

**JOINT REGIONAL PLANNING PANEL
(East)**

JRPP No	2011SYE110
DA Number	2011/DA-356
Local Government Area	Hurstville City Council
Proposed Development	Demolition of existing structures and construction of a mixed retail and residential development and associated car parking
Street Address	2-2a Barratt Street and 18, 20, 22 Woodville Street Hurstville
Applicant/Owner	Hua Cheng International Holdings Group P/L
Number of Submissions	No submissions received
Recommendation	Approval subject to conditions of consent
Report by	Paula Bizimis – Senior Development Assessment Officer Hurstville City Council

Assessment Report and Recommendation

ZONING	3c City Centre Business
APPLICABLE PLANNING INSTRUMENTS	<ul style="list-style-type: none"> • State Environmental Planning Policy No 55 - Remediation of Land • State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Draft State Environmental Planning Policy (Competition) 2010 • Draft Hurstville Local Environmental Plan • Hurstville Local Environmental Plan 1994 • Hurstville Development Control Plan No. 2 – Section 2.2 Neighbour Notification and Advertising of Development Applications, Section 4.2 The Controls, Section 5.1 Design Guidelines for Building, Public Domain and Open Space, Section 6.1 Car Parking, Section 6.3 Access and Mobility, Section 6.4 Crime Prevention through Environmental Design, Section 6.5 Energy Efficiency, Section 6.7 Drainage and On-Site Detention Requirements, Section 6.9 Waste Management, Section 6.10 Development of a Heritage Item or on the Vicinity of a Heritage Item
HURSTVILLE LOCAL ENVIRONMENTAL PLAN 1994 INTERPRETATION OF USE	“Demolish”, “Shop”, and “Residential Flat Building”
EXISTING DEVELOPMENT	Former public community building and public toilets and two storey commercial buildings
COST OF DEVELOPMENT	\$25,990,000
REASON FOR REFERRAL TO JRPP	Value over \$20M
FILE NO	11/DA-356
HAS A DISCLOSURE OF POLITICAL DONATIONS OR GIFTS BEEN MADE?	No

EXECUTIVE SUMMARY

1. The application seeks permission to demolish the existing structures and construct a retail and residential development with associated car parking in three (3) basement levels. The

development comprises two (2) buildings, one being thirteen (13) storeys (facing Woodville St) and the second being (8) storeys (facing Barratt St) in height.

2. The proposed development has been assessed against the requirements of the relevant planning instruments and development control plans and does not comply with some requirements of SEPP 65 and DCP 2.
3. The application was notified/advertised to residents and no submissions were received in reply.

DESCRIPTION OF THE PROPOSAL

The proposal seeks approval for the demolition of existing structures and construction of a mixed development that contains two (2) buildings, one being 13 storeys and the other being 8 storeys. The development will contain 3 basement levels of car parking, 5 ground floor retail units, and 103 residential units above. The 8 storey building will front Barratt Street and the 13 storey building will front Woodville Street. Specifically the proposed development will include the following:

Basement 3

- 44 residential car spaces including 1 disability accessible car space
- 32 storage areas
- 3 lifts and 2 stairs

Basement 2

- 5 retail car spaces including 1 disability accessible car space
- 32 residential car spaces including 5 disability accessible car spaces
- 1 carwash
- 1 visitor space
- 29 storage areas
- 3 lifts and 2 stairs

Basement 1

- 7 retail car spaces
- 20 residential car spaces including 5 disability accessible car spaces
- 10 visitor spaces including 1 disability accessible car space
- 18 storage areas
- 3 lifts and 2 stairs
- Pump room, OSD tank, reuse tank, grease arrestor, Building A waste room

Ground floor

- 5 retail units with a floor area of between 63sqm and 276sqm (total retail floor area is 726sqm)
- Storeroom for retail unit 1
- Male and female toilets
- Commercial waste room
- Building B waste room
- Storeroom, fire pump room, substation, security control room, booster area
- 3 lifts and 3 stairs
- Lobby area for Barratt Street building facing Barratt Street
- Lobby area for Woodville Street building facing Woodville Street
- 2 retail car spaces
- Loading area and vehicle entry/exit to car parking areas

Barratt Street Building

The Barratt Street building faces Barratt Street and is an 8 storey building containing 23x 1 bedroom units and 5x2 bedroom units.

Woodville Street Building

The Woodville Street building faces Woodville Street and is a 13 storey building containing 20x1 bedroom units, 45x 2 bedroom units, and 10x3 bedroom units. 2x2 bedroom units and 10x1 bedroom units on the first floor are designed as 2 storey maisonettes with the second bedroom and one bedroom respectively, located on the mezzanine level.

General design comments

The proposed development is designed as an arc around the street frontage. The rear of the first floor of the Woodville Street building is designed with a common landscaped open space area of 196sqm and a common roof top area is provided to the Barratt Street building of 225sqm. Each dwelling is provided with a private open space area in the form of a balcony which either faces Barratt Street, Woodville Street or the rear of the site where the landscaped open space area is located.

BACKGROUND

This site has been the subject of previous development applications. Development Application 2004/DA-583 was approved on 4 May 2005 for demolition of structures and the construction of a mixed use development comprised of two buildings with eight (8) storeys and thirteen (13) storeys with lower two (2) storeys containing retail, parking and commercial office space. The residential component contained 51 units and a three (3) storey basement car park. This consent has since lapsed.

Development Application 2008/DA-208 was approved on 8 September 2008 for demolition of structures and the construction of a mixed use development comprised of two buildings with seven (7) storeys and thirteen (13) storeys with basement car park. On 1 February 2011, a modification to this consent was approved for the construction of an additional car park and to vary Section 94 contribution for deficient car parking.

The subject development application was lodged on the 10 October 2011 and sought permission for the demolition of existing structures and the construction of a retail and residential development comprising two (2) buildings, one being 14 storeys and the other being 9 storeys. The floor space ratio of the development was 6.03:1.

On the 1 March 2012 the applicant submitted amended plans which include the following changes to the proposed development:

- The deletion of one floor from each building which results in the Barratt Street building being 8 storeys and the Woodville Street building being 13 storeys in height.
- Reduction in the floor space ratio to 5.93:1.
- Design changes that address the issues raised by the Design Review Panel in relation to SEPP 65.

The amended plans are the subject of this report.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the corner of Barratt Street and Woodville Street, Hurstville within the Hurstville City Centre. The site contains five lots known as 2-2A Barratt Street and 18, 20, 22 Woodville Street, Hurstville. The site has a combined frontage of 73.46m and a total site area of 1649sqm. The site has a slope to Woodville Street and some vegetation on the site.

The site at 2-2A Barratt Street contains a former public community building and toilets and 18, 20, and 22 Woodville Street contains two (2) storey commercial buildings. The site has access to Hurstville Train Station being within 200m and is directly opposite the Hurstville Bus Interchange.

The subject land is surrounded by a number of already developed sites for mixed use developments and sites which are subject to development consents. Directly to the north-east of the site is a 15 storey apartment building, known as MacMahon Plaza. On the opposite side of the street at 11 Woodville Street is vacant commercial building which has development consent (granted by the Joint Regional Planning Panel) for a 10 storey mixed commercial/residential building. Adjoining the site to the west (on the corner of Barratt St and MacMahon St) is a 6 storey commercial building.

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 3(b) – City Centre Business Zone under the provisions of the Hurstville Local Environmental Plan (LEP) 1994 and the proposed use as a mixed use building is not defined in the LEP, however it is a permissible use, given that it is not listed as a prohibited use in the zone. The components of the building are listed being the residential units defined as a “Residential Flat Building”, the retail areas defined as “Shops”.

The proposed development is considered to meet the zone objectives which are as follows:

- (a) *to designate sufficient areas of land to meet the projected needs of the Hurstville Town Centre as a multi-functional regional centre,*
- (b) *to facilitate development of land within the Hurstville Town Centre for commercial, retail, residential and community purposes,*
- (c) *to provide a single business zone for the Hurstville Town Centre as a sub-regional centre,*
- (d) *to facilitate the implementation of a development control plan for the Hurstville Town Centre:*
 - (i) *by introducing appropriate floor space ratio controls,*
 - (ii) *by encouraging an economically viable retail core which is centrally located and in close proximity to public transport,*
 - (iii) *by enhancing employment opportunities and to service the needs of the local and regional community,*
 - (iv) *by encouraging and facilitating the use of public transport,*
 - (v) *by providing and enhancing pedestrian and public open space areas for shoppers and workers,*
 - (vi) *by maintaining and improving the environmental and aesthetic quality of the Hurstville Town Centre and its surrounds,*
 - (vii) *by ensuring adequate and accessible off-street car parking, and*
- (e) *to improve traffic flow in and around the Hurstville Town Centre.*

The sections of the LEP which are relevant to the application are as follows:

Clause 14 – Tree preservation orders

There is some vegetation on the site which is to be removed to accommodate the proposed development however, this vegetation is not significant. Council's Tree Management Officer has examined the application and raised no objection to the application.

Clause 15 – Services

Pursuant to Clause 15, water supply, sewerage and drainage infrastructure is required to be available to the land. The above services can be provided to the proposed development on the land. Council's Manager Development Advice has advised of no objection to the proposed drainage of the site, subject to imposed conditions of consent.

Clause 22 – Excavation, filling of land

Under this clause, adequate regard is to be given to any potential impacts to existing drainage patterns and soil stability in the locality regarding excavation of the site for three (3) levels of basement. Should the application be approved, appropriate conditions relating to soil stability and stabilisation of adjoining buildings can be imposed which will satisfy this requirement.

Clause 33 – Development in the vicinity of a heritage item.

This clause requires the consent authority to determine if the proposed development will have any adverse impact on a heritage item in the vicinity of the proposed development. The subject site is in the vicinity of the heritage items known as the former St George Businessman's Club building located at 2-6 and 8 Crofts Avenue and the Hurstville Fire Station located at 27 MacMahon Street.

The former St George Businessman's Club building is located on the opposite side of Woodville Street on the corner of Crofts Avenue and will maintain its presence in this corner. The proposed development does not impact the visibility of this site as it will still be visible from Crofts Avenue, the bus interchange, and MacMahon Street. The design of the development, being of contemporary design, does not compete with the facade of the heritage item and as such is of an appropriate design.

The Hurstville Fire Station is part of the MacMahon Plaza development and faces MacMahon Street which is located to the rear of the site. There is no visual connection between the proposed development and the Fire Station and as such there will be no impact on the heritage item from the proposed development.

Accordingly it is considered that the proposed development will have no adverse impact on the heritage items in the vicinity of the proposed development.

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

In accordance with this policy, all new residential dwellings and those seeking alterations and additions as identified under this policy require a BASIX certificate that measures the Building Sustainability Index to ensure dwellings are designed to use less potable water and are responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units.

The application is supported by a satisfactory BASIX certificate that satisfies the requirements for new dwellings under this policy.

State Environmental Planning Policy No 55 – Remediation of Land

Under the provisions of Clause 7 of SEPP No. 55, the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If the land is found to be contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state or can and will be remediated in order for it to be suitable for the purpose for which the development is proposed.

The site has been occupied by the existing building for many years and there is no information available that suggests that the site may be potentially contaminated. The contaminating activities listed in the SEPP do not identify “public toilets” as a contaminating activity. On this basis, preliminary testing is not required.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings(SEPP 65)

The subject planning instrument is applicable as the proposed development satisfies the definition of a residential flat building as prescribed under the SEPP. Further to the design quality principles and referral to the Design Review Panel, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning’s publication entitled Residential Flat Design Code.

There are a number of guidelines and rules of thumb contained in the Residential Flat Design Code which accompanies SEPP 65 that are applicable to the proposed development. These provide a meaningful and quantifiable assessment of the merits and deficiencies of the proposal, when assessed against SEPP 65 and in turn inform whether the design quality principles contained in SEPP 65 are addressed.

Clause 50 of the Environmental Planning and Assessment Regulation 2000 requires that an application that relates to a residential flat building be accompanied by a Design Verification Statement from a qualified designer stating that the design quality principles as set out in Part 2 of the SEPP 65 are achieved for the development. The Design Verification Statement submitted with the application states that the residential development was designed by Peter Smith a registered architect and that it was designed in accordance with the Design Quality Principles of SEPP 65.

The following table outlines compliance with the Residential Flat Design Code, where applicable, and the referral received from the Design Review Panel is discussed in detail below the table:

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
PART 1 – LOCAL CONTEXT			
BUILDING HEIGHT	Ensure future development responds to desired future scale and character of street and local area	Proposed development responds to the desired future scale and character of street and local area	Yes
BUILDING DEPTH	Max. 18m (glass line to glass line)	12.2-16.2m	Yes
BUILDING SEPARATION	12m between habitable rooms	36.4m except for northeast corner at right angles which is 7.2m between bedroom and living room window	No (1)
	9m between habitable rooms and balconies	9.4m – 32.8m	Yes

	or non-habitable rooms		
SIDE AND REAR SETBACKS	Minimise impact on light, air, sun, privacy, views and outlook for neighbouring properties.	Proposed development results in minimal impact to adjoining developments	Yes
FLOOR SPACE RATIO (FSR)	To ensure that the development is in keeping with the optimum capacity of the site and the local area. FSR is not specified in the Design Code.	The development is above the FSR of the DCP but complies with the height requirements.	No but this is discussed in the report below under the DCP controls
PART 2 – SITE DESIGN			
DEEP SOIL ZONES	A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable. Exceptions may be made in urban areas where sites are built out.	Basement is excavated to boundaries and deep soil planting is not possible. Considering the site is surrounded by buildings and in a built-up area, this provision is acceptable.	Acceptable
OPEN SPACE	Communal open space should be generally between 25% of the site area.	Communal open space on the first floor and roof top is 25% of the site area (421sqm)	Yes
	Min private open space for apartment at ground level/podium is 25sqm.	N/A as all residential is located on level 1 or higher.	Yes
BUILDING ENTRY	Create entrance which provides a desirable residential identity for development, orient visitor and contribute positively to streetscape and building design.	Entrance lobbies to each building are located facing Barratt Street or Woodville Street	Yes
PEDESTRIAN ACCESS	Promote residential flat development that is well connected to street and contributes to accessibility.	The residential flat development is well connected to street and contributes to accessibility.	Yes
	Barrier free access to 20% of units	Access to 100% of units is barrier free	
VEHICLE	Limit width of	6m wide driveway in north-	Yes

ACCESS	<p>driveways to 6 metres.</p> <p>Integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.</p>	<p>eastern corner, 6m at the street.</p> <p>Car parking and servicing access is in one area and does not compromise the street character or pedestrian amenity and safety.</p>	Yes
PART 3 – BUILDING DESIGN			
APARTMENT LAYOUT	<p>Maximum depth from window of single aspect apartment 8.0m</p> <p>The back of a kitchen should be no more than 8 metres from a window.</p> <p>Width of cross-over apartments more than 15 metres deep should be a minimum of 4 metres.</p>	<p>Maximum depth of some units is greater than 8m however habitable areas are located within the 8m and non habitable areas located behind the 8m.</p> <p>All units <8m</p> <p>All apartments are minimum 4m wide</p>	<p>Acceptable</p> <p>Yes</p> <p>Yes</p>
APARTMENT MIX	To provide a diversity of apartment types, which cater for different household requirements now and in the future	The proposal incorporates a diversity of mixture in the size of the units, and provision of 1, 2 and 3 bedroom units	Yes
BALCONIES	Primary balconies to be a minimum of 2 metres in depth.	All units have primary balcony and all are greater than 2m in depth	Yes
INTERNAL CIRCULATION	Maximum of 8 units to be accessible from a double loaded corridor.	Units are accessible from various entries and corridors	Yes
STORAGE	To provide adequate storage for every day household items	Storage areas provide within dwelling and in basement car parking area	Yes

	within easy access of the apartment 1br : 6m ³ 2br :8m ³ 3br:10m ³		
DAYLIGHT ACCESS	Min 70% of units receive min 3 hrs of solar access Max 10% units southerly aspect	54% of units will receive 3hrs solar access between noon and 3pm mid winter. 66% will receive a minimum 2 hours 19% units with south orientation	No (2) No (3)
NATURAL VENTILATION	60% of residential units should be naturally cross ventilated. 25% of kitchens should have access to natural ventilation.	58% cross ventilated 29% kitchens have access to natural ventilation	No (4) Yes

The following non-compliances with the Residential Flat Design Code are discussed below:

1) Building Separation

The reduced separation is due to the existing building adjoining the subject site which is built essentially to the side boundary. The applicant has provided privacy screens to the window of the bedrooms affected by the reduced separation. The privacy screen is an effective means of reducing privacy impacts between dwellings and is considered acceptable.

2) and 3) Daylight Access

4) Natural ventilation

The proposed development is located on a corner with the front elevation of the development being primarily to the south. The orientation of the site increases the number of units with a south orientation as the units have to be located either facing the street, or facing the rear of the site (to the north). The units cannot be located facing the east or west as the existing development adjoining the subject site are built to the boundary. The existing buildings adjoining the subject site cast shadow to the proposed development and reduce the solar access to the proposed development. The orientation and shape of the site also restricts the design of the development which results in less units being cross ventilated. It is noted that the Design Review Panel has accepted that the site circumstances result in the non compliance with the solar access and ventilation requirements. Due to these reasons, the non compliance is considered to be acceptable.

The application was referred to the Design Review Panel who has provided the following comments:

Generally

The site has been unused and desolate for some years, although there have been two previous applications referred to the Panel that were subsequently granted development approval. The first approval in May 2005 has now lapsed. It comprised two components of 8 and 13 storeys in height, and the second approval given by Council in September 2008 was for 7 and 13 storeys. The present application proposes a 9-storey building fronting Barratt Street, linked to a 14-storey tower fronting Woodville Street. Both these heights are a little in excess of the DCP control, as is the proposed density.

1. Context

The site is convenient and well-located for high density and high-rise residential and commercial uses, being close to the suburban rail station, the bus station and the amenities available nearby in the commercial and retail centre of Hurstville. The immediately adjoining sites are fully developed and unlikely to change in the foreseeable future, as are many other sites in the vicinity.

2. Scale

Subject to the issues raised under Built Form being resolved the development should relate acceptably to the scale of the surrounding built environment. At street level for pedestrians the awning is critical to the creation of comfortable ambience and scale as well as providing protection from wind and rain.

3. Built Form

The basic configuration of the proposed building addresses the street boundary alignment, encloses a courtyard to the north, and locates the tower element along the Woodville Road frontage. This is satisfactory and logical approach as is the significant detailed articulation in the building forms which would produce variety and interest in the facades, and is fully supported. The issues of concern relate to the heights and the interface with the two adjoining buildings. In Barratt Street the proposed building is two storeys above the neighbouring building and exceeds the street-front height control by two levels. It is considered that it should comply with the control; doing so would result in a more urbane interface as well as reducing adverse overshadowing impacts on the public spaces on the opposite side of the road. In Woodville Road the neighbouring building is only two storeys high at the street-front, and with careful attention to detailed design this scale should be recognized and responded to in base part of the new building. Although the tower building at 14 storeys is one floor higher than the DCP control this in itself is unlikely to be an issue, unless it should give rise to any adverse view impacts from McMahon Plaza or other nearby properties. The applicant should provide Council with the necessary information for this issue to be determined.

4. Density

Advice from Council indicates that the proposed density at 6.03:1 is some 8% over the 5.57:1 FSR permitted by the DCP control. There is no apparent public benefit that might justify this excess.

5. Resource, Energy and Water Efficiency

Subject to BASIX

6. Landscape

Planting is limited to the small central courtyard space where the proposed simple geometrical form of the turfed area surrounded by trees and shrubs should create a successful character. The two first-floor residential lobbies open directly to this space. The selection of the appropriate planting palette should also take into consideration the microclimate of the courtyard garden, in particular solar access and shade. As noted below there is an opportunity to have landscaped communal areas at the roof top level.

7. Amenity

It is noted that solar access in winter to the residential units is below the standard recommended in the Residential Flat Design Code, with only 64% receiving 2 hours or more of sunlight. Given the relatively high density, the configuration of the site and overshadowing by existing development to the north it is considered that this could be accepted, on the condition that communal spaces with good sunlight are provided as recommended below under 'Social Dimensions'.

The separation distances between adjoining balconies in the internal courtyard corner are not acceptable as planned, particularly between the '.03' and '.01' bank of units, and the distance between '.03' and '.02' bank is also well below that desirable. Some re-planning and detailed design measures are needed for this to be resolved.

Provision of only a single elevator to the 9-level Barratt Street block is a serious concern, due to inevitable out-of-service times during the life of the elevator. It would be very desirable to install two elevators, or at the very least to design for 'cross-over' access to the two tower-block elevators at intermediate floors and/or at roof level. The design of the lift lobbies providing natural light and outlook on the residential floors is commended, but the Panel is concerned about the very narrow entrance lobbies at ground level, particularly that serving the tower-block. These could be considerably enhanced by extending the lobbies into the present commercial spaces. Note also comments below under 'Social Dimensions'.

The amenity of the small paved public pedestrian area on the opposite side of Barratt Street would be compromised by winter overshadowing from the non-complying height of the nine-storey block, as indicated on the June 22nd shadow diagrams. There is no apparent reason why the height should not be required to comply.

8. Safety and Security

Satisfactory

9. Social Dimensions

Given the large scale of the development, the 104 apartments, and the lack of solar access to many of them, additional communal spaces should be provided. The courtyard as proposed could be visually attractive, but unlikely to act as a communal meeting space. The following provisions are strongly recommended:-

- Roof-top landscaped communal space on the Barratt Street block, provided with small enclosed room with tea-making facilities etc. This would be a sunny area and potentially well used especially by residents whose flats are sunless.*
- Entry lobbies at ground floor to be enlarged, with comfortable seating, and functioning as meeting places for visitors, mail collection point etc.*

10. Aesthetics

The architectural character as proposed is reasonable, and the detailed modelling and articulation as proposed should resolve issues of scale and texture. It is suggested that the design of the awning above the pedestrian footpath should be developed to emphasize the entry points to the two residential units, perhaps by way of an elevated canopy, glazing, or other devices. The detailed design of the interface with the two adjoining buildings as discussed under 'Built Form' needs to be addressed.

Recommendation:

The application is broadly supported, but cannot be recommended for approval unless the range of issues discussed above under Built Form, Amenity and Social Dimensions are addressed. The non-conforming height of the tower block is unlikely to be of concern, and the small excess in FSR is not in itself at issue, but it is important to reduce the height of the Barratt Street section and resolve the other matters raised above.

The applicant has provided the following statement in response to the above comments:

Amenity and social dimensions - Communal Spaces

As noted in the DRP we will amend the plans to indicate a communal roof terrace on top of the Barratt Street building, this will provide additional amenity for the residents and provide a sunny and private space for communal activities.

Amenity and social dimensions - Adjoining apartments

The adjoining apartments referred to in the minutes currently have a privacy screen that provides visual privacy between the units. This could be changed to a solid wall (shown in red) or an acoustically treated wall if acoustic privacy is considered the main concern.

Amenity - Lift lobbies

Space can be found in both of the ground floor lobbies to provide an area for a couch and a small enlargement of this space.

Amenity - Awning

Further detailed design of the awning will consider highlighting the residential entrances. The awning provides full undercover pedestrian link along the Barratt and Woodville Street frontages.

Built form - Woodville Street

The two storey height of the adjoining building was taken into consideration with the articulation of the facade and projecting slab elements. In this way the articulation of the proposed development relates to the physical elements of the adjoining building.

Built form - Barratt Street

The proposed development results in a lower height (in some parts up to 4m) than the approved development. Further the proposed development provides for a more sensitive relationship to the adjoining buildings than the approved development, in particular with the form and articulation of the building.

The Barratt Street elevation has been designed to respond to the scale of the adjoining development, and the upper levels have been set back with recessed balcony elements in-lieu of the facade cladding provided. This creates a depth to the facade and a shadow to these upper levels acknowledging the different scale of the adjoining building. The vertical articulation of the elevation also picks up the architectural language of the adjoining development in Barratt Street.

The additional storey in height does not increase the overshadowing of the open space in Winter on the opposite side of the road as the shadow for this storey is cast on the roof of the buildings opposite and later in the morning across the bus lane or bus shelter. Any building with a height greater than 5 storeys would shade the open space. We will prepare shadowing diagrams that demonstrate this and provide a comparison.

Heights in the DCP are provided as both a height in stories and also height in metres (using AHD). The current proposal exceeds the dimensioned (AHD) height in the DCP by 2.1m, and by one storey. With adjustment to the floor to floor levels the Barratt street building could be made to comply with the height limit and maintain a floor to ceiling height of 2.7m. However the additional height and minor non-compliance provides greater amenity to the apartments in the development through a potential ceiling height greater than 2.7m. The additional storey has been created not because the development has been made higher, but because of the lower floor to floor heights of residential uses vs commercial. To remove the upper floors would also reduce the overall amenity of the development as these units receive excellent sunlight and ventilation at this level.

Comment

Following the submission of the above comments, the applicant has amended the plans to address the above issues as follows:

- The height of the development has been reduced to result in an 8 storey building to Barratt St and a 13 storey building to Woodville St
- The provision of a rooftop communal area to the Barratt St building
- The floor space ratio of the development has been reduced to 5.93:1
- Increasing the lobby area to both buildings
- Provide an additional lift to the Woodville St building
- Amending the street awning to comply with the Roads and Maritime Services requirements
- Provide privacy screens to the windows of dwellings with reduced spatial separation and to balconies which may overlook adjoining balconies

It is considered that the applicant has addressed the issues raised by the Design Review Panel.

2. Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Competition) 2010

The aims of this policy are to:

- a) Promote economic growth and competition, and
- b) Remove anti-competitive barriers in environmental planning and assessment.

The policy includes criteria to remove anti-competitive barriers to commercial development, being retail premises, business premises, and/or office premises. This policy is not relevant to this application, as the intended specific use of each commercial suite is unknown at this stage. Hence, the commercial viability, potential loss of trade, etc is irrelevant. The use of commercial/retail premises is permissible on this site and is encouraged in the current controls and the intended proposed controls. The existing facilities and services are adequate to support this proposal in general.

Draft Hurstville City Centre Local Environmental Plan 2011

On 18 July 2011, the Department of Planning and Infrastructure issued a section 65(2) Certificate under the Environmental Planning and Assessment Act, 1979 to permit the formal public exhibition of the draft Hurstville LEP 2011. The s.65(2) Certificate contained certain conditions which required changes to the draft HLEP 2011 Maps prior to the public exhibition of the draft LEP.

Council at its meeting on 30 November 2011 considered reports on the draft Hurstville LEP 2011 and the draft Hurstville City Centre LEP 2011 and resolved to endorse both draft LEPs for public exhibition for a period of no less than twenty eight (28) days. Hurstville City Council exhibited the draft Hurstville Local Environmental Plan (LEP) 2011 from 23 January to 29 February 2012.

The subject site is zoned B4 Mixed Use under the draft Hurstville City Centre LEP 2011 and the proposed development is permissible in the zone with the consent of Council. The proposed development compares with the floor space ratio and height requirements of the draft LEP as follows:

Standard	Required	Proposed	Compliance
Floor space ratio	Maximum 5:1	5.93:1	No
Height	Maximum 55m	Maximum 44.95m	Yes

The proposed development does not comply with the maximum floor space ratio of the draft LEP. The floor space ratio of the development also does not comply with requirements of the relevant development control plan. This issue is discussed in the report below under the heading entitled “3. Development Control Plans”.

Notwithstanding this, it is considered that the status of the draft LEP is not “certain” and “imminent”. Exhibition of the draft LEP finished on the 29 February 2012 and the preparation of a Transport Management and Accessibility Plan (TMAP) is required prior to the LEP progressing. The TMAP is required as a condition of the Department of Planning and advice received is that the TMAP will not be finalised in less than 12 months. The findings of the TMAP may have implications on the LEP and as such we do not know at this stage if the provisions of the LEP will be the same as that which is currently available and exhibited. As such it is considered that the floor space ratio requirements of the relevant development control plan apply to the application.

Any other matters prescribed by the Regulations

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

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

The requirements of Hurstville Development Control Plan No 2 apply to the subject site as follows:

Section 2.2 - Neighbour Notification and Advertising of Development Applications

The application was notified/advertised in accordance with Council’s requirements and no submissions were received in reply.

Section 4.2 - The Controls

Block 13, sites 13M-1, 13M-2, 13M-3, and 13M-4	Proposed	Compliance
Use Ground and first floor: retail/commercial Upper floors : residential	Ground floor: retail First floor: residential Upper floors: residential	Yes except for first floor (1)
Height Barratt St: 8 storeys with top floor setback 4.6m Woodville St: 13 storeys	Barratt Street: 8 storeys with top floor setback 2-3.7m Woodville St: 13 storeys (+ mezzanine level to rear)	No (2)
FSR Amalgamated site 5.57:1	5.93:1	No (3)
Street setbacks Nil	No street setback	Yes

Rear boundary setbacks Retail/commercial: 6m Residential uses: 22m	Retail/commercial: nil Residential uses: 10-19.8m	No (4)
Awnings Cantilevered to both streets	Awning cantilevered to both streets	Yes
Balconies Minimum 1/unit, 8sqm in size 2.0m minimum width	All balconies comply	Yes
Vehicles Access Woodville Street	Woodville Street	Yes
Car parking in basement Residential: 1 car spaces/100sqm (7637sqm) = 77 spaces required Visitors: 1 car spaces/4 residential units = 26 spaces required Retail: 1 car space/55sqm (726sqm)= 14 spaces required Total: 117 car spaces	 Residential: 96 spaces Visitors: 11 spaces Retail: 14 spaces Total:121 car spaces	 Yes (5)

(1) First floor

The proposed first floor of the development does not have retail/commercial floor space as required by DCP 1. The applicant has submitted the following statement to support the variation:

The commercial space in the current consent is not economically or commercially viable. It has been established over recent years that large floor plate commercial space on the outside the city centre core has been unsuccessful, and there is currently a significant amount of similar space already constructed that remains vacant outside the commercial core zone. The draft LEP identifies the site as being zoned for mixed use development with “residential development while maintaining active retail, business or other non-residential uses at street level”. The proposed development and non-compliance is consistent with this objective.

Comment

The provision of residential floor space to the first floor is considered to be acceptable and will not compromise the provision of commercial floor space to the Hurstville CBD. An amendment to the Hurstville Local Environmental Plan in 2011 provides that residential development within the “commercial core” is not permitted and commercial floor space only can be provided within these sites. The subject site is located outside the commercial core zone and as such the expectation is that this site will not largely contribute to commercial floor space in Hurstville CBD. This is reflected in the proposed zone and objectives of the draft LEP for the subject site that identify the commercial floor space as being provided on street level. The proposed development provides retail floor space to the ground floor which will provide an active street frontage and complement the surrounding commercial developments.

(2) Height

The proposed development complies with the height requirements of DCP 1 except that a mezzanine level has been provided to the Woodville Street building. The mezzanine level is the first

floor of 11 maisonette units and provides the second bedroom or only bedroom to these units. The bedrooms are provided to the middle of the mezzanine level with the area facing the street and the rear of the building provided as void areas which read as a higher glass line (floor to ceiling height) to the ground floor. Due to the slope of the site the mezzanine level to the Woodville Street building is only 1.05m higher than the corresponding level on the Barratt Street building, and as such the mezzanine does not appear as an additional storey to the development. The provision of the maisonettes provides an additional housing type to the development which is a positive element.

The proposed development is considered to be in context with the surrounding development which includes the 15 storey building adjoining the subject site on Woodville Street (MacMahon Plaza) and the approved 10 storey building on the opposite site of Woodville Street (the former Catholic Club).

The top floor of the Barratt Street building is not setback 4.6m but has an increased setback on the top two floors from the floors below. The proposed setback is considered acceptable and does not compromise the design of the development.

(3) Floor space ratio

The floor space ratio of the proposed development exceeds the requirements by 0.36:1. The original application was submitted with a floor space ratio of 6.03:1 and the applicant has amended the plans to reduce the floor space ratio to 5.93:1. The applicant has submitted the following statement to support the variation:

The current approved development application has a FSR of 6.11:1. The proposed development has a reduction in floor space from the current approved development application. Although the proposed development results in more floor space than the control it is considered that the impacts of the proposed development are actually less than that of the approved development. The approved development was considered by Council to have no adverse impacts from the breach in the floor space control. The increase in the floor space will not result in a building that is more bulky from a streetscape perspective. The level of amenity within the development is considered to be of a high quality because of the thin form of the building providing good access to daylight and ventilation within the apartments...a reduction in the floor space would not necessarily result in a building that has any improvement in amenity or reduced impacts...the proposal is appropriate in its context.

Comment

The additional floor space ratio does not result in an apparent increase to the bulk and scale of the building. The height of the development is consistent with that anticipated by the DCP and the amenity of the development is not compromised by the additional floor area. The floor space ratio of the proposed development is lower than the currently approved development which is considered to be a better outcome for the site. The floor space ratio is also supported by the Design Review Panel who considers it to be consistent with the streetscape.

(4) Rear boundary setbacks

The rear setback of the development does not comply with the requirements. The ground floor retail area has a nil rear setback. The proposed retail shops are located on the street frontage and the rear of the shops contains ancillary facilities such as toilets, loading area, waste rooms, and two car spaces. The adjoining development on MacMahon Street is built to the boundary for the two storey podium and the DCP requirement for the adjoining development on Barratt Street allows a nil setback for 15m. The proposed nil rear setback for the retail component is considered acceptable and does not adversely impact the amenity of the surrounding developments.

The proposed development has a 10m rear setback for the first 3 floors and then a 19.8m rear setback for the remaining floors. All the floors of the development had a setback of 19.8m but this was amended to 10m for the first 3 floors when the development was amended to reduce the height and floor space ratio of the development.

The applicant has submitted that an increased rear setback would reduce the width of the building and make it very difficult to accommodate a workable residential floor plate. The proposed setback is also greater than what would be required by SEPP 65 if the adjoining site was redeveloped.

It is considered that the reduced setback does not result in any additional impacts to the adjoining developments. The reduced setback to the first 3 floors can be likened to the podium level of the adjoining development which is built on the boundary. The provision of a 10m rear setback allows for adequate spatial separation from the adjoining development and for a large common open space area on level 1.

(5) Car parking

The proposed development provides on-site car parking spaces in excess of the requirements but the car parking spaces are not allocated correctly in terms of residential, visitor, and retail spaces. The car spaces can be reallocated correctly and can be required as a condition of consent, should consent be granted.

Section 5.1 - Design Guidelines for Buildings, Public Domain and Open Space

Design Guidelines	Proposed	Compliance
5.1.1 – Street alignment: Buildings to be sited on street frontage.	Building is sited on street frontage.	Yes
Buildings to provide pedestrian amenity in form of active street frontages, building entrances, and awnings.	An active street frontage is proposed with the retail use.	Yes
Buildings set back from street are to address the street with major facades, entrances, low fences, substantial planting, etc.	Building is located on the front boundary	N/A
5.1.3 – Frontage articulation: Into separate building frontages and bays, using shop front separations, attached columns and steps in façade Changes of texture and colour should complement	Variety of articulation and changes in texture and colour	Yes
5.1.7 – Roof Design Lift over-runs and plant equipment should be concealed Penthouses are encouraged to create interesting skylines using setback upper floors	Lift over-runs and plant equipment are concealed No penthouses provided but upper levels of Barratt Street building setback	Yes Yes

The proposal generally complies with these design guidelines. Those guidelines that are included in other sections of this report have not been repeated here, such as parking, balcony design, awning

design, safety and security.

Section 6.1 - Car Parking

The parking rates specified for the subject site have been complied with as detailed in the report above. The proposal also complies with the general provisions of this Section relating to Australian standards for circulation spaces, sizes of spaces, etc.

Section 6.3 - Access and Mobility

The development guidelines require that 1 adaptable dwelling for the first eight units be provided and then 1 for every 10 units after that, or part thereof. This equates to a total of 11 adaptable dwellings are to be provided. The proposed development provides 10 adaptable dwellings. An additional adaptable dwelling can be provided and a condition of consent has been provided in the recommendation should consent be granted.

Residential

Where more than 50 car spaces are required for residential developments, 2% of these spaces are to be accessible. 77 residential car spaces are required for the development which equates to 2 disability accessible spaces being required. The development provides 11 accessible car spaces, being 1 per adaptable dwelling.

Retail

1 car space per 20 spaces or part thereof, where parking areas have more than 20 spaces but less than 50 spaces for retail uses. Given that only 14 spaces are provided for the retail component, technically no accessible car spaces are required for the retail component. However, 1 accessible car space has been provided.

Section 6.4 - Crime Prevention through Environmental Design

The proposal is deemed to satisfy the requirements of Development Control Plan No 2 - Crime Prevention through Environmental Design (CPTED) by addressing CPTED principles. These are discussed below:

	Design requirements	Proposed	Compliance
Fencing	<ul style="list-style-type: none">• Front fence maximum 1m, unless open type	No fencing is proposed	N/A
Blind corners	<ul style="list-style-type: none">• Direct pathways with permeable barriers• Mirrors around corners• Glass/steel panels in stairwells	No blind corners evident. Entrances are direct from the street. Glass panels for stairwells	Yes
Communal/ public areas	<ul style="list-style-type: none">• Habitable rooms adjacent to public viewing areas• Good visibility to stairwells, entries, elevators	Habitable rooms face onto street. Good views from living areas to the street	Yes
Entrances	<ul style="list-style-type: none">• Maximum one entry point per 6-8 dwellings• User can see into building before entering	Each building has one entry point which is clearly visible from the street. Lobby areas are visible	Yes

	<ul style="list-style-type: none"> Entrance clearly recognisable from the street. 		
Site and building layout	<ul style="list-style-type: none"> Main entrance orientated towards street, and not from rear lanes Habitable rooms at front of dwelling 	Main entrance is from street. Habitable rooms are orientated towards the front and rear of the development	Yes
Landscaping	<ul style="list-style-type: none"> Low hedges and shrubs or high canopied vegetation No continuous barrier of dense growth Ground cover or 2m clean trunks around children's play areas, car parks and pedestrian pathways Prickly plants used as barriers Avoid vegetation that conceals building entrances Large trees next to second storey windows or balconies 	Proposed landscaping as per landscape plan submitted is satisfactory	Yes
Lighting	<ul style="list-style-type: none"> Use of diffused and/or movement sensitive lights Access/egress routes illuminated No glare or dark shadows produced No lighting spillage onto neighbouring properties Users can identify a face 15 metres away Use of energy efficient lamps/fittings/switches 	Subject to condition of consent	Yes
Building identification	<ul style="list-style-type: none"> Each individual dwelling numbered Unit numbers provided on each level Building entries state unit numbers accessed from that entry 	Subject to condition of consent	Yes
Security	<ul style="list-style-type: none"> Intercom, code or card locks for building and car park entries Door and window locks comply with AS 220 Security access to basement parking via main building External storage areas well secured and lit 	Details not provided however access to residential lobbies is secured. Residential and retail car spaces are not separated in basement 1 and 2 but can be achieved through conditions of consent	Yes
Maintenance	<ul style="list-style-type: none"> Provision for the speedy removal of graffiti and 	Subject to condition of consent	Yes

	repair/cleaning of damaged property <ul style="list-style-type: none"> • Provision of information advising where to go for help and how to report maintenance or vandalism 		
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Section 6.5 - Energy Efficiency

A BASIX Certificate has been submitted with the application which meets the target scores. In terms of solar access to adjoining developments, the proposed will not overshadow adjoining residential developments but will result in overshadowing to the adjoining commercial developments and the bus interchange area. This is considered acceptable as the overshadowing is a result of the orientation of the site. Given the proposed development complies with the height requirements, the resultant overshadowing is anticipated by the controls and deemed acceptable.

Section 6.7 - Drainage and On-Site Detention Requirements

The proposed development can drain to the street in accordance with the requirements of DCP 1 and appropriate conditions of consent have been provided.

Section 6.9 – Waste Management

The proposed development provides appropriate residential and commercial waste facilities within the development. The application has also been examined by Council's Manager – Environmental Services who has raised no objection to the application subject to conditions of consent being attached to any consent granted.

Section 6.10 – Development of a Heritage Item or in the Vicinity of a Heritage Item

This section refers to the requirements of Hurstville Local Environmental Plan and this has been discussed in detail previously in the report.

Hurstville Section 94 Contribution Plans

Council's Section 94 plans apply to the proposed development. Conditions of consent requiring relevant contributions are provided in the conditions of consent, should consent be granted.

4. Impacts

Natural Environment

Although the proposal includes a large amount of excavation, this is not uncommon in the Hurstville CBD area. It is considered the proposal is unlikely to adversely impact on existing drainage patterns and soil stability in the locality. The site currently has no significant vegetation and with the proposed landscaping to the site this would be an improvement on the natural environment. It is considered therefore, unlikely the proposal will have significant adverse impacts on the natural environment.

Built Environment

The proposed development does not comply with some of the requirements of SEPP 65 and DCP 1 however, the variations are considered acceptable as it does not contribute to an increase to the perceived bulk of the development or adverse impacts to adjoining development. The development

is of a good design and appropriate for the streetscape and its location within the Hurstville CBD. As such the proposed development will be a positive contribution to the streetscape and the built environment.

Social and Economic Impacts

The proposed development has no perceived adverse social or economic impacts.

Suitability of the Site

The subject site has no impediments that preclude it from being developed for the proposed development. The subject site is located within the Hurstville CBD and the proposed multi storey development is appropriate in this context.

5. REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST

Resident

The proposed development was notified/advertised in accordance with Council's requirements and no submissions were received in reply.

Internal - Council Referrals

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.

Senior Environmental Health Officer

No objection was raised subject to conditions of consent being attached to any consent granted.

Manager – Environmental Services

Council's Manager – Environmental Services who has raised no objection to the application subject to conditions of consent being attached to any consent granted.

External Referrals

Roads and Maritime Services (RMS)

The proposed development was referred to the RMS due to the subject site's location opposite the bus interchange. The RMS has advised that no objection is raised to the development subject to conditions of consent being attached to any consent granted.

Design Review Panel

The application was referred to the Design Review Panel which has been discussed previously in this report.

6. CONCLUSION

The application seeks approval for the demolition of existing structures and construction of a mixed development that contains two (2) buildings, one being 13 storeys and the other being 8 storeys. The development will contain 3 basement levels, 5 ground floor retail units, and 103 residential units above. The proposed development has been assessed against the requirements of the relevant planning instruments and development control plans and does not comply with some requirements of SEPP 65 and DCP 1. The variation to the requirements is considered acceptable as discussed in the report. The development is considered to be of good design and appropriate in the context of the

Hurstville CBD. Accordingly the application is recommended for approval subject to conditions of consent.

RECOMMENDATION

THAT pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, grants development consent to Development Application 11/DA-356 for the demolition of existing structures and construction of a mixed development containing two (2) buildings of 13 storeys and 8 storeys, 3 basement levels, 5 ground floor retail units, and 103 residential units on Lots S and T DP 27426, Lots 3 and 4 DP 4799, and Lot 1 DP 434008 and known as 2-2A Barratt Street and 18, 20, 22 Woodville Street Hurstville subject to the attached 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 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.

Plan Number	Plan Date	Description	Prepared By
10_105 A101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 200, 201, A950	28 February 2012	Basement 3, Basement 2, Basement 1, Ground level, Level 1, Level 1 Mezz, Level 2, level 3, Level 4, Level 5, Level 6, Level 7, Level 8, Level 9, Level 10, Level 11, Level 12, Barratt Elevation, Woodville Elevation, Photomontage	Smith and Tzannes
10_105 A202, 203	7 February 2012	Sections , North east elevation	Smith and Tzannes
10_105 A901, 118	5 October 2011	Site management plan, Roof plan	Smith and Tzannes
10_105 A902	1 March 2012	Adaptable apartment	Smith and Tzannes

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. **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.

5. 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.
6. 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.
7. 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."*
8. HO1 - **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.

9. **MI130.1 - Slip Resistance** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials.

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

To Obtain a Construction Certificate

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

- (a) Fees to be paid to Council:

Schedule of fees, bonds and contributions

Fee Type	Paid	Fee Type	Amount	Receipt Date	Receipt No
Development Application Fee	X	DA1	\$TBA		
Plan First Fee	X	AP35	\$TBA		
Notification Fee	X	AP12	\$TBA		
Imaging Fee	X	AP165	\$TBA		
Long Service Levy		AP34	\$TBA		
Builders Damage Deposit		BON2	\$TBA		
Inspection Fee for Refund of Damage Deposit		DA6	\$TBA		
S94 - Open Space & Community Recreation		CONT9	\$740,886.48		
S94 - Community Services & Facilities		CONT3	\$338,973.00		
S94 – Drainage Services – Georges River		CONT5	\$Nil		
S94 – Management		CONT8	\$25,011.03		
S94 – Library Infrastructure		CONT7	\$176,473.86		
S94 – Library Bookstock		CONT4	\$1,116.82		
S94 – Traffic management & parking in Hurstville CBD (residential)			\$16,401.00		
S94 – Traffic management & parking in Hurstville CBD (retail)			\$25,119.60		
S94 urban Spaces (dwellings)			\$83,636.00		
S94 Urban Spaces (retail floor space)			\$9,295.66		

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	\$TBA		
Construction Certificate Application Fee		CC1	\$TBA		

Construction Certificate Imaging Fee		AP165	\$TBA		
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Fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

11. **BI1 - Building Code of Australia ("BCA")** - A Construction Certificate must be obtained before the commencement of work from Council or an Accredited Certifier. Detailed plans and specifications for the proposed building must demonstrate compliance with the BCA.
12. **OC8 - Design Changes Required** - The following design changes are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application**.
 - (a) A total of eleven (11) adaptable dwellings being provided to the development in accordance with the requirements of Hurstville Development Control Plan No 2.
 - (b) The residential car spaces are to be isolated from the retail car spaces in accordance with crime prevention principles.
 - (c) The swept path of the longest vehicle entering and exiting the subject site as well as manoeuvrability through the site shall be in accordance with Ausroads. In this regard, a plan showing the swept path of service vehicles entering and exiting the site shall be submitted to Council for approval, which shows that the proposed development complies with this requirement. This condition has been imposed by the NSW Department of Transport Roads and Maritime Services.
13. **BI2 - Long Service Leave Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to www.lspc.nsw.gov.au or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
14. **BDI - Damage to Council Property** - In order to insure against damage to Council property the following is required:
 - (a) Payment to Council of a Damage Deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$3,750.00**.
 - (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.
15. **SE941A - Traffic Management within the Hurstville City Centre District** - Pursuant to

Section 94(1) of the Environmental Planning and Assessment Act, 1979, payment shall be made to Council of a monetary contribution for the provision of traffic management facilities within the Hurstville City Centre District.

The contribution relates to Plan no. 1 and is based on the following criteria as a direct consequence of the proposed development:

- (a) The increased traffic volume raises the potentiality of conditions accelerating the deterioration of road pavement and/or traffic system operational conditions.
- (b) The provision of the scheduled facilities is essential to facilitate the traffic system operation due to the proposed development.
- (c) The provision of a facility is a direct requirement as a result of the proposed development.

The contribution rate for Residential/Retail is \$2.13/\$34.60 per square metre respectively of nett increase in floor space.

The total traffic management contribution required and payable before release of the Construction Certificate is \$41,520.60.

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 \$740,886.48.

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 \$338,973.00.

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 \$25,011.03.

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 \$176,473.86.
- (b) The book stock acquisition contribution for residential development is \$1,116.82.

The total Library and Information Services Section 94 contribution required and payable before release of the Construction Certificate is \$177,590.68.

20. **S947 - Urban Spaces** - Pursuant to Section 94(1) of the Environmental Planning and Assessment Act, 1979, payment shall be made to Council of a monetary contribution for urban spaces.

The contribution is related to Plan no. 7 and is based on the premise that any development which results in a nett gain of people living and working in the Hurstville Central Business District will create an extra demand on the urban space infrastructure and facilities.

- (a) The contribution rate for residential development is \$812/per dwelling.
- (b) The contribution rate for commercial/retail development is \$13.63/per square metre of gross floor area.

The total urban spaces Section 94 contribution required and payable before release of the Construction Certificate is \$92,931.66.

21. **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.**

22. **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.

23. **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) swimming pool design
- (h) retaining walls
- (i) stabilizing works

24. **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.

25. **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 properties with a common boundary to the subject site 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.
26. PN9 - No excavation, pier hole drilling, construction or the like may be carried out **before the issue of the Construction Certificate**.
27. PN10 - The site is not to be filled or excavated other than as strictly indicated on the approved plans.
28. 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.**
29. PN11 - Details of all proposed retaining walls, including height, materials, finish and structure, must be submitted **with the Construction Certificate Application**.
30. 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**.
31. 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**.
32. PW5 - The developer must submit a site works plan detailing sedimentation controls, fencing, builder's 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.
33. PW6 - **Vehicle Wash Bays** - All car washing shall be conducted in a roofed and bunded wash bay, with pre-treatment approved by Sydney Water, graded to a drainage point and connected to the sewer. Evidence of approval of the system by Sydney Water to be submitted **with the application for a Construction Certificate**.
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, 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."

Hurstville City Council is to be nominated as the Authority to release, vary or modify this Covenant. Full details shall accompany the application for **the Construction Certificate**

- 35. DR14 - The underground basement car park must pump to the new kerb inlet pit constructed outside the site for the new drainage line required to extend up to Woodville Street.
- 36. 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.**
- 37. 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.**
- 38. 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 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.**

- 39. 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 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.

40. **RR1 - Access Levels** - An access levels application must be submitted to Council to obtain footpath alignment levels and vehicle crossing levels before designing internal driveways and car parking. Evidence that the proposed internal driveway design complies with Council's issued levels and general access standards shall be submitted **with the Construction Certificate application.**
41. **PU4 – Energy Australia - Substations/Kiosks** Energy Australia shall be consulted to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area, having the required dimensions as agreed with Energy Australia, indicating the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site to be dedicated to Council as public roadway, or as otherwise agreed with Energy Australia. For details visit www.energy.com.au or call 131525:
- (a) written confirmation of Energy Australia's requirements is to be submitted before the issue of the Construction Certificate; and
 - (b) Energy Australia's requirements are to be met before the issue of the Occupation Certificate.
42. **PU5 – Energy Australia - Underground Electrical Conduits** – Energy Australia is to be consulted to determine if underground electricity conduits are to be installed in the footway. If so, the developer is to install the conduits within the footway across the frontage/s of the development site, to Energy Australia's specifications. Energy Australia will supply the conduits at no charge. The developer is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. . For details visit www.energy.com.au or call 131525.
- (a) A copy of Energy Australia's requirements is to be submitted to Council **before issue of the Construction Certificate.**
 - (b) Where conduits are to be installed, evidence of compliance with Energy Australia's requirements is to be submitted *before the issue of the Occupation Certificate.*

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

43. **PU6 – Energy Australia - clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Energy

Australia is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Energy Australia for any necessary modification to the electrical network in question. For details visit www.energy.com.au 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. **PU7 – Energy Australia - Undergrounding Electricity Mains (Hurstville CBD area) –** Arrangements are to be made with Energy Australia to install underground all low voltage street mains in that section of the street/s adjacent to the development and to provide conduits for the future under grounding of high voltage mains. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. These works to be carried out at your expense. For details visit www.energy.com.au or call 131525.
- (a) A copy of confirmation of Energy Australia's requirements is to be submitted to Council before issue of the Construction Certificate; and
 - (b) Energy Australia's requirements are to be met before the issue of an Occupation Certificate.

Where works within the road reserve are to be carried out by the developer, a Road Opening Permit must be obtained from Council's Customer Service Centre **before commencement of work.**

45. **PU8 –** The electricity supply to the subdivision must be underground.
46. **PU9 -** For all developments in the Hurstville CBD the developer shall be responsible for the payment of the full cost of undergrounding low voltage cables adjacent to the development; and the provision of conduits only for the future undergrounding of high voltage cables
47. **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.
48. **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.
49. **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.
50. Alignment levels shall be obtained for the full frontage of the site in Woodville Street and Barrett Street from Council's Engineer. Evidence that the proposed internal accesses comply with Council's issued levels and general access standards shall be submitted **with the Construction Certificate application.**
51. The Council storm water pipeline shall be extended along/across Woodville Street to the subject site. A separate application under Section 138 of the Roads Act shall be approved by Council prior to the issue of the Construction Certificate for the proposed works.

52. Any relocation or removal of power poles outside the site shall be done entirely at the applicant's expense and with the consent of the relative utility authority.
53. The developer should be aware that a sewer main appears to run along the north west boundary of the site and construction works would be subject to Sydney waters requirements
54. A plan showing the allocation of each car space and storage area to each individual unit in accordance with the conditions of the development consent shall be prepared. **This plan shall accompany the application for the construction Certificate.**

55. **Ventilation**

To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provision of:

- a) The Building Code of Australia
- b) AS 1668 Part 1 -2002 – *The use of ventilation and airconditioning in building – fire and smoke control in multi-compartment buildings*
- c) AS 1668 Part 2 – 2002 - *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contamination control*
- d) Public Health Act – 1991
- e) Public Health (Microbial Control) Regulation 2000
- f) The Protection of the Environment Operations Act 1997
- g) AS 3666 – 2002 – *Air handling and water systems of buildings – Microbial control – Design, installation and commissioning.*

56. **Car Wash Bays**

The person with the benefit of this consent must submit with the application for a Construction certificate details and specification of car washing system approved by Sydney Water. Additionally, all car washing bays shall be conducted in a roofed and bunded wash bay with pre-treatment approved by Sydney Water, graded to drainage point and connected to the sewer.

Alternative water management and disposal options may be possible where water is recycled, minimised or reused on the site. Detailed plans and specifications for the construction of the designated water recycling system shall to be submitted with the Construction Certificate.

Note: Please refer to Sydney Water's web site at www.sydneywater.com.au or call 13 20 92 for further information.

57. **Internal Noise Levels (Residential Unit/Town House/Villa Development)**

The internal noise level of the proposed development shall comply with the following:

- a. The L10 (20 minute) internal noise level with windows and external façade doors closed shall not be greater than 40 dB(A).
- b. The L10 (20 minute) internal noise level, with windows and external façade doors normally open, shall be less than 50 dB(A)

The requirements of (b) may be equally satisfied by the alternative provision of either a mechanical or natural ventilation system or a special acoustic design solution as approved by Council.

58. A Waste Management Plan that incorporates the provision of all of these facilities shall be submitted to Council prior to the issue of any Construction Certificate.

59. TRG3 –

- (a) **Landscape Plan** - A detailed landscape plan will be submitted **with the Construction Certificate Application**. This plan will illustrate in concept form the proposed landscape design principles. The plan will demonstrate an understanding of the site and its context. Draw the plan to a standard scale such as 1:100 or 1:200, and show the following details:
- north point (true solar north)
 - scale (show ratio and bar scale)
 - date, plan number, amendment number
 - finished surface levels, embankments and grades (indicate extent of cut and fill)
 - existing trees to be retained or removed
 - proposed planting schedule (indicate species, location, massing and mature height - native plants are generally required)
 - proposed surface treatments and restoration (eg turf, paving, bank stabilisation, mounds, etc)
 - proposed fences and retaining walls (indicate height and material)
 - erosion and sediment control measures
 - maintenance program
- (b) **Submission of landscape plans** -. This plan must be prepared by an approved landscape consultant and include details of the species, size and numbers of all plant material, together with the surface treatment of all areas. Landscaping must be completed according to the approved landscape plan **before the issue of the Occupation Certificate**. Landscaping must be maintained according to the approved landscape plan.
- (c) **Details in landscape plans** - the landscape plan must include identification of all existing trees by botanical and common names where the tree exceeds a height of 3.0 metres or a girth greater than 300mm at 450mm above ground level or has a branch spread of 3 metres or more. The plan must also indicate the relationship of each existing tree, by scale, to the proposed development. No trees are to be removed or lopped without written Council approval.

Demolition Conditions

60. DE 1

- (a) The demolition of the building must be carried out strictly in accordance with Australian Standard 2601-2001 - The Demolition of Structures.
- (b) The demolition contractor must carry a current public risk insurance cover for a minimum of \$10,000,000.00.
- (c) For buildings containing asbestos sheeting or asbestos products, the demolition shall:
- (i) only be carried out by persons licensed by the WorkCover Authority. The formal approval of the WorkCover Authority is required before commencement of work where the area of the sheeting or product exceeds 200 square metres. For more information phone WorkCover on 13 10 50 or visit www.workcover.nsw.gov.au.

- (ii) comply with Council's Asbestos Policy adopted by Council on 23 March 2005 (as amended from time to time). A copy of the Policy may be downloaded from the Development ... Site Management page of our website.
 - (d) Lead paint removal must not cause lead contamination of the air or ground. For more information visit www.dec.nsw.gov.au or phone the Department of Environment and Conservation on 9995 5555.
 - (e) Decommissioning of any air-handling or refrigeration system containing chlorofluorocarbons (CFC's) or fire extinguishing systems containing halons must only be carried out by a person or directly supervised by a person authorised by the Department of Environment and Conservation. Any work of this nature must be in accordance with the Ozone Protection Act and Regulations and any relevant Code of Practice approved by the Department of Environment and Conservation. For more details visit www.environment.nsw.gov.au. or phone the Department of Environment and Conservation on 9995 5555.
 - (f) The cost of any damage to road/kerb/gutter/footpath will be deducted from the kerb and gutter damage deposit unless you notify Council of any existing damage before the commencement of work.
61. DE7 - On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
62. DE8 - Demolition works involving the removal and disposal of bonded asbestos over 200sqm must only be undertaken by a licensed asbestos removalist. Licensed asbestos removalists must be engaged for the removal of any friable asbestos.
63. DE9 - The developer /builder is to notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority (i.e. WorkCover or Hurstville City Council). Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
64. DE10 - Five (5) working days prior to demolition, the developer/builder is to provide written notification to Hurstville City Council advising of the demolition date, details of the WorkCover licensed asbestos demolisher and the list of residents advised of the demolition.
65. **Waste Service** - Domestic waste bins must not be used with demolition/construction work. You can apply to cancel the waste service, so that the domestic waste bins are removed and waste charges suspended. Further information is available from the Waste Service Project Officer on 9330 6154 during office hours.

Before Commencing the Development

66. 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.

67. **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.

68. **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.

69. **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.

70. **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.**
71. **BC3 - Site Safety Fencing** - Erect site fencing complying with WorkCover Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained through out any demolition and construction work.
72. **BC4 - Principal Certifying Authority (PCA) Sign** - A sign must be erected in a prominent position on the site indicating that entry to the site by unauthorised persons is not permitted, and including the contact details of the PCA. Where Council is the PCA, a sign may be obtained at no cost from Council's Customer Service Centre. A PCA sign must be erected on the site **before the commencement of any work.**
73. **PW2** - The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.
74. **ES1 - Erosion and Sedimentation Controls** - Erosion and sedimentation controls must be provided to ensure:
- (a) compliance with the approved Soil and Water Management Plan
 - (b) removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) all uncontaminated run-off is diverted around cleared or disturbed areas
 - (d) silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
 - (e) all erosion and sediment controls are fully maintained for the duration of demolition/development works
 - (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
 - (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - (h) all water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
 - (i) pumped or overland flows of water are discharged so as not to cause, permit or allow erosion
 - (j) compliance with the Do it Right on Site brochure requirements published by SSROC
- before the commencement of work (and until issue of the Occupation Certificate).**
75. **PU6 – Energy Australia - Clearances to Electricity Mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Energy Australia is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Energy Australia for any necessary modification to the electrical network in question. For

details visit www.energy.com.au or call 131525.

76. **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.**

During the Development

77. **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.

78. **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 Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.

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

79. **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.

80. **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.

81. **Site Contamination -Additional Information**

Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. In light of any contamination found during demolition or construction, a Remedial Action Plan (RAP) must be prepared by an appropriately qualified consultant in accordance with DEC Guidelines and shall document all the remedial works to be undertaken at the site and also contain an environmental management plan and occupational health and safety plan for the remedial works.

82. **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**.
83. **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.
84. **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.

85. MI3 - The unit number, at least 50mm high, must be provided to the entry door to each unit/villa/dwelling/townhouse.
86. MI7 - The shop number, at least 50mm high, must be clearly displayed adjacent to the entry door to each shop/unit.
87. MI25 - **Balcony Drainage** - The floors of the balconies must be graded and drained to a grated inlet and connected to the stormwater drainage system.
88. For the residential portion of the building the following waste and recycling facilities will be required:-
 - Domestic Waste:- 26 x 240 litre Mobile Bins (MB's);
 - Domestic Recycling:- 35 x 240 litre MB's.An equivalent number of 1100 litre Mobile Bins may be used in lieu of 240 litre MB's.

For the Commercial portion of the building appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:-

 - 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.
89. 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, and is to be located in an area of the building that can be adequately serviced by waste collection vehicles.
90. The location of the proposed Waste Storage Area as shown on the submitted plan is in the Basement Level 1 of the building, and as it is not easily accessible for Council's Waste Contractor to service the bins. Accordingly, it will be the responsibility of the Owners Corporation to present the MB's for collection and return them to the storage area after they have been emptied. This should be a Condition of any approval.
91. MI16 - No goods shall be stored or displayed outside the building.
92. MI17 - A separate Development Consent shall be obtained for the first commercial / retail / office use of each occupancy.
93. 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

94. 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.
95. 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 by a private contractor, subject to Council approval.
96. 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.
97. 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.
98. 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
99. PV1 - **Linemarking and Numbering** - All car parking spaces are to be sealed, graded, drained, clearly linemarked, and numbered.
100. 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.
101. 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.
102. LA3 - **Retaining Edge** - A retaining edge of masonry or other approved barrier of a minimum height of 150mm must be erected around the landscaped areas to contain the soil and mulch material and to prevent the encroachment of motor vehicles.
103. LA5 - **Wheel Stops** - The developer must install wheel stops to all parking spaces fronting landscape beds.
104. LA6 - **Common Taps** - The developer must provide a common tap/taps or an irrigation system to enable all landscape works to be adequately watered.
105. 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.
106. 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.**

107. 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.

108. **Above Ground Grease Trap - Bunding**

The *principal contractor* or *owner builder* must ensure that the above ground grease trap shall be located in a bunded area. The size of the area is to be bunded and shall be calculated as follows as a minimum:

- 110% of the volume of the above ground grease trap tank.

The bund is to be constructed of a material, which is impervious to the liquid being stored. All bunded areas shall be graded to a pit/sump so as to facilitate emptying and cleaning. All pipework from the enclosed tanks and/or pumps shall be directed over the bund wall and not through it. Hose couplings for the tanks enclosed within the bund shall be placed in such a position that leaks or spillages are contained within the bund. Where possible the bunded area should be roofed.

After completion, the bund shall be maintained in such a condition, that all spillages or leaks will be retained within the bund, until disposed of by means that do not pollute waters.

109. 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.
110. 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.
111. 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.
112. 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.
113. PV17 – **Vehicle Crossings, Kerb/Gutter/Footpath Construction and Restoration** – Any existing vehicular crossings which are redundant must be removed, and the kerb (and any footpath) 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 by a private contractor, subject to Council approval.

In addition the following frontage works shall be completed:

- (a) Construct a full width (kerb to boundary) footpath for the full frontage of the site in paving material approved by Council's Engineer.

- (b) Construct a 150mm thick concrete crossing reinforced with F72 fabric.
- (c) Replace all redundant laybacks with kerb and guttering, and redundant concrete with grass.
- (d) Provide any street tree planting required by Council's Tree Management Officer.

A private contractor may carry out the above work, subject to Council approval at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*.

Please note:

- (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 completed **before the issue of an Occupation Certificate**.

Before Occupation

114. **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.

115. **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.

116. **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**.

117. 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**.
118. 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 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**.
119. BAI - **BASIX** - All energy efficiency measures as detailed in the BASIX Certificate No. 399033M_02 and 397597M_02 dated 6 March 2012, and in the plans approved with the Development Consent, must be implemented **before issue of the Occupation Certificate**.
120. 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 a private contractor (subject to Council approval). The work must be completed **before the issue of an Occupation Certificate**.
121. 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.
122. WA7 - All rubbish and waste materials on-site must be removed before occupation of the premises/commencement of the approved activity.
123. **Noise from mechanical plant and equipment**
Noise from the operation of mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and / or refrigeration systems must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest strata, stratum or community title boundary.

A professional engineer (acoustic) shall be engaged to certify that the design and construction of the all sound producing plants and equipment associated with the building complies with the above requirements. Certification shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

Note: Words in this condition have the same meaning as in the:
NSW Industrial Noise Policy (http://www.environment.nsw.gov.au/resources/ind_noise.pdf)
ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>)
ISBN 1741370671 , dated December 2004.

124. The Site shall be consolidated onto one allotment. The plan of consolidation being registered at the Department of Lands prior to the issue of the final occupation certificate

After Occupation/Ongoing Conditions

125. 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 Part 2, 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.

126. 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.
127. **Drainage Maintenance** - The on-site detention drainage facility shall be maintained at all times in accordance with the approved plans.
128. PV6 - **Residential Parking Requirements** – A minimum of seventy seven (77) resident parking spaces (including eleven (11) accessible car spaces, one (1) each for the accessible dwellings) and twenty six (26) residential visitor spaces shall be provided in accordance with the approved plans. The visitor spaces are to be clearly signposted with durable metal or similar signs. The visitor car spaces shall be shown as common property in any strata plan.
129. **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.

130. PV8 - **Parking Space Number/Availability, Retail / Commercial / Office Uses** – Fourteen (14) parking spaces (including one (1) disability accessible space) are to be provided and these spaces must be unobstructed and available at all times for the parking of visitors/customers/employees/service vehicles.
131. PV9 - **General Signage** - The owner of the property must maintain the car park, including all signs, line marking, and bay numbering, in accordance with AS 2890.1-1993 Australian Standard Parking facilities Part 1: Off-street car parking.
132. 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.
133. 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.
134. 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.
135. 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.
136. PV15 - **Disabled Parking** - The parking space(s) for disabled persons must be sized/marked/signposted in compliance with the relevant Australian Standard.
137. 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.
138. 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".
139. 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.
140. PV22 - Approved car parking spaces must not be partitioned or otherwise enclosed to form garages.
141. LA2 - **Maintenance to Approved Landscape Plan** - All landscape works in accordance with the landscape plan shall be maintained.
142. LA4 - **Parking on Landscaped Areas** - No vehicles, goods, materials or extraneous matter may be parked, deposited, or stored on any of the landscaped areas.
143. WA4 - **Handling of Waste** - No bottle, can or garbage disposal shall take place between the hours of 10.00pm and 8.00am daily.
144. WA5 - Service of trade waste bins must be carried out between 7.00am and 7.00pm. weekdays.
145. WA8 - The premises must be maintained in a clean and tidy state at all times.

146. ZC7 - Under awning lighting to illuminate the footpath at night time for pedestrians is to be provided. The lighting should be energy efficient.
147. ZC8 –Internal lighting within the commercial/office/retail premises must be left on at night so as to ensure that the interior of the premises is visible from the street for security purposes. Energy efficient lighting should be used.
148. ZC10 - The building exterior is to be maintained in a clean and neat manner, including the regular cleaning of windows. Any such window cleaning is to be done in an water efficient manner, for example no hosing of the windows is permitted.
149. 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.

150. **Noise Control**

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

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

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).

Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Department of Gaming and Racing - (www.dgr.nsw.gov.au).

Standard Condition: I50 (Autotext II50)

151. **Final Acoustic Report**

Within three months from the issue of an occupation certificate, an acoustical assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the use of the does not give rise to “offensive noise” as defined under the provision of the *Protection of the Environment Operation Act 1997*.

152. **Prohibition of live bands, amplified music or speakers**

There shall be no live bands permitted to perform on the premises at any time. There shall be no amplified music or speakers external to the building at any time.

153. Garbage Storage – Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the Protection of the Environmental Operations Act, 1997.

154. Amenity of the neighbourhood

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

155. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

CONDITIONS RELATING TO ANY FUTURE STRATA SUBDIVISION OF BUILDING(S)

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

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

a) Unit Numbering

Apartment type numbers shall be installed adjacent or to the front door of each unit.
The unit number shall coincide with the strata plan lot numbering.

b) Car Parking Space Marking and Numbering

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

c) Designation of Visitor Car Spaces on any Strata Plan

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

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

- a) No parking spaces shall be created as an individual strata allotment on any Strata Plan of the subject building.
- b) 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.
- c) 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.
- d) 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.

- e) 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:

- a) The removal of any areas of common property shown upon the approved Development Application plans and allocated to any one or more strata lots,
- b) The removal of any visitor parking spaces from the strata scheme and allocated to any one or more strata lots , or
- c) 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

- 157. **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.
- 158. 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.)

- 159. **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 or call 1100. You can find out the location of Council drainage pipes by contacting Council's Service Delivery Directorate.

- 160. **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.
- 161. **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 or call 9228 6713 or contact your Solicitor.
- 162. **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 or call 131050.
- 163. **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 or call 131318.
- 164. **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 or call 9284 9600.

165. 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.
166. AD8 - **Stencilling** - Colouring or stencilling of the footpath crossing within the road reserve is prohibited.
167. 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.
168. 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.
169. 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.

170. 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.
171. If you need more information, please contact Paula Bizimis, Senior Development Assessment Officer on 9330-6284 during normal office hours.