to Mashman Avenue and a new public plaza. The proposed development will provide new housing, retail/supermarket uses, visitor parking and public space all serving the needs of the surrounding local community.*

*-ensure that the development is of a scale and design to preserve the amenity of neighbouring residents;*

*The proposed design fully satisfied this objective. The location and scale of the proposed buildings is based on the Council adopted controls contained in the site specific LEP and DCP. The minor variation to these controls relates to the inclusion of a mezzanine level which does not increase the height of the buildings.*

*-ensure that the development of the site has a connection with, and enhances, the Kingsgrove Commercial Centre;*

*The proposed design fully satisfied this objective. The proposed through site link and public plaza is in compliance with the DCP concept plan and requirements of the DCP in size, location and use.*

*-provide an open space and pedestrian link through the site and connecting both sides of Mashman Avenue;*

*The proposed design fully satisfied this objective – See above.*

*-ensure that the development is environmentally sustainable.*

*The proposed design fully satisfied this objective. The proposed design meets Council's requirements for sustainable design, Basix and the requirements of SEPP 65 and the Residential Flat Design Code.*

#### Comment

It is considered that the proposed development complies with the objectives of DCP 1 as identified for this site. A comprehensive assessment has been provided within the report under the heading entitled "Section 6.10 – Mashman Avenue, Kingsgrove". Notwithstanding this, the proposed development generally complies with the requirements of the DCP, and SEPP 65 except where detailed in the report above. The variation to these requirements is supported as it does not compromise the development, nor result in additional impacts to adjoining developments.

#### Issue

The proposal fails to demonstrate that the development is environmentally sustainable.

#### Applicant's response

*The proposed design meets Council's requirements for sustainable design, BASIX and the requirements of SEPP 65 and the Residential Flat Design Code.*

#### Comment

The applicant's comments are noted and agreed with.

Issue

The proposal provides insufficient car parking.

Applicant's response

*The detailed Traffic Impact Assessment prepared by Traffix provides an assessment of the parking provision on the site. It is noted that the sites location represents a Transport Orientated Development due to its close proximity to Kingsgrove Station and local bus routes. The Traffic Report notes that on this basis the RTA requirements are more applicable to the site and on this basis the parking exceed these requirements by 99 spaces.*

Comment

Amended plans were submitted on the 28 March 2011 (following the notification period and submission of the applicant's response) which show the provision of an additional basement level known as Basement Level 1 – Mezzanine. The additional basement level was provided so to provide additional on site parking to the development. The on site car parking now provided to the development complies with Council's requirements.

Issue

The location and design of the pedestrian entry is undesirable and does not provide sufficient connection to the existing Kingsgrove village.

Applicant's response

*The proposed through site link and public plaza is in compliance with the DCP concept plan and requirements of the DCP in size, location and use.*

Comment

The pedestrian entry to the site is in accordance with the requirements of the DCP. The entry is visible from Mashman Avenue and the provision of site identification signage, should the development be built, will further assist pedestrians. The location of the pedestrian entry is practical as it has a direct link from Kingsgrove Road and is located away from residential developments which adjoin the site.

Issue

The application fails to consider the economic impacts of the proposal in terms of the existing Kingsgrove village centre.

Applicant's response

*A detailed Economic Impact Assessment report was prepared by Urbis JHD dated April 2006 as part of the rezoning application for the site. The report concluded that there are likely to be several positive economic effects resulting from this proposal including:*

- Retained spending in the locality - The provision of a supermarket in Kingsgrove will allow local shoppers access to an expanded range of everyday and weekly shopping facilities, thus reducing the need for them to travel beyond the local area. More of their spending will therefore be retained within the locality.*
- Opportunity to local Kingsgrove traders - The proposed supermarket would attract new shoppers to the Kingsgrove town centre which would have flow on benefits to local traders. The planned residential dwellings would also provide Kingsgrove retailers with a new captive market.*
- Employment Generation - The proposal will generate investment in the local area with 450 jobs during construction and 60 jobs on an ongoing basis for the retail uses.*
- Multiplier effect.*
- Increased choice for consumers.*

*In addition the report includes the following key considerations:*

- The addition of an appropriately sized and located supermarket in Kingsgrove town centre will help to ensure that the centre continues to provide a vibrant and successful retail destination for the local community;*
- The provision of public parking spaces will benefit the town centre and retailers.*

#### Comment

As detailed in the report above, any potential impact the proposed commercial uses may have on the viability of commercial uses in Kingsgrove Road can not be considered under the Draft Competition SEPP. Notwithstanding this, it is considered that the provision of commercial uses to the subject site will provide additional retail interest in the Kingsgrove Town Centre with the proposed supermarket serving as a magnet to the area. The provision of additional residential dwellings will also provide additional shoppers to the area.

#### Issue

Traffic Generation will increase dramatically. The area is already subject to traffic and parking issues in the backstreets due to commuter parking.

#### Applicant's response

*The traffic generated by the proposed development is designed to separate the residential and retail/commercial parking to minimise traffic movement into the residential streets. The traffic generation associated with the commercial/retail uses has been the subject of a detailed Traffic Impact study including analysis of the movement and flow of cars which shows that the proposed traffic levels will meet the RTA guidelines. In addition, the Traffic Consultants recommendations regarding widening of Mashman Lane and one way traffic flows have been incorporated into the design.*

*It is considered by the Traffic Consultants that the introduction of the public car park will reduce parking impacts on the local residential neighbourhood as much of this*

*parking is associated with retail visitors seeking parking. The issue of commuter parking is a Council issue which would typically be managed through the use of parking restrictions.*

Comment

The proposed development includes the undertaking of road works which include widening Mashman Lane, introducing one way eastbound traffic to Mashman Avenue, and removing four parking spaces on Paterson Ave to improve traffic flow. These road works have been endorsed by Council's Senior Traffic Engineer as they are consistent with Council's road works envisaged to be undertaken with the redevelopment of the subject site. In addition to this the proposed development has been referred to the Sydney Regional Traffic Advisory Committee and the Roads and Traffic Authority who have provided their comments which Council's Senior Traffic Engineer has incorporated into conditions of consent.

Further to this the proposed development provides on site car parking for the development in accordance with the requirements of the DCP.

Issue

Overdevelopment excessive bulk and scale

Applicant's response

*The proposed development complies with Council's LEP and DCP controls in terms of its bulk and scale.*

Comment

The proposed development complies with the requirements of DCP 1 in terms of its bulk and scale.

Issue

Noise of residents, delivery trucks, cars and retail commercial uses impacting 7 days a week and into the evening impacting on shift workers sleep during the day.

Applicant's response

*Noise associated with retail and commercial uses and associated traffic movements will relate to the operational times of those uses. The operational aspects of these uses will be the subject of separate development application in which Council will condition hours of operation and noise levels. It is noted that existing use of the site is industrial which if operational would have a much greater potential impact in terms of noise than the proposed mixed use design.*

Comment

The specific uses of the retail/commercial tenancies will be subject to development consent as which time Council will assess the permissibility of the uses and the suitability of the uses in terms of hours of operation, deliveries etc.

Issue

Loss of Privacy to 3 backyards in Mashman Ave west.

Applicant's response

*The submitted plans and elevations show that the building façade facing the dwelling in Mashman Ave West is set back between 6 and 12 metres from the boundary line in compliance with Council's LEP and DCP controls to minimise any potential privacy issues.*

Comment

There are three (3) dwellings in Block D which adjoin the boundary of the closest residential dwelling in Mashman Ave west. The balconies to these dwellings have the potential to adversely impact the amenity of the adjoining development in terms of overlooking. As such it is considered reasonable that privacy screens be provided to the western elevation of the balconies to reduce any overlooking. A condition to this effect has been provided in the recommendation, should consent be granted.

Issue

Inadequate pedestrian and vehicular access in surrounding streets. Will Colvin Street become a one way street?

Applicant's response

*The pedestrian zones in Patterson, Colvin and Mashman Ave are not impacted upon by this proposal. The vehicle access for the residential apartments has been assessed in the Traffic Impact Report and is considered to be acceptable.*

Comment

As previously mentioned in the report the proposed development includes road works to the streets surrounding the subject site. The road works are designed to improve traffic flow around these streets. Pedestrian access to the site will not be compromised, but rather improved with defined pedestrian access from Mashman Ave east. The road works do not include Colvin Ave becoming a one way road.

Issue

Non compliance with the LEP or DCP.

Applicant's response

*The proposed development complies with Council's LEP and DCP controls.*

Comment

The proposed development complies with the requirements of the LEP and DCP 1 except in the number of storeys to Blocks C and D, deep soil planting and the number of single aspect apartments, as detailed in the report. The variation to these requirements is supported for the reasons detailed in the report above. The variation to the requirements does not compromise the development or result in additional impacts to the adjoining residential developments.

Issue

Can apartment dwellers peer into bedroom windows of homes on Colvin Street?

Applicant's response

*The proposed apartment building facing Colvin Avenue consists of a two storey terrace with two levels of apartments above. The building set back approximately 26 to 32 metres from the nearest house on the opposite side of Colvin Ave (in compliance with Council's controls). On the basis of the level of separation it is not considered that apartment dwellers will be able to 'peer into' windows opposite.*

Comment

The comments made by the applicant are supported.

Issue

The building gateway does not appear integrated with 'Block C' but appears disjointed, as an unrelated tunnel that penetrates the building as if it were a late inclusion in the design.

Applicant's response

*The gateway location and design is a requirement of the DCP for the site. The gateway has been designed in compliance with these requirements. A great deal of care was taken in the design of this façade to provide a prominent entry statement which is an integral part of the façade. We believe that the images provided with the application support this position.*

Comment

The design of the gateway is considered to be appropriate and is in accordance with the requirements of the DCP. The entry will be reinforced through the use of appropriate signage.

Issue

The building gateway is flanked by an electrical substation enclosure at street level which will be highly visible on approach from the Mashman Avenue public domain.

Applicant's response

*Due to the constraints of the site and the access/size requirements for the substation on the site the proposed location is the only option available on the site. The Architectural Statement provides 3D information regarding the façade treatment for the substation which is designed to provide a high quality (sculptural) treatment to this zone to compliment the overall composition of the building facade.*

Comment

Ideally, the substation would be better located away from the Mashman Avenue east entry to the site, however this would be difficult to do without affecting adjoining residential developments or residential uses within the site. As such the substation is located adjoining retail/commercial uses and has been designed so that it does not present as a substation on the façade of the building. The location of the substation has to be determined in conjunction with Energy Australia who identifies the location of the substation in relation to existing infrastructure.

### Issue

Residents are concerned with the removal of trees from the subject site for the proposed development.

### Comment

A Landscape Plan prepared by a Landscape Architect has been submitted with the application. The Plan shows that nine (9) trees existing on the site will be retained and incorporated in to the proposed Landscape Plan. Twelve (12) existing trees/shrubs will be removed, six (6) of which are considered to be weed species. The removal of the six (6) trees/shrubs is considered acceptable given that fifty-nine (59) additional trees and many shrubs, climbers and grasses are proposed for the site. The Landscape Plan provides an integrated landscape scheme for the site which includes screen planting and appropriate species to the public plaza. Accordingly, the proposed landscaping of the site is supported.

### Issue

The front page of the local newspaper in December 2010 expressed concern that the majority of the Joint Regional Planning Panel is appointed by the Minister of Planning. What certainty do the people of Kingsgrove have of a fully independent, honest and fair assessment of the residents' concerns regarding the proposed development?

### Comment

The development application is assessed by one of Council's Development Assessment Officers who also prepares a report with a recommendation as to whether the proposed development should be approved or refused. In assessing the development application, Council has legal obligations that have to be met including considering any submissions received to the application.

The Joint Regional Planning Panel (JRPP) was established by the State Government to determine development applications for developments including, amongst others, those with a cost of work of over \$10 million, such as the subject development. The JRPP is regarded as an independent body.

## **Council Referrals**

### Senior Environmental Health and Building Surveyor

Council's Senior Environmental Health and Building Surveyor has raised no objection to the development subject to conditions of consent being attached to any consent granted.

### Manager – Development Advice

Council's Manager - Development Advice has raised no objection to the development subject to conditions of consent being attached to any consent granted.

### Development Engineer

Council's Development Engineer has raised no objection to the development subject to conditions of consent being attached to any consent granted.

Manager – Environmental Services

Council's Manager – Environmental Services has examined the application as raises no objection to the proposed waste facilities subject to conditions of consent being attached to any consent granted.

Senior Traffic Engineer

Council's Senior Traffic Engineer has examined the proposed development and advised that no objection is raised subject to conditions of consent being attached to any consent granted.

**External Referrals**

Sydney Regional Development Advisory Committee (SRDAC) and Roads and Traffic Authority (RTA)

The application was referred to the SRDAC and the RTA who have provided comments which have been incorporated into conditions of consent.

RailCorp

RailCorp has advised that no objection is raised subject to conditions of consent being attached to any consent granted.

Heritage Consultant

Council's Heritage Consultant has advised that no objection is raised to the proposed development s subject to conditions of consent being attached to any consent granted.

Design Review Panel (DRP)

The proposed development was referred to the DRP for review and comment. The DRP has advised that it is generally satisfied with the proposed development, but highlighted the following issues for consideration by the applicant:

Issue

Articulation of entry gateway to plaza from Mashman Ave (east).

Applicant's response

*The Report recommends removal of the metallic screen element which forms part of the entry 'gateway' to the plaza from Mashman Avenue (east). The metallic element referred to is an operable gate designed to slide down from the upper position to limit access to the site at night time. The screen is an open metal design allowing visual access to the two storey high gateway opening and the plaza beyond. Due to the operational use of the screen and its open nature, it is considered that the benefits of this element outweigh any perceived design considerations.*



*The provisions of signage in the vicinity of the gateway opening is supported. The façade is designed to provide opportunities for signage which would form part of subsequent applications related to the specific supermarket and retail/commercial uses.*

Comment

It is considered that the metallic screen should be maintained so that the site is not accessible to the public after the non residential uses on the site have closed. This is consistent with the principles of Crime Prevention through Environmental Design in that the site will not be accessible after closing hours, but can still be viewed from the access points through the metallic screen.

The applicant has advised that signage to the site will be determined at a later stage, however any signage will be part of an overall integrated signage plan for the site. It is in the applicant's interest to provide signage which identifies the entry points to the site. Any signage that does not fall under the exempt requirements will require development consent.

Issue

Cross flow ventilation and solar access

Applicant's response

*We will provide under separate cover plans indicating the location and number of cross flow apartments and apartments receiving solar access in compliance with the Residential Flat Design Code (RFDC).*

Comment

74% of apartments have cross flow ventilation which is above the 60% recommended by the RFDC. 72% of apartments receive solar access which is above the 70% recommended by the RFDC. As such the proposed development is consistent with the recommendations of SEPP 65.

Issue

Extent of central corridors

Applicant's response

*We note Buildings A, B and C comply with the RFDC requirement to serve no more than 8 units from a central corridor. Building D exceeds this number by between 1 and 3 apartments (due to setbacks). It is considered that the design is supportable in this case, due firstly to the relatively small number of additional apartments served from the corridor and secondly to design benefits of the inclusion of natural light and ventilation to the corridor (on the eastern façade) and the articulation of the corridor lift lobby zone (as recommended in the RFDC under 'Better Design Practice').*

Comment

The proposed development meets the requirements of the RFDC with regards to the number of dwellings the central corridor services except for Building D. The variation in this instance is considered acceptable as it does not compromise the design of the development in terms of access to the dwellings and allows for natural light and ventilation to this area. This is a better outcome than having a shorter corridor which impedes on the setbacks and does not allow for natural light and ventilation.

#### Issue

Roof top community areas

#### Applicant's response

*We note that the plaza is in fact a major commitment to a community area, this zone allowing the potential for formal and informal integration with neighbours. With regard to the option of rooftop communal areas we have considered this option and while we accept in certain locations this would provide a positive benefit we are concerned that in this location rooftop communal areas would have negative impacts relating overlooking neighbours and potential noise impacts when parties are held in these areas. In addition it is considered that the outlook from the rooftops of the buildings is providing limited amenity.*

#### Comment

It was suggested by the Design Review Panel that roof top communal areas be provided to the development, particularly to those buildings which adjoin the railway line and residential developments. It is considered that the provision of these areas is likely to adversely impact the residential developments adjoining the site as they would allow for a congregation of residents to one area that could result in overlooking of adjoining development and noise generation. Where the community areas adjoin the railway line, the amenity would be compromised as the outlook to the railway line would not be desirable as would the noise from the trains.

In a different context, the inclusion of community areas would be beneficial to a development, particularly where private open space is not provided to the dwellings nor the site benefits from a public plaza. In this development, each dwelling has a private open space area and a public plaza is provided. As such there are opportunities for residents to enjoy private open space or engage in community interaction in the plaza.

#### Issue

Provision of roof lights.

#### Applicant's response

*We note that skylights are provided in key locations.*

#### Comment

Skylights are provided to the development which allows sunlight into the development at various locations. This is considered to be acceptable.

#### Issue

Articulation of roof top of Building D over-exuberant

#### Applicant's response

*The northern facade of Buildings C and D are highly prominent as they face the railway line and can be seen from Kingsgrove Road heading south. The roof elements of the building are designed to form an integral part of the composition of the façade providing the upper element of a three part façade composition (base, middle and top).*

*The architectural expression shown in the development application is a base on which the detailed design development will be built. The intent of the design is to create a unified community with a similarity between the built forms of the separate buildings on the site. Each building however also has a uniqueness within the overall composition, signifying a personal sense of place for the occupants of each building. The roof forms of the development add to this combination of a unified development composed of a group of buildings with their own similar yet unique identity. The entry to each block is signified with a sculptural roof element, which is complemented by the roof form at the north east corner of the site which is a signifier for the whole development. It is an architectural element that is visible and highly recognisable from the station and Kingsgrove Road. We believe that over time this will become a positive marker for the area and for the community living within the development.*

#### Comment

The articulation of the roof top is not considered to be offensive, but rather reinforces the entry point to the site which, once built, will be a marker and identify the site from Kingsgrove Road. The roof top reflects the architect's design concept for the site, which overall is of a high standard and which has architectural merit.

#### Issue

Tall shrubs and Eucalypts should be included in the Landscape Plan for the areas adjoining the railway line.

#### Comment

Screen planting of native species is to be provided to the perimeter of the site, including the boundary adjoining the railway line. Existing trees located adjoining the railway line will also be retained. The Landscape Plan submitted with the application has been prepared by a qualified Landscape Architect and is considered to be acceptable in terms of the proposed landscaping of the site.

## **6. CONCLUSION**

The application seeks permission to demolish the existing structures and construct a mixed retail/commercial (7 tenancies + supermarket), and residential development (96 residential dwellings) with associated car parking and public plaza on the subject site and associated road works.

The proposed development has been assessed against the requirements of the relevant planning instruments and development control plan and complies except in the number of storeys to Blocks C and D, the location of the deep soil zones, and the number of single aspect apartments. The variation to these requirements is supported for the reasons detailed in the report. Five (5) submissions were received following notification/advertising of the proposed development. The issues raised in

the submissions have been detailed in the report with a response provided by the applicant and the development assessment officer.

The proposed development is considered to be a good representation of the design controls that have been specifically adopted for the subject site in DCP 1, and with the inclusion of conditions of consent relating to privacy screens being provided to some balconies, is unlikely to result in adverse impacts to the amenity of the adjoining developments. Accordingly, the application is recommended for approval subject to conditions of consent.

## **RECOMMENDATION**

THAT pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, as amended, the Joint Regional Planning Panel grants a deferred commencement consent to Development Application 10/DA-461 to demolish the existing structures and construct a mixed retail/commercial (7 tenancies + supermarket), and residential development (96 residential dwellings) with associated car parking and road works on Lot 2 DP 534643 and Lot 69 DP 356823 and known as 11 Mashman Avenue and 7 Colvin Avenue, Kingsgrove, subject to the following:

A. A separate application under Section 138 of the Roads Act shall be submitted to Council to extend Council's drainage system to provide a drainage outlet for the site. A system of concrete pits and pipelines is to be constructed westerly along the northern side of Mashman Avenue, from the gully pit located in Kingsgrove Road. It is then to extend southerly along Mashman Lane to a point south of the proposed vehicle crossing to prevent gutter flows in a 1:100yr ARI storm event entering the property. Detailed design plans for the proposed drainage works are to be prepared for a flow capacity adequate for upper catchment runoff as well as that from the development. The minimum pipe size/type for the construction of new Council drainage work is 375mm reinforced concrete.

A full hydraulic grade line design including catchment analysis for pipe size, detail layout, pit locations, levels of pipes and connections with calculations shall be submitted with this application for runoff from a 1:20yr ARI storm event.

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 approval 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:

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, recommendations of the reports detailed below, 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>
Project No. 6126 Drawing No. DA 03, 05, 06, 07, 07-1, 08, 23	23 March 2011	Site Plan, Basement 3, Basement 2, Basement 1, Basement 1 – Mezzanine, Ground Level, Ramp Profile	Kann Finch Group
Project No. 6126 Drawing No. DA 09, 10, 11, 12, 20, 21, 22, 30, 31, 32, 33, 40	18 November 2011	Level 1, Level 2, Level 3, Roof Plan, Site sections – Sheet 1 (2), Site elevations – Sheet 2, Elevations – Block A, Elevations – Block B, Elevations – Block C, Elevations – Block D, Area Schedule	Kann Finch Group
19, 20, 21, 22, 23,	November 2010	External Materials and Finishes Photomontages and Perspective Views	Kann Finch Group
05/0099	17 February 2005	Plan Showing Levels and Details	Watson Buchan P/L
LA 01 Issue C, LA 02 Issue A	27 October 2010, 28 October 2010	Landscape Plan, Landscape Design Statement, Landscape Details	Taylor Brammer Landscape Architects
Project 71973 and 04623091/011	September 2010 and October 2004	Report on Geotechnical Investigation, Combined Stage 1 and Stage 2 Environmental Site Investigation	Douglas Partners and Golder Associates
-	November 2010	Waste Management Report	Kann Finch Group
Report: 2010639/1208A/R0/K S	13 September 2010	Environmental Noise and Vibration Impact Report	Acoustic Logic Consultancy
CMP Issue A (7 pages) and 6126 – SK002 (2 sheets)	Received 10 November 2010	Construction Management Plan and Erosion and Sediment Control Plan	Buildform
7480/740	17	Electrolysis testing	Corrosion Control

	November 2010		Engineering
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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. The controls of the *Hurstville Development Control Plan – Section 6 Controls for Specific Sites, 6.10 Mashman Site Kingsgrove* be enforced as listed in Clause 6.10.3.7 of that DCP. (Reason: Interpretation of the Heritage Item).
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. 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.

8. ZC1 - A positive covenant is to be created over the common property by an instrument pursuant to Section 88B of the Conveyancing Act 1919, to be submitted to Council for endorsement with the final subdivision plans. This covenant is to be worded as follows:

*"It is the responsibility of the Building Owner/Owners Corporation to remove all graffiti, bill posters, unapproved signage, pamphlet boxes and the like, from the common property within 7 days of such information being reported to the Owners Corporation".*

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

9. **HOI - Hoardings**

- (a) A separate Development Consent for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained;
- (b) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- (c) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party. The copy is to be provided to Council before the issue of the Construction Certificate.

10. 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**

11. 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	Paid		
Plan First Fee	X	AP35	Paid		
Notification Fee	X	AP12	Paid		
Imaging Fee	X	AP165	Paid		
Long Service Levy		AP34	To be determined		
Builders Damage Deposit		BON2	\$3750.00		
Inspection Fee for Refund of Damage Deposit		DA6	\$125.00		
S94 - Open Space & Community Recreation		CONT9	\$		
S94 - Community Services & Facilities		CONT3	\$623088.00		
S94 - Drainage Services - Georges River		CONT5	\$Nil		
S94 - Management		CONT8	\$25284.00		
S94 - Library Infrastructure		CONT7	\$174730.00		
S94 - Library Bookstock		CONT4	\$985.00		
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	To be determined		

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.

12. **B11 - 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.

13. **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) Privacy screens being provided to the western elevation of the balconies of the dwellings known as D1-11, D2-10 and D3-01 to a minimum height of 1.5m from the finished floor level of the balcony. The privacy screen is to be constructed of a material that can not be seen through such as translucent glazing or louvres which are fixed in a direction that does not allow downward viewing of adjoining properties. This condition has been imposed to reduce privacy impacts to the adjoining developments.

(b) Any on-street car spaces lost as a result of the road works undertaken as a result of the development being provided on site. This



condition has been imposed so that on site car parking is in accordance with the requirements of Hurstville Development Control Plan No. 1, Section 6.10.

14. **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.**
15. **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: **\$3750.00.**
  - (b) Payment to Council of a non refundable Inspection Fee to enable assessment of any damage and repairs where required: **\$125.00.**
  - (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.
16. **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 \$623,088.00.**
17. **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 \$342,730.00.**

18. **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 \$25,284.00.**

19. **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 \$174,730.00.
- (b) The book stock acquisition contribution for residential development is \$985.00.

**The total Library and Information Services Section 94 contribution required and payable before release of the Construction Certificate is \$175,715.00.**

20. **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.**

21. **SM3 - Construction Management Plan** - Submit to the Principal Certifying Authority a Construction Management Plan that clearly sets out the following:
- (a) What actions and works that 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.
  - (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
  - (c) 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.
  - (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
  - (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer with National Professional Engineering Registration 3 (NPER3) in structural design.
  - (f) A Soil and Water Management Plan detailing all sedimentation controls.
22. **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
23. **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.

24. **Geotechnical Reports** - The developer must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:
- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks and any excavations.
  - (b) Dilapidation Reports on the adjoining properties including, but not limited to *(address)* and *(address)* prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any stairway for pedestrian access. This must be submitted to the Principal Certifying Authority and the adjoining residents five (5) working days prior to any works on the site.
  - (c) On-site guidance by a vibration specialist during the early part of excavation.
  - (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
  - (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
25. PN9 - No excavation, pier hole drilling, construction or the like may be carried out **before the issue of the Construction Certificate**.
26. PN10 - The site is not to be filled or excavated other than as strictly indicated on the approved plans.
27. SM2 - **Vibration damage** - To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw.
- Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. **The report shall be submitted with the Construction Certificate Application.**
28. PN11 - Details of all proposed retaining walls, including height, materials, finish and structure, must be submitted **with the Construction Certificate Application**.
29. 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**.

30. 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**.
31. 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.
32. 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 SydneyWater to be submitted **with the application for a Construction Certificate**.
33. DR1 - **Stormwater System** - All roof, surface water and sub-surface water must be collected and discharged to Council's drainage system in Mashman Avenue: This will require a Section 138 Drainage Application under the Roads Act to be approved and obtained from Hurstville City Council.  
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**.
34. 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 from that portion of the site prior to redevelopment drained towards Mashman Ave/Mashman Lane, 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**.

35. 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.
36. 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**.
37. 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**.

38. 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.

39. **RRI - 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**.
40. **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**.
41. **PU4 - EnergyAustralia - Substations/Kiosks** EnergyAustralia 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 EnergyAustralia, 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 EnergyAustralia. For details visit [www.energy.com.au](http://www.energy.com.au) or call 131525:
- (a) written confirmation of EnergyAustralia's requirements is to be submitted before the issue of the Construction Certificate; and
  - (b) EnergyAustralia's requirements are to be met before the issue of the Occupation Certificate.
42. **PU5 - EnergyAustralia - Underground Electrical Conduits** - EnergyAustralia 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 EnergyAustralia's specifications. EnergyAustralia 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 EnergyAustralia'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**.

43. **PU6 - EnergyAustralia - 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 EnergyAustralia 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.

44. **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.
45. **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.
46. **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.
47. **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.
48. **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.
49. All excavation and construction works are to be undertaken in accordance with the methodology and recommendations detailed in the Geotechnical Report prepared by Douglas Partners dated September 2010, the Structural Engineering Report prepared by ABVD Design dated 10 December 2010 and Structural Drawings prepared by ABVD Design (being drawings 1-3639 version 3-12-2010, 2-3639 version 01-11-2010 and 3-3639 version 01-11-2010), and including the following RailCorp requirements/amendments:
- All excavation works with 25m of the rail corridor shall be supervised by an experienced Douglas Partners geotechnical engineer.



- The Douglas Partners project engineer is to conduct vibration monitoring during the course of the excavation.
- The Douglas Partners geotechnical engineer is to conduct a detailed analysis of the stress-strain field of the rock mass after excavation and assess its affects on the rail tracks and retaining wall. This analysis is to be forwarded to RailCorp for review on the completion of excavation works. Any RailCorp recommendations following the submittal of this analysis is to be implemented
- A contiguous piling system along the rail corridor boundary is to be used.
- No rock anchors/bolts are to be installed into RailCorp's property.
- On completion of the basement slab works all temporary rock anchors/bolts along the rail corridor boundary are to be distressed in accordance with the Geotechnical and Structural Reports.
- The completed building is to be designed in a way to withstand earthquake actions without having to rely on the temporary rock anchors/bolts, and comply with Australian Standard AS1170.4.

A Construction Certificate shall not be issued until the measures detailed in this condition of consent have been incorporated into the construction drawings and specifications. Prior to the commencement of works the Principle Certifying Authority shall provide verification to RailCorp that this condition has been complied with.

50. The following items are to be submitted to RailCorp for review and endorsement prior to the issuing of a Construction Certificate:

- Final construction details of the proposed piling, sheet piling, batter, walls, levee walls and footings.
- Track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- A rail safety plan including instrumentation and the monitoring regime.

The Principle Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from RailCorp that this condition has been complied with.

51. 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, to the satisfaction of RailCorp's representative.

52. Prior to the issue of a Construction Certificate the applicant shall obtain written advice from RailCorp as to the need to undertake a services search to establish the existence and location of any rail services. Should RailCorp advise that a services search is required then this shall be completed prior to the commencement of works.

53. 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 document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.
54. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
55. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.
56. Prior to the issue of a Construction Certificate the Applicant is to provide RaiCorp with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of Australian Standard AS5100 regarding derailment protection. The Principle Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from RaiCorp that it has received this report and the Principle Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.
57. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.
- The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.
58. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
59. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to

the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

60. Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.
61. Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.
62. Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.
63. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to RailCorp for review.
64. Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken.
65. The Applicant shall obtain RailCorp's endorsement prior to the installation of any hoarding or scaffolding along the common boundary with the rail corridor.
66. 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.
67. As set out in Section 9.1 of the geotechnical investigation report prepared by Douglas Partners in September, 2010, under Project No. 71973, a site specific monitoring trial, which must be prepared by a geotechnical engineer specialising in the field of geotechnical investigations, to determine the vibration attenuation measures that are to be used in connection with the use of heavy ripping equipment, rock hammers, rock saws and/or milling heads during excavation of the site must be prepared and submitted with the construction certificate application. (Reason: As detailed in Section 5 – Field Work Results of the above report, the subsurface conditions encountered in the test boreholes drilled on the site consisted of medium to high strength bedrock at a depth of around 12.9m to 15.0m below the surface of the land).  
Any vibration attenuation measures set out in the 'site specific monitoring' report to limit the transmission of ground borne vibrations to adjacent structures during excavation must be complied with.

68. All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or refrigeration system and activities associated with the building must be sound insulated and/or isolated so that, at any time of the day or night, the noise emitted does not exceed the background noise level in any octave band from 63.0 Hz centre frequencies inclusive at the boundaries of the site.

In this regard, a fresh 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 prepared and 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. Such noise assessment must also include any ameliorative measures, if required, to ensure compliance with this condition.

69. In order to comply with Clause 3.7.2 of AS 1668.2-1991 the exhaust air from the basement car park levels must be discharged above the highest roof via a ventilation shaft(s) provided within the building.
70. The sight distance to pedestrian requirements laid down in Clause 3.2.4(b) of AS 2890.1-1993 in respect of the building's driveways where they exit to the roadways must be complied with.
71. **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**.
72. **DR3 - Detailed drainage design** - A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) must be submitted **with the Construction Certificate application**.
73. **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**.
74. **PV4 - Compliance with Australian Standard 2890.1** - 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.
75. **PV5 - Internal driveway profile** - The design of the internal driveway profile shall provide:-

- (a) adequate sight distance for the safety of pedestrians using the footpath area.
- (b) a maximum 5% grade where access to large (1.50 cubic metres) garbage containers is required.
- (c) a maximum algebraic difference in grades of 11 %.
- (d) a maximum grade of 16%.

Written evidence, from an appropriately qualified person stating that these design requirements have been met with, shall be provided with the application for the Construction Certificate.

76. Alignment levels shall be obtained from Council's engineer for the full frontages of the site in Mashman Avenue and Colvin Avenue together with the full frontages of the site in Mashman Avenue and Mashman Lane. 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**.

77. A plan showing the allocation of each car space and storage area to each individual occupancy in accordance with the conditions of the development consent shall be prepared. **This plan shall accompany the application for the construction Certificate.**

78. Mashman Avenue west of Kingsgrove Road, Kingsgrove is to be changed to a one-way status travelling east for safety and better performance of road network and accordingly a detailed Traffic Management Plan needs to be submitted to Council and the Roads and Traffic Authority (RTA) for approval prior to the issue of the Construction Certificate.

79. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to issue of construction certificate as required by RTA in their Sydney Regional Development Advisory Committee (SRDAC). The plan is to be submitted prior to the release of the Construction Certificate.

80. That the kerbs at the intersection of Paterson Ave and Mashman Lane be widened to accommodate a 12.5m HRV. Details to be approved by Council's Senior Traffic Engineer prior to the release of the Construction Certificate.

### **Before Commencing the Development**

81. **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.

**82. 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.

**83. 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.

84. **MI129 - Dilapidation Report** - A Dilapidation Report on the adjoining properties detailing the existing condition of any existing walls, paths and fences, with photographs must be submitted to the Principal Certifying Authority **before the commencement of work**.
85. **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.
86. **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**.
87. **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.
88. **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 publicated by SSROC

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

89. **PU6 - EnergyAustralia - 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 EnergyAustralia 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.
90. 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 (especially the retaining wall and rail track formation) 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.
91. 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.
92. Prior to the commencement of work in connection with the excavation of the site associated with the basement car park levels, structural engineer's details relating to the method of supporting/stabilising Council's roadways/footpaths in Mashman Avenue, Mashman Lane and Colvin Avenue must be submitted to Council's Manager – Building Control and be formally acknowledged by Council as acceptable.
93. On the basis that the structural engineer's details prepared by ABVD Design – Consulting Structural & Civil Engineers – on 1<sup>st</sup> November, 2010 under Drawing Nos. 1/2/3-3639, and titled 'Excavation Shoring Details', show that the excavation along part of Mashman Avenue, Mashman Lane and Colvin Avenue will be supported by concrete plies incorporated in a 'Shotcrete' wall system, all of which are to be held in place by belowground (cable) anchors that are to be constructed under Council's roadways/footways in the aforesaid streets, prior to commencement of any work in connection with the excavation of the site, an application must be submitted to and be approved by Council's Manager – Building Control to construct the anchors under the roadways.

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 \$30,000.00. 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, and

(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.

94. Prior to commencement of work in connection with the erection of the internal concrete elements in the basement level, copies of the relevant easements and neighbour's permission obtained in respect of the craning over of materials and equipment, and erection of scaffolding over the neighbouring properties must be submitted to Council or accredited certifier.

95. At any time the height of the building under construction exceeds the least horizontal distance between the boundary of the allotment and the nearest part of such building along either Mashman Avenue or Mashman Lane or Colvin Avenue by more than twice, Type B hoardings must be erected along the aforesaid roadways/footways to protect the footpath users in these streets. If this is the case, on the basis that the Type B hoardings will occupy Council's footways/roadways in these streets whilst the building is under 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 hoardings on the footways/roadways must be lodged with and be approved by Council's Manager – Building Control prior to the erection of the hoardings.

The hoarding application must be accompanied by details of 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. The Policy must apply for the full duration of the proposed works, be in the name of the applicant and note Hurstville City Council as an interested party.

96. Provision for toilet facilities connected to the sewer must be provided prior to commencement of work.

97. Prior to commencement of site works, a sign must be erected at the entrance of the property detailing permitted hours of work. The lettering is to have a minimum height of 50mm and is to contrast the background of the sign. The builder is to advise all sub-

contractors, in writing, of the approved hours of work prior to commencement of excavation works.

98. Prior to commencement of site works, details setting out a “designated heavy traffic route” in connection with the transporting of all waste material, existing landfill and spoil and other materials to and from the site must be submitted to Council’s Traffic Analyst for approval.

### **During the Development**

99. 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.

100. **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.

101. **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.

102. **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.
103. **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**.
104. **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.
105. **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.

106. MI3 - The unit number, at least 50mm high, must be provided to the entry door to each unit/villa/dwelling/townhouse.
107. MI7 - The shop number, at least 50mm high, must be clearly displayed adjacent to the entry door to each shop/unit.
108. MI25 - **Balcony Drainage** - The floors of the balconies must be graded and drained to a grated inlet and connected to the stormwater drainage system.
109. WA3 - No provision is required for green waste collection facilities for the residential flat portion of the building.

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.

110. MI16 - No goods shall be stored or displayed outside the building.
111. MI17 - A separate Development Consent shall be obtained for the first commercial / retail / office use of each occupancy.

112. 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
113. 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.
114. 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.
115. 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.
116. 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.
117. 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
118. PV1 - **Linemarking and Numbering** - All car parking spaces are to be sealed, graded, drained, clearly linemarked, and numbered.
119. 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.

120. 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.
121. 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.
122. LA6 - **Common Taps** - The developer must provide a common tap/taps or an irrigation system to enable all landscape works to be adequately watered.
123. 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.
124. LA8 - **Protection of Tree Roots** – During construction, protective fencing shall be provided around the existing trees and/or bushland to be retained.

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.**

125. 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.
126. 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.
127. 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.
128. 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.
129. 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.

130. In accordance with the assessments/recommendations included in the site investigation report prepared by Golder Associates in October, 2004 under Report No. 04623091/011, prior to the demolition of Building 3, an asbestos survey of the land must be carried out by an appropriately qualified and experienced contamination consultant.

In addition, as part of the excavation work, prior to the removal of the soil in the vicinity of the underground and aboveground fuel storage tanks, as well as the soil in the area of Building 3, if it is found to contain asbestos, must be classified in accordance with the Department of Environmental Conservation's (formerly the New South Wales Environmental Protection Authority) Guidelines for Disposal of Liquid and Non-Liquid Wastes (1998).

131. All vehicles transporting soil material to and from the site, as well as transporting all waste material, existing landfill and spoil from the subject site, must ensure that the entire load is covered by means of a tarpaulin(s) or similar material. The vehicle driver shall be responsible for ensuring that waste material, dust or dirt particles are not deposited onto the roadway during transit. The preferred method of covering loads is with an automated "enviro-tarp". It is a requirement under the Protection of the Environment Operations (Waste) Regulation, 1996 to ensure that all loads are adequately covered, and this shall be strictly enforced by Council's Law Enforcement Officers. Any breach of this legislation is subject to a \$500.00 "Penalty Infringement Notice" being issued to the drivers of those vehicles not in compliance with the regulations.
132. Geotextile fabric screens or similar measures erected to prevent sediment from the site, including deposited loads of sand or fill, being washed onto the road or any adjoining properties must be kept in place until completion of the building.
133. During bulk excavation the site is to be watered at intervals as are necessary to eliminate wind blown dust being emitted from the site and to ensure there is no nuisance caused to the public/adjoining landowners.
134. Mud or clods of dirt must be scraped or removed from the wheels of trucks prior to such vehicles leaving the site during excavation works.
135. Only clean water is permitted to be pumped from the site onto Council's roadways or into the street drainage system. Note: The pumping of muddy or silt laden water is an offence under the Roads Act General Regulations.
136. The drainage system installed to drain groundwater and stormwater from the site during excavation of the basement levels must not be connected to any of Council's underroad drainage systems, i.e. the discharge pipe from any temporary pump out pit and sedimentation/ silt trap must be directed to the aboveroad kerb and gutter drainage systems in either Mashman Avenue, Mashman Lane or Colvin Avenue. (Reason: To ensure that clean water only is being pumped into Council's street drainage system).
137. Where it is proposed to:
- (a) pump concrete from within a public road reserve or laneway, or
  - (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,
  - (d) store waste containers, skip bins, and/or building materials on part of Council's footpath or roadway,
- an appropriate application for a 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 must be submitted to Council's Manager Engineering Services prior to commencement of work in connection with any of the above activities.

138. The excavation must be executed safely and in accordance with appropriate standards. In addition, the excavation must be properly guarded and protected to prevent it from being dangerous to life or property.
139. The floor surface of the garbage room must be steel trowelled concrete, and be graded and drained to the requirements of Sydney Water. A hose cock must be provided adjacent to the entry of such area/s.
140. The protective measures, as set out in the letter dated 17<sup>th</sup> November, 2010 from Corrosion Control Engineering Pty. Ltd., or any additional protective measures that may be imposed by RailCorp, following the referral of the aforesaid letter to that Corporation, to prevent the metallic structures in the building from electrolysis type corrosion due to ground stray traction current at the site from the adjacent electrified railway lines, must be complied with.
141. 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.

### **Before Occupation**

142. **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.



143. **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.

144. **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**.

145. **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**.

146. **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**.

147. **BA1 - BASIX** - All energy efficiency measures as detailed in the BASIX Certificate No 337138M dated 4 November 2010, and in the plans approved with the Development Consent, must be implemented **before issue of the Occupation Certificate**.

148. **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**.

149. 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.
150. WA7 - All rubbish and waste materials on-site must be removed before occupation of the premises/commencement of the approved activity.
151. The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to RailCorp prior to the issuing of the Occupancy Certificate. The Principle Certifying Authority shall not issue an Occupation Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.
152. The applicant is to commission a professional historian to complete a book of the history of the Mashman family and the site, and to include as an appendix a "pattern book" with dimensions and clay mixes and glazes of all the pottery that was produced by the Mashmans on the site to be used as a reference book for all historians, renovators and for future manufacture. The applicant is to publish the book prior to the Occupation of the site, with copies given gratis to Hurstville Council Library, the Heritage Office of NSW, the Historic Houses Trust, Stanton Library North Sydney, the National Library Canberra, and to be offered to the NSW Heritage Advisors Network with gratis copies to Advisors who request same. (Reason: Interpretation of the Heritage Item).
153. In the event that the air-handling systems involve water cooling towers, as laid down in Section 45 of Part 4 – Microbial Control - of the Public Health Act, 1991, such air-handling systems must be installed and maintained in accordance with the Public Health (Microbial Control) Regulation, 2000. Note: Discharge water from the cooling towers must not be connected to the stormwater drainage system.
154. A copy of the report relating to the contaminated soil, which is required to be classified in accordance with the Department of Environmental Conservation's (formerly the New South Wales Environmental Protection Authority) Guidelines for Disposal of Liquid and Non-Liquid Wastes (1998) prior to its removal to a licensed landfill area, and which is located in the vicinity of the underground and aboveground fuel storage tanks, as well as the soil in the area of Building 3, if it is found to contain asbestos, must be submitted to the certifying authority prior to the issue of an interim or final occupation certificate for the building.
155. 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.

156. 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.

157. **RR3 - Frontage work** - The following road frontage works shall be designed and implemented in accordance with Council's, *Specification for Vehicular Crossings and Associated Works*

- (a) temporary concrete footpath crossing for construction vehicle access
- (b) road pavement - with minor works less than 30 sq. m built by Council, and those larger works being approved by Council and completed according to Council specification and supervision
- (c) drainage
- (d) demolition of existing kerb and gutter at the proposed point of access and replacement with a concrete layback \*
- (e) redundant laybacks removal and footpath crossings and reconstruction of those areas
- (f) kerb and gutter construction across the full frontage(s) of the site (including kerb ramps where required) \*
- (g) layback at the access points (no closer than 6.0 metres to the property boundary intersection of adjacent roads)
- (h) footpath crossing width and levels (as defined by Council) \*
- (i) dish gutter construction
- (j) footpath construction across the full frontage(s) of the site
- (k) erosion and sediment control measures

For details refer to the *Specification for Vehicular Crossings and Associated Works*. The road frontage works are to be completed **before the issue of the Occupation Certificate**.

158. **PV17 – Vehicle Crossings and Removal/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 Colvin Avenue and Mashman Ave in paving materials approved by Council's Development Engineer.
- (b) Construct a 150mm thick concrete crossing reinforced with F72 fabric in Colvin Avenue.
- (c) Replace all redundant laybacks with kerb and guttering, and redundant concrete with approved paving material.

- (d) Replace the kerb and gutter for the full frontage of the site in Colvin Avenue and Mashman Avenue with new 150mm high concrete kerb and 450mm wide gutter to council Engineers levels and alignment. This construction shall include the new section of kerb return at the intersection of Colvin Avenue and Mashman Avenue and any new sections of road pavement and any associated drainage works required.
- (e) Construct a new full width footpath (boundary to kerb) in Mashman lane in paving materials approved by Council's Engineer.
- (f) Construct a 150mm thick concrete crossing reinforced with F72 fabric in Mashman Lane.
- (g) Replace the kerb and gutter for the full frontage of the site in Mashman Lane with new 150mm high concrete kerb and 450mm wide gutter to Council Development Engineer's levels and alignment. This construction shall include any new sections of road pavement and any associated drainage works required.

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.**

- 159. As required by RTA in their Sydney Regional Development Advisory Committee. appropriate Signage plan and safety measures are needed, such as signage, vehicle actuated warning lights and convex mirrors, to help improve sight distance and the safety of all vehicles at the street access driveway where the retail car park and service area access are adjacent to one another on Mashman Lane. The signage plan is to be approved by Council's Senior Traffic Engineer before the issue of the Occupation Certificate.
- 160. Parking spaces shall be clearly designated (sign posted and marked on ground) and line marked prior to the issuing of an Occupation Certificate. Signage, pavement symbols and line marking shall comply with *Australian Standards, AS1742, Manual of Uniform Traffic Control Devices* and *NSW Road Transport (Safety and Traffic Management) Regulations 1999*.
- 161. 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*.

162. A Loading Dock Management Plan (LDMP) is to be prepared to prevent a vehicle entering the site when the loading area is fully occupied as required by the RTA in their Sydney Regional Development Advisory Committee.
163. The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. and submitted to Council with an application for a Subdivision Certificate.

This Plan shall create the following:

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

*"It is the responsibility of the Lot Burdened 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.

The 88B instrument shall be submitted to Council for endorsement by Council's Authorised Officer (with a copy of the consolidation plan for Council records).

- b) The area in Mashman Lane to be widened as a result of the development shall be dedicated on this plan for the purposes of road widening.

Any existing or new fencing shall be adjusted to the new splay alignment and the new splay area must be restored with paving approved by Council's Development Engineer.

The plan shall be submitted to Council with an application for a Subdivision Certificate. A Sydney Water Compliance (Section 73) Certificate is required to be submitted prior to the issue of the Subdivision Certificate.

The Plan of Consolidation shall be registered at the NSW Department of Lands prior to the issue of a final occupation certificate.

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

164. **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.

- 165. **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.
- 166. **Drainage Maintenance** - The on-site detention drainage facility shall be maintained at all times in accordance with the approved plans.
- 167. **PV6 - Residential Parking Requirements for 4 or More Units** – One hundred and twenty two (122) resident parking spaces (1 space/1 or 2 brm dwelling and 2 spaces/3 bedroom dwelling) and twenty four (24) visitor spaces. One (1) car washing bay and bicycle racks (as shown on the approved plan) 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.
- 168. **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.
- 169. **PV8 - Parking Space Number/Availability, Retail / Commercial / Office Uses** –

Two hundred and forty eight (248) 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.

170. 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 I: Off-street car parking.
171. 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.
172. 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.
173. 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.
174. 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.
175. PV15 - **Disabled Parking** - The parking space(s) for disabled persons must be sized/marked/signposted in compliance with Australian Standard 2890.1-1993.
176. 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.
177. 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".
178. 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.
179. PV22 - Approved car parking spaces must not be partitioned or otherwise enclosed to form garages.
180. LA2 - **Maintenance to Approved Landscape Plan** - All landscape works in accordance with the landscape plan shall be maintained at all times as per the approved Landscape Plan.

181. LA4 - **Parking on Landscaped Areas** - No vehicles, goods, materials or extraneous matter may be parked, deposited, or stored on any of the landscaped areas.
182. WA4 - **Handling of Waste** - No bottle, can or garbage disposal shall take place between the hours of 10.00pm and 8.00am daily.
183. WA5 - Service of trade waste bins must be carried out between 7.00 am and 7.00 pm. weekdays.
184. WA8 - The premises must be maintained in a clean and tidy state at all times.
185. ZC3 - No goods for sale or display are to be placed outside the front facade of the building unless approved by Council.
186. ZC7 - Under awning lighting to illuminate the footpath at night time for pedestrians is to be provided. The lighting should be energy efficient.
187. 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.
188. 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 a water efficient manner, for example no hosing of the windows is permitted.
189. 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.
190. Any waste and recycling materials generated at the premises and any bins used to store the aforesaid material must not be placed on Council's footways in either Mashman Avenue, Mashman Lane or Colvin Avenue whilst awaiting collection.
191. **Plant or machinery must not cause noise exceeding background** – All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system being sound insulated and/or isolated so that the noise emitted does not exceed the background level in any octave band from 63.0 Hz centre frequencies inclusive at the boundary of the site. Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1-1989.
192. The balconies must not at any time be enclosed to form habitable rooms.
193. 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 Strata Plan's By-Laws prevent the use of balconies for the drying of washing or the airing or hanging of clothes, linen etc.



194. The maximum size of truck/service vehicle using the proposed development shall be restricted to a Heavy Rigid Vehicle with a maximum length of 12.5 metres.
195. All vehicles including loading trucks must enter and exit the site in a forward direction.
196. All vehicles should be wholly contained on site before being required to stop.
197. All loading and unloading must occur on site.
198. All waste management services and facilities for the ongoing use of the premise shall be provided in accordance with the submitted Waste Management Plan. It is the responsibility of the Owners Corporation and the onsite waste caretaker to transfer all residential bins to the secured loading area on the ground floor for collection by Council's Waste Contractor., and to return them to the garbage storage room at Basement Level 3.
199. It is the responsibility of the Owners Corporation to provide remote access to the secured loading area on the ground level to Council's Waste Contractor to enable collection of the residential waste and recycling.
200. Prior to the occupation of the residential buildings the applicant shall arrange for the supply and delivery of 24 x 240 litre red lid mobile garbage bins (MGB) and 32 x 240 litre yellow lid mobile garbage bins and have them placed in the waste storage area.
201. All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins, appropriate for the number of units and intended uses of the building.
202. All waste and recycling receptacles used for the storage and collection of commercial/retail waste shall be approved by Council prior to their use.
203. The Owners Corporation shall be responsible for maintaining all equipment, systems, facilities, and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.
204. In the event that the building is 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.
205. Prior to the issue of any Strata Certificate of the subject building(s) the following conditions shall be satisfied:
  - a) Unit Numbering

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

b) Car Parking Space Marking and Numbering

Each basement car space shall be line marked with paint and numbered in accordance with occupancy numbers. "Visitor Parking" signs shall be installed adjacent to any and all visitor car spaces prior to the issue of any Strata Certificate.

c) Designation of Visitor Car Spaces on any Strata Plan. Any Visitor car spaces shall be designated on the final strata plan as "Visitor Parking - Common Property".

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

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

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

In addition to the statutory requirements of the Strata Schemes (Freehold Development Act 1973) a *Strata Certificate* must not be issued which would have the effect of:

- 1) The removal of any areas of common property shown upon the approved Development Application plans and allocated to any one or more strata lots,
- 2) The removal of any visitor parking spaces from the strata scheme and allocated to any one or more strata lots, or
- 3) Any unit's parking space or storage area is not strata subdivided as separate strata lot.

Note: This condition has been imposed to ensure that: (a) common property is not alienated from the strata scheme and assigned to any one or more strata lots, (b) visitor parking is not alienated from the strata scheme and assigned to any one or more strata lots such that visitors would be restricted from lawful access and use of required visitor parking, (c) parking spaces and storage areas are not strata subdivided as separate strata lots which may be sold with full strata title rights as a parking space or storage area lot, reducing available parking and storage to strata lots and visitors required to reduce demand for on-street public parking.

- e) On Site Detention Requirements  
The location any on-site detention facility shall be shown on the strata plan and suitably denoted.
- f) Creation of Positive Covenant

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

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

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

### **Advices to Applicant**

206. **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.

207. 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 and the decision by Council of that request must be made within six (6) months of the date of this Notice of Determination and be accompanied by the relevant fee. If your development application was lodged with a consent authority prior to 28 February 2011, that request for a review and decision by Council must be made within twelve (12) months of this Notice of Determination. You must ensure that an application for review of determination gives Council a reasonable period in which to review its decision having regard to the relevant issues and complexity of the application.

OR

- (b) Appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979. If your development application was lodged with a consent authority prior to 28 February 2011, an appeal to the Land and Environment Court must be made within twelve (12) months of this Notice of Determination.

(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.)

208. **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.

209. **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.
210. **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.
211. **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.
212. **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.
213. **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.
214. **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.

215. AD8 - **Stencilling** - Colouring or stencilling of the footpath crossing within the road reserve is prohibited.
216. 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.
217. AD10 – **Energy Australia** - The minimum safe distance from overhead power lines shall be maintained in accordance with the requirements of Energy Australia. For details visit [www.energy.com.au](http://www.energy.com.au).
218. 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 Schedule of Fees and Charges shall be submitted to Council and approval obtained before commencement of any of the those activities.

219. 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.
220. If you need more information, please contact Senior Development Assessment Officer Paula Bizimis on 9330-6284 during normal office hours.