

**JOINT REGIONAL PLANNING PANEL  
(East)**

<b>JRPP No</b>	<b>2012SYE079</b>
<b>DA Number</b>	<b>12/DA-241</b>
<b>Local Government Area</b>	<b>Hurstville City Council</b>
<b>Proposed Development</b>	<b>Demolition of existing structures and construction of a thirteen (13) storey, forty-five (45m) high building containing two (2) ground floor retail units, four (4) basement levels of car parking, and twelve (12) floors of residential units (66 units in total)</b>
<b>Street Address</b>	<b>9 Dora Street, Hurstville</b>
<b>Applicant/Owner</b>	<b>Applicant: Xycom P/L</b> <b>Owner: Xycom P/L</b>
<b>Number of Submissions</b>	<b>Fifty-four (54 )adjoining and adjacent owners notified</b> <b>Application advertised for fourteen (14) days</b> <b>One (1) submission received</b>
<b>Recommendation</b>	<b>Approval subject to conditions of consent</b>
<b>Report by</b>	<b>Paula Bizimis – Senior Development Assessment Officer Hurstville City Council</b>

## Assessment Report and Recommendation

<b>ZONING</b>	3b City Centre Business Zone
<b>APPLICABLE PLANNING INSTRUMENTS</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 55 - Remediation of Land</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• Hurstville Local Environmental Plan 1994</li> <li>• Draft State Environmental Planning Policy (Competition) 2010</li> <li>• Draft Hurstville (City Centre) Local Environmental Plan 2011</li> <li>• 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</li> </ul>
<b>HURSTVILLE LOCAL ENVIRONMENTAL PLAN 1994 INTERPRETATION OF USE</b>	“Demolish”, “Shop”, and “Residential Flat Building”
<b>EXISTING DEVELOPMENT</b>	Single storey commercial building
<b>COST OF DEVELOPMENT</b>	\$22,090,000
<b>REASON FOR REFERRAL TO JRPP</b>	Value over \$20M
<b>FILE NO</b>	12/DA-241

<b>HAS A DISCLOSURE OF POLITICAL DONATIONS OR GIFTS BEEN MADE?</b>	No
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## **EXECUTIVE SUMMARY**

1. This development application proposes demolition of existing structures and construction of a mixed use retail and residential development with associated car parking. The development comprises a thirteen (13) storey, forty-five (45m) high building, with ground floor comprising two (2) retail units, four (4) basement levels, and twelve (12) levels above ground level containing sixty-six (66) residential units.
2. The proposed development has been assessed against the requirements of the relevant environmental planning instruments and development control plans and complies.
3. The application was notified to fifty-four (54) adjoining and adjacent owners and residents, and advertised for fourteen (14) days. One (1) submission was received in reply. The issues raised in the submission are detailed in the report.

## **RECOMMENDATION**

The development application is recommended for approval subject to conditions of consent.

## **DESCRIPTION OF THE PROPOSAL**

The application proposes demolition of existing structures and construction of a mixed use retail and residential development with associated car parking. The development comprises a thirteen (13) storey, forty-five (45m) high building, with ground floor comprising two (2) retail units, four (4) basement levels, and twelve (12) levels above ground level containing sixty six (66) residential units. Specifically, the proposed development will include the following:

### Basement 4

- 27 car spaces including 2 disability accessible car spaces
- 20 storage areas
- 2 lifts and 2 stairs

### Basement 3

- 25 car spaces including 2 disability accessible car spaces
- 18 storage areas
- 2 lifts and 2 stairs

### Basement 2

- 25 car spaces including 2 disability accessible car spaces
- 18 storage areas
- 2 lifts and 2 stairs

### Basement 1

- 13 car spaces including 3 disability accessible car spaces
- 28 storage areas
- 2 lifts and 2 stairs
- Pump room and electrical room

#### Ground floor

- Two (2) retail units (Shop 1 and Shop 2) with a floor area of 48sqm and 183.8sqm respectively (retail floor area of shops 231.8 m<sup>2</sup>) and an enclosed courtyard area with direct access to Shop 2 of 221.3sqm. This is included as retail floor area in accordance with Council's LEP (total retail floor area is 453.1 m<sup>2</sup>).
- Entrance lobby for residential units
- Commercial plant room
- Substation
- Waste room
- Vehicle entry/exit to basement levels
- OSD tank
- 2 lifts and 2 stairs

#### Level 1

- 1 x 1 bedroom residential unit
- 2 x 2 bedroom residential units (including 1 x adaptable dwelling)
- 1 x 2 bedroom + study unit
- Common room/area including BBQ area, gym, child play room and community room, outdoor seating area
- 2 lifts and 2 stairs

#### Levels 2 – 11

Each of the levels 2 to 11 will contain the following:

- 1 x 1 bedroom residential unit
- 3 x 2 bedroom residential units (including 1 x adaptable dwelling per floor)
- 1 x 2 bedroom + study unit
- 1 x 3 bedroom residential unit
- 2 lifts and 2 stairs

#### Level 12

- 2 x 3 bedroom residential units
- Plant room 1 boiler room
- Plant room 2 hydraulic
- Plant room 3 mechanical
- 2 lifts and 2 stairs

In summary, the residential component of the proposed development will comprise the following:

- 11 x 1 bedroom units (floor area of 50m<sup>2</sup> each)
- 32 x 2 bedroom units (floor area of 80m<sup>2</sup>)
- 11 x 2 bedroom + study units (floor area of 100m<sup>2</sup> each)
- 12 x 3 bedroom units (floor area between 102m<sup>2</sup>, 123m<sup>2</sup> and 124m<sup>2</sup>)

Information submitted by the applicant shows:

PROPOSED FLOOR AREA	
LEVEL 12	250 sq.m
LEVEL 11	503 sq.m
LEVEL 10	503 sq.m
LEVEL 9	503 sq.m
LEVEL 8	503 sq.m
LEVEL 7	503 sq.m
LEVEL 6	503 sq.m
LEVEL 5	503 sq.m
LEVEL 4	503 sq.m
LEVEL 3	503 sq.m
LEVEL 2	503 sq.m
LEVEL 1	320 sq.m
GROUND LEVEL	241 sq.m
TOTAL	5841 sq.m

SITE AREA	976.9 sq.m
FSR	5.98 : 1

UNIT MIX	
1 BED	11 (16.7%)
2 BED	33 (50.0%)
2 BED + STUDY	10 (15.3%)
3 BED	10 (15.3%)
3 BED (PENTHOUSE)	2 (2.7%)
TOTAL	66

CAR SPACES	
BASEMENT 1	13
BASEMENT 2	25
BASEMENT 3	25
BASEMENT 4	27
TOTAL	90

CROSS VENTILATION; UNITS WITH NATURAL CROSS VENTILATION	54/66 (81%)
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SOLAR ACCESS; UNITS RECEIVING MINIMUM 3 HOURS OF SUNLIGHT BETWEEN 9AM TO 3PM 21st JUNE	54/66 (81%)
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## HISTORY

<b>09.08.2012</b>	Development application lodged for subject site.
<b>15.08.2012</b>	JRPP advised of receipt of development application.
<b>24.08.2012</b>	Application notified for fourteen (14) days.
<b>06.09.2012</b>	The application was referred to the Design Review Panel (DRP). The DRP provided its comments and recommendations on 13 September 2012.
<b>19.09.2012</b>	Briefing held with JRPP.

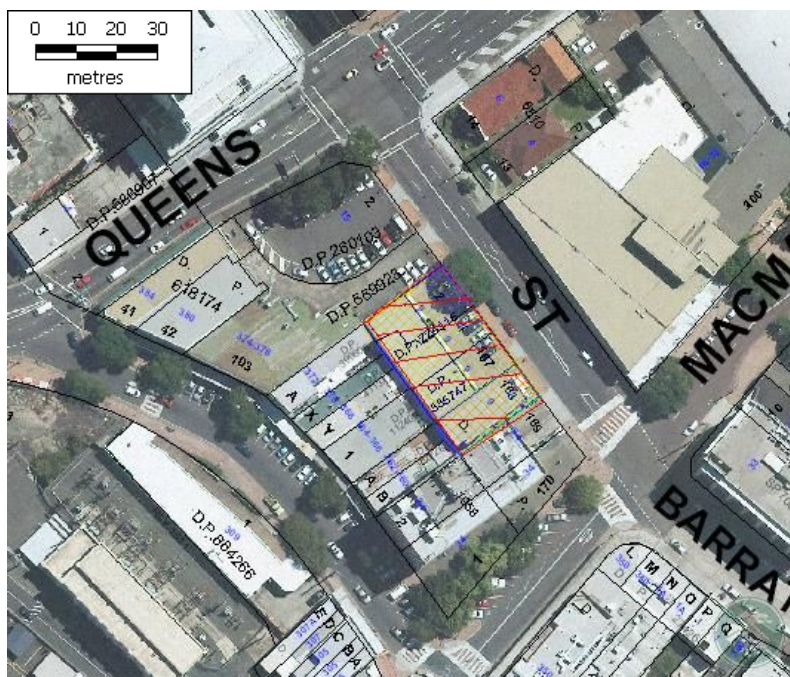
**15.10.2012** Applicant submits amended plans based on DRP comments. These amendments are detailed in the section of the report entitled State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. The amended plans are the subject of this report.

## DESCRIPTION OF THE SITE AND LOCALITY

The subject site known as 9 Dora Street Hurstville is located on the western side of Dora Street near the north western corner of MacMahon Street Hurstville. The site comprises four lots which are lots 1 and 2 DP 224116, lot 167 DP 335747, and lot 168 DP 1958. The site has a frontage of 40.2m, depth of 24.3m and a total site area of 976.9sqm. Existing development comprises a single storey commercial building which, for the most part is vacant, except for part of the building which used for the sale of porcelain products.

Adjoining the site on the southern boundary (at the corner of MacMahon Street) is a six (6) storey commercial building known as MacMahon House. This building has telecommunication antennas and equipment on the roof. Adjoining the site on the northern boundary is an “at grade” car park. Adjoining the site to the rear are single storey shops and a part one/part two storey shop which face Forest Road. The part one/part two storey shop located at 372 Forest Road is identified as a heritage item in the Hurstville Local Environmental Plan. On the opposite side of Dora Street is the three storey building housing the Hurstville City Council offices and Council Chambers.

The area surrounding the subject site is characterised by commercial and residential developments of various heights ranging from 6 to 8 storeys and one 15 storey building known as MacMahon Plaza located to the east of the subject site on MacMahon Street.



## COMPLIANCE AND ASSESSMENT

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

## **1. Environmental Planning Instruments**

### Hurstville Local Environmental Plan 1994

The site 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. The proposed use is however permissible, given that it is not listed as a prohibited use in the zone, subject to consent. The components of the building comprising residential units and shops are permissible uses under the LEP.

The objectives of the zone 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.”*

It is considered that the proposed development is consistent with the objectives of the zone.

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

### Clause 14 – Tree preservation orders

One (1) street tree located on Dora Street is to be removed to accommodate the vehicular crossing to the proposed development. Council’s Tree Management Officer has examined the application and raised no objection to the removal of the tree.

### 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 Team Leader – Subdivision and Development has advised of no objection to the proposed drainage of the site, subject to conditions of consent being attached to any consent granted.

#### 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 four (4) 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.

Clause 33 states:

- “(1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item.*
- (2) This clause extends to development:*
- (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or*
  - (b) that may undermine or otherwise cause physical damage to a heritage item, or*
  - (c) that will otherwise have any adverse impact on a heritage item or of any heritage significance of the item.*
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.*
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.”*

The subject site is in the vicinity of the heritage item known as “Belmontes Pizza Shop” located at 372 Forest Road Hurstville, adjoining the rear boundary of the site. Council's LEP 1994 identifies in Schedule 2 - Heritage Items Part 2 that 372 Forest Road comprises building elements, rendered facade, including windows and above awning level features which warrant the item's listing. It is noted that the heritage status of the building is maintained in the Draft Hurstville (City Centre) Local Environmental Plan 2011.

The applicant has submitted a Statement of Heritage Impact prepared by Rappoport P/L Conservation Architects and Heritage Consultants (August 2012, Job No 2012.1809) which assesses the impact the proposed development will have on the heritage item as well as the heritage items located at 350 Forest Road (The Hurstville Hotel) and 27 MacMahon Street (The Fire Station) which are in close proximity to the site.

The report concludes that the application could be approved without concern for the loss of heritage values of the surrounding heritage properties. This is based on the design of the development and the fact that it will not visually dominate the adjoining heritage item due to the stepping back of the development on the rear boundary, introduction of vegetation to the rear façade, and neutral modern colour palette proposed.

Accordingly, no objection is raised to the proposed development with regards to heritage impact.

#### 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 applicant has submitted a Preliminary Environmental Site Assessment Phase 1 prepared by Aargus Australia (dated December 2011). The report concludes that although there are no olfactory indicators of potential contamination and no visual indicators of underground storage tanks (past or present) on the site, there are a number of potential areas of environmental concern identified on the site. Although the potential for significant contamination of soil and groundwater within the site is low, a Phase 2 Environmental Site Assessment is recommended to be undertaken prior to the issue of any Construction Certificate.

#### 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 George El Khouri, a

registered architect, and that it was designed in accordance with the Design Quality Principles of SEPP 65. The proposed development was also peer reviewed by Eeles Trelease Architects in terms of its design.

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

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
<b>BUILDING HEIGHT</b>	Ensure future development responds to desired future scale and character of street and local area	Proposed development does not respond to the desired future scale and character of street and local area under the current controls	Yes
<b>BUILDING DEPTH</b>	Maximum 18m (glass line to glass line)	Maximum 13m for cross through units, other units generally 8m	Yes
<b>BUILDING SEPARATION</b>	<p><u>Up to 4 storeys/12m:</u>  -12m between habitable rooms  -9m between habitable rooms and balconies or non-habitable rooms  -6m, no habitable rooms to non habitable rooms</p> <p><u>5 to 8 storeys/12 to 25m:</u>  -18m between habitable rooms  -13m between habitable rooms and balconies or non-habitable rooms  -9m, no habitable rooms to non habitable rooms</p> <p>May be varied in response to site and context constraints. For lesser distances, must demonstrate that daylight access, urban form and visual and acoustic privacy is satisfactorily achieved.</p>	<p>-No windows/balconies located on side elevations of the development</p> <p>-Rear elevation of development has 5.5m setback in accordance with DCP 2 to adjoining developments which are 1 and 2 storeys high. Due to restricted width of site, a greater rear setback would restrict design of development to less than 18m in width which would compromise amenity of units</p>	Acceptable
<b>SIDE AND REAR SETBACKS</b>	Minimise impact on light, air, sun, privacy, views and outlook for neighbouring properties.	Proposed development results in minimal impact to adjoining developments	Yes
<b>FLOOR SPACE RATIO (FSR)</b>	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.	Proposed FSR is consistent with the current controls	Yes

<b>DEEP ZONES</b>	<b>SOIL</b>	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
<b>OPEN SPACE</b>		Communal open space should be generally between 25% (245sqm) of the site area.  Min private open space for apartment at ground level/podium is 25sqm.	Communal open space/area on the first floor is 29.5% of the site area (288sqm)  N/A as all residential units are located on level 1 or higher	Yes
<b>BUILDING ENTRY</b>		Create entrance which provides a desirable residential identity for development, orient visitor and contribute positively to streetscape and building design.	Entrance lobby to the building is located facing Dora Street	Yes
<b>PEDESTRIAN ACCESS</b>		Promote residential flat development that is well connected to street and contributes to accessibility.  Barrier free access to 20% of units	The residential flat development is well connected to street and contributes to accessibility.  Access to 100% of units is barrier free	Yes
<b>VEHICLE ACCESS</b>		Limit width of driveways to 6 metres.  Integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.	6m wide driveway  Car parking and servicing access is in one area and does not compromise the street character or pedestrian amenity and safety	Yes
<b>APARTMENT LAYOUT</b>		-Maximum depth from window of single aspect apartment 8.0m -The back of a kitchen should be no more than 8 metres from a window. -Width of cross-over apartments more than 15 metres deep should be a minimum of 4 metres.	-Single aspect units are 8m deep -Cross through units from window to window all less than 15m	Yes
<b>APARTMENT MIX</b>		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

<b>BALCONIES</b>	Primary balconies to be a minimum of 2 metres in depth.	All units have primary balcony with minimum 2m depth	Yes
<b>CEILING HEIGHTS</b>	<p>Mixed use building</p> <p>-GF retail/commercial minimum 3.3m</p> <p>-FF residential/retail/commercial minimum 3.3m</p> <p>Residential building in mixed use are</p> <p>-GF minimum 3.3m</p> <p>Residential buildings/floors</p> <p>-habitable rooms minimum 2.7m</p> <p>-non habitable rooms minimum 2.25m</p>	<p>Retail/commercial floor = 3.7m</p> <p>Residential floors = greater than 2.7m</p>	Yes
<b>INTERNAL CIRCULATION</b>	Maximum of 8 units to be accessible from a double loaded corridor.	Maximum number of units off corridor are 6	Yes
<b>STORAGE</b>	<p>To provide adequate storage for every day household items within easy access of the apartment</p> <p>1br = 6m<sup>3</sup></p> <p>2br = 8m<sup>3</sup></p> <p>3br = 10m<sup>3</sup></p>	<p>1br = 7m<sup>3</sup></p> <p>2br = 8m<sup>3</sup></p> <p>3br = 10m<sup>3</sup></p>	Yes
<b>DAYLIGHT ACCESS</b>	<p>-Min 70% of units receive min 3 hrs of solar access</p> <p>-Max 10% units southerly aspect</p>	<p>-81% of units receive minimum 3 hours direct sunlight</p> <p>-16.67% of units have single southerly aspect</p>	<p>Yes</p> <p>No (1)</p>
<b>NATURAL VENTILATION</b>	<p>-60% of residential units should be naturally cross ventilated.</p> <p>-25% of kitchens should have access to natural ventilation.</p>	<p>-81% of units naturally cross ventilated</p> <p>-100% of kitchens have access to natural ventilation</p>	Yes

(1) Single southerly aspect windows

The proposed development has 16.67% of units with a single southerly aspect which is above the maximum 10% required by SEPP 65. The applicant has provided that the one bedroom

units per floor don't meet this requirement but these units comply with BASIX and have cross flow ventilation.

The orientation of the site is such that it is predominantly north/south with the adjoining development to the east being built to the boundary. This inevitably results in the development having units with a southerly aspect. The units do however have cross ventilation and meet the target scores of the BASIX. Given the constraints of the site, it is considered that a variation to these requirements is acceptable.

### **Design Review Panel (DRP)**

The application was referred to the DRP who provided comments on the proposed development. The comments provided by the DRP, the applicant, and development assessment officer where relevant, are as follows:

#### **1. Context**

##### **DRP comment**

Satisfactory.

#### **2. Scale**

##### **DRP comment**

Satisfactory.

#### **3. Built Form**

##### **DRP comment**

The Panel noted that the balconies projected 450mm forward of the front boundary. Nevertheless, the Panel was of the view that the projection was acceptable in relation to the streetscape.

##### **Applicant's comment**

The development has been amended so that the balconies of the development are wholly within the property boundaries.

#### **4. Density**

##### **DRP comment**

Satisfactory.

#### **5. Resource, energy and water efficiency**

##### **DRP comment**

Satisfactory.

#### **6. Landscape**

##### **DRP comment**

Comments of the former Panel regarding the landscape treatment on the first floor have yet to be adequately addressed. Consideration of adjacent uses such as the communal gym, play area, common area and residential apartments should be reflected in an appropriate landscape proposals such as seating areas, consolidated planter zones for large trees, privacy etc. Provide wider dimension between awnings to allow for street tree canopy growth.

##### **Applicant's comment**

- The plans have been amended to show fixed louvres opening to maximum 100mm spacing.
- The plans have been amended to provide appropriate landscape treatment of the first floor.
- The plans have been amended to provide wider dimension between street awnings for tree growth.

#### Development Assessment Officer's comment

The amendments made to the design by the applicant are considered appropriate and acceptable.

### **7. Amenity**

#### DRP comment

- The Panel raised concern about the ability to provide an acceptable level of amenity in the space labeled courtyard to the rear of the building at ground floor level.
- The applicant relies upon horizontal ducts to ventilate two north facing single aspect apartments at each of levels 2 to 11 crossing apartments to the south. The Panel is of the opinion that further information is required to demonstrate that the ducts will naturally ventilate and that this solution is achievable in terms of the strata title subdivision.
- Should the balconies encroaching the front boundary be required to be contained within the property, the balcony should be maintained at a minimum of 2m.
- The Panel noted that a table allocating storage for each unit will be provided by the applicant.
- Change of location of mail boxes noted and supported. Applicant to check that mail delivery within the lobby will be acceptable. Relocating the lobby entrance door will help minimise the internal ramp.
- Balcony balustrade - reduce the extent of clear glazing to improve amenity.
- Lighting to internal corridors and typical floors – introduction of light slot noted and supported, but if possible, it should be located closer to the elevators.
- The Panel notes some concern with the impact of the proposed decorative night time lighting upon future residents.

#### Applicant's comment

- The ground floor courtyard has been addressed in the report above.
- Information has been provided that confirms that the horizontal ducts provide natural ventilation and achievable for strata title subdivision.
- The plans have been amended to show the allocation of storage areas.
- The plans have been amended to minimise the ramp. Mail delivery checked with Australia Post as acceptable.
- The plans have been amended so that the balustrades are a combination of solid and open material.
- The suggestion that the light slot to internal corridors be relocated closer to elevators if possible cannot be achieved.
- The decorative light feature will be retained as a night time feature for the CBD.

#### Development Assessment Officer's comment

The amendments made to the design by the applicant are acceptable and supported. The provision of the light slot closer to the elevators could not be achieved without affecting the design of the units. This is considered to be acceptable. The provision of night time feature

lighting is considered to be acceptable and unlikely to adversely impact the amenity of the surrounding area as the lights will be positioned facing the building. Notwithstanding this, a condition of consent has been provided in the recommendation requiring the lights to be directed away from adjoining developments.

## **8. Safety and Security**

### DRP comment

Satisfactory.

## **9. Social Dimensions**

### DRP comment

The communal spaces are strongly supported as proposed.

## **10. Aesthetics**

### DRP comment

Acceptable.

## **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 retail unit is unknown at this stage. Hence, the commercial viability, potential loss of trade, etc is irrelevant. The use of 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.

Council at its meeting on 12 April, 2012 resolved to adopt the draft Hurstville Local Environmental Plan (Hurstville City Centre) 2011 with a number of amendments and forward the draft Plan to the Department of Planning & Infrastructure under the Environmental Planning & Assessment Act 1979. Council will forward the draft Plan to the Department shortly and make further representations to the Minister of Planning and Infrastructure.

As part of the Draft LEP process the Department of Planning and Infrastructure's Gateway Determination for the Draft Plan requires the completion of a Transport Management and Accessibility Plan (TMAP) and the tender process for this work is currently underway. The Plan is due for completion in early 2013 (see Strategic Planning comments below).

Strategic Planning comments:

Under the draft Hurstville City Centre LEP 2011 the subject site is zoned B4 Mixed Use and the proposed development is permissible in the zone with the consent of Council. This draft LEP is being prepared in accordance with the Standard Instrument provisions and shows building height and floor space ratio control is a series of maps which accompany the plan.

Following is the summary of the key controls in the Hurstville LEP 1994, DCP No.2 – Hurstville City Centre, Draft Hurstville Local Environmental Plan (Hurstville City Centre) 2011 and the current proposal.

	<b>Zone / Use</b>	<b>Maximum height</b>	<b>Maximum FSR</b>
<b>Hurstville LEP 1994</b>	Zone 3 (b) – City Centre Business -	-	-
<b>DCP No 2 - Hurstville City Centre</b>	Retail/commercial on ground floor	45m	6:1
<b>Draft Hurstville LEP (HCC) 2011</b>	Zone B4 – Mixed Use	45m	6:1
<b>Current Development Application</b>	Mixed Use	13 storeys (45m)	6:1

As can be seen from the table the proposed development complies with the relevant requirements. In terms of assessing this application the draft LEP is not “imminent and certain” and for these reasons the existing planning controls take precedence when giving consideration to this proposal.

**Any other matters prescribed by the Regulations**

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

Demolition

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

### 3. Development Control Plans

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

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

The application was notified to fifty-four (54) adjoining and adjacent owners and residents, and advertised for fourteen (14) days. One (1) submission was received in reply. The submission does not object to the development but raises concern with the following:

- The construction of the building may effect adjoining buildings and a dilapidation report is requested to be prepared
- The developer is to be responsible to pay for any damages that are caused during demolition/construction
- There should be a 3m gap between construction and adjoining properties for safety reasons.

#### Comment

- Appropriate conditions of consent have been provided in the recommendation which require the applicant to prepare a dilapidation report in relation to adjoining properties, and in particular the heritage item located at the rear of the site. Further to the dilapidation report, the applicant/developer will be responsible for rectifying any damage to adjoining developments as per the findings of the dilapidation report.
- The proposed development has boundary setbacks as per the requirements of Development Control Plan No 2. In this case, the development will be built to the boundary except for the rear elevation from the first floor and above which has a setback of 5.5m. The applicant is required to secure the site before any demolition/construction work commences which will isolate the site from adjoining developments. Adjoining development should be able to operate as usual.

#### Section 4.2 - The Controls

The controls that apply to the subject site are as follows:

Block 10, Site 10B	Proposed	Compliance
<b>Use</b> Ground floor = retail/commercial Upper levels = commercial/residential	Ground floor = retail Upper levels = residential	Yes
<b>Height</b> 45m maximum	45m (13 storeys)	Yes
<b>FSR</b> 6:1 maximum	6:1	Yes
<b>Setbacks</b> <u>Street setbacks:</u> Build to street alignment for ground floor, upper floors residential	The proposed development complies with the setback requirements	Yes

setback in accordance with the Residential Flat Design Code  <u>Ground floor:</u> full site coverage allowed  <u>Top floors:</u> setback from rear boundary to form courtyard to adjacent properties at rear		
<b>Awnings</b> Cantilevered awning to Dora Street	Cantilevered awning to Dora Street	Yes
<b>Balconies</b> Minimum 1/unit, 8sqm in size 2m minimum width	Minimum 1/unit, 8sqm in size Minimum 2m dimensions	Yes
<b>Vehicles Access</b> Dora Street	Dora Street	Yes
<b>Car parking in basement</b>  Residential: 1 car spaces/100sqm (5477sqm) = 55 spaces required  Visitors: 1 car spaces/4 residential units (66 units)= 17 spaces required  Retail: 1 car space/27.5sqm (453.1sqm) = 17 spaces required  Car wash bay = 1 required (which can be a visitor space)  Total = 89 car spaces	Total = 90 car spaces provided, No car wash shown but can be a visitors space	Yes (1)

#### (1) Car parking

The applicant has provided car parking spaces in accordance with the requirements of DCP 2 however the car spaces have not been allocated to any use. This can be achieved by appropriately allocating the car spaces as required by DCP 2. A condition to this effect has been provided in the recommendation, 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	An active street frontage is proposed with the retail use	Yes

frontages, building entrances, and awnings

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
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5.1.3 – Frontage articulation: Building frontages are to be articulated 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
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5.1.7 – Roof Design Lift over-runs and plant equipment should be concealed	Lift over-runs and plant equipment are concealed	Yes
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Penthouses are encouraged to create interesting skylines using setback upper floors	No penthouses provided but upper levels of building are setback due to balcony location	Yes
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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

On site car parking is provided in accordance with the relevant requirements as detailed in the report above. The proposal also complies with the general provisions of this section relating to Australian standards for circulation spaces and sizes of spaces.

The proposed development was also referred to NSW Roads and Maritime Services (RMS) for comment. RMS has provided advisory conditions of consent to be included in any consent granted.

#### Section 6.3 - Access and Mobility

##### Adaptable dwellings

DCP 2 requires that 1 adaptable dwelling be provided for the first 8 units and then 1 for every 10 units after that, or part thereof. This equates to a total of 7 adaptable dwellings being required for the proposed development. The proposed development provides 11 adaptable dwellings.

##### Accessible residential car spaces

Where more than 50 car spaces are required for residential developments, 2% of these spaces are to be accessible. A total of 55 residential car spaces are required for the development which equates to 2 disability accessible spaces being required. The development provides 9

accessible car spaces.

#### Accessible retail car spaces

1 car space per 20 spaces or part thereof, where parking areas have more than 20 spaces but less than 50 spaces is required for retail uses. Given that only 17 spaces are provided for the retail component, no accessible car spaces are required for the retail component.

#### 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
<b>Fencing</b>	<ul style="list-style-type: none"> <li>Front fence maximum 1m, unless open type</li> </ul>	No fencing is proposed	N/A
<b>Blind corners</b>	<ul style="list-style-type: none"> <li>Direct pathways with permeable barriers</li> <li>Mirrors around corners</li> <li>Glass/steel panels in stairwells</li> </ul>	No blind corners evident. Entrances are direct from the street. Stairwells are located within the building and not visible externally	Yes
<b>Communal/public areas</b>	<ul style="list-style-type: none"> <li>Habitable rooms adjacent to public viewing areas</li> <li>Good visibility to stairwells, entries, elevators</li> </ul>	Habitable rooms face onto street. Good views from living areas to the street. Entries and elevators are visible from street and lobby	Yes
<b>Entrances</b>	<ul style="list-style-type: none"> <li>Maximum one entry point per 6-8 dwellings</li> <li>User can see into building before entering</li> <li>Entrance clearly recognisable</li> </ul>	The building has one entry point for the residential component which is clearly visible from the street. Lobby areas are visible from the street	Yes
<b>Site and building layout</b>	<ul style="list-style-type: none"> <li>Main entrance orientated towards street, and not from rear lanes</li> <li>Habitable rooms at front of dwelling</li> </ul>	Main entrance is from street. Habitable rooms are orientated towards the front and rear of the development	Yes
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>Low hedges and shrubs or high canopied vegetation</li> <li>No continuous barrier of dense growth</li> <li>Ground cover or 2m clean trunks around children's play areas, car parks and pedestrian pathways</li> <li>Prickly plants used as barriers</li> <li>Avoid vegetation that conceals building entrances</li> </ul>	Proposed landscaping as per concept landscape plan submitted is satisfactory	Yes

	<ul style="list-style-type: none"> <li>• Large trees next to second storey windows or balconies</li> </ul>		
<b>Lighting</b>	<ul style="list-style-type: none"> <li>• Use of diffused and/or movement sensitive lights</li> <li>• Access/egress routes illuminated</li> <li>• No glare or dark shadows produced</li> <li>• No lighting spillage onto neighbouring properties</li> <li>• Users can identify a face 15 metres away</li> <li>• Use of energy efficient lamps/fittings/switches</li> </ul>	Can be subject to condition of consent	Yes
<b>Building identification</b>	<ul style="list-style-type: none"> <li>• Each individual dwelling numbered</li> <li>• Unit numbers provided on each level</li> <li>• Building entries state unit numbers accessed from that entry</li> </ul>	Can be subject to condition of consent	Yes
<b>Security</b>	<ul style="list-style-type: none"> <li>• Intercom, code or card locks for building and car park entries</li> <li>• Door and window locks comply with AS 220</li> <li>• Security access to basement parking via main building</li> <li>• External storage areas well secured and lit</li> </ul>	<p>Details not provided however access to residential lobbies is secured.</p> <p>Details of separation of residential and retail car spaces are not provided but can be achieved through conditions of consent</p>	Yes
<b>Maintenance</b>	<ul style="list-style-type: none"> <li>• Provision for the speedy removal of graffiti and repair/cleaning of damaged property</li> <li>• Provision of information advising where to go for help and how to report maintenance or vandalism</li> </ul>	Can be subject to condition of consent	Yes

#### 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 shadow diagrams submitted with the application show that the proposed development will allow solar access to adjoining developments in accordance with the requirements of DCP 2 and SEPP 65.

#### Section 6.7 - Drainage and On-Site Detention Requirements

The proposed development can drain to the street in accordance with the requirements of

DCP 2.

#### 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 previously in the report.

### **4. Impacts**

#### **Natural Environment**

Although the proposal includes a large amount of excavation for the basement levels, 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 the street tree located at the front of the site can be removed. It is considered therefore, unlikely the proposal will have significant adverse impacts on the natural environment.

#### **Built Environment**

The proposed development is unlikely to have an adverse impact on the built environment. The development has a building envelope that is consistent with the requirements of the relevant planning instruments and development control plans and has acceptable impacts in terms of solar access and privacy.

With regard to the telecommunication antennas and equipment located on the roof of the adjoining building, the proposed development comprises a solid brick wall on the common boundary which does not allow for any visual or physical connection. If the application were to be approved the owners of the building accommodating the telecommunication facilities should be notified.

#### **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.

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

#### **Resident Submissions**

The submissions to the application have been discussed in the report above.

### **Internal - Council Referrals**

#### Team Leader – Subdivision and Development

Council's Team Leader – Subdivision and Development has raised no objection to the development subject to conditions of consent being attached to any consent granted.

#### Senior Environmental Health Officer

Council's Senior Environmental Health Officer has raised no objection to the application 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.

#### Tree Management Officer

Council's Tree Management Officer has raised no objection to the application.

### **External Referrals**

#### Roads and Maritime Services (RMS)

The application was referred to the RMS. The RMS has provided advisory conditions of consent to be 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 permission to demolish the existing structures and construct a retail and residential development with associated car parking. The development comprises a thirteen (13) storey, forty-five (45m) metre high building, with two (2) ground floor retail units, four (4) basement levels, and twelve (12) levels containing sixty six (66) residential units.

The proposed development has been assessed against the requirements of the relevant planning instruments and development control plans and complies. A Heritage Impact Statement has been provided with the application which concludes that the proposed development will have negligible impact on the heritage items adjoining, and in the vicinity of the development. The issues raised by the Design Review Panel have been addressed through the provision of amended plans, and the concerns raised in the submission received to the application can be addressed through conditions of consent.

## **RECOMMENDATION**

THAT pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Joint Regional Planning Panel grants development consent to Development Application 12/DA-241 for demolition of existing structures and construction of a retail and residential development comprising a thirteen (13) storey building with two (2) ground floor retail units, four (4) basement levels, and twelve (12) levels containing sixty six

(66) residential units on Lots 1 and 2 DP 224116, Lot 167 DP 335747, and Lot 168 DP 1958 and known as 9 Dora Street Hurstville, subject to the following conditions of consent:

**BEFORE COMMENCING BUILDING WORK, you must obtain a Construction Certificate from the Council or an Accredited Certifier.**

**DEVELOPMENT CONSENT** is granted to the Development Application described above, subject to the conditions in Schedules A, B and C.

**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.

**Right of Review** – If you are dissatisfied with this decision, you may request a review of the determination from Hurstville City Council under Section 82A of the Environmental Planning and Assessment Act 1979 within six (6) months of the endorsement date on this notice. (Section 82A is not applicable to Integrated or Designated Development).

**Right of Appeal** – Alternatively, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the NSW Land and Environment Court within six (6) months of the endorsement date on this notice.

## Schedule A – Site Specific Conditions

### GENERAL CONDITIONS

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

1. **GEN1001 - Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Reference No.	Date	Description	Revision	Prepared by
Job No 2012-02, Sheet No DA 1001, 1002, 1003, 1004	July 2012	Basement 1 Plan, Basement 2 Plan, Basement 3 Plan, Basement 4 Plan	B	George El Khouri Architects
Job No 2012-02, Sheet No DA 1100, 1101, 1102,	July 2012	Ground Floor Plan, Level 01 Floor Plan, Level 02-11 Typical Floor Plan, Level 12 Floor Plan,	B	George El Khouri Architects

1103, 1104, 1105		Lower Roof Plan, Roof Plan		
Job No 2012-02, Sheet No DA 2000, 2001, 2002, 2003	July 2012	North East/Street Elevation, North West Elevation, South West/Rear Elevation, South East Elevation,	B	George El Khouri Architects
Job No 2012-02, Sheet No DA 3000	July 2012	Section A-A	B	George El Khouri Architects
Job No 2012-02, Sheet No DA 4000, 4001, 4002, 4003, 4004, 4005	July 2012	Shadow Diagrams	B	George El Khouri Architects
Job No 2012-02, Sheet No DA 4500, 4501	July 2012	Solar Diagram and cross Flow Diagrams	B	George El Khouri Architects
Job No 2012-02, Sheet No DA 5000	July 2012	Finishes Schedule	B	George El Khouri Architects
Job No 2012-02, Sheet No DA 6000	July 2012	Streetscape Diagram	B	George El Khouri Architects

2. **GEN1002 - Fees to be paid to Council** - 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	\$		
Plan First Fee	X	AP35	\$		
Notification Fee	X	AP12	\$		
Imaging Fee	X	AP165	\$		
Long Service Levy		AP34	\$		
Builders Damage Deposit		BON2	\$3750.00		
Inspection Fee for Refund of Damage Deposit		DA6	\$130.00		

S94 - Open Space & Community Recreation		CONT9	\$430,197.00		
S94 - Community Services & Facilities		CONT3	\$228,469.00		
S94 - Drainage Services - Georges River		CONT5	\$Nil		
S94 - Management		CONT8	\$16,856.31		
S94 - Library Infrastructure		CONT7	\$116,539.00		
S94 - Library Book stock		CONT4	\$656.26		
S94 - Residential traffic & Parking in Hurstville CBD		B01	\$11,720.78		

**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	\$		
Construction Certificate Application Fee		CC1	\$		
Construction Certificate Imaging Fee		AP165	\$		

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.

3. **GEN1007 - Section 94 - 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 \$430,197.00.**

4. **GEN1008 - Section 94 - 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 \$228,469.00.**

5. **GEN1010 - Section 94 - 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 \$16,856.31.**

6. **GEN1011 - Section 94 – 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 \$116,539.00.

(b) The book stock acquisition contribution for residential development is \$656.26.

**The total Library and Information Services Section 94 contribution required and payable before release of the Construction Certificate is \$117,195.26.**

7. **GEN1003 – Section 94 -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 is \$2.14 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 \$11,720.78.**

8. **GEN1013 - Section 94 - 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. You must contact Council prior to payment to determine whether the contribution(s) amount is varied from that indicated in the consent due to adjustments to the Consumer Price Index – Sydney All Groups, as published by the Australian Bureau of Statistics. If you engage an Accredited Certifier, payment must be made before the 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.

9. **GEN1014 - Long Service Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to [www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au) or call 131441. Evidence of the payment of this levy must be submitted with the Construction Certificate application.
10. **GEN1016 - Damage Deposit – Major Works** - In order to insure against damage to Council property the following is required:
  - (a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$3750.00.**
  - (b) Payment to Council of a non refundable inspection fee to enable assessment of any damage and repairs where required: **\$130.00.**
  - (c) At the completion of work Council will:
    - (i) review the dilapidation report prepared prior to the commencement works
    - (ii) review the dilapidation report prepared after the completion of works;
    - (iii) Review the Works –As-Executed Drawings (if applicable); and
    - (iv) inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

- (d) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.

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

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

11. **APR6001 - Engineering - Section 138 Roads Act and Section 68 Local Government Act 1993**

**Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.**

A separate approval is required to be lodged and approved under **Section 138 of the Roads Act 1993** and/or **Section 68 of the Local Government Act 1993** for any of the following activities carried out in, on or over a public road (including the footpath):

- (a) Placing or storing materials or equipment;

- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve; and
- (k) Stormwater and ancillary to public infrastructure on private land

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

The relevant Application Forms for these activities can be downloaded from Hurstville City Council’s website [www.hurstville.nsw.gov.au/I want to/Download a Council Form](http://www.hurstville.nsw.gov.au/I_want_to/Download_a_Council_Form). For further information, please contact Council’s Customer Service Centre on (02)9330 6222.

12. **CC3018 - Development Engineering - Extension of Council’s Stormwater System**

A Section 138 Roads Act Drainage Application is to be submitted to and approved by Council for the extension of Council’s drainage system. This extension shall be from the existing kerb inlet pit near the intersection of Queens Road to a point immediately upstream (South East) of the proposed vehicle crossing directly in front of the development site. The piped extension shall comprise 375mm (min) diameter class 3 reinforced concrete pipeline and a kerb inlet pit with 1.8 metre long (minimum) lintel opening in accordance with Council’s Drainage Specification.

This Section 138 Application shall be approved by Council **prior to the issue of a Construction Certificate**.

13. **APR6003 - Engineering - Vehicular Crossing – Major Development** - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- (a) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council’s Specifications for vehicular crossings.
- (b) Construct a new full width (boundary to kerb) footpath in paving material approved and specified by Council’s Engineer for the full frontage of the site in Dora Street in accordance with Council’s Specifications for footpaths.
- (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council’s *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.

Constructing a vehicular crossing and/or footpath requires **separate approval** under **Section 138 of the Roads Act 1993**, prior to the issue of the **Construction Certificate**.

To apply for approval:

- (a) Complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Hurstville Council's Website at [www.hurstville.nsw.gov.au/I want to/Download a Council Form](http://www.hurstville.nsw.gov.au/I%20want%20to/Download%20a%20Council%20Form)
- (b) In the Application Form, quote the Development Consent No. (eg. 2012/DA-241) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Vehicular Crossing applications.

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

- 14. **APR6004 - Engineering - 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 a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

#### **REQUIREMENTS OF OTHER GOVERNMENT AGENCIES**

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

- 15. **GOV1008 - Sydney Water - Section 73 Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

The Notice of requirements must be submitted prior to the commencement of work.

- 16. **GOV1009 - Sydney Water – Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act must be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
- 17. **GOV1010 - Ausgrid – Substation or Kiosk** - Ausgrid 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

Ausgrid, 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 Building Code of Australia. The substation site to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. For details visit [www.ausgrid.com.au](http://www.ausgrid.com.au) or call 131525.

(a) written confirmation of Ausgrid's requirements is to be submitted **prior to the issue of the Construction Certificate**; and

(b) Ausgrid's requirements are to be met before the issue of the Occupation Certificate.

18. GOV1011 - **Ausgrid** – Underground electrical conduits - Ausgrid 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 Ausgrid's specifications. Ausgrid 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.ausgrid.com.au](http://www.ausgrid.com.au) or call 131525.

(a) a copy of Ausgrid'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 Ausgrid'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 beneficiary of this consent, a Road Opening Permit Application must be submitted to, and approved by, Council **before the issue of the construction Certificate**.

19. GOV1012 - **Ausgrid** – Clearances to electricity mains - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Ausgrid 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 Ausgrid for any necessary modification to the electrical network in question. For details visit [www.ausgrid.com.au](http://www.ausgrid.com.au) or call 131525.

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

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

20. CC2004 - **Development Assessment - Design Changes** - The following design changes are required and are to be incorporated into the plans to be lodged with the Construction Certificate application.

(a) The proposed development is to be designed such that road traffic noise from Queens Road is mitigated by durable materials and complies with the requirements of Clause 102 (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.

- (b) The swept path of the longest vehicle entering and exiting the 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 development complies with this requirement.
  - (c) The car parking spaces for the residential and retail component shall be separated such that entry to the residential car spaces is available only to residents and their visitors. This condition has been imposed so that the development complies with crime prevention principles.
21. The recommendations of the Preliminary Environmental Site Assessment Phase 1 prepared by Aargus Australia (dated December 2011) are to be implemented. This includes the preparation of a Phase 2 Environmental Site Assessment prior to the issue of the Construction Certificate. The finding/recommendations of the Phase 2 Environmental Site Assessment are to be implemented at the relevant construction stages.
22. **CC2001 - Development Assessment - Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- (a) Compliance with the approved Erosion and Sediment Control Plan
  - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
  - (c) all clean water run-off is diverted around cleared or exposed areas
  - (d) silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
  - (e) all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
  - (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
  - (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
  - (h) Compliance with Managing Urban Stormwater – Soils and Construction (Blue Book) produced by Landcom 2004.

These measures are to be implemented before the commencement of work (including demolition and excavation) and must remain until the issue of the occupation certificate.

23. **CC2008 - Development Assessment – Landscape Plan** - A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
  - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
  - (c) Location, numbers and type of plant species;
  - (d) Details of planting procedure and maintenance;
  - (e) Details of drainage and watering systems.

24. **CC2003 - Development Assessment - Construction Site Management Plan** - A Construction Site Management Plan must be submitted with the application for the Construction Certificate, and must include the following measures:

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

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

25. **CC2009 - Development Assessment – Pre-Construction Dilapidation Report** – Private Land - A qualified structural engineer shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All adjoining properties with a common boundary to the subject site.

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

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

26. **CC2010 - Development Assessment – SEPP 65 Design Verification Statement** - A certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

27. **CC3004 - Development Engineering -Stormwater Drainage Plans** - The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) 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.**

28. **CC3001 - Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken. The underground basement car park must pump to and all other stormwater must drain by gravity to upper level of the new kerb inlet pit required to be constructed directly in front of the development site as part of the extension of Council's stormwater system. The design of this proposed drainage system must be prepared by a qualified practicing hydraulics engineer (with details of qualifications being provided) and be submitted for approval with the Construction Certificate application.

29. **CC3005 - Development Engineering -On Site Detention**

The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

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

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

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

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

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

30. **CC2011 - Development Assessment – BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. 407316M\_03 dated 10 January 2012, approved with the Development Consent 12/DA-241 must be implemented on the plans lodged with the application for the Construction Certificate.

31. **CC3014 - Development Engineering - Allocation of car parking and storage areas**  
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.**

32. **CC5004 - Trees – Tree Removal & Replacement - Public Land**  
Permission is granted for the removal of the following trees located on Councils public footpath:

(a) The tree located at the front of the site on Dora Street on the public reserve.

This work is to be undertaken at the applicant's expense. Please refer to Section O1 in Council's adopted *Schedule of Fees and Charges* for the administration and replacement tree fees which apply to this work.

You have the option of Council removing the Council street tree/s or engaging a private contractor to undertake the work.

Should you choose Council to undertake the work, the following fees apply:

Fee Type	Fee Type	Amount
Administration Fee for Tree Removal	RC83	\$140.00
Replacement Tree Fee (per Tree)	RC83	\$116.00
Cost of tree removal	RC83	TBA
Cost of Stump Grinding	RC83	TBA

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.

The fees must be paid to Council prior to the issue of the Construction Certificate and evidence of payment must be provided to the Principal Certifying Authority.

Should you choose a Private Contractor to undertake the work; the private contractor must have a minimum of \$10 million dollars public liability insurance. Prior to the commencement of any work, the form entitled *Application for the Removal of a tree by private contractor on public footpath* accompanied by evidence of the Public Liability Insurance must be lodged with Hurstville City Council Tree Services Division.

33. **CC6004 - Engineering –Traffic Management – Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS2890.2 (for commercial vehicle facilities).
34. **CC6005 - Engineering – Traffic Management – Construction Traffic Management Plan (Large Developments only)** - A Construction Traffic Management Plan detailing:
- (a) construction vehicle routes;
  - (b) anticipated number of trucks per day;
  - (c) hours of construction;
  - (d) Access arrangements; and

(e) Proposed traffic measures to minimise impacts of construction vehicles

must be submitted to the satisfaction of Council's Engineers prior to the issue of the Construction Certificate. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

35. **CC7002 - Building – Fire Safety Measures** - Prior to the issue of a Construction Certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.
36. **CC7004 - Building – Structural details** - Structural plans and specifications prepared and endorsed by a suitably qualified practising structural engineer who holds the applicable Certificate of Accreditation as required under the *Building Professionals Act 2005* shall be submitted along with the Construction Certificate application to the 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
  - (j) structural framework
37. **CC7011 - Building – Slip Resistance- Commercial, Retail & Residential Developments** - 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 and must be detailed on the plans lodged with the application for the Construction Certificate.
38. **CC4006 - Health -Acoustic Certification – Rooftop Mechanical Equipment (CBD only)**  
The Construction Certificate plans must be accompanied by a certificate from a *professional acoustic engineer* certifying that noise from the operation of the roof top mechanical plant and equipment will not exceed the background noise level when measured at any boundary of the site. If sound attenuation is required, this must be detailed on the plans lodged with the Construction Certificate.
39. **CC4008 - Health -Car Wash Bays**  
Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

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

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

40. **CC8005 - Waste – Waste Storage Containers – Mixed Use Developments -** For the **Residential portion** of the building the following waste and recycling facilities will be required:-

- (a) Domestic Waste:- 17 x 240 litre Mobile Bins (MB's);
- (b) Domestic Recycling:- 22 x 240 litre MB's.

Larger 1,100 litre MB's may be used as an alternative, but an equivalent amount of space will need to be provided.

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.

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.

If the Waste Storage Area is located in a part of the building that cannot be easily accessed by service providers, it will be the responsibility of the Owners Corporation to present the bins for collection to the kerb-side.

Details of the Waste Storage Area must be illustrated on the plans submitted with the application for the Construction Certificate.

41. **CC8001 - Waste – Waste Management Plan -** A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site, clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Principal Certifying Authority and copy provided to the Manager - Environmental Services, Hurstville City Council prior to the issue of any Construction Certificate.

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

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

42. **PREC2001 - Building regulation -Site sign – Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), the durable site sign issued by Hurstville City Council in conjunction with this consent must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

43. **PREC2002 - Development Assessment – Demolition and Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2011 – Demolition of Structures, *NSW Work Health & Safety Act 2011* and the *NSW Work Health & Safety Regulation 2011*. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifying Authority prior to the commencement of works.

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

The asbestos removal work shall also be undertaken in accordance with the *How to Safely Remove Asbestos: Code of Practice* published by Work Cover NSW.

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

44. **PREC6001 - Engineering – Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.
45. **PREC6002 - Engineering – Dilapidation Report on Public Land – Major Development Only** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared on Council infrastructure adjoining the development site on Dora Street.

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

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,

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

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped.

Council will use this report to determine whether or not to refund the damage deposit after the completion of works.

46. **PREC7001 - Building – Registered Surveyors Report - During Development Work** - A report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (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.

## **DURING WORK**

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

47. **CON2001 - Development Assessment - Hours of construction for demolition and building work** - Work in connection with the demolition of any existing buildings and the removal of spoil and materials from the site that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity shall be permitted to be performed on any Sunday, Good Friday, Christmas Day or any Public Holiday. A penalty infringement notice may be issued for any offence.

In addition to the foregoing requirements, construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall be prohibited on Saturdays and Sundays on weekends adjacent to a public holiday.

48. **CON2002 - Development Assessment – Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved separately by Council.
49. **CON6002 - Engineering -Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.
50. **CON8001 - Waste – Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifying Authority and a copy provided to the Manager Environmental Services, Hurstville City Council.

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

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

51. **OCC2004 - Development Assessment – BASIX Compliance Certificate** - A Compliance Certificate must be provided to the Principal Certifying Authority regarding the implementation of all energy efficiency measures as detailed in the BASIX Certificate No. 407316\_03 dated 10 January 2012, and in the plans approved with the Development Consent/ Construction Certificate, before issue of the Occupation Certificate.
52. **OCC2005 - Development Assessment – Completion of Landscape Works** - All landscape works must be completed before the issue of the Final occupation certificate.
53. **OCC2006 - Development Assessment –Post Construction Dilapidation report – Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether

the construction works associated with the subject development created any structural damage to the following adjoining premises:

- (a) All properties with a common boundary to the subject site.

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

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

54. **OCC2007 - Development Assessment – Allocation of car parking spaces** - Car parking associated with the development is to be allocated as follows:

- (a) Residential dwellings: 55 car spaces
- (b) Residential visitors: 17 car spaces
- (c) Retail: 17 car spaces
- (d) Car wash bay: 1 car wash bay (which can be a visitor space)

55. **OCC6002 - Engineering – Vehicular crossing and Frontage work – Major development** - The following road frontage works shall be constructed in accordance with Council's, *Specification for Vehicular Crossings and Associated Works* together with the *Vehicular Crossing Approval* issued by Council's Engineering Services Division:

- (a) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council's Specifications for vehicular crossings.
- (b) Construct a new full width (boundary to kerb) footpath in paving material approved and specified by Council's Engineer for the full frontage of the site in Dora Street in accordance with Council's Specifications for footpaths.
- (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.

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

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

56. **CON6003 - Development Engineering**

The approval of the relative utility authority shall be obtained prior to any relocation or removal of the light pole located outside the site.

57. **OCC3008 - Development Engineering- Consolidation of Site**

The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Department of Lands prior to the issue of a final occupation certificate.

58. **OCC6008 - Engineering – Dilapidation Report on Public Land - Major Development Only** - Upon completion of works, a follow up dilapidation report must be prepared on Council infrastructure adjoining the development site on Dora Street.

The dilapidation report must be prepared by a qualified structural engineer. The report must be provided to the Principal Certifying Authority and a copy provided to the Council.

The report must include the following:

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

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Further, Council will use this report to determine whether or not to refund the damage

59. **OCC7001 - Building – Fire Safety Certificate before Occupation or Use** - Prior to the issue of an occupation certificate the owner of the building must issue a final fire safety certificate and must cause a copy of that final fire safety certificate to be given to the principle certifying authority issuing the occupation certificate. The final 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 final 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 final fire safety certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

60. **OCC7002 - Building – 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. Details of compliance must be submitted with the application for the Occupation Certificate.
61. **OCC4004 - Health -Noise from mechanical plant and equipment – CBD Only**  
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.

## **ONGOING CONDITIONS**

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

62. **ONG2003 - Development Assessment – Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained on an on-going basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control and any other operations required to maintain healthy trees, plants and turf areas.
63. **ONG7002 - Building – 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 statement to be given to Council prior to or upon the due date for lodgement as required by Council.

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 9, 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.

64. **ONG4017 - Health -Lighting – General Nuisance**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill.

65. **ONG4018 - Health -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.

66. **ONG3004 - Development Engineering - Conditions relating to future Strata Subdivision of Buildings**

No approval is expressed or implied for the subdivision of the subject building(s). For any future Strata subdivision, a separate 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.

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

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

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

(e) On Site Detention Requirements

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

(f) Creation of Positive Covenant

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

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

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

**67. ONG3005 - Development Engineering – Additional requirements for the issue of a Strata Certificate**

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;
- d) Under no circumstances shall any future Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building.

**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.

68. **ONG3006 - Development Engineering – On-going maintenance of the on-site detention system**

The Owner(s) must in accordance with this condition and any positive covenant:

- (a) Permit stormwater to be temporarily detained by the system;
- (b) Keep the system clean and free of silt rubbish and debris;
- (c) If the car park is used as a detention basin, a weather resistant sign must be maintained in a prominent position in the car park warning residents that periodic inundation of the car park may occur during heavy rain;
- (d) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by the Council;
- (e) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense;
- (f) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- (g) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at anytime and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- (h) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;

- (i) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations;
- (j) Indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the Owners in respect of the Owner's obligations under this condition.

#### **ADVICE**

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

**69. ADV3002 - Development Engineering - Existing Sewer Main**

Council's records show an existing sewer main located along the rear boundary of the site. The requirements of Sydney Water regarding this sewer main will have to be met for the proposed construction works

- 70. Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.
- 71. All works/regulatory signage associated with the proposed development shall be at no cost to NSW Roads and Maritime Service.
- 72. **ADV2002 - Development Assessment - Site Safety Fencing** - Site fencing must be erected in accordance 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 throughout any demolition and construction work.

For more information visit [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

## Schedule B – Prescribed Conditions

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

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

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

73. **PRES1001 - Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
74. **PRES1002 - Clause 98 – Building Code of Australia and Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the *Home Building Act 1989* relates, there is a requirement for a contract of insurance to be in force before any work commences.
75. **PRES1003 - Clause 98A – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifying Authority and the Principal Contractor.
76. **PRES1004 - Clause 98B – Home Building Act 1989** - If the development involves residential building work under the *Home Building Act 1989*, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the *Home Building Act 1989*.
77. **PRES1005 - Clause 98C- Entertainment Venues** - Schedule 3A of the *Environmental Planning and Assessment Act 1979* outlines the prescribed conditions which apply to Entertainment Venues.
78. **PRES1006 - Clause 98D – Erection of sign for maximum number of persons** - This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.
79. **PRES1007 - Clause 98E – Protection and support of adjoining premises**  
If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

## Schedule C – Operational & Statutory Conditions

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

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

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

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

81. **OPER1002 - Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:
- (a) appointed a Principal Certifying Authority (PCA) for the building work; and
  - (b) if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.

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

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

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

82. **OPER1003 - Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the PCA must notify:
- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
  - (b) the beneficiary of the development consent of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
83. **OPER1004 - Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

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

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

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

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

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

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

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

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

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

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

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

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

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

If you need more information, please contact Paula Bizimis, Senior Development Assessment Officer below on 9330-6222 during normal office hours.