

**JOINT REGIONAL PLANNING PANEL
(East)**

JRPP No	2013SYE065
DA Number	MOD2013/0038
Local Government Area	Hurstville City Council
Proposed Development	Section 96(2) application to modify Development Consent No 11/DA-356 for a mixed retail/residential development to undertake alterations and additions to the approved development including the provision of an additional storey to the Woodville Street building.
Street Address	2-2a Barratt Street and 18, 20, 22 Woodville Street Hurstville
Applicant/Owner	Hua Cheng International Holdings Group P/L
Number of Submissions	<p>Thirty two (32) adjoining and adjacent owners/residents notified</p> <p>Application advertised for fourteen (14) days</p> <p>No submissions received</p>
Recommendation	Approval subject to conditions of consent
Report by	Paula Bizimis – Senior Development Assessment Officer Hurstville City Council

Assessment Report and Recommendation

ZONING	3b City Centre Business Zone
APPLICABLE PLANNING INSTRUMENTS	<ul style="list-style-type: none"> • State Environmental Planning Policy No 55 - Remediation of Land • State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Draft State Environmental Planning Policy (Competition) 2010 • Draft Hurstville Local Environmental Plan • Hurstville Local Environmental Plan 1994 • Hurstville Development Control Plan No. 2 – Section 2.2 Neighbour Notification and Advertising of Development Applications, Section 4.2 The Controls, Section 5.1 Design Guidelines for Building, Public Domain and Open Space, Section 6.1 Car Parking, Section 6.3 Access and Mobility, Section 6.4 Crime Prevention through Environmental Design, Section 6.5 Energy Efficiency, Section 6.7 Drainage and On-Site Detention Requirements, Section 6.9 Waste Management, Section 6.10 Development of a Heritage Item or on the Vicinity of a Heritage Item
HURSTVILLE LOCAL ENVIRONMENTAL PLAN 1994 INTERPRETATION OF USE	“Demolish”, “Shop”, and “Residential Flat Building”
EXISTING DEVELOPMENT	Former public community building and public toilets and two storey commercial buildings
COST OF DEVELOPMENT	\$25,990,000 for original development
REASON FOR REFERRAL TO JRPP	Value over \$20M
FILE NO	MOD2013/0038 (11/DA-356:5)
HAS A DISCLOSURE OF POLITICAL	No

DONATIONS OR GIFTS BEEN MADE?	
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EXECUTIVE SUMMARY

1. On the 23 April 2012 the JRPP granted development consent to development application 11/DA-356 for the demolition of existing structures and construction of a mixed development containing two (2) buildings of 13 storeys and 7 storeys, 3 basement levels, 5 ground floor retail units, and 100 residential units. This consent has been modified on one occasion which involved deferring section 94 contributions until the ground floor slab.
2. The current application being a section 96(2) application seeks permission to modify the approved development by modifying the layout of residential units on levels 1, 2, and 3 of the Woodville Street building, providing an additional floor (level 13) to the Woodville Street building which contains three (3) units, relocating car spaces and providing a new basement level 4, and undertaking design changes required by condition 13 of the development consent.
3. The proposed development has been assessed against the requirements of the relevant planning instruments and development control plans and does not comply with the height requirements of DCP 2. This is discussed in the report.
4. The application was notified/advertised to thirty two (32) adjoining and adjacent owners/residents and no submissions were received in reply.

BACKGROUND

Development Application 2008/DA-208 was approved on 8 September 2008 for demolition of structures and the construction of a mixed use development comprised of two buildings with seven (7) storeys and thirteen (13) storeys with basement car park. On 1 February 2011, a modification to this consent was approved for the construction of an additional car park and to vary Section 94 contribution for deficient car parking. This development has a floor space ratio of 6.11:1 and a maximum height of 47.6m.

On the 21 March 2012 the Sydney East Joint Regional Planning Panel considered development application 11/DA-356 and resolved as follows:

- 1) *The majority of the Panel (for: Sue Francis, Con Hindi and Phillip Sansom; against John Roseth and David Furlong) resolves to defer the application pending the submission of an amended proposal.*
- 2) *The Panel requests the applicant to submit, by 18 April 2012, an amended proposal that*
 - a) removes one floor from the Barratt Street section and*
 - b) removes sufficient floor space from the Woodville Street section to bring the proposal into compliance with the FSR of 5.57:1.*

- 3) *The reason for the decision is that the majority of the Panel believes that a variation of the FSR control is not justified, that the height of the Barratt Street section should be the same as the six-storey adjoining building (as suggested by the Design Review Panel), and because the draft LEP indicates the future character to be of a lower FSR of 5:1.*
- 4) *John Roseth and David Furlong voted against the resolution and would have approved the application subject to the removal of one floor only from the Barratt Street section, which would have still resulted in a non-compliant FSR. They would have accepted this non-compliance in view of the existing approval of a building for this site with a FSR of over 6:1, which they considered to be an important circumstance of the case.*

The above amendments were undertaken to the development and on the 23 April 2012 the JRPP granted development consent to development application 11/DA-356 for the demolition of existing structures and construction of a mixed development containing two (2) buildings of 13 storeys and 7 storeys, 3 basement levels, 5 ground floor retail units, and 100 residential units.

On the 18 May 2012 an application under Section 96(1A) of the Environmental Planning and Assessment Act, 1979 was approved to defer the payment of section 94 contributions until construction stage reaches the ground floor slab at RL 70.

DESCRIPTION OF THE PROPOSAL

On the 9 August 2013 a section 96(2) application was lodged to undertake the following modifications to the approved development:

- Modify apartments on level 1, 2 and 3 to improve amenity
- Add levels 13 and 14 to the Woodville Street building
- Reallocate car parking spaces in the basement car park
- Undertake design changes required by condition 13 of the development consent

The above modifications resulted in an increase to the floor space ratio and height of the approved development. The applicant was subsequently advised that the application could not be supported in light of the non compliances, in particular the increase to the floor space ratio.

On the 22 October 2013 the applicant submitted amended plans which show the deletion of level 14 from the Woodville Street building and reconfiguration of the car parking areas.

The amended application being a section 96(2) application, seeks permission to modify the approved development as follows:

- Modify residential units on levels 1, 2 and 3 of the Woodville Street building to improve amenity to the “studio” style units by providing bedrooms with a window to the “outside”. As a result of this the rear setback of the development has been increased from 10m to 14.1m.

- Add one floor (level 13) to the Woodville Street building which contains three (3) residential units (1 x 3 bedroom and 2 x 2 bedroom). The provision of the additional floor will not increase the number of residential units in the development. The number of units will be one hundred (100) as approved. As a result of the additional level the height of the Woodville Street building will increase from the approved 43.3m to 45.6m. The floor space ratio of the development will be reduced from the approved 5.57:1 to 5.52:1 (5.54:1 including 2 additional car spaces provided).
- Relocate three (3) car parking spaces from the ground level to within the basement car parking area.
- Provide an additional basement level 4 to the development which contains ten (10) car spaces. The total number of car spaces to the development will be one hundred and twenty four (124).
- Undertake design changes required by condition 13 of the development consent.

The amended development will contain two (2) buildings, one being of 14 storeys on the Woodville Street elevation and the other being 7 storeys on the Barratt Street elevation, 4 basement levels, 5 ground floor retail units, and 100 residential units (43 x 1 bedroom, 45 x 2 bedroom, and 12 x 3 bedroom).

Specifically the proposed development will include the following:

New basement level 4

- 10 residential car spaces
- 10 storage areas
- 1 lift and 1 stairs

Basement 3

- 38 residential car spaces including 6 disability accessible car space
- 35 storage areas
- 3 lifts and 2 stairs

Basement 2

- 39 residential car spaces including 4 disability accessible car spaces
- 35 storage areas
- 3 lifts and 2 stairs

Basement 1

- 13 retail/commercial car spaces including 2 disability accessible car spaces
- 3 residential car spaces including 1 disability accessible car spaces
- 11 visitor spaces including 1 car wash bay
- 7 storage areas
- 3 lifts and 2 stairs
- Sprinkler tank and hydrant tank, grease arrestor, Building A waste room

Ground floor

- 5 retail units with a floor area of between 63sqm and 276sqm (total retail floor area is 706sqm)

- Storeroom for retail unit 1
- Male and female toilets
- Commercial waste room
- Building B waste room
- Storeroom, fire pump room, substation, security control room, booster area
- 3 lifts and 3 stairs
- Lobby area for Barratt Street building facing Barratt Street
- Lobby area for Woodville Street building facing Woodville Street
- Loading area and vehicle entry/exit to car parking areas

Barratt Street Building

The Barratt Street building faces Barratt Street and is a 7 storey building containing 17 x 1 bedroom units and 7 x 2 bedroom units and 2 x 3 bedroom units.

Woodville Street Building

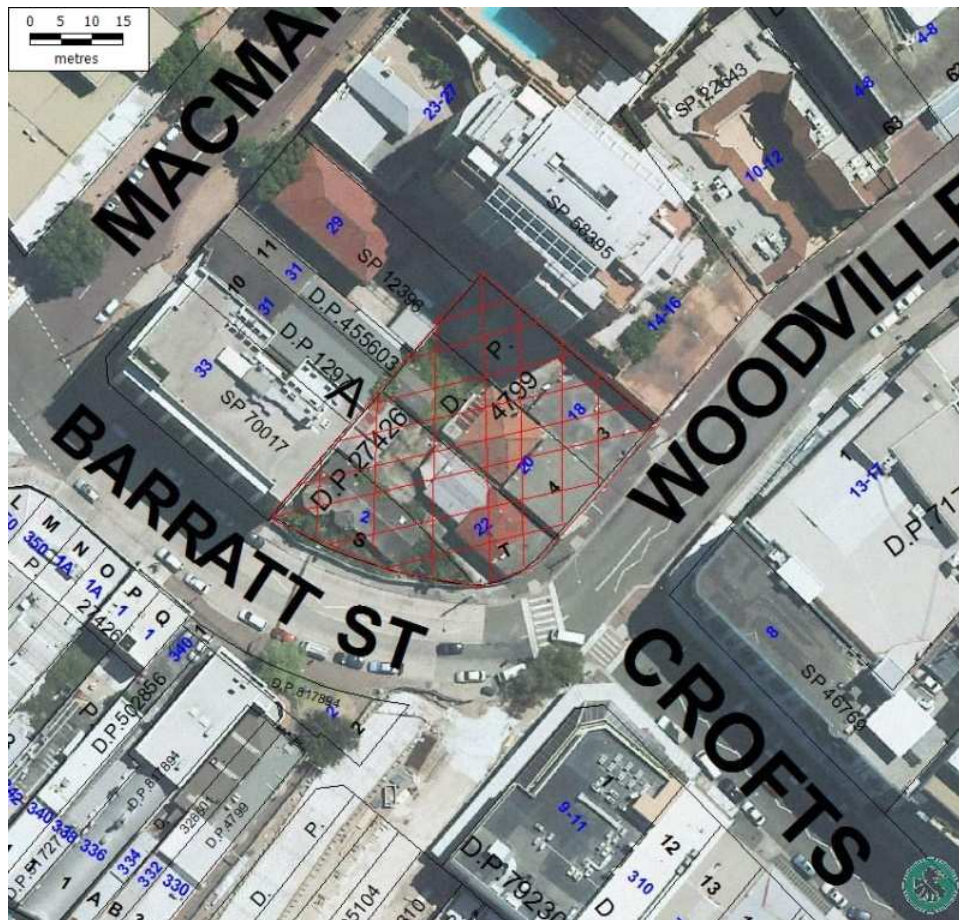
The Woodville Street building faces Woodville Street and is a 14 storey building containing 26 x 1 bedroom units, 38 x 2 bedroom units, and 10 x 3 bedroom units.

DESCRIPTION OF THE SITE AND LOCALITY

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

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

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



COMPLIANCE AND ASSESSMENT

Assessment of Section 96(2) Application

Under section 96(2) of the Environmental Planning and Assessment Act an application to modify the development consent can be considered by the consent authority if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

It is considered that the proposed development is substantially the same development. Although the modified development will result in an additional basement level and an additional residential floor (level 13) to the Woodville Street building, the floor space ratio will be reduced and composition of the development will remain as approved.

The amended development will maintain the approved uses, being ground floor shops, 100 residential units, and basement car parking areas and as such the development will remain fundamentally as originally approved.

The additional height to the development being, 2.3m is considered to be negligible in terms of its appearance from Woodville Street and Barratt Street particularly as its footprint sits primarily in the middle of the floor plate. The additional height does not result in any additional adverse impacts in terms of solar access and privacy.

The amendments undertaken to the development result in a better configuration and amenity for the units on levels 1, 2 and 3, and the reduced rear setback (from 14.1m to 10m) improves the spatial separation and amenity of the adjoining development on Woodville Street.

For the above reasons, it is considered that the development as modified is substantially the same development for which consent was originally granted.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Comment

There was no requirement for the application to be referred to any other body.

- (c) *it has notified the application in accordance with:*

- (i) *the regulations, if the regulations so require, or*
- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment

The application was notified in accordance with Council's requirements.

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment

No submissions were received in response to resident notification/advertising of the proposed development.

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

1. Environmental Planning Instruments

Hurstville Local Environmental Plan

The land is zoned 3(b) – City Centre Business Zone under the provisions of the Hurstville Local Environmental Plan (LEP) 1994. The proposed amendments to the approved development are permissible with consent.

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

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

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

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

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

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

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

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

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

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

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

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

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

The following table outlines compliance with the Residential Flat Design Code, where applicable:

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
PART 1 – LOCAL CONTEXT			
BUILDING HEIGHT	Ensure future development responds to desired future scale and character of street and local area	Modified development responds to the desired future scale and character of street and local area as discussed in the report	Acceptable
BUILDING DEPTH	Max. 18m (glass line to glass line)	12.2-16.2m	As approved
BUILDING SEPARATION	12m between habitable rooms	36.4m except for northeast corner at right angles which is 7.2m between bedroom and living room window	As approved
	9m between habitable rooms and balconies or non-habitable rooms	9.4m – 32.8m	
SIDE AND REAR SETBACKS	Minimise impact on light, air, sun,	Modified development results in negligible	Yes

	privacy, views and outlook for neighbouring properties.	additional impacts to adjoining developments	
FLOOR SPACE RATIO (FSR)	To ensure that the development is in keeping with the optimum capacity of the site and the local area. FSR is not specified in the Design Code.	The modified development has a floor space ratio below the maximum 5.57:1. The floor space ratio is 5.52:1 (5.54:1 including 2 additional car spaces provided).	Yes
PART 2 – SITE DESIGN			
DEEP SOIL ZONES	A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable. Exceptions may be made in urban areas where sites are built out.	Basement is excavated to boundaries and deep soil planting is not possible. Considering the site is surrounded by buildings and in a built-up area, this provision is acceptable.	As approved
OPEN SPACE	Communal open space should be generally between 25% of the site area. Min private open space for apartment at ground level/podium is 25sqm.	Communal open space on the first floor and roof top is 25% of the site area (421sqm) N/A as all residential is located on level 1 or higher.	As approved
BUILDING ENTRY	Create entrance which provides a desirable residential identity for development, orient visitor and contribute positively to streetscape and building design.	Entrance lobbies to each building are located facing Barratt Street or Woodville Street	As approved
PEDESTRIAN ACCESS	Promote residential flat development that is well connected to street and contributes to accessibility.	The residential flat development is well connected to street and contributes to accessibility.	As approved

	Barrier free access to 20% of units	Access to 100% of units is barrier free	
VEHICLE ACCESS	<p>Limit width of driveways to 6 metres.</p> <p>Integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.</p>	<p>6m wide driveway in north-eastern corner, 6m at the street.</p> <p>Car parking and servicing access is in one area and does not compromise the street character or pedestrian amenity and safety.</p>	As approved
PART 3 – BUILDING DESIGN			
APARTMENT LAYOUT	<p>Maximum depth from window of single aspect apartment 8.0m</p> <p>The back of a kitchen should be no more than 8 metres from a window.</p> <p>Width of cross-over apartments more than 15 metres deep should be a minimum of 4 metres.</p>	<p>Maximum depth of some units is greater than 8m however habitable areas are located within the 8m and non habitable areas located behind the 8m.</p> <p>All units are < 8m</p> <p>All apartments are minimum 4m wide</p>	<p>As approved</p> <p>Yes</p> <p>Yes</p>
APARTMENT MIX	To provide a diversity of apartment types, which cater for different household requirements now and in the future	The proposal incorporates a diversity of mixture in the size of the units, and provision of 1, 2 and 3 bedroom units	Yes
BALCONIES	Primary balconies to be a minimum of 2	All units have primary balcony and all are greater	Yes

	metres in depth.	than 2m in depth	
INTERNAL CIRCULATION	Maximum of 8 units to be accessible from a double loaded corridor.	Units are accessible from various entries and corridors	Yes
STORAGE	To provide adequate storage for every day household items within easy access of the apartment 1br : 6m ³ 2br :8m ³ 3br:10m ³	Storage areas provide within dwelling and in basement car parking area	Yes
DAYLIGHT ACCESS	Min 70% of units receive min 3 hrs of solar access Max 10% units southerly aspect	72% of units will receive 3hrs solar access between noon and 3pm mid winter. 57% will receive a minimum 2 hours solar access. 19% units with south orientation	Yes As approved
NATURAL VENTILATION	60% of residential units should be naturally cross ventilated. 25% of kitchens should have access to natural ventilation.	58% cross ventilated approved 59% cross ventilated proposed in modified development >25% kitchens have access to natural ventilation	Acceptable Yes

2. Draft Environmental Planning Instruments

Draft Hurstville City Centre Local Environmental Plan 2012

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

For the purposes of this report the draft HCCLEP is not considered to be “certain” nor “imminent” and therefore the provisions of the Hurstville Local Environmental Plan 1994 apply.

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/advertised in accordance with Council's requirements and no submissions were received in reply.

Section 4.2 - The Controls

The modified development complies with the requirements of section 4.2 as follows:

Block 13, sites 13M-1, 13M-2, 13M-3, and 13M-4	Proposed	Compliance
Use Ground and first floor: retail/commercial Upper floors : residential	Ground floor: retail First floor: residential Upper floors: residential	As approved
Height Barratt St: 8 storeys with top floor setback 4.6m Woodville St: 13 storeys	Barratt Street: 7 storeys Woodville St: 14 storeys (45.6m)	As approved No (1)
FSR Amalgamated site 5.57:1	5.52:1 5.54:1 if 2 additional car spaces provided are included	Yes
Street setbacks Nil	No street setback	As approved
Rear boundary setbacks Retail/commercial: 6m Residential uses: 22m	Retail/commercial: nil Residential uses: 10-19.8m approved 14.1 – 29m for modified development	Yes
Awnings Cantilevered to both streets	Awning cantilevered to both streets	As approved
Balconies Minimum 1/unit, 8sqm in size 2.0m minimum width	All balconies comply	Yes
Vehicles Access Woodville Street	Woodville Street	As approved

Car parking in basement Residential: 1 car spaces/100sqm (8403sqm) = 84 spaces required Visitors: 1 car spaces/4 residential units = 25 spaces required Retail: 1 car space/55sqm (706sqm)= 13 spaces required Car wash bay: 1 (which can be a visitors space) Total: 122 car spaces	Residential: 86 spaces Visitors: 25 spaces Retail: 13 spaces Car wash bay: 1 provided (which is a visitors space) Total:124 car spaces	Yes (2)
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(1) Height

The additional floor proposed (level 13) to the Woodville Street building will result in the development not complying with the height requirements for this building. The applicant has submitted the following statement in support of the application:

...We discussed the merits of the amendments that significantly improve the amenity of the lower levels reducing the number of 'studio' style apartments that contain bedrooms with borrowed light and provide bedrooms with a window to the outside. Further the setback to the rear boundary has been increased from 10m to 14.1m. This has reduced the floor space provided at the lower levels.

It is now proposed to redistribute the floor space to a single additional floor on the Woodville Street building. This floor is setback from the main façade and as a result the height will not be visible from the street below. The floor is setback further from the southern façade, reducing the visibility of this level from the bus interchange and Barratt Street. These relocated apartments have significantly better amenity than if they were to be located at the lower levels of the building.

The site has had the unfortunate and rare circumstance of the development potential being reduced with both the height and floor space being reduced in the draft LEP and the current DCP when compared with the previous DCP. At the time of the current consent the draft LEP had a proposed height of 55m.

The building remains below the height of the original 2008 development consent (which was 47.6m). The floor space is less than the consent (Note the 2008 consent had an FSR of 6.11.1).

Comment

The additional floor proposed to the Woodville Street building will result in the development having a maximum height of 14 storeys and an additional 2.3m above the approved height.

The additional height to the development is considered to be negligible in terms of its appearance from Woodville Street and Barratt Street particularly as its footprint sits primarily in the middle of the floor plate. The additional height does not result in any additional adverse impacts in terms of solar access and privacy.

The amendments undertaken to the development result in a better configuration and amenity for the units on levels 1, 2 and 3, and the reduced rear setback from 14.1m to 10m improves the spatial separation and amenity of the adjoining development on Woodville Street.

As a result of the amendments, the floor space ratio of the development is reduced and the number of units will remain 100 as approved. In this regard, the proposed amendments to the development do not necessarily intensify the development, but rather provide a better layout and configuration for the residential units.

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

For these reasons, the variation to the height requirement is supported.

(2) Car parking

The modified development provides 2 car parking spaces in excess of Council's requirements. Under the definition of "gross floor area" of LEP 1994 car parking provided above Council's requirements is to be included as floor area. The 2 car parking spaces equate to approximately 27sqm which will result in a floor space ratio of 5.54:1 which is below the maximum permitted for the subject site. It is noted that the original application provided 4 spaces in excess of the requirements and this was accepted. Accordingly, no objection is raised to the additional 2 car spaces being provided to the development.

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

The modified development is consistent with the design guidelines.

Section 6.1 - Car Parking

The car parking for the proposed development has been detailed in the report above. The proposal also complies with the general provisions of this Section relating to Australian standards for circulation spaces, sizes of spaces, etc.

Section 6.4 - Crime Prevention through Environmental Design

The modified development has been assessed against crime prevention principles and it does not present additional opportunities for crime. The ground floor entry areas to the buildings will remain as is as will the location of lifts and stairwells.

Section 6.5 - Energy Efficiency

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

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

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

4. Impacts

Natural Environment

The modified development is unlikely to have additional impacts on the natural environment from that previously considered. 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.

Built Environment

The proposed development is unlikely to have an adverse impact on the built environment. Although the proposed development proposes an increase to the height of the approved development, the additional height is negligible in terms of its appearance from the street and impacts on adjoining developments.

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

The application was notified/advertised to thirty two (32) adjoining and adjacent owners/residents and no submissions were received in reply.

Internal - Council Referrals

No internal referrals were required for this application.

External Referrals

No external referrals were required for this application.

6. Conclusion

The application seeks permission to modify development consent no. 11/DA-356 under the provisions of Section 96(2) of the Environmental Planning and Assessment Act. It is proposed to modify the approved development by undertaking alterations and additions to the approved development including the provision of an additional storey to the Woodville Street building.

The proposed amendments will result in an increase to the height of the development above that required by Hurstville Development Control Plan No 2. This non compliance has been discussed in the report and a variation to the height is supported as there will be negligible impacts on the streetscape and adjoining developments. Accordingly the application is recommended for approval.

RECOMMENDATION

Pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act, as amended, the application known as MOD2013/0038 to modify Development Consent No 11/DA-356 granted on 23 April 2012 (as amended 18 May 2012) for the demolition of existing structures and construction of a mixed development containing two (2) buildings, basement level car parking areas, 5 ground floor retail units, and 100 residential units be approved and conditions 2, 10, 13, 16, 17, 18, 19, 20, 21, 120, 131, and 132 be modified as highlighted in the consent below:

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

Notice is hereby given of the determination by Council as the consent authority of the application to amend the Development Consent relating to the land described above.

1. **OC1 - Act, Regulations and Environmental Planning Instruments Prevail -** This modification to original Development Consent No.11/DA-356 endorsed 23 April 2012 is granted subject to compliance with the relevant requirements of the Environmental Planning and Assessment Act 1979 as amended ("the Act"), the Environmental Planning and Assessment Regulation 2000 ("the Regulation"), the Building Code of Australia ("the BCA"), Hurstville City Council's ("the Council's") Local Environmental Plan 1994, Development Control Plan No. 1 (Hurstville LGA Wide DCP) or Development Control Plan No. 2 (Hurstville City Centre) as applicable, and any applicable codes, except if varied by this consent.
2. **OC2 - Approved Plans - The development shall be carried out in accordance with the details set out on the application form, supporting information received with the application and the schedule of plans and details below, except as amended by the conditions of this consent. A copy of the plans is stamped approved, and attached to this consent.**

Plan Number	Plan Date	Description	Prepared By
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10_105 A101, 102 103 104 107 108 109 110 111 114 115 116 117 118 200 201 202 203	Received 26 Mar 12	Basement 3 Basement 2 Basement 1 Ground level Level 2 Level 3 Level 4 Level 5 Level 6 Level 9 Level 10 Level 11 Level 12 Roof level Barratt Elevation Woodville Elevation Sections North East Elevation	Smith and Tzannes
10_105 S96B-A- 010 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 200 201 202 203	Dated 13 Nov 2013 (Basement levels) Dated 5 Nov 2013 (Ground level) Dated 21 Oct 2013 (Level 13) Dated 20 Oct 2013 (All other plans)	Site Plan Basement 4 Basement 3 Basement 2 Basement 1 Ground level Level 1 Level 2 Level 3 Level 4 Level 5 Level 6 Level 7 Level 8 Level 9 Level 10 Level 11 Level 12 Level 13 Roof level Barratt Elevation Woodville Elevation Sections North East Elevation	Smith and Tzannes
10_105 A105 A112 A113	20 Apr 12	Level 4 Level 7 Level 8	Smith and Tzannes

A950 (in relation to external finishes and materials only)	27 Feb 12	Photomontage	Smith and Tzannes
10_105 A901,	5 Oct 11	Site management plan	Smith and Tzannes
10_105 A902	1 Mar 12	Adaptable apartment	Smith and Tzannes

(This condition has been modified by MOD2013/0038 (11/DA-356)).

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

Erection of Signs

- (1)A sign must be erected in a prominent position on any work site on which building work, subdivision work or demolition is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number at which that person may be contacted outside working hours
 - (c) stating that unauthorised entry to the work site is prohibited
- (2)Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and must be removed when the work has been completed.

(3) This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(4) These signage requirements do not apply to in relation to Crown building work that is certified to comply with the technical provisions of the State's building laws.

Shoring and Adequacy of Adjoining Properties

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

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

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

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

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

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

8. HOI - Hoardings

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

for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party. The copy is to be provided to Council before the issue of the Construction Certificate.

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

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

To Obtain a Construction Certificate

- 10(a). The Construction Certificate for the development is to be issued in two stages. Stage 1 is for the relevant works up to RL 70 and Stage 2 is for all relevant works above RL 70.

(This condition has been modified by 2011/DA-356 REV01)

10. **The following must be submitted to either Council or an Accredited Certifier before a Construction Certificate is issued. This excludes the payment of section 94 contributions which are to be paid in full prior to Stage 2 Construction Certificate being issued at the development proceeding beyond ground level RL 70.**

(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	\$18,236.50	10 Oct 11	357212
Plan First Fee	X	AP35	\$16,633.60	10 Oct 11	357212
Notification Fee	X	AP12	\$213.21	10 Oct 11	357212
Imaging Fee	X	AP165	\$500.00	10 Oct 11	357212
DA Advertising Fee	X		\$1,105.00	10 Oct 11	357212

Urban Design Review Panel Fee	X		\$760.00	10 Oct 11	357212
Long Service Levy		AP34	\$90,956.00		
Builders Damage Deposit		BON2	\$3,750.00		
Inspection Fee for Refund of Damage Deposit		DA6	\$125.00		
S94 - Open Space & Community Recreation		CONT9	\$539,926.88		
S94 - Community Services & Facilities		CONT3	\$298,510.17		
S94 - Management		CONT8	\$23,038.86		
S94 - Library Infrastructure		CONT7	\$147,171.14		
S94 - Library Bookstock		CONT4	\$695.13		
S94 - Traffic Management and Parking in Hurstville CBD (residential)			\$13,742.76		
S94 - Traffic Management and Parking in Hurstville CBD (retail)			\$9,086.78		
S94 - Urban Spaces (dwellings)			\$80,316.70		

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	\$15,784.76		
Construction Certificate Application Fee		CC1	\$9,457.88		
Construction Certificate Imaging Fee		AP165	\$500.00		

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.

(This condition has been modified by MOD2013/0038 (11/DA-356)).

11. **BI1 - Building Code of Australia (“BCA”)** - A Construction Certificate must be obtained before the commencement of work from Council or an Accredited Certifier. Detailed plans and specifications for the proposed building must demonstrate compliance with the BCA.
12. The Principal Certifying Authority must not issue a Construction Certificate for the 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 this 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.
13. **OC8 - Design Changes Required** - The following design changes are required and are to be incorporated into the plans to be lodged with the Construction Certificate application.
 - ~~a. One (1) floor is to be removed from the Barratt Street building of the development so that this building matches the height of the adjoining building. The floor to be removed has been reflected in the approved floor plans but not in the approved elevations. The amended elevations (which show compliance with this condition) are to be submitted with the plans for the Construction Certificate. This condition has been imposed by the Joint Regional Planning Panel.~~
 - b. A total of eleven (11) adaptable dwellings being provided to the development in accordance with the requirements of Hurstville Development Control Plan No 2.
 - c. The residential car spaces are to be isolated from the retail car spaces in accordance with crime prevention principles.
 - d. The swept path of the longest vehicle entering and exiting the subject site as well as manoeuvrability through the site shall be in accordance with Ausroads. In this regard, a plan showing the swept path of service vehicles entering and exiting the site shall be submitted to Council for approval, which shows that the proposed development complies with this requirement. This condition has been imposed by the NSW Department of Transport Roads and Maritime Services.

(Condition 13a. has been deleted by MOD2013/0038 (11/DA-356)).

14. **BI2 - Long Service Leave Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to www.lspc.nsw.gov.au or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate**

application.

15. **BDI - Damage to Council Property** - In order to insure against damage to Council property the following is required:

- (a) Payment to Council of a Damage Deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$3,750.00.**
- (b) Payment to Council of a non refundable Inspection Fee to enable assessment of any damage and repairs where required: **\$125.00.**
- (c) At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.
- (d) Prior to the commencement of work a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal, shall be submitted to Council.
- (e) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.

16. **SE941A - Traffic Management within the Hurstville City Centre District** - Pursuant to Section 94(1) of the Environmental Planning and Assessment Act, 1979, payment shall be made to Council of a monetary contribution for the provision of traffic management facilities within the Hurstville City Centre District.

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

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

The total traffic management contribution required and payable before the construction of the development proceeding beyond ground level PL 70 (Stage 2) is \$22,829.54.

(This condition has been modified by MOD2013/0038 (11/DA-356)).

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

facilities.

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

The total open space and community recreation facilities contribution required and payable before the construction of the development proceeding beyond ground level RL 70 (Stage 2) is \$539,926.88.

(This condition has been modified by MOD2013/0038 (11/DA-356)).

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

The total community services and facilities contribution required and payable before the construction of the development proceeding beyond ground level RL 70 (Stage 2) is \$298,510.17.

(This condition has been modified by MOD2013/0038 (11/DA-356)).

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

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

The total Section 94 Management contribution required and payable before the construction of the development proceeding beyond ground level RL 70 (Stage 2) is \$23,038.86.

(This condition has been modified by MOD2013/0038 (11/DA-356)).

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

The contribution is related to Plan no. 6 and is based on the premise that any development which results in a nett increase in the City's population will create extra demand on Council's library and information services provision.

Furthermore, any such development will also generate an additional demand for the acquisition of library book stock.

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

- (a) The contribution rate for residential development is \$147,171.14.
- (b) The book stock acquisition contribution for residential development is \$695.13.

The total Library and Information Services Section 94 contribution required and payable before the construction of the development proceeding beyond ground level RL 70 (Stage 2) is \$147,866.27.

(This condition has been modified by MOD2013/0038 (11/DA-356)).

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

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

- (a) The contribution rate for residential development is \$812/per dwelling.

The total urban spaces Section 94 contribution required and payable before the construction of the development proceeding beyond ground level RL 70 (Stage 2) is \$80,316.70.

(This condition has been modified by MOD2013/0038 (11/DA-356)).

22. **S948 - Indexing of all Section 94 Contributions** - All contributions payable pursuant to Section 94 conditions must be paid before construction of the development proceeding beyond ground level RL 70 (the release of the Stage 2 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(s) must be made before issue of the Stage 2 Construction Certificate. Failure to do so can result in problems including incorrect cheque preparation, return of payment, and delay in obtaining your Construction Certificate.

(This condition has been modified by 2011/DA-356 REV01).

23. **SM3 - Construction Management Plan** - Submit to the Principal Certifying

Authority a Construction Management Plan that clearly sets out the following:

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer with National Professional Engineering Registration 3 (NPER3) in structural design.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

24. **ST1 - 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) retaining walls
- (h) stabilizing works
- (i) structural framework

25. **Geotechnical Reports** - The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the *Building Professionals Act 2005* in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
 - (b) Dilapidation Reports on the adjoining properties including, but not limited to properties with a common boundary to the subject site prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
 - (c) On-site guidance by a vibration specialist during the early part of excavation.
 - (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
 - (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
26. PN9 - No excavation, pier hole drilling, construction or the like may be carried out **before the issue of the Construction Certificate**.
27. PN10 - The site is not to be filled or excavated other than as strictly indicated on the approved plans.
28. SM2 - **Vibration Damage** - To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw.
- Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. **The report shall be submitted with the Construction Certificate application.**
29. PN11 - Details of all proposed retaining walls, including height, materials, finish and structure, must be submitted **with the Construction Certificate Application**.
30. PW1 - The developer must ensure that appropriate dust suppression measures are installed/utilised during the periods of excavation/placement of fill/construction. Details of the means of dust suppression must be submitted **with the Construction Certificate application**.

31. PW4 - The developer must take all measures available to control the emission of dust from the site and in this regard adequate watering equipment acceptable to Council shall be used on the site at all times other than in wet weather. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail. Details to be submitted **with the Construction Certificate application**.
32. PW5 - The developer must submit a site works plan detailing sedimentation controls, fencing, builders site sheds office and amenities, materials storage and unloading arrangements **with the Construction Certificate application**. This is required before the commencement of any work on-site, including demolition.
33. PW6 - **Vehicle Wash Bays** - All car washing shall be conducted in a roofed and bunded wash bay, with pre-treatment approved by Sydney Water, graded to a drainage point and connected to the sewer. Evidence of approval of the system by Sydney Water to be submitted **with the application for a Construction Certificate**.
34. DR12 - **On-Site Detention** - An on-site detention (OSD) facility designed by a professional hydrological/hydraulic engineer, shall be installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:
- (a) For events up to a 1% annual exceedance probability (AEP) design event as defined by Australian Rainfall and Runoff (May 1987). Maximum peak site discharge resulting from the development shall not be greater than peak site discharge, where the lots were previously occupied by a single dwelling, garage, lawn and garden.
 - (b) Where the stormwater discharge points are connected to the street gutter system, the peak flow from the site shall not increase the width of gutter flow by more than 200mm at the design storm.
 - (c) The OSD facility shall be designed to meet all safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"This is an on-site detention basin/tank and is subject to possible surface overflow during heavy storms."
- Hurstville City Council is to be nominated as the Authority to release, vary or modify this Covenant. Full details shall accompany the application for **the Construction Certificate**
35. DR14 - The underground basement car park must pump to the new kerb inlet pit constructed outside the site for the new drainage line required to extend up to Woodville Street.

36. DR11 - **Stormwater drainage plans** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, **shall accompany the application for the Construction Certificate.**
37. FP3 - **Trade Waste** - A Trade Waste Agreement with Sydney Water must be obtained. If no trade waste agreement or grease trap is required, a letter from Sydney Water is to be submitted to Council to this effect. A copy of the Trade Waste Agreement or letter to Council shall be provided **before the issue of the Construction Certificate.**
38. RRI - **Access Levels** - An access levels application must be submitted to Council to obtain footpath alignment levels and vehicle crossing levels before designing internal driveways and car parking. Evidence that the proposed internal driveway design complies with Council's issued levels and general access standards shall be submitted **with the Construction Certificate application.**
39. PU4 – **Energy Australia - Substations/Kiosks** Energy Australia shall be consulted to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area, having the required dimensions as agreed with Energy Australia, indicating the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site to be dedicated to Council as public roadway, or as otherwise agreed with Energy Australia. For details visit www.energy.com.au or call 131525:
- (a) written confirmation of Energy Australia's requirements is to be submitted before the issue of the Construction Certificate; and
 - (b) Energy Australia's requirements are to be met before the issue of the Occupation Certificate.
40. PU5 – **Energy Australia - Underground Electrical Conduits** – Energy Australia is to be consulted to determine if underground electricity conduits are to be installed in the footway. If so, the developer is to install the conduits within the footway across the frontage/s of the development site, to Energy Australia's specifications. Energy Australia will supply the conduits at no charge. The developer is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. For details visit www.energy.com.au or call 131525.
- (a) A copy of Energy Australia's requirements is to be submitted to Council **before issue of the Construction Certificate.**

- (b) Where conduits are to be installed, evidence of compliance with Energy Australia's requirements is to be submitted **before the issue of the Occupation Certificate**.

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

- 41. PU6 – **Energy Australia - clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Energy Australia is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Energy Australia for any necessary modification to the electrical network in question. For details visit www.energy.com.au or call 131525.
- 42. PU7 – **Energy Australia - Undergrounding Electricity Mains (Hurstville CBD area)** – Arrangements are to be made with Energy Australia to install underground all low voltage street mains in that section of the street/s adjacent to the development and to provide conduits for the future under grounding of high voltage mains. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. These works to be carried out at your expense. For details visit www.energy.com.au or call 131525.
 - (a) A copy of confirmation of Energy Australia's requirements is to be submitted to Council before issue of the Construction Certificate; and
 - (b) Energy Australia's requirements are to be met before the issue of an Occupation Certificate.

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

- 43. PU8 – The electricity supply to the subdivision must be underground.
- 44. PU9 - For all developments in the Hurstville CBD the developer shall be responsible for the payment of the full cost of undergrounding low voltage cables adjacent to the development; and the provision of conduits only for the future undergrounding of high voltage cables
- 45. PU11 - **Water, Waste Water, Electricity, Gas and Telecommunications** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the developer's expense.
- 46. PU12 - **Telecommunications Aerial Cables** - Where the under grounding of low voltage electricity cables is required, the developer shall be responsible for

arranging and payment of the cost of the under grounding of all telecommunications aerial cables, where the electricity poles are to be removed.

47. IN3 - 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.
48. WA9 - Arrangements must be made for the collection, storage and disposal of all waste materials in an approved container, to the satisfaction of the Principal Certifying Authority.
49. Alignment levels shall be obtained for the full frontage of the site in Woodville Street and Barrett Street from Council's Engineer. Evidence that the proposed internal accesses comply with Council's issued levels and general access standards shall be submitted **with the Construction Certificate application**.
50. The Council stormwater pipeline shall be extended along/across Woodville Street to the subject site. A separate application under Section 138 of the Roads Act shall be approved by Council prior to the issue of the Construction Certificate for the proposed works.
51. Any relocation or removal of power poles outside the site shall be done entirely at the applicant's expense and with the consent of the relative utility authority.
52. The developer should be aware that a sewer main appears to run along the north west boundary of the site and construction works would be subject to Sydney Water's requirements
53. 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.**
54. **Ventilation** - To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provision of:
 - a) The Building Code of Australia
 - b) AS 1668 Part 1 -2002 – *The use of ventilation and airconditioning in building – fire and smoke control in multi-compartment buildings*
 - c) AS 1668 Part 2 – 2002 - *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contamination control*
 - d) Public Health Act – 1991
 - e) Public Health (Microbial Control) Regulation 2000
 - f) The Protection of the Environment Operations Act 1997

g) AS 3666 – 2002 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning.

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

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

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

56. **Internal Noise Levels (Residential Unit/Town House/Villa Development)** - The internal noise level of the proposed development shall comply with the following:

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

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

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

58. TRG3 -

- (a) **Landscape Plan** - A detailed landscape plan will be submitted **with the Construction Certificate Application**. This plan will illustrate in concept form the proposed landscape design principles. The plan will demonstrate an understanding of the site and its context. Draw the plan to a standard scale such as 1:100 or 1:200, and show the following details:

- north point (true solar north)
- scale (show ratio and bar scale)
- date, plan number, amendment number
- finished surface levels, embankments and grades (indicate extent of cut and fill)
- existing trees to be retained or removed
- proposed planting schedule (indicate species, location, massing and mature height - native plants are generally required)

- proposed surface treatments and restoration (eg turf, paving, bank stabilisation, mounds, etc)
 - proposed fences and retaining walls (indicate height and material)
 - erosion and sediment control measures
 - maintenance program
- (b) **Submission of landscape plans** -. This plan must be prepared by an approved landscape consultant and include details of the species, size and numbers of all plant material, together with the surface treatment of all areas. Landscaping must be completed according to the approved landscape plan **before the issue of the Occupation Certificate**. Landscaping must be maintained according to the approved landscape plan.
- (c) **Details in landscape plans** - the landscape plan must include identification of all existing trees by botanical and common names where the tree exceeds a height of 3.0 metres or a girth greater than 300mm at 450mm above ground level or has a branch spread of 3 metres or more. The plan must also indicate the relationship of each existing tree, by scale, to the proposed development. No trees are to be removed or lopped without written Council approval.

Demolition Conditions

59. DE 1

- (a) The demolition of the building must be carried out strictly in accordance with Australian Standard 2601-2001 - The Demolition of Structures.
- (b) The demolition contractor must carry a current public risk insurance cover for a minimum of \$10,000,000.00.
- (c) For buildings containing asbestos sheeting or asbestos products, the demolition shall:
 - (i) only be carried out by persons licensed by the WorkCover Authority. The formal approval of the WorkCover Authority is required before commencement of work where the area of the sheeting or product exceeds 200 square metres. For more information phone WorkCover on 13 10 50 or visit www.workcover.nsw.gov.au.
 - (ii) comply with Council's Asbestos Policy adopted by Council on 23 March 2005 (as amended from time to time). A copy of the Policy may be downloaded from the Development ... Site Management page of our website.
- (d) Lead paint removal must not cause lead contamination of the air or ground. For more information visit www.dec.nsw.gov.au or phone the Department of Environment and Conservation on 9995 5555.
- (e) Decommissioning of any air-handling or refrigeration system containing chlorofluorocarbons (CFC's) or fire extinguishing systems containing halons must only be carried out by a person or directly supervised by a

person authorised by the Department of Environment and Conservation. Any work of this nature must be in accordance with the Ozone Protection Act and Regulations and any relevant Code of Practice approved by the Department of Environment and Conservation. For more details visit www.environment.nsw.gov.au. or phone the Department of Environment and Conservation on 9995 5555.

- (f) The cost of any damage to road/kerb/gutter/footpath will be deducted from the kerb and gutter damage deposit unless you notify Council of any existing damage before the commencement of work.
- 60. DE7 - On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
 - 61. DE8 - Demolition works involving the removal and disposal of bonded asbestos over 200sqm must only be undertaken by a licensed asbestos removalist. Licensed asbestos removalists must be engaged for the removal of any friable asbestos.
 - 62. DE9 - The developer /builder is to notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority (i.e. WorkCover or Hurstville City Council). Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
 - 63. DE10 - Five (5) working days prior to demolition, the developer/builder is to provide written notification to Hurstville City Council advising of the demolition date, details of the WorkCover licensed asbestos demolisher and the list of residents advised of the demolition.
 - 64. **Waste Service** - Domestic waste bins must not be used with demolition/construction work. You can apply to cancel the waste service, so that the domestic waste bins are removed and waste charges suspended. Further information is available from the Waste Service Project Officer on 9330 6154 during office hours.

Before Commencing the Development

- 65. IN3 - **Appointment of Principal Certifying Authority** - No work shall commence in connection with this Development Consent until;
 - (a) a construction certificate for the building work has been issued by:

- (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has appointed a principal certifying authority for the building work; and
- (c) the principal certifying authority has, no later than 2 days before building work commences:
 - (i) notified Council of his or her appointment;
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are required to be carried out in respect of the building work; and
- (d) the person having the benefit of the development consent has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence for the residential building work involved;
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
- (e) the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the Principal Certifying Authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

66. BC1 - Construction Certificate - No work shall commence until you:

- (a) Obtain a Construction Certificate from either Hurstville City Council or an Accredited Certifier - a fee applies for this service; and

- (b) Lodge with Hurstville City Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.

67. **BC2 - Notice of Commencement - No work shall commence until** you submit a Notice of Commencement (form attached or available from our website) giving Council:

- (a) Not less than two (2) days notice of the date on which it is proposed to commence work associated with this Development Consent.
- (b) Details of the appointment of a Principal Certifying Authority (either Hurstville City Council or an Accredited Certifier).
- (c) Details of the name, address and licence details of the Builder.

68. **PU1.1 - Sydney Water - Access to Water and Waste Water Services** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building and Developing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

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

Please refer to the web site www.sydneywater.com.au for:

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

or telephone 13 20 92.

70. MI128 - **Notice of Excavation** - The developer must notify the owners of the adjoining properties, by way of Certified Mail, of the proposed excavation of the subject land at least fourteen (14) days prior to the excavation of the site. Copies of the letters notifying the adjoining owners must be submitted to the Principal Certifying Authority **before the commencement of work**.
71. MI129 - **Dilapidation Report** - A Dilapidation Report on the adjoining properties detailing the existing condition of any existing walls, paths and fences, with photographs must be submitted to the Principal Certifying Authority **before the commencement of work**.
72. BC3 - **Site Safety Fencing** - Erect site fencing complying with WorkCover Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained through out any demolition and construction work.
73. 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.
74. BC4 - **Principal Certifying Authority (PCA) Sign** - A sign must be erected in a prominent position on the site indicating that entry to the site by unauthorised persons is not permitted, and including the contact details of the PCA. Where Council is the PCA, a sign may be obtained at no cost from Council's Customer Service Centre. A PCA sign must be erected on the site **before the commencement of any work**.
75. PW2 - The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.
76. ES1 - **Erosion and Sedimentation Controls** - Erosion and sedimentation controls must be provided to ensure:
 - (a) compliance with the approved Soil and Water Management Plan
 - (b) removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) all uncontaminated run-off is diverted around cleared or disturbed areas

- (d) silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) all erosion and sediment controls are fully maintained for the duration of demolition/ development works
- (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) all water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*
- (i) pumped or overland flows of water are discharged so as not to cause, permit or allow erosion
- (j) compliance with the Do it Right on Site brochure requirements publicated by SSROC

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

- 77. PU6 – **Energy Australia - Clearances to Electricity Mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Energy Australia is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Energy Australia for any necessary modification to the electrical network in question. For details visit www.energy.com.au or call 131525.
- 78. RR2 - **Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Traffic Authority, in the case of State roads, for every opening of the public road to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications **before the commencement of work in the road.**

During the Development

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

- (c) All inspections necessary to determine that the requirements of the Building Code of Australia are being met.

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

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

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

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

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

81. PN1 - Hours of Operation for Building and Demolition Work - Work in connection with the proposed development or building that involves the demolition of any existing buildings, any excavation or earthworks, the depositing of materials on the site, the removal of spoil and materials from the site or the erection of the building that requires the use of any tools (including hand tools) or any power operated plant or machinery that creates noise on or adjacent to the site shall only be performed between the hours of 7.00 am and 5.00 pm, Monday

to Saturday inclusive. No work is to take place on Sundays, Good Friday, Christmas Day, and any public holiday.

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

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

82. **Site Contamination - Additional Information** - Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. In light of any contamination found during demolition or construction, a Remedial Action Plan (RAP) must be prepared by an appropriately qualified consultant in accordance with DEC Guidelines and shall document all the remedial works to be undertaken at the site and also contain an environmental management plan and occupational health and safety plan for the remedial works.
83. **BC5 - Bulk Excavation or Filling Levels** - The bulk excavation or filling levels for footings or slabs, when placed, shall not exceed the levels as required by this consent. A surveyor's certificate verifying compliance with this condition must be submitted **before placement of concrete in footings or slabs**.
84. **DE4 - Ground Levels** - The ground levels of the site shall not be raised, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved separately by Council.
85. **MI1** - The street number of the property, according to its rateable address indicated in Council's records, must be clearly displayed on the front of the building, front fence or the like.
86. **MI3** - The unit number, at least 50mm high, must be provided to the entry door to each unit/villa/dwelling/townhouse.
87. **MI7** - The shop number, at least 50mm high, must be clearly displayed adjacent to the entry door to each shop/unit.
88. **MI25 - Balcony Drainage** - The floors of the balconies must be graded and drained to a grated inlet and connected to the stormwater drainage system.
89. For the residential portion of the building the following waste and recycling facilities will be required:-

Domestic Waste:- 26 x 240 litre Mobile Bins (MB's);

Domestic Recycling:- 35 x 240 litre MB's.

An equivalent number of 1100 litre Mobile Bins may be used in lieu of 240 litre MB's.

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

- a) Retail Trading – shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;
- b) Restaurants and Food Shops – 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals; and,
- c) Office – 0.01-0.03 cubic metres per 100 square metres of floor area per day.

- 90. 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.
- 91. The location of the proposed Waste Storage Area as shown on the submitted plan is in the Basement Level 1 of the building, and as it is not easily accessible for Council's Waste Contractor to service the bins. Accordingly, it will be the responsibility of the Owners Corporation to present the MB's for collection and return them to the storage area after they have been emptied. This should be a Condition of any approval.
- 92. MI16 - No goods shall be stored or displayed outside the building.
- 93. MI17 - A separate Development Consent shall be obtained for the first commercial / retail / office use of each occupancy.
- 94. ZC2 - Only signage that is exempt under Council's Development Control Plan or has consent from Council may be affixed to the building. All signage must comply with Council's Development Control Plan. In particular:
 - (a) window signs should be on the inside of the glass and must not cover more than one half of the window
 - (b) if a language other than English is used on the sign, there must be an accurate English translation in lettering of at least the same size
 - (c) signs should look professional (not handwritten) and must be securely fastened
 - (d) signs, posters or notices must not be glued to any part of the exterior of the building
- 95. PV4 - All access driveways, queuing areas, ramps, gradients and the like for parking areas must be constructed in accordance with the provisions of Council's Development Control Plan, except where otherwise approved by Council.
- 96. RR8 - Any existing vehicular crossing and/or layback which is redundant must be

removed, and the kerb, any other footpath and turf is to be restored at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work may be carried out by a private contractor, subject to Council approval.

97. RR9 - Any utilities/services/drains/power poles that require relocating or altering as a result of construction of the vehicular crossing to Council's issued levels and/or Council's standard shape, is to be done in accordance with the requirements of the relevant service/utility and at the expense of the beneficiary of this consent.
98. MI21 - All enclosed and unrestricted car parking spaces, internal driveways and the like, shall be designed to conform with Council's Development Control Plan. Regard shall be given to the crossfall, in longitudinal profile, of the footpath in the design of footpaths.
99. MI21.1 - **Internal Driveways** - Internal driveways, entered from the footpath, shall be designed to conform with Council's Development Control Plan. Regard shall be given to crossfall, in longitudinal profile, of the footpath in the design of footpaths
100. PV1 - **Linemarking and Numbering** - All car parking spaces are to be sealed, graded, drained, clearly linemarked, and numbered.
101. PN4 - **Offensive Noise Generally** - The use of the premises, building services, equipment, machinery and ancillary fittings must not give rise to offensive noise as defined under the Dictionary of the Protection of the Environment Operations Act 1997.
102. PN6 – The maximum noise level from plant and equipment used on the site must not exceed the background noise level by more than 5dB(A) for the approved hours of the use, when measured at the boundary of the nearest residential premises.
103. LA3 - **Retaining Edge** - A retaining edge of masonry or other approved barrier of a minimum height of 150mm must be erected around the landscaped areas to contain the soil and mulch material and to prevent the encroachment of motor vehicles.
104. LA5 - **Wheel Stops** - The developer must install wheel stops to all parking spaces fronting landscape beds.
105. LA6 - **Common Taps** - The developer must provide a common tap/taps or an irrigation system to enable all landscape works to be adequately watered.
106. LA7 - **Protection of Tree Roots** - Underground services shall be routed to avoid existing tree root zones. Where trenching for services is unavoidable, any roots larger than 25mm in diameter shall be conserved and services placed below the roots.

107. **LA8 - Protection of Tree Roots** – During construction, protective fencing shall be provided around the existing trees and/or bushland to be retained.

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

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

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

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

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

109. **PA3 - Prohibition of Burning Off** - No article, material or the like shall be ignited or burnt whatsoever on or in association with the work on the site.
110. **PW3** - The developer must remove any material deposited on public roads, adjacent to the site, resulting from construction/subdivision works, immediately it occurs and as directed by Council.
111. **DE5** - The footpath and roadway shall be kept clear of obstructions, building materials, and liquid or solid waste of any type whatsoever at all times. Severe fines apply for an offence and where Council makes repairs or provides temporary public safety measures. The cost of these works may be deducted from the damage deposit.
112. **RR6 - Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved in accordance with Council's Waste Skip Bin Policy. A Penalty Infringement Notice may be issued for any offence. A severe penalty applies.
113. **RR7 - Maintenance of Road and Footpath** - During construction, the footpath and road are to be maintained in a condition which prevents any trip or safety

hazard to pedestrian or vehicular traffic.

114. **PV17 - Vehicle Crossings, Kerb/Gutter/Footpath Construction and Restoration** – Any existing vehicular crossings which are redundant must be removed, and the kerb (and any footpath) restored at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work may be carried out by a private contractor, subject to Council approval.

In addition the following frontage works shall be completed:

- (a) Construct a full width (kerb to boundary) footpath for the full frontage of the site in paving material approved by Council's Engineer.
- (b) Construct a 150mm thick concrete crossing reinforced with F72 fabric.
- (c) Replace all redundant laybacks with kerb and guttering, and redundant concrete with grass.
- (d) Provide any street tree planting required by Council's Tree Management Officer.

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

Please note:

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

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

Before Occupation

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

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

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

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

may be required by the principal certifying authority and the conditions required by this development consent.

116. The certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of 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 residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, 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.
117. **IN3 - Fire Safety Certificate Before Occupation or Use** - Prior to the issue of an occupation certificate the owner of the building must issue a fire safety certificate and must cause a copy of that fire safety certificate to be given to the principle certifying authority issuing the occupation certificate. The fire safety certificate must be issued to the effect that each essential fire safety measure specified in the fire safety schedule for the building to which the certificate relates:
- (a) has been assessed by a properly qualified person, and
 - (b) was found, when it was assessed, to be capable of performing to at least a standard required by the current fire safety schedule for the building for which the certificate is issued.

Note: The owner of the building:

- (a) must cause a copy of the fire safety certificate (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner, and
 - (b) must cause a further copy of the fire safety certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
118. **PU1.2 - Sydney Water - Access to Water and Waste Water Services** - The Section 73 Certificate must be submitted to the Principal Certifying Authority **before occupation of the development/release of the plan of subdivision**.
119. **PU3 - Sydney Water - Trade Waste Water** - Trade waste water must be disposed of in accordance with the requirements of Sydney Water. For more details visit www.sydneywater.com.au or call 13 20 92. A copy of the trade waste water agreement must be provided to the Principal Certifying Authority **before the issue of the Occupation Certificate**.
120. **BA1 - BASIX - All energy efficiency measures as detailed in the BASIX Certificate No. 397597M_05 and 399033M_05 dated 20 November 2013, and in the plans approved with the Development Consent, must be implemented before issue of the Occupation Certificate.**

(This condition has been modified by MOD2013/0038 (11/DA-356)).

121. MI130.3 - **Slip Resistance** - At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. A Compliance Certificate must be submitted to either the Council or accredited certifier detailing the results of the slip resistance measurements and that the pedestrian floor surfaces comply with AS/NZS 4586:2004 **before occupation**.
122. MI27 - **Driveway Construction** - A vehicular crossing shall be provided in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work may be carried out by a private contractor (subject to Council approval).
- The work must be completed **before the issue of an Occupation Certificate**.
123. LA1 - **Completion to Approved Landscape Plan** - All landscape works in accordance with the landscape plan shall be completed before the issue of the occupation certificate.
124. WA7 - All rubbish and waste materials on-site must be removed before occupation of the premises/commencement of the approved activity.
125. **Noise from mechanical plant and equipment** - Noise from the operation of mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and / or refrigeration systems must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest strata, stratum or community title boundary.

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

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

Note: Words in this condition have the same meaning as in the:

NSW Industrial Noise Policy

(http://www.environment.nsw.gov.au/resources/ind_noise.pdf)

ISBN 0 7313 2715 2, dated January 2000, and

Noise Guide for Local Government

(<http://www.environment.nsw.gov.au/noise/nqlg.htm>)

ISBN 1741370671 , dated December 2004.

Standard Condition: I53 (Autotext I153)

126. The site shall be consolidated onto one allotment. The plan of consolidation being registered at the Department of Lands prior to the issue of the final Occupation Certificate

After Occupation/Ongoing Conditions

127. **EF3 - Annual Fire Safety Statement** - The owner of the building must issue an annual fire safety statement in respect of each essential fire safety measure in the building premises and cause a copy of that 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.

128. **MI130.4 - Slip Resistance** - The pedestrian surface materials in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units must be maintained on a regular basis which must include, as part of the maintenance programme, inspections and testing of the floor surfaces which must be carried out in accordance with AS/NZS 4663:2004 - Slip Resistance Measurement of Existing Pedestrian Surfaces.
129. **Access to Visitors' Parking** - Visitor parking spaces are to be clearly signposted, with durable metal or similar signs, and accessible at all times. Any security gates or doors must be located to permit sufficient manoeuvring area for visitor vehicles to enter and leave the property in a forward direction.
130. **Drainage Maintenance** - The on-site detention drainage facility shall be

maintained at all times in accordance with the approved plans.

131. **PV6 - Residential Parking Requirements** – A minimum of eighty four (84) resident parking spaces (including eleven (11) accessible car spaces, one (1) each for the accessible dwellings) and twenty five (25) residential visitor spaces shall be provided in accordance with the approved plans. The visitor spaces are to be clearly signposted with durable metal or similar signs. The visitor car spaces shall be shown as common property in any strata plan.

(This condition has been modified by MOD2013/0038 (11/DA-356)).

132. **PV8 - Parking Space Number/Availability, Retail / Commercial / Office Uses** – Thirteen (13) parking spaces (including one (1) disability accessible space) are to be provided and these spaces must be unobstructed and available at all times for the parking of visitors/customers/employees/service vehicles.

(This condition has been modified by MOD2013/0038 (11/DA-356)).

133. **PV9 - General Signage** - The owner of the property must maintain the car park, including all signs, line marking, and bay numbering, in accordance with AS 2890.1-1993 Australian Standard Parking facilities Part I: Off-street car parking.
134. **PV10 - Car Park Direction Signage** - The direction of every entry/exit point and circulation route must be clearly marked in durable paint and/or durable metal or similar signposting.
135. **PV12 - Use of Car Parking Spaces** – The car parking spaces shall be linemarked and used only for the parking of vehicles and not used for the storage of any materials or waste matter.
136. **PV13 - Use of Loading Dock(s)** - The loading dock(s) shall be linemarked, clearly signposted and used only for the purpose of loading and unloading of goods and not used for the storage of any materials or waste matter.
137. **PV14 - Prohibited Parking** - Staff, company and visitors' vehicles must only be parked in the spaces provided on the subject premises and not on adjacent footpath or landscaped areas.
138. **PV15 - Disabled Parking** – The parking space(s) for disabled persons must be provided /sized/marked/signposted in compliance with Australian Standard 2890.1-1993.
139. **PV16 - Obstruction of Parking and Manoeuvring Areas** - Goods and/or waste or extraneous material must not be stored in the vehicular manoeuvring and parking areas. Those areas must be kept clear at all times for the manoeuvring of vehicles.

140. **PV18 - Vehicles must Enter and Exit in Forward Direction** - With the

exception of garbage and recycling collection vehicles, all other vehicles must be driven in a forward direction entering or exiting the property. Adequate space must be provided and maintained on the land to permit all vehicles to turn. A durable metal or similar sign at the entrance of the site indicating that "All vehicles are to enter and exit the site in a forward manner".

141. PV19 - **Loading or Unloading** - The loading and/or unloading of all goods and materials used in conjunction with the development must take place within the property.
142. PV22 - Approved car parking spaces must not be partitioned or otherwise enclosed to form garages.
143. LA2 - **Maintenance to Approved Landscape Plan** - All landscape works in accordance with the landscape plan shall be maintained.
144. LA4 - **Parking on Landscaped Areas** - No vehicles, goods, materials or extraneous matter may be parked, deposited, or stored on any of the landscaped areas.
145. WA4 - **Handling of Waste** - No bottle, can or garbage disposal shall take place between the hours of 10.00pm and 8.00am daily.
146. WA5 - Service of trade waste bins must be carried out between 7.00am and 7.00pm. weekdays.
147. WA8 - The premises must be maintained in a clean and tidy state at all times.
148. ZC7 - Under awning lighting to illuminate the footpath at night time for pedestrians is to be provided. The lighting should be energy efficient.
149. ZC8 - Internal lighting within the commercial/office/retail premises must be left on at night so as to ensure that the interior of the premises is visible from the street for security purposes. Energy efficient lighting should be used.
150. ZC10 - The building exterior is to be maintained in a clean and neat manner, including the regular cleaning of windows. Any such window cleaning is to be done in an water efficient manner, for example no hosing of the windows is permitted.
151. ZC12 - The entrance to a shop or business must remain clear of obstructions to enable easy entrance/exit for customers, including those with a stroller, in a wheelchair or with visual impairment.
152. **Noise Control** - The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

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

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

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

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

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

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

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

153. **Final Acoustic Report** - Within three months from the issue of an occupation certificate, an acoustical assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the use of the does not give rise to "offensive noise" as defined under the provision of the *Protection of the Environment Operation Act 1997*.
154. **Prohibition of live bands, amplified music or speakers** - There shall be no live bands permitted to perform on the premises at any time. There shall be no amplified music or speakers external to the building at any time.
155. **Garbage Storage - Odour Control** - A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the *Protection of the Environmental Operations Act, 1997*.
156. **Lighting** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

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

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

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

a) Unit Numbering

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

The unit number shall coincide with the strata plan lot numbering.

b) Car Parking Space Marking and Numbering

Each basement car space shall be line marked with paint and numbered in accordance with the strata plan lot numbering.

"Visitor Parking" signs shall be installed adjacent to any and all visitor car spaces prior to the issue of any Strata Certificate.

c) Designation of Visitor Car Spaces on any Strata Plan

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

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

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

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

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

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

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

e) On Site Detention Requirements

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

f) Creation of Positive Covenant

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

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

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

Other Approvals – Section 78(5), Local Government Act 1993

Nil

Advices to Applicant

158. **Consent Operation** - This consent operates from the date the original consent was endorsed, ie 23 April 2012, except as qualified by Section 93 of the Act.

This development consent will lapse unless acted upon within five (5) years from the date of the original endorsement, except as qualified by Section 99 of the Environmental Planning and Assessment Act 1979.

159. If you are not satisfied with this determination, you may:

- (a) Apply for a Review of a Determination under Section 96AB of the Environmental Planning and Assessment Act 1979. A request for review and the decision by Council of that request must be made within twenty-eight (28) days from the date of this Notice of Determination and be accompanied by the relevant fee in accordance with Environmental Planning and Assessment Regulations 2000 Clause 123I. You must ensure that an application for review of determination gives Council a reasonable period in which to review its decision having regard to the relevant issues and complexity of the application.
OR

- (b) Appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination, under Section 97AA of the Environmental Planning and Assessment Act 1979.

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

160. AD1 - **Dial Before you Dig** - contact Sydney One Call Service to ascertain which utility services are underground in the proposed excavation area, via details of:

- (a) street/house number and street name
- (b) side of the street
- (c) name of nearest cross street
- (d) distance from nearest cross street

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

161. AD2 - **Dividing Fences** - You must satisfy the requirements of the Dividing Fences Act before erecting any fencing on common boundaries. The Chamber Magistrate at the Local Court advises on the Dividing Fences Act, particularly for legal advice or disputes, and the Community Justice Centre can also assist with disputes.
162. AD3 - **Covenants** - irrespective of the terms of this consent you must make sure that covenants on the title of the property are complied with for proposed construction. For more details contact the Lands Department - www.lands.nsw.gov.au or call 9228 6713 or contact your Solicitor.
163. AD4 - **WorkCover Authority** - For premises which are/will be workplaces a copy of the approved plan to the WorkCover Authority shall be submitted to ensure that the proposal complies with WorkCover requirements. Where factory registration is required by WorkCover, a separate application to Council may be required for a statement of compliance with the egress provisions of the Building

Code of Australia. If so it is best to do so as soon as possible. For more details visit www.workcover.nsw.gov.au or call 131050.

164. AD5 - **Australia Post** - A mail box meeting certain position, dimension and height requirements must be installed to satisfy Australia Post. For more details visit www.auspost.com.au or call 131318.
165. AD6 - **Access for Persons with a Disability** - In addition to Council's Development Control Plan and the Building Code of Australia, the Commonwealth Disability Discrimination Act 1992 may impose greater obligations on providing access/facilities for disabled persons. For more details visit the Human Rights and Equal Opportunity Commission website www.hreoc.gov.au or call 9284 9600.
166. AD7 - **Tree Preservation** - Council's Tree Preservation Order prohibits the ringbarking, cutting down, lopping, removing, injuring, or the wilful destruction of any tree, that is 3 metres or more in height, have a girth of 30 cm or more when measured 45 cm above the ground and/or has a branch spread of 3 metres or more, except with the specific consent of the Hurstville City Council. Severe penalties apply for an offence.
167. AD8 - **Stencilling** - Colouring or stencilling of the footpath crossing within the road reserve is prohibited.
168. AD9 - **Construction Zone** - You may apply for a construction zone on the roadway adjacent to the site for the duration of the construction work, by way of written application and payment of fees detailed in our Schedule of Fees and Charges.
169. AD10 – **Energy Australia** - The minimum safe distance from overhead power lines shall be maintained in accordance with the requirements of Energy Australia. For details visit www.energy.com.au.
170. AD11 - Other approvals required - Where it is proposed to:
 - (a) Pump concrete from within a public road reserve or laneway.
 - (b) Stand a mobile crane within the public road reserve or laneway.
 - (c) Use part of Council's road/footpath area.
 - (d) Pump stormwater from the site to Council's stormwater drains.
 - (e) Store waste containers, skip bins, and/or building materials on part of Council's footpath or roadway.

an appropriate application for a Work (construction) Zone, a pumping permit, a hoarding, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee in accordance with Council's Schedule of Fees and Charges shall be submitted to Council and approval obtained before commencement of any of the those activities.

171. AD13 - A separate application must be lodged and approved under Section 68 of

the Local Government Act 1993 for the erection of any A-Frames or signage boards proposed to be erected on Council's footway.

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



Ms P Bizimis
Senior Development Assessment Officer
Planning and Development Directorate