

**JOINT REGIONAL PLANNING PANEL  
(East)**

<b>JRPP No</b>	2014SYE118
<b>DA Number</b>	DA2014/1050
<b>Local Government Area</b>	Hurstville City Council
<b>Proposed Development</b>	Demolition of existing structures and construction of a mixed use development containing basement level car parking, ground floor commercial/retail area and twelve levels containing 93 residential units
<b>Street Address</b>	378, 380, and 384 Forest Road Hurstville
<b>Applicant/Owner</b>	Applicant: Icon Construction Group  Owner: Sydney South Gateway P/L
<b>Number of Submissions</b>	119 adjoining and adjacent owners/residents notified  Application advertised for fourteen (14) days  Two submissions and one enquiry received
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	Value over \$20M
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>▪ State Environmental Planning Policy No 55 - Remediation of Land</li> <li>▪ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>▪ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>▪ State Environment Environmental Planning Policy (Infrastructure) 2007</li> <li>▪ Hurstville Local Environmental Plan 1994</li> <li>▪ Draft State Environmental Planning Policy (Competition) 2010</li> <li>▪ Draft State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>▪ Draft Hurstville (City Centre) Local Environmental Plan 2014</li> <li>• Hurstville Development Control Plan No 2</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	Plans and information as previously submitted
<b>Recommendation</b>	Approval subject to conditions of consent

**Report by**

Michael Watt – Director Planning and Development  
Hurstville City Council

## Assessment Report and Recommendation

<b>ZONING</b>	3(b) City Centre Business Zone
<b>APPLICABLE PLANNING INSTRUMENTS</b>	<ul style="list-style-type: none"> <li>▪ State Environmental Planning Policy No 55 - Remediation of Land</li> <li>▪ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>▪ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>▪ State Environment Environmental Planning Policy (Infrastructure) 2007</li> <li>▪ Hurstville Local Environmental Plan 1994</li> <li>▪ Draft State Environmental Planning Policy (Competition) 2010</li> <li>▪ Draft State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>▪ Draft Hurstville (City Centre) Local Environmental Plan 2014</li> <li>▪ Hurstville Development Control Plan No. 2: Section 2.2 - Neighbour Notification and Advertising of Development Applications, Section 4.2 - The Controls, Section 5.1 - Design Guidelines for Building, Public Domain and Open Space, Section 6.1 - Car Parking, Section 6.3 - Access and Mobility, Section 6.4 - Crime Prevention through Environmental Design, Section 6.5 - Energy Efficiency, Section 6.7 - Drainage and On-Site Detention Requirements, Section 6.9 - Waste Management, Section 6.10 - Development of a Heritage Item or in the Vicinity of a Heritage Item</li> </ul>
<b>HURSTVILLE LOCAL ENVIRONMENTAL PLAN 1994 INTERPRETATION OF USE</b>	“Demolish”, “Shop”, and “Residential Flat Building”
<b>EXISTING DEVELOPMENT</b>	Two storey commercial buildings with at grade car parking area
<b>COST OF DEVELOPMENT</b>	\$24,752,000.00
<b>FILE NO</b>	DA2014/1050
<b>HAS A DISCLOSURE OF POLITICAL DONATIONS OR GIFTS BEEN MADE?</b>	No

### EXECUTIVE SUMMARY

1. This development application proposes demolition of existing structures and construction of a 4 - 13 storey mixed development containing basement level

car parking, ground floor commercial/retail area and 12 levels containing 93 residential units.

2. The proposed development complies with Hurstville LEP 1994 and proposes a variation to Hurstville DCP 2 by repositioning the maximum permissible height of the development to the corner of the site at Forest Rd and Queens Rd and not on Dora St as required by DCP 2. The applicant is also seeking a variation to residential visitor parking to be provided on site. These issues are discussed in the report.
3. The application was advertised/notified to 119 adjoining and adjacent owners and residents and two submissions and one enquiry were received in reply. The issues raised in the submissions are also discussed in the report.

## **RECOMMENDATION**

THAT the application be approved in accordance with the conditions included in the report.

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## **DESCRIPTION OF THE PROPOSAL**

The proposed development seeks permission for the demolition of existing structures and construction of a 4 - 13 storey mixed development containing basement level car parking, ground floor commercial/retail area and 12 levels containing 93 residential units comprising 30 x 1 bedroom, 7 x 1 bedroom + study, 51 x 2 bedroom and 5 x 3 bedroom units.

The proposed development has been designed so that part of the building at the corner of Forest Rd and Queens Rd is a tower element of 13 storeys, part of the building on Forest Rd is 4 and 9 storeys (recessed) and the remaining part of the building on Queens Rd is 9 storeys (see Site Plan below). Specifically, the proposed development will contain the following:

### Basement 3 Plan:

- Parking for 43 cars (including 3 accessible spaces)
- Parking for 3 motorcycles
- Individual resident's storage space
- Plant Room
- Lift cores & fire stairs

### Basement 2 Plan:

- Parking for 39 cars (including 6 accessible spaces)
- Parking for 3 motorcycles
- Individual resident's storage space
- Lift cores & fire stairs

### Basement 1 Plan:

- Parking for 39 cars (including 5 accessible spaces)
- Parking for 3 motorcycles
- Bicycle racks for 8 bicycles
- Car wash bay
- Storage space

- Plant Room
- Lift cores & fire stairs

#### Ground Floor Plan:

- 515m<sup>2</sup> commercial/retail floor space
- Commercial/retail entry and lobby
- Male and female and accessible WC facilities
- Residential entry and foyer
- Plant rooms and security control room
- Loading dock/service area
- Waste and recycling bin storage area
- Lift core and fire stair

#### First Floor Plan:

- 8 residential units
- Communal open space
- Lift lobby/circulation corridor and fire stairs

#### Second Floor Plan:

- 10 residential units
- Lift lobby/circulation corridors and fire stairs

#### Third Floor Plan:

- 10 residential units
- Lift lobby/circulation corridor and fire stairs

#### Fourth Floor Plan:

- 9 residential units
- Lift lobby/circulation corridor and fire stairs

#### Fifth Floor Plan:

- 9 residential units
- Lift lobby/circulation corridor and fire stairs

#### Sixth Floor Plan:

- 9 residential units
- Lift lobby/circulation corridor and fire stairs

#### Seventh Floor Plan:

- 9 residential units;
- Lift lobby/circulation corridor & fire stairs

#### Eighth Floor Plan:

- 9 residential units
- Lift lobby/circulation corridor and fire stairs

#### Ninth Floor Plan:

- 5 residential units
- Lift lobby/circulation corridor and fire stairs

#### Tenth Floor Plan:

- 5 residential units

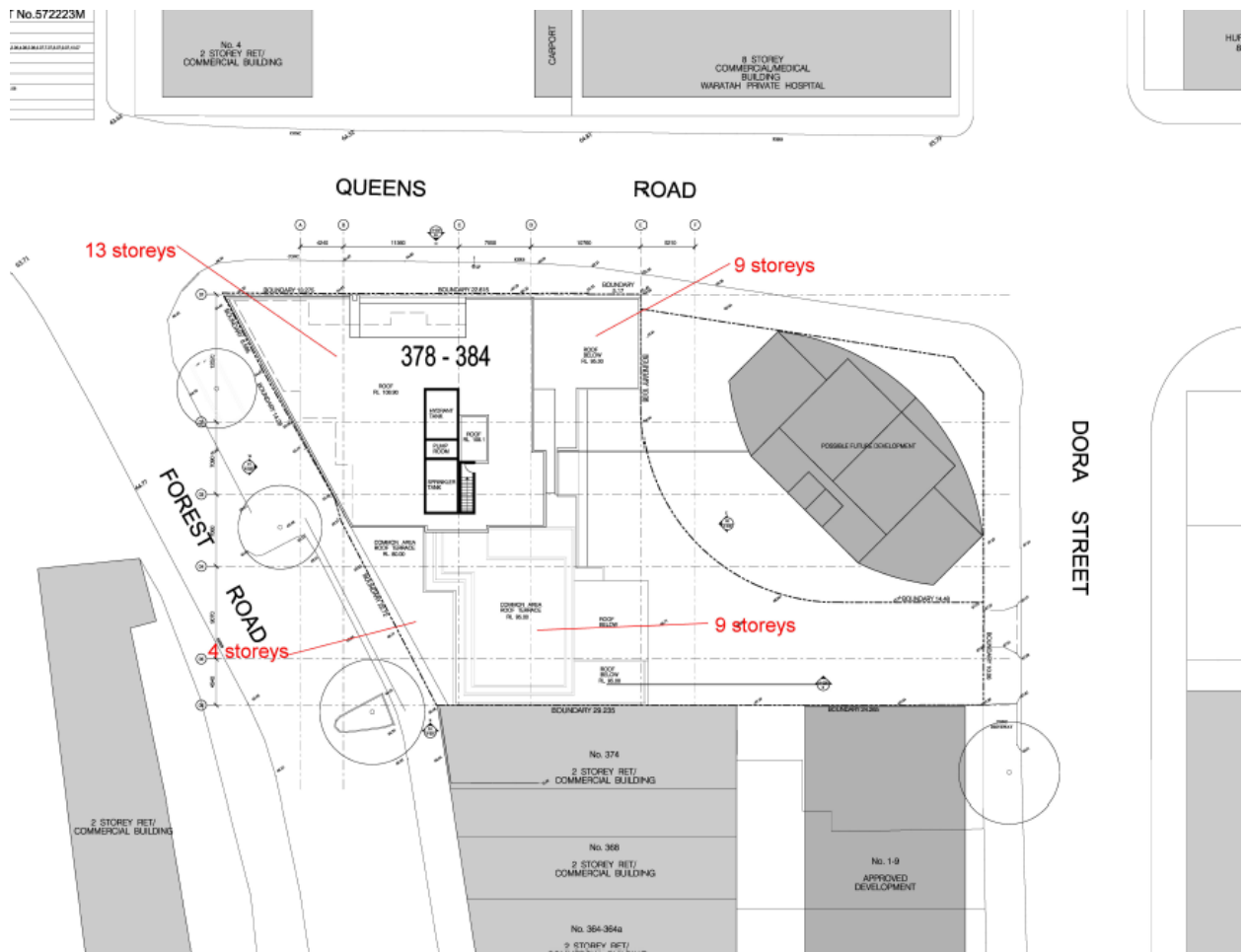
- Lift lobby/circulation corridor and fire stairs

#### Eleventh Floor Plan:

- 5 residential units
- Lift lobby/circulation corridor and fire stairs

#### Twelfth Floor Plan:

- 5 residential units
- Lift lobby/circulation corridor and fire stairs



*Site plan showing number of storeys in the proposed development*



*Photomontage of the proposed development*

## HISTORY

**12 September 2014** – The original development application was lodged. The development was for a 12 storey mixed development with the twelfth storey located generally in the middle of the development. The development contained basement car parking, ground floor commercial/retail space and 97 residential units. The development had a floor space ratio of 5.4:1.

**6 November 2014** – The application was presented to the Design Review Panel (DRP). The applicant explained the design philosophy of the development and presented a diagram showing the three design options considered for the development at the design phase. The DRP advised the applicant that the preferred option is Option 2 which showed a taller building at the corner of Forest Rd and Queens Rd but had fewer storeys where the site adjoins properties on Forest Rd and Queens Rd. This is discussed further in the report under “State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development”.

**27 November 2014** – Briefing with the Joint Regional Planning Panel on the development application.

**18 December 2014** – Amended plans were submitted for the development application. These plans are the subject of this application. The amended development contains a 13 storey tower element at the corner of Forest Rd and Queens Rd and 4 - 9 storeys where the development adjoins properties on Forest

Rd and 9 storeys to the property on Queens Rd. The development now contains 93 residential units and has a floor space ratio of 5.3:1. A comparison of the original and amended development is shown in the following table:

<b>Proposal</b>	<b>Height</b>	<b>Number of units</b>	<b>Floor space ratio</b>
Original	12 storeys (39.6m maximum)	97	5.4:1
Amended	13 storeys (43.1m with sprinkler tower parapet being 44.5m maximum)	93	5.3:1

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

The site is located on the north eastern corner of the intersection of Forest Rd and Queens Rd on the western side of the Hurstville City Centre. The site comprises of three lots and is an irregular shape, having a frontage of 45.59m to Forest Rd, a secondary frontage to Queens Rd of 41.06m, a narrow frontage of 10.06m to Dora St and a southern boundary of 53.5m. The site has a total area of 1640.9m<sup>2</sup>.

The site is located at the end of a strip of commercial premises that front Forest Rd and are occupied by a variety of local businesses. These existing buildings are all two storey in height and the majority have rear access for parking from Dora St. Apart from the corner building (No. 384) these buildings all provide a continuous awning over the Forest Rd footpath.

At the north eastern end of the two storey commercial strip, on the corner of Forest Rd and MacMahon St is a six storey office building. The north eastern side of Forest Rd provides 90 degree parking for the length of the commercial strip. To the north east the site adjoins an at-grade 3 hour time limited public carpark owned by Hurstville Council (known as 15 Dora Street).

Directly to the west of the site on the opposite corner of Forest Rd and Queens Rd is a vacant parcel of land with a substation located behind. Adjacent to this, on the south western side of Forest Rd, is a two storey building containing several commercial/retail tenancies, and adjacent is a 5/6 storey building and Illawarra rail line. Opposite the site to the north, on Queens Rd is a two storey commercial building and then a ten storey building that is occupied by the Waratah Private Hospital.





*Location map of the subject site*

## **COMPLIANCE AND ASSESSMENT**

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

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

#### ***HURSTVILLE LOCAL ENVIRONMENTAL PLAN 1994***

The site is zoned 3(b) – City Centre Business under the provisions of the Hurstville Local Environmental Plan 1994 and the proposed use as a mixed use building is not defined in the Local Environmental Plan. The components of the building comprising residential units, commercial uses and shops are permissible uses under the Local Environmental Plan.

The objectives of the zone are as follows:

- “(a) to designate sufficient areas of land to meet the projected needs of the Hurstville Town Centre as a multi-functional regional centre,*
- (b) to facilitate development of land within the Hurstville Town Centre for commercial, retail, residential and community purposes,*
- (c) to provide a single business zone for the Hurstville Town Centre as a sub-regional centre,*

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

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

The clauses of the Local Environmental Plan which are also relevant to the application are as follows.

#### Clause 15 – Services

Pursuant to Clause 15, water supply, sewerage and drainage infrastructure is required to be available to the land. The above services can be provided to the proposed development on the land. Council’s Team Leader – Subdivision and Development has advised of no objection to the proposed drainage of the site, subject to conditions of consent being attached to any consent granted.

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

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

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

Clause 33 states:

- “(1) *Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item.*
- (2) *This clause extends to development:*
  - (a) *that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or*
  - (b) *that may undermine or otherwise cause physical damage to a heritage item, or*
  - (c) *that will otherwise have any adverse impact on a heritage item or of any heritage significance of the item.*
- (3) *The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of*

*the proposed development on the heritage significance, visual curtilage and setting of the heritage item.*

- (4) *The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.”*

The subject site is in the vicinity of the heritage item known as Belmontes Pizza Shop at 372 Forest Rd. The LEP identifies in Schedule 2 - Heritage Items Part 2 Elements of Buildings that the rendered façade including the windows above awning level have heritage significance.

The applicant has submitted a Statement of Heritage Impact prepared by NBRs+ Partners (dated January 2015) which assesses the impact the proposed development will have on the heritage item. The report concludes that:

*...the proposed development continues the building line and awning at street level on Forest Road and provides an appropriate mitigating treatment at the junction between what is necessarily a taller building of greater scale and the retained heritage item. In heritage terms, the development is acceptable subject to:*

- *A structural report and construction management plan showing how the excavation and construction can be carried out without damaging the adjacent heritage listed façade.*

Accordingly, no objection is raised to the proposed development with regard to heritage impact subject to the above condition being imposed in any consent granted.

### **STATE ENVIRONMENTAL PLANNING INSTRUMENTS**

Compliance with the relevant state environmental planning policies is detailed and discussed in the table below.

<b>State Environmental Planning Policy</b>	<b>Complies</b>
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes
State Environmental Planning Policy 55 – Remediation of Land	Yes
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	Yes
State Environmental Planning Policy (Infrastructure) 2007 (in relation to the site's proximity to Sydney Trains (RailCorp) land	Yes, concurrence granted subject to conditions of consent

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

The extent to which the proposed development complies with the controls and principles in the State Environmental Planning Policy 65 – Design Quality of Residential Flat development is detailed and discussed in the tables below:

### Application of SEPP 65

<b>Clause</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
3 - Definitions	Complies with definition of "Residential Flat Building" (RFB)	Complies with definition	Yes
4 - Application of Policy	Development involves the erection of a new RFB, substantial redevelopment or refurbishment of a RFB or conversion of an existing building into a RFB	Development involves the construction of an RFB	Yes
30 Development Applications	<p>– Design verification statement provided by Qualified designer</p> <p>Registered Architect Name and Registration No.</p>	<p>Prepared by registered architect:</p> <p>Jim Apostolou No. 7490</p>	Yes

### Part 2 Design Quality Principles under the SEPP

<b>Clause</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
1 – Context	Good design responds and contributes to its context (e.g. natural and built features of an area)	The proposed development responds to its context. The height of the development at the corner reinforces its location as a corner site whilst the lower height of the development provides an appropriate response to the adjoining properties on Forest Rd and Queens Rd. The height of the development is compatible with development in the vicinity of the subject site.	Yes
2 – Scale	Good design provides an appropriate scale in terms of the built and height that suits the scale of the street and surrounding buildings	The proposed building is between 4 and 13 storeys which is appropriately articulated to reduce visual impact upon the streetscape. The height is considered appropriate to the scale of the area and within the Hurstville City Centre.	Yes
3 – Built form	Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the	The proposal responds appropriately to the site and results in a development that has adequate setbacks and privacy to adjoining properties and open space areas.	Yes

	manipulation of building elements.		
4 - Density	Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).	Complies with FSR numerical requirements of DCP 2.	Yes
5 – Resource, energy and water efficiency	Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.	The application is supported by a BASIX certificate that satisfies this clause of the SEPP.	Yes
6 - Landscape	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.	The landscaped open space areas of the development provide appropriate and useable private and communal open space areas.	Yes
7 - Amenity	Good design provides amenity through the physical, spatial and environmental quality of a development.	The proposal provides satisfactory levels of amenity as proposed communal and private open space areas with appropriate measures to reduce reciprocal overlooking. The design of the balconies limits privacy impacts to adjoining developments.	Yes
8 – Safety and Security	Good design optimises safety and security, both internal to the development and for the public domain.	The proposal is considered to be consistent with crime prevention principles.	Yes
9 –Social dimensions and housing affordability	Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.	The proposal responds appropriately to this clause of the SEPP by providing a range of housing options that varies in unit size, number of bedrooms and adaptable units.	Yes
10 - Aesthetics	Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and	The proposed building has architectural merit with a mix of building materials and finishes and architectural features.	Yes

	structure of the development.		
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### Clause 30 – Consideration of Residential Flat Design Code Design Controls

<b>Standard</b>	<b>Objective</b>	<b>Provided</b>	<b>Complies</b>
Building Height	Ensure future development responds to desired future scale and character of street and local area	Proposed development responds to the desired future scale and character of the street and local area. Although a variation is proposed to the height of the development, the height is considered to be compatible and consistent with adjoining existing and approved developments and provides an appropriate streetscape outcome.	Yes
Building Depth	Maximum 18m (glass line to glass line). Developments that propose wider than 18m must demonstrate how satisfactory daylight and natural ventilation are to be achieved.	10m – 18m building depth	Yes
Building Separation	<p><u>Up to 4 storeys/12m:</u></p> <ul style="list-style-type: none"> <li>-12m between habitable rooms</li> <li>-9m between habitable rooms and balconies or non-habitable rooms</li> <li>-6m, no habitable rooms to non habitable rooms</li> </ul> <p><u>5 to 8 storeys/12 to 25m:</u></p> <ul style="list-style-type: none"> <li>-18m between habitable rooms</li> <li>-13m between habitable rooms and balconies or non-habitable rooms</li> <li>-9m, no habitable rooms to non-habitable rooms</li> </ul> <p>May be varied in response to site and context constraints. For lesser distances, must demonstrate that</p>	<p>Building separation distances between habitable windows within the development and the adjoining properties are appropriate due to the width of the roads which provide appropriate separation.</p> <p>The secondary east facing elevation is towards the curved boundary of the adjoining property facing Dora St. The staggered façade provides a separation of 6-9m from the boundary to the habitable rooms.</p> <p>The development provides outward facing balconies with no privacy incursions within the development site. Where there may be some viewing between, privacy louvres have been installed along the</p>	Yes

	daylight access, urban form and visual and acoustic privacy is satisfactorily achieved.	appropriate side elevations of balconies.  The orientation of living rooms and balconies, combined with the use of privacy mechanisms such as solid or translucent glass balustrades and louvre screening maintains residential amenity.	
Side and Rear Setbacks	Minimise impact on light, air, sun, privacy, views and outlook for neighbouring properties.	Proposed development results in minimal impact to adjoining developments by providing appropriate setbacks and built form. The amended proposal (Option 2) adopted in the design of the development provides an improved separation and interface with the adjoining sites.	Yes
Floor Space Ratio (FSR)	To ensure that the development is in keeping with the optimum capacity of the site and the local area. FSR is not specified in the Design Code.	Proposed FSR is consistent with the current controls and is below the maximum permitted for the site.	Yes
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 except for a component of the site adjoining the vehicular entry at the Dora St frontage of the development.  88sqm of deep soil areas will be introduced to the site where there is currently no landscaping on site or deep soil areas.  Considering the site is surrounded by development built to the boundary or comprising of hard surface only, and its location is within a built up area, this provision is acceptable.  Notwithstanding this the	Acceptable



		communal courtyard areas provided to the development will be landscaped.	
Fences and walls	Clearly delineate the public and private domain	Gates and a roller door are provided at the entry points to the building which are considered appropriate.	Yes
Landscape design	Landscape design should optimise useability, privacy, social opportunity, equitable access and respect neighbour's amenity	The proposal provides useable communal and private open space areas that will be appropriately landscaped as per the landscape plan submitted with the application.	Yes
Open Space	Communal open space should be generally between 25% of the site area (410sqm).  Min private open space for apartment at ground level/podium is 25sqm.	Three communal open space areas are provided which are located on the first, fourth and ninth floors.  The communal open space is 43.5% of the site area (714sqm).  N/A as all residential units are located on level 1 or higher.	Yes
Orientation	Position and orientate buildings to maximise solar access	The proposed building has appropriately been positioned and oriented to maximise solar access.  The orientation of the units is in an arc between north-east, north, north-west and west, maximising access to sunlight and natural ventilation. This reduces the need for mechanical heating and cooling and increases the thermal efficiency of the new building.	Yes
Planting on structures	Design for optimum conditions for plant growth	Appropriate planting is provided for the development including trees and shrubs. Given its location within the city centre and above basement levels, the planting is provided with planter boxes.	Yes
Stormwater Management	Reduce the volume impact of stormwater on infrastructure by retaining	Stormwater disposal is appropriate subject to conditions of consent. The	Yes



	it on site	development also provides onsite detention tanks to assist in the management of stormwater.	
Safety	Undertake a formal crime prevention assessment of the development	<p>Development is consistent with crime prevention principles.</p> <p>Openings from units overlook the public domain providing casual surveillance of those areas.</p> <p>Controlled access is provided to the residential and commercial components of the development.</p> <p>Building entries and access ways are clearly identifiable elements of the development and provide residents and visitors direct connection to streets and public areas.</p>	Yes
Visual privacy	Provide reasonable levels of visual privacy.	The proposal provides satisfactory levels of visual privacy. Private open space areas (balconies) to the development are located on the front and rear elevations of the development and at considerable distance from windows of adjoining developments.	Yes
Building Entry	Create entrance which provides a desirable residential identity for development, orient visitor and contribute positively to streetscape and building design.	<p>Separate entry areas are provided to the residential and commercial component of the building.</p> <p>Pedestrian and vehicular entry points are separated and are clearly visible from the public domain.</p>	Yes
Parking	Provide adequate car parking for the building and integrate parking with the design of the building	Basement car parking proposed which meets requirements.	Yes
Pedestrian Access	Promote residential flat development that is well connected to street and contributes to accessibility.	The development is well connected to street and contributes to accessibility.	Yes

	Barrier free access to 20% of units	Access to 100% of units is barrier free	
Vehicle 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</p> <p>Car parking and service access is provided from Dora St and does not compromise the street character or pedestrian amenity and safety.</p> <p>The vehicular entry area has also been redesigned to allow for a right-of-way to the adjoining site (on Dora St) should it be required by the adjoining landowner.</p>	Yes
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>-No single aspect units have depths greater than 8m.</p> <p>-100% of units have back of kitchen &lt; 8m from a window.</p> <p>-No cross over units proposed.</p>	Yes
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 in the size of the units, and provision of 1, 1 + study, 2 and 3 bedroom units	Yes
Balconies	Primary balconies to be a minimum of 2 metres in depth	All units have primary balcony with minimum 2m depth between 11m <sup>2</sup> and 23m <sup>2</sup> .	Yes
Ceiling Heights	<p>Mixed use building</p> <p>-GF retail/commercial minimum 3.3m</p> <p>-FF residential/retail/commercial minimum 3.3m</p> <p>Residential building in mixed use area</p> <p>-GF minimum 3.3m</p> <p>Residential buildings/floors</p> <p>-habitable rooms</p>	All floor to ceiling heights comply.	Yes

	minimum 2.7m -non habitable rooms minimum 2.25m		
Flexibility	Provide apartment layouts which can accommodate the changing use of rooms	Layout of units allows for various furniture layouts.	Yes
Internal Circulation	Maximum of 8 units to be accessible from a double loaded corridor	Maximum number of units off corridor are 10 which are serviced by two lifts per floor.	Acceptable
Storage	To provide adequate storage for every day household items within easy access of the apartment 1br = 6m <sup>3</sup> 2br = 8m <sup>3</sup> 3br= 10m <sup>3</sup>	All units have storage areas that comply with SEPP 65	Yes
Acoustic Privacy	Protect acoustic privacy of residents in apartments and in private open spaces	Acoustic privacy impact has been minimised with living areas being away from noise sources, bedrooms are located away from the main living areas, and party walls between units have been minimised.  The development will also implement the recommended acoustic measures provided in the Acoustic Assessment accompanying the application, prepared by Koikas Acoustic P/L (dated 10 September 2014).	Yes
Daylight Access	-Min 70% of units receive min 3 hrs of solar access or 2 hrs in "close urban" development  -Max 10% units southerly aspect	-87% of units receive 2 hours or more direct sunlight  -0% of units are southerly aspect. All units have a north east, north west or west aspect	Yes
Natural Ventilation	-60% of residential units should be naturally cross ventilated.  -25% of kitchens should have access to natural ventilation.	-60% of units are naturally cross ventilated  -60% of kitchens have access to natural ventilation	Yes
Facades	Facades must define and	Façade of the proposed	Yes

	enhance the public domain and desired street character	building is considered acceptable	
Roof design	Provide quality roof designs which contribute to the overall design	Roof form contributes to the overall design of the development and responds to its context.	Yes
Energy efficiency	Reduce reliance on artificial heating and cooling	The proposal is considered acceptable, subject to the energy efficiency requirements of the BASIX Certificate	Yes
Maintenance	Supply waste management plans as part of the development application	Waste management plan submitted with the application is appropriate	Yes
Water conservation	Encourage use of rainwater tanks, use AAA rated appliances and store rainwater on site	BASIX Certificate submitted addresses water conservation	Yes

#### Advice from the Design Review Panel

The application was presented to the Design Review Panel (DRP). The applicant explained the design philosophy of the development and presented a diagram showing the three design options considered for the development at the design phase. These options were:-

- Option 1 showing a development with height in accordance with the requirements of DCP 2;
- Option 2 showing a development with a corner tower element and building stepping down in height along the Queens Road and Forest Road frontages, and
- Option 3 showing the proposed development (at that time) with building massing on the Forest and Queens Road frontages.

Following consideration the DRP advised the applicant that the preferred option was Option 2 which proposed shifting height with a taller building at the corner of Forest Rd and Queens Rd, rather than the rear as proposed in DCP 2, and stepping down the remaining building where the site adjoins properties on Forest Rd and Queens Rd. The diagram presented to the DRP by the applicant is shown below.

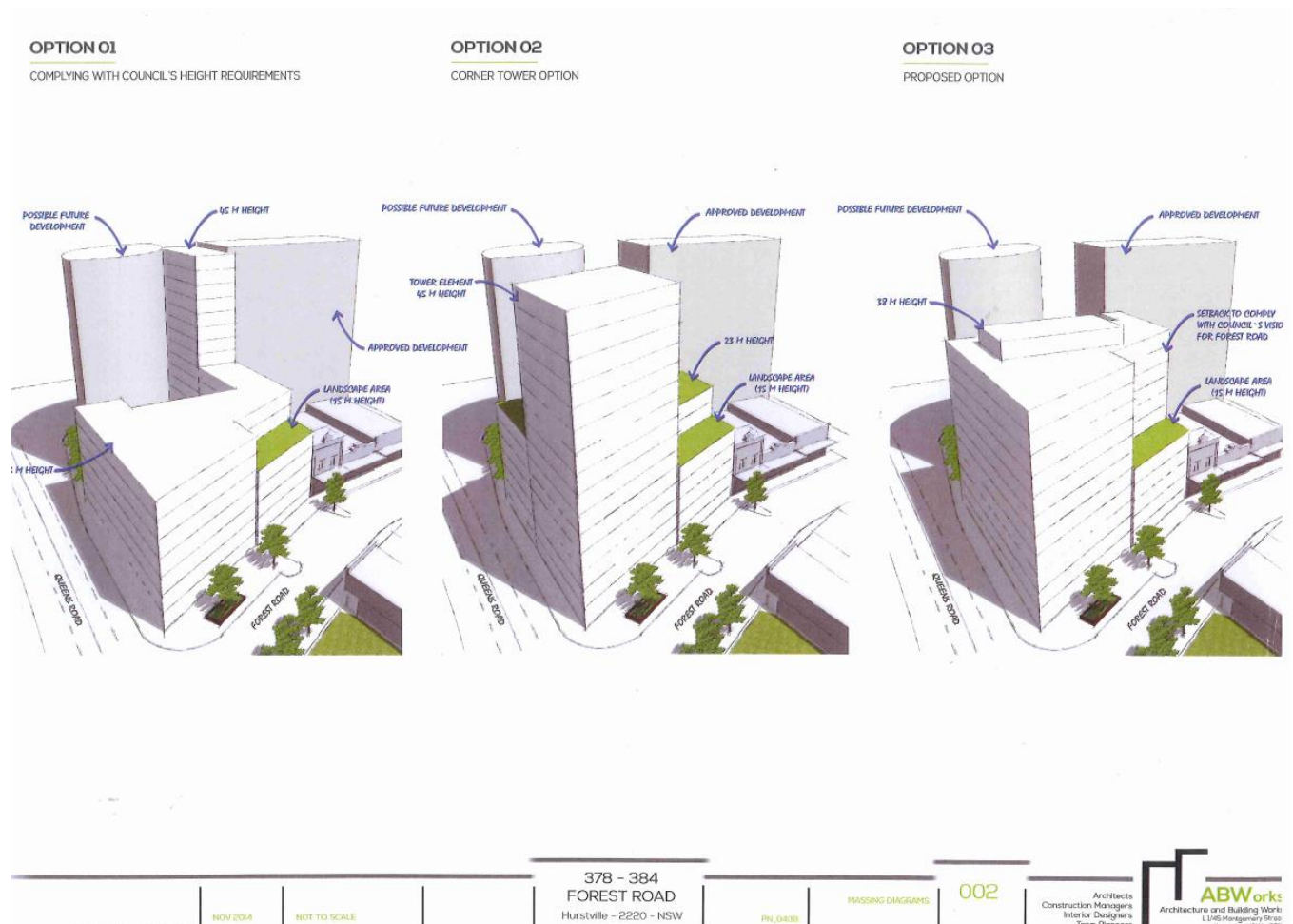


Diagram showing three design options

This section outlines the advice provided by the Design Review Panel (DRP), the Applicant's response to this advice and the Development Assessment Officer's (DAO's) comments.

## PRINCIPLE 1 - CONTEXT

### DRP comment:

*The site is located prominent corner of Queens Road and Forest Road. The site adjoins a retail street which has high pedestrian use and amenity. On the Queens*

*Road frontage, high traffic volumes are evident and the recent developments have created an overwhelming scale to the street. This built form coupled with the topography amplifies the bulk of buildings in this prominent location.*

*The rear of the site adjoins Council's on grade parking lot. It is unclear what is proposed for the adjacent site and it is understood the applicant has requested clarification from Council on this matter. The curved boundary between the two (2) properties is unconventional and presents additional challenges in the design of the interface of the adjacent site.*

*The DCP describes three (3) heights across the site (23m/approximately 6 storeys) on the Queens Road/Forest Road corner, 45m/approximately 13 storeys) in the rear*

of the lot adjacent to Dora Street, and 15m/approximately 4 storeys) on the Forest Road frontage). Council's car park has a height of 45m.

The applicant provided three (3) options for massing on the site. Option 1 demonstrates the DCP heights result in unviable development form. Option 2 proposes a corner tower on the Queens Road/Forest Road junction 45m. This is preferred by the Panel as it provides the best opportunity for future adjacency with Council's site (whether it is developed as a tower or as a park). The scale of the tower also reduces the impact of excessive bulk along Queens Road.

Following the DRP meeting, the applicant revised the detailed design align with massing Option 2.

Applicant's comment:

Hurstville is a Major Centre under the NSW Government's recently released Plan for Growing Sydney. Located on the Illawarra Railway Line, Hurstville is a major transport, employment and commercial hub within the St George area. The scale of the development is reflective of Hurstville's significance as a centre and is consistent with existing developments in the locality.

The Urban Design Report prepared by ae design partnership dated 17 December 2014 which accompanies this application provides a detailed discussion on context. The amended plans reflect the massing of Option 2 previously presented to the DRP.

DAO's comment:

The amendments undertaken to the development are appropriate and supported. The development has been amended to adopt Option 2 which was supported by the DRP. This is considered to be the better design outcome for the site, minimises potential development constraint on adjoining properties. It is noted a similar approach was considered appropriate for the Toga Development (458-460 Forest Road, Hurstville) which shifted height on the site on the basis of achieving an improved urban design outcome.

PRINCIPLE 2 - SCALE

DRP comment:

The revised design submitted after the DRP increases the height from 11 to 13 storeys on the corner and the decreased height from 11 to 9 storeys north east and south east. The form is an improvement to the bulk along the street frontages and transitions better to the planned lower height along Forest Road.

The relationship of the rear of the building to the car park and potential future building is less convincing with inadequate separation and compromised solar access. Refer to 'Amenity'.

Applicant's comment:

The Urban Design Report prepared by ae design partnership dated 17 December 2014 which accompanies this application provides a detailed discussion on scale. The amended plans propose a 13 storey tower to the corner and reduced heights along Forest & Queens Roads. The street wall height along Forest Road has been reduced to approximately 15m. Setbacks to the rear carpark and potential building

*have been increased but this has proved difficult due to the irregular shape of the site. Privacy screens have been added to balconies less than 9.0m.*

DAO's comment:

The application has been amended in response to the issues raised by the DRP which provides a better outcome for the development and adjoining sites.

PRINCIPLE 3 - BUILT FORM

DRP comment:

*The alignment and geometry of the building does not follow the site boundary, and creates triangular spaces and odd interfaces. It is recommended that the units be aligned to boundaries and configured accordingly.*

*The building modulation along the north eastern facade is highly articulated and a result of the internal unit layouts rather than a clear concept for the built form and its interface with the curved boundary. Refinement of this portion of the building could improve amenity and the privacy between potential development sites. The location and extent of Units 4.05 and 4.06 and similar above should be reviewed. Refer to 'Amenity'.*

*There are some inconsistencies between the revised plans and 3D views showing the ground floor at the curved wall, its extent at the car park entry and the private terrace to Unit 1.06. This requires further clarification.*

*There has been very little review of the public domain interface to Queens Road or Forest Road. Further consideration should be given to the following:*

- *Street address and frontage to Queens Road*
- *Interface to the site to the east and the alignment with the existing features including existing retaining walls and levels*
- *Review of streetscape character and key features on Forest Road including canopy dimensions of existing street trees. These contribute significantly to Forest Road and should be carefully reviewed by an arborist. Accurate canopy dimensions should be indicated on all architectural and engineering drawings*
- *Views from Dora Street.*

Applicant's comment:

*The Urban Design Report prepared by ae design partnership dated 17 December 2014 which accompanies this application provides a detailed discussion on built form.*

*The north-eastern façade has been setback where it adjoins 374 Forest Rd. The setback has provided a more uniform appearance to the building when viewed from Dora St.*

*The communal open space has been updated on the plans and elevations to be set back 17.7m from the Dora St boundary.*

*It is considered that the street address to Queens Rd has been considered with the residential lobby having direct access from Queens Rd. The lobby is quite generous*

*in size and will be detailed to provide an inviting entry for the occupants. The remainder of the frontage has been maximised with retail and commercial spaces to further activate the street.*

*The trees along Forest Rd have been surveyed. The canopy spread has been shown on the site plans. The proposal does not interfere with the tree's canopy. An arborist report is underway and will be submitted once completed*

DAO's comment:

The proposed development has been amended from that originally submitted in response to the issues raised by the DRP. The amended development provides for an improved urban design outcome in relation to the streetscape and adjoining sites. An arborist's report has been submitted with the application which identifies the tree protection measures to be implemented during any construction phase to retain these trees.

#### PRINCIPLE 4 - DENSITY

DRP comment:

*The proposed FRS is 5.4:1. The Panel notes that DCP2 allows an FSR of 6.1:1, while the draft HLEP 2014 has a maximum FSR of 3.5:1.*

Applicant's comment:

*The amended plans result in the development having an FSR of 5.3:1 which is compliant with the 6:1 permitted under DCP No 2.*

DAO's comment:

The proposed development has a floor space ratio of 5.3:1 which is below the maximum 6:1 permitted by the requirements of DCP 2. The draft LEP is not considered to be certain and imminent, however the provisions of the LEP have been considered in assessment of this application. This is discussed in the report below.

#### PRINCIPLE 5 - RESOURCE, ENERGY AND WATER EFFICIENCY

DRP comment:

*A site of scale, profile and density has the capacity to incorporate a range of sustainability measures. Consideration should be given to:*

- *WSUD measures and water recycling*
- *Incorporation of well-designed units that allow for adequate ventilation and solar access to minimise energy usage*
- *Energy generation*

Applicant's comment:

*A BASIX Certificate has been issued with respect to water and energy saving measures. The amended design satisfies the RDFC "rules of thumb" with respect to natural ventilation & solar access.*

DAO's comment:

The proposed development meets or exceeds the requirements of SEPP 65 in relation to ventilation and solar access. The application is also supported by a BASIX Certificate which achieves the target scores.



## PRINCIPLE 6 - LANDSCAPE

### DRP comment:

*The proposed communal open space is located at the first floor, with approximately 50% within an undercroft. This offers very limited amenity and it is recommended that communal open space be provided open to the sky, and potentially in a range of locations in the building, such as on upper level roof top spaces.*

*The massing of the built form creates a large wall along the curved eastern boundary. If the car park remains undeveloped, this will be a very prominent view and potentially very poor visual amenity. The Panel recommends that the car park be modified to allow for increased setback on this frontage to allow for tree planting, which will provide shade on this west facing frontage, and the incorporation of planters with climbers.*

*The Panel supports the proposal to incorporate deep soil zone along the driveway boundary. Given that large areas of the landscape are proposed on podium, careful resolution of soil levels, planting types and irrigation requirements is required. Detailed cross sections showing resolution of landscape spaces should be provided.*

### Applicant's comment:

*The amended plans incorporate three (3) communal open space areas which are located on first floor, fourth floor and ninth floor. A landscape buffer has been provided along the curved boundary of the adjoining carpark. Detailed cross sections have been provided on the landscape plans.*

### DAO's comment:

The amendments undertaken to the development are appropriate. The applicant has provided a landscape plan which has been prepared by landscape architect which shows the details requested by the DRP. One of the three communal areas proposed to the development will be, in part, in an undercroft area. This is considered acceptable as it will allow year round use of the communal area by residents and during times of inclement weather.

## PRINCIPLE 7 - AMENITY

### DRP comment:

*Communal open space is poor and should be redistributed. Consideration should be given to a greater range of facilities (play, seating, gathering spaces, BBQ) that could be accommodate in these zones.*

*The proposal includes a potential building envelope on the adjacent car park site. This is only one possible solution. Measuring separation based on this envelope is not adequate. Separation between sites should be split equitably with half on each site. It is assumed with the site shapes that a future building on the car park site would result in a habitable room to habitable room relationship at 9 storeys or greater. This would require a separation of 12m from the boundary.*

*Some units, such as Units 4.05 and 4.06, locate the bedroom at the outer face of the building overshadowing the living room and balcony. Similarly Unit 5.09 is overshadowed by Unit 5.01. Refinements to unit layouts could reduce self-shadowing and greatly improve solar access to living areas.*

*Adequate cross ventilation needs to be demonstrated. Units do not appear to include adequate storage space. More direct access to the waste room from the residential lobby is needed. Relocating the fire egress corridor to opposite side of the lobby would assist.*

Applicant's comment:

*The amended plans incorporate three (3) communal open space areas which are located on first floor, fourth floor and ninth floor. These area provide a variety of facilities for use by residents.*

*The first to eight floors observe a setback to the carpark boundary of 6m – 9m and privacy screen have been incorporated to the balconies. The ninth to twelve floor have a minimum setback of 9m.*

*Modifications have been made to the unit layouts to improve solar access to living areas. Modifications have been made to the units to ensure adequate cross ventilation is achieved. Storage areas have been provided within the basement and storage cupboards are provided within the units. The garbage rooms have been relocated to the ground floor within the service/loading area adjacent to corridors.*

DAO's comment:

Amendments undertaken to the development in response to the above issues are appropriate and address the issues raised by the DRP. The development now provides three communal areas with their total area being approximately 43% of the site areas. This is significantly in excess of the 25% required under SEPP 65. These areas will provide useable communal open space for residents in addition to the private open space areas allocated to each dwelling.

## PRINCIPLE 8 - SAFETY AND SECURITY

DRP comment:

*Security access to the car park from Dora Street needs greater consideration. The curved wall as shown in the 3D view is potentially a graffiti attractor. Recommendations above for a setback and landscape would reduce this potential.*

Applicant's comment:

*A security door has been provided to restrict access to the carpark and service area. The landscape setback to the boundary has been provided to reduce the likelihood of graffiti attack.*

DAO's comment:

The amendments undertaken in the design of the development provide appropriate security to the site and are consistent with crime prevention principles.

## PRINCIPLE 9 - SOCIAL DIMENSIONS

DRP comment:

*Adaptable units need to be provided.*

Applicant's comment:

*The proposed development will have a diversity of apartment types and caters for different household budgets and requirements generally. The proximity to rail and bus services, retail outlets, employment, educational and medical facilities provides the future residents with equitable access and choice. The proposal has been amended to provide 37 x 1 bedroom units, 51 x 2 bedroom units & 5 x 3 bedroom units. 8 units x 2 bedroom units have been designed as adaptable units.*

DAO's comment:

The amended development identifies the adaptable dwellings within the development with associated accessible car parking spaces. The development can comply with the relevant Australian Standards in relation to disabled access and facilities.

PRINCIPLE 10 - AESTHETICS

DRP comment:

*The revised design is a significant improvement in form along the street frontage.*

Applicant's comment:

*The proposed development incorporates a variety of architectural elements, materials and colours that responds to the street and setting. Architectural elements such as entries, balconies, screens and shading devices provide interest that allows the building to contribute positively in the streetscape. The proposal is a high quality development that will contribute to the desired future character of the locality and will enhance the existing surrounding streetscapes.*

DAO's comment:

The proposed development provides an appropriate urban design response which reinforces the site's corner location. The development provides various materials and finishes to identify the different elements of the development which provides visual interest.

Additional information

In additional to the comments made by the applicant in response to the issues raised by the DRP, the applicant's town planning consultant, Andrew Robinson Planning Services P/L has also provided the following statement to summarise the amendments to the design of the development:

*The Development Application was initially lodged on 12 September 2014. However, following a preliminary assessment and referral to the Design Review Panel, Council wrote to the applicant outlining a number of matters that required attention prior to further processing of the application. In particular, the Design Review Panel had*

*raised a number of issues and Council sought additional information in relation to visitor car parking and the urban design merits of exceeding the statutory building height limit.*

*At the Design Review Panel meeting on 6 November 2014, 3 options were presented to the Panel in order to provide further justification for the proposed*

*building massing and breach to the building height limits. Option 1 showed a scheme that complied with the height controls, but demonstrated that this would result in an unviable development form. Option 2 proposed a tower element on the Queens Road/Forest Road (western corner) of the site and Option 3 proposed a development form similar to the original application, but with a reduction in height along the Forest Road frontage to comply with the 15m height limit. While Option 3 was the applicant's preferred option, the Panel preferred Option 2 on the basis that it provided the best opportunity for future adjacency with Council's site (to the north-east) – whether it was to be redeveloped as a tower or a park.*

*Accordingly, following the DRP meeting, the proposed development has been amended to align with the Option 2 massing and now forms the revised development proposal to which this amended Statement relates. The amended application is also accompanied by an Urban Design report prepared by A E Design Studio that supports the proposed variation to the height controls for the site.*

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

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

An amendment to SEPP 65 was placed on exhibition from the 23 September 2014 to 31 October 2014. The development application was lodged on the 12 September 2014 prior to the exhibition of the amendments. As such they are not relevant to the proposed development and are not taken into consideration in the assessment of the application.

### ***DRAFT STATE ENVIRONMENTAL PLANNING POLICY (COMPETITION) 2010***

The aims of this policy are to:

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

The policy includes criteria to remove anti-competitive barriers to commercial development, being retail premises, business premises, and/or office premises. The use of retail and commercial area is permissible on this site and is encouraged in the current controls and the intended proposed controls. The proposal is not inconsistent with the Policy.

### ***DRAFT HURSTVILLE LOCAL ENVIRONMENTAL PLAN (HURSTVILLE CITY CENTRE) 2014***

Hurstville City Council exhibited the draft Hurstville Local Environmental Plan (Hurstville City Centre) 2014 (draft LEP) and draft amendments to Development Control Plan 2 – Hurstville City Centre (draft DCP 2) from Thursday 17 July to Thursday 14 August 2014.

On 17 September 2014, Council resolved to adopt the draft LEP and forward the draft LEP to NSW Department of Planning and Environment in accordance with the Act. Council also resolved to approve the draft DCP 2 at this meeting in accordance with the Act and related Regulation. The draft DCP 2 will become effective when the LEP is made by the Minister for Planning.

The LEP is not considered to be imminent and certain, however the provisions of the LEP have been considered in the assessment of this application. The following table is provided to identify the current and proposed controls for the site:

	<b>Zone/Use</b>	<b>Maximum height</b>	<b>Maximum FSR</b>
Hurstville LEP 1994	Zone 3 (b) – City Centre Business	-	-
DCP No 2 - Hurstville City Centre	Retail/commercial on ground floor	15, 23 and 45m	6:1
Draft Hurstville LEP (HCC) 2014	Zone B4 – Mixed Use	15, 23 and 45m	3.5:1
Draft DCP No 2 - Hurstville City Centre	Retail/commercial on ground floor	-	-
DA2014/1050 (Revised scheme – December 2014)	Zone 3 (b) – City Centre Business	44.5m (part 4, part 9 and part 13 storeys)	5.3:1

The proposed development seeks to vary the position of height controls over the site and complies with the current floor space ratio controls for this site.

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

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

#### Demolition

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

### **3. Development Control Plans**

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

#### ***DEVELOPMENT CONTROL PLAN NO 2 - HURSTVILLE CITY CENTRE - NEIGHBOUR NOTIFICATION AND ADVERTISING OF DEVELOPMENT APPLICATIONS***

The application was advertised/notified to 119 adjoining and adjacent owners and residents on two occasions, once when the application was lodged and once when amended plans were received. On each occasion one submission was received in reply. One enquiry was submitted after the notification period seeking clarification of information.

The issues raised in the submissions and in the enquiry are as follows with the applicant's response and that of the development assessment officer (DAO) provided below:

### Issue

- Building form does not reflect significance of location
- Nothing back to community in terms of streetscape and landscape public areas
- No softening treatment along Queens St (stark façade)
- No setback to street boundaries (brutal)
- Design will create unpleasant wind conditions along Forest Road (wind study)

### Applicant's response

*Following comments from Council and Design Review Panel the proposed development has undergone a significant redesign. The revised plans are supported by a detailed Urban Design Report. The development has been amended to increase the height to the corner giving greater recognition to its location as a gateway. Increased setbacks have been provided along Forest Road and increased articulation along both street frontages. Street trees are to be retained and provided along the street frontages.*

### DAO response

The proposed development has been amended from that originally submitted. The amendments undertaken to the development include a tower element to reinforce the corner location of the site, and its prominent location within the Hurstville City Centre, treatment of the Queens Rd façade to provide a direct interface with the street with shop fronts and entry points to the lobbies of the development, and a lower height for that part of the development that adjoins developments on Forest Rd to provide a transition in height and scale. These amendments result in an improved urban design outcome and streetscape presentation.

### Issue

Infrastructure affordability, traffic congestion, environmental disruption, height

### Applicant's response

- *We are unable to address this issue as it is unclear what is meant by "infrastructure affordability".*
- *The application has been supported by an appropriate Traffic Report which concludes that the proposal will result in a reduction in vehicle movements from the site and therefore will not adversely affect the existing road network.*
- *The submission does not specify what environmental issues are of concern.*
- *The height of the proposed development has been addressed in detail in the SOEE and SEPP No 65 Report. It is consistent with the recommendations of the Design Review Panel and is supported by a detailed Urban Design Report. The proposed development recognises Hurstville's status as a Strategic Centre as identified in the State Governments "Plan for Growing Sydney".*

### DAO response

The subject site has appropriate infrastructure to support the proposed development. The application is supported by a Traffic and Parking Assessment Report which concludes that the proposed development complies with the requirements relating to car parking and access. It is noted that the proposed development provides onsite car parking in excess of the requirements of DCP 2. This is detailed in the report below. In relation to environmental concerns, the application is supported by a BASIX Certificate which details the energy efficient measures to be incorporated into the development.

The height of the development is discussed in detail in the report below and is supported as it results in a better urban design outcome for the site and adjoining properties.

#### Enquiry

The Waratah Private Hospital which is located opposite the subject site at the corner of Queens Rd and Dora St raised concern about privacy impacts and overlooking from the development into patient's rooms.

#### DAO response

The applicant was advised of the concern raised by the hospital and in response the applicant's architect prepared sightline diagrams based on the approved plans for the hospital (approved as the "Medica" building). The sightline/privacy diagrams show that the proposed development has separation distances to the hospital that significantly exceed those of SEPP 65 and privacy impacts will not be an issue. It is noted that the separation distances under SEPP 65 do not apply to non-residential development such as the hospital. The sightline diagram and the information relating to separation distances were forwarded to the hospital, and no further comment was received on the application.

### ***DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE – SECTION 4.2 THE CONTROLS***

The controls that apply to the subject site under DCP 2 are as follows:

<b>Block 10 Site 10A</b>	<b>Standard</b>	<b>Proposed</b>	<b>Complies</b>
Use	Ground floor retail/commercial – full site coverage and upper floors residential/commercial	Ground floor commercial/retail and upper floors have residential	Yes
Height	15m 23m, and 45m	-15m - 30m for portion of development adjoining properties on Forest Rd -43.1m (44.5m to top of sprinkler tower parapet) for the portion of the development that is located at the corner of Forest Rd and Queens Rd -30m for portion of development adjoining the property on Queens Rd	No (1)
FSR	6:1	5.3:1 (5.4:1 if the 14 car spaces in excess of DCP 2 are included in the floor area)	Yes
Setbacks	No setbacks however Queens Rd boundary needs to be rationalised	To the boundary for Forest Rd and Queens Rd	Yes

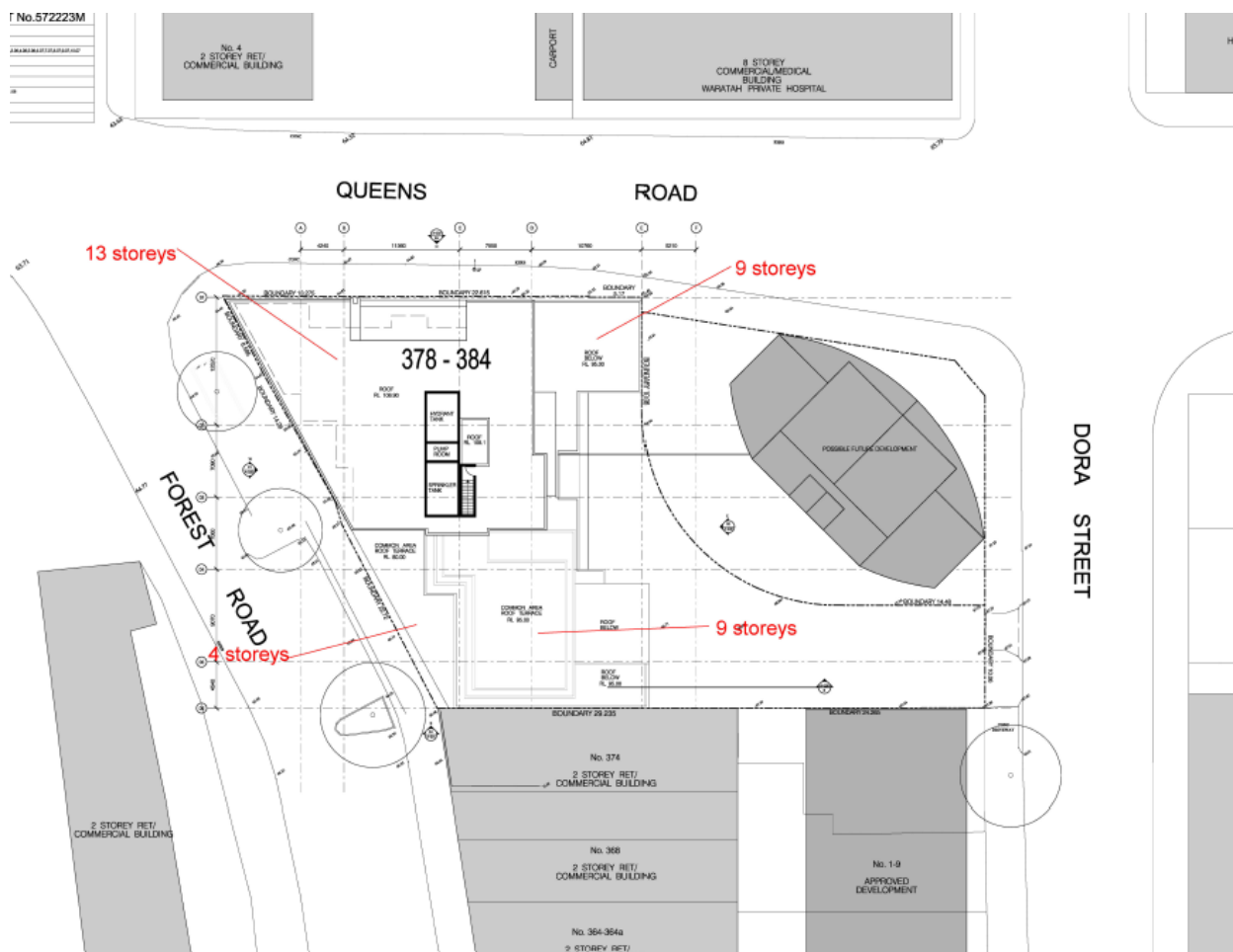
Awnings	Cantilevered awning on Queens Rd boundary Forest Rd and Barrett St	Cantilevered awning	Yes
Balconies	Minimum 1/unit, 8sqm in size 2.5m minimum width	Minimum 1/unit, with size between 11m <sup>2</sup> and 23m <sup>2</sup> Minimum 2m dimension which is consistent with the provisions of SEPP 65 for balcony dimensions.	Yes
Vehicles Access	From Dora St, possible entrance from Forest Rd	Dora St	Yes
Car parking in basement	1 car space/100sqm for residential (6988sqm) = 70 spaces 1 car space/55sqm for commercial (190sqm) = 4 spaces 1 car space/27.5sqm for retail (230sqm) = 9 spaces 1 car space/4 units for visitors (93 units) = 24 spaces 1 car wash bay (which can be a visitor space) Total required: 107 spaces Total provided: 121 spaces	Total = 121 car spaces provided (including 14 accessible spaces)  + 9 motor bike spaces + 8 bicycle spaces +loading area provided at ground level at rear of site  Carwash not shown but can be a visitor's space	Yes

#### (1) Height

Under the provisions of Development Control Plan No 2 the subject site has three height requirements, 15m, 23, and 45m. This is shown in an extract of the height table below:







Site plan showing number of storeys in the development

The applicant's planning consultant has submitted the following statement in support of the variation to the height:

*Under the site specific height controls for a mixed commercial/residential development, building heights range from 15m to 45m. More specifically, the 15m height applies to a narrow strip across the Forest Road frontage of Nos. 374-378 Forest Road, in the south-eastern corner of the site. The 45m height applies to the portion of the site that fronts Dora Street (including the Council car park) and the remainder of the site is subject to a 23m height limit. The majority of the building is located on the part of the site that is subject to the 23m height limit.*

*The proposed development (as amended) proposes a part 4, part 13 and part 9 storey building with varying street wall heights of between 15m and 43.1m along the Forest Road and Queens Road frontages. A tower element has been provided on the corner of Queens Road & Forest Road with a maximum height of 43.1m. The overall building height to the top of the sprinkler tower parapet is 44.5m and is therefore 21.5m higher than the 23m height limit in this location. However, the 15m height limit on part of the Forest Road frontage is met.*

*Notwithstanding the breach of the height control, the proposed development will be of a similar scale to other multi-storey residential development in the locality. The*

*existing built form and character along Queens Road comprises an amalgamation of older and newer commercial and mixed use buildings, with a variety of building*

*heights and architectural styles. Forest Road, although currently of a predominantly 2 storey built form and character, is anticipated to transition with increased building heights.*

*To achieve the scale identified by the Hurstville City Centre Master Plan as being the desired future character of the area, a height of up to 16 storeys is suggested in order to ensure that employment opportunities are maximised and to attract commercial development. While the proposal is a predominantly residential building, the height and bulk of the proposed development will conform to the overall scale of the Hurstville CBD whilst its scale will be compatible with the scale of the mixed built forms and bulk of the street and the surrounding buildings.*

*As such, it is considered that the proposed built form is appropriate for the building's purpose. It will make a positive contribution to the streetscape character and economic viability of the precinct with an active commercial frontage at street level and provide for residential apartments above. It has been designed to carefully interface and consider its relationship with development on the adjacent lots, the surrounding built form and the natural landscape. The design achieves internal and public domain safety and security with its active street interfaces that provides surveillance of public places and, safe access for pedestrians with minimised concealment spots.*

*Referring to the Height of Buildings Map that accompanies Draft Hurstville LEP (Hurstville City Centre) 2014, a building height of 40m is shown for the site on the southern side of Forest Road directly opposite the site. When viewed in the context of this 40m height limit, together with the 45m height limit on the northern portion of the subject site (as well as the Council car park), a development that conformed to the 23m height limit (affecting the majority of the subject site) would realise a much lower built form, sandwiched between much higher developments. This is considered to be at odds with the desired future character, particularly when the south-western corner of the subject site is a prominent site that effectively forms the south-western entry point to the City Centre. As such, it is considered that this visually prominent site should incorporate a 'gateway' element, as proposed.*

*In addition, as the site is proposed to be redeveloped independently of the Council car park site, the proposed development will allow for a better separation between buildings along Dora Street, will allow for better solar access and potentially realises a better arrangement for the residential units than might otherwise have been achieved in a development of the entire site including the car park.*

*As such, despite exceeding the nominated height controls, it is considered that the proposed development will fit comfortably into the urban context where there is a variety of building height, bulk and scale. On the basis of the planning merit outlined above, it is considered that a variation to the height control is warranted in this instance.*

*Further justification for the breach of the height controls in an urban design context is provided in the Urban Design Report prepared by A E Design Studio that accompanies the amended application.*

*It is noted that the Design Review Panel supported the proposed built form and massing on the basis that it provides the best opportunity for future adjacency with*

*Council's site to the north-east. The scale of the tower also reduces the impact of excessive bulk along Queens Road and the Stepped form along Forest Road adjacent to the tower achieves the desired streetscape character and built form, commensurate with the DCP controls.*

The application is also accompanied by an Urban Design Report prepared by AE Design Partnership (dated 17 December 2014). The report considers the suitability of the proposed 13 storey development in relation to the location of the subject site and its context with surrounding development. An extract of the information provided in the Urban Design Report (with accompanying graphics) in support of the height is provided as follows:

*Three height zones apply to the subject site under current controls (Hurstville DCP2 2007) and Draft Hurstville LEP (City Centre) 2014:*

- *15m (O) at southern corner of site (fronting Forest Road).*
- *23m (S) through middle of site (including Forest/Queens Road corner).*
- *45m (X) at rear of site (fronting Dora Street).*

*The proposal exceeds the maximum height controls of Zone O and S. The current development standards enable development at a much greater scale, however restrict the height at the prominent corner of Queens and Forest Road. We consider the breach in height acceptable for the following reasons:*

- *It creates an improved urban design outcome by establishing the intersection of Forest Road and Queens Road as a gateway to the Hurstville Commercial Core.*
- *Focussing the bulk of the proposal at the western corner, as supported by the St George Design Review panel.*
- *Ground-level commercial and retail premises are provided and address streetscape:*
- *Servicing provided from Dora St, which enable 4.5m service vehicles.*
- *A high-rise residential component with a thin residential tower that is consistent with recommendations provided by the St George Design Review Panel.*
- *"A corner tower on Queens Road/Forest Road Junction. This is preferred by the Panel as it provides the best opportunity for future adjacency with Council's site. The scale of the tower also reduces the impact of excessive bulk along Queens Road".*

*The site is within an area undergoing transition to higher density mixed uses. The proposal is consistent with:*

- *Recently developed cluster of taller buildings (Cluster 2) north of the site.*
- *Nos. 9 Dora Street and 2 Barratt Street, each of which was approved by the JRPP for the development of a thirteen storey (45 and 47.6 metres*

respectively) mixed use building (see Figures 12 and 13). 2 Barratt Street exceeds the maximum height controls by 7.6 metres.

- The site is within 400 metres of Hurstville Transport Interchange and is well placed for high density redevelopment.
- Overshadowing impacts are reasonable. Narrow tower compared to recent development on Queens Road, therefore providing a fast moving shadow.

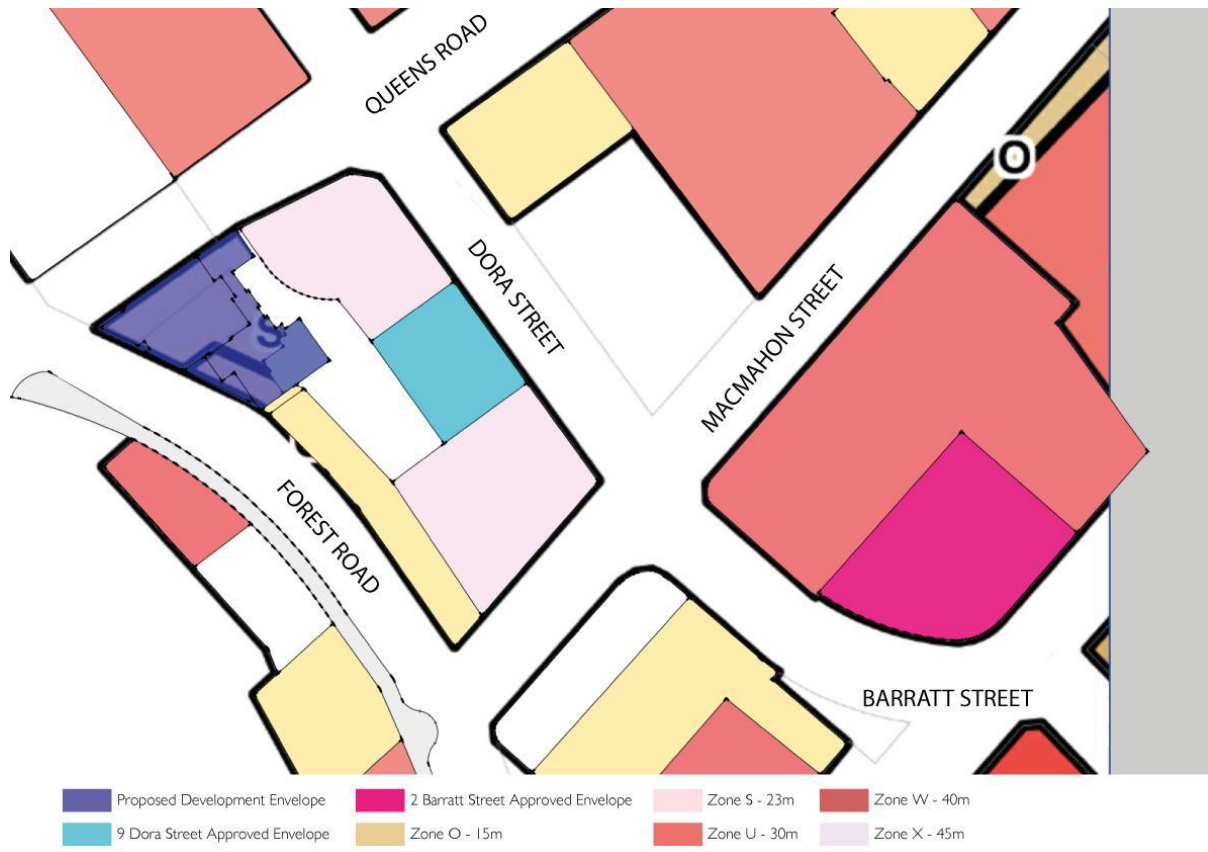


Figure 12: Building envelopes (bird's eye view)

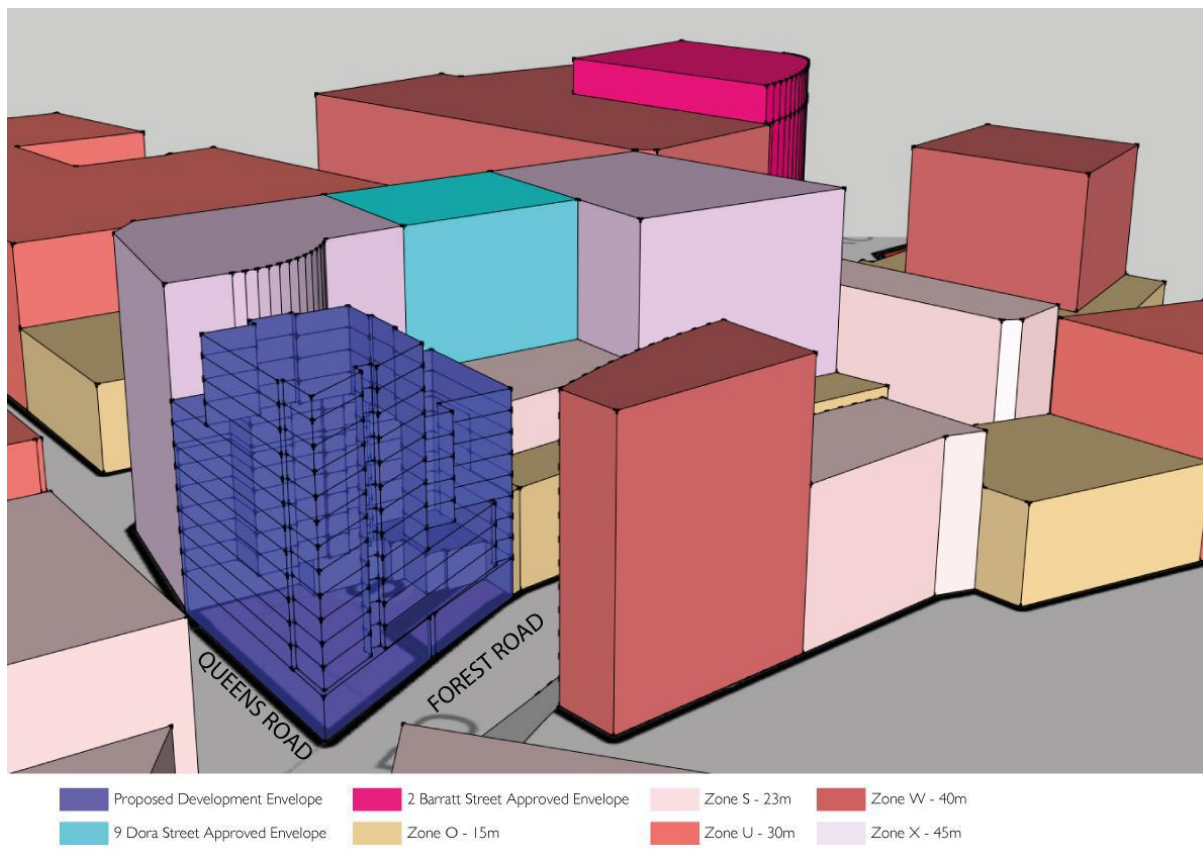


Figure 13: Building envelopes (view north-west above intersection of Queens and Forest Road)

The site a highly visible location with three street frontages: Queens Road, Forest Road and Dora Street. The site is located within the western entrance of Hurstville Commercial Precinct and is anticipated by the 1994 Hurstville LEP to accommodate a high rise development.

The proposed development provides an adequate urban design response to the context and desired future character as the proposed development:

- Incorporates a continuous zero lot alignment and active street frontage to Forest Road and Queens Road.
- Incorporates a high proportion of ground floor glazing with frontage to Forest Road and Queens Road.
- Retains existing street trees along Forest Road.
- Is consistent with recent development on Queens Road and recent approvals on Dora Street and Barrett Street.
- Encourages a high level of pedestrian activity through active street frontage, wide footpaths, awnings, zero lot line development, street trees and an increase in residential density within the site.
- Incorporates a nil side setback to adjoining developments on Forest Road.
- Mixed-use development located within 220 metres of the Hurstville Bus Interchange and 350 metres of the Hurstville Train Station.
- Has FSR compliant with current controls.
- Contributes to Hurstville's Major Centre status by providing a mixed-use, thirteen storey building comparable with other major centres.
- Results in a thirteen storey mixed-use building within the boundary of the Hurstville CBD, as defined by the Draft LEP.

*Improvement to the streetscape by addressing the predominate character of the surrounding development in the centre:*

- *Providing continuous ground floor activation and building to zero lot line along the street edge, increasing activation at ground level.*
- *Concentrating the bulk of the development at the corner of Forest Road and Queens Road.*
- *New deep soil planting and of trees along the driveway from Dora Street, retention of existing tree along Forest Road.*
- *Providing street definition through street walls, overall building height and corner emphasis at the Western Gateway to Hurstville's Commercial Core.*
- *Providing vehicle access from Dora Street and parking being entirely located underneath the building.*

*An appropriate built form scale within the centre:*

- *Existing buildings located at the subject site are not consistent with the desired future character of the area and have deteriorated, particularly fronting Forest Road.*
- *A high level of amenity for future residents with access to:*
- *Private, communal and public open space.*
- *Access to educational facilities, with public transport within 5 minutes walking distance.*
- 

*The proposed development provides an adequate urban design response to the context and desired future character and is therefore recommended for approval.*

### Comment

The variation to the height requirement as proposed is supported for the following reasons:

- The design of the development was amended from that originally submitted in response to discussions with the Design Review Panel (DRP). At the DRP meeting the applicant's architect presented three options for the site that were formulated at the design stage of the development. Option 2 was the preferred option of the DRP which provided a higher building at the corner of Forest Rd and Queens Rd and a lower height where the development adjoins properties on Forest Rd and Queens Rd. Option 2 provides a better urban design outcome in terms of design as it reinforces the corner location of the site and provides a better outcome and interface with greater separation distances to the adjoining sites, in particular the site on Dora St which currently has an at-grade car park. Should this site be redeveloped in the future, the proposed development has been designed so that a mixed use development can be accommodated on the site with appropriate separation distances and residential amenity. This design is supported and reinforced in the Urban Design Report prepared by AE Design Partnership as detailed above.
- Under the provisions of DCP 2, there are three height requirements for the subject site. These vary from 15m to 45m. The proposed development does not vary the maximum height of the site as it has a maximum height of 43.1m (44.5m to top of sprinkler tower parapet) but rather proposes the height to be relocated to achieve better design outcomes for adjoining properties and to reinforce the site's location on a prominent corner of the Hurstville City Centre. That part of the site



located on Dora St which is the narrowest part of the site and subject to the 45m height requirement will contain the vehicular entry/exit to the site which results in better traffic flow in and around the site as opposed to its location on Forest Rd. The location of the vehicular entry point on Dora St also allows for a right-of-way to be provided to the adjoining car park site should this be required in the future as part of a redevelopment of the site. The applicant redesigned this part of the site to accommodate a future right-of-way.

- The portion of the development which has a height of 43.1m is located at the corner of the site where it provides a focal point to the development with other parts of the development being lower in height. This is similar to the design outcome achieved by the development at 458-460 Forest Rd (the “Toga” development) which has a “pop-up” building (Building B) on the Forest Rd façade which has a height of 56.75m where the height requirement of DCP 2 is 45m. Building B which is higher than other components of the development reinforces the site’s location on a corner and within a prominent area of the Hurstville City Centre. Although Building B is higher than the requirements of DCP 2, it provides an improved urban design outcome in terms of streetscape presentation and interface with surrounding developments.
- The Urban Design Report (with associated graphics) submitted with the application identifies several sites within close proximity to the subject site that have been approved with a height of 45m or more. In particular are the developments at 9 Dora St and 18 – 22 Woodville St and 2 Barratt St which are approved with a minimum height of 45m. The Waratah Private Hospital which is located opposite the subject site on Queens Rd has a height of approximately 42.5m.

As such the proposed development will not be an anomaly in the streetscape but consistent with approved developments currently under construction. In particular, the proposed height to the corner of the site will provide a better streetscape outcome, providing a transition in height to the adjoining properties on Forest Rd and the adjoining site at the corner of Queens Rd and Dora St (the carpark site). This site can potentially have a similar height to the proposed development as it is subject to a maximum 45m height under the provisions of DCP 2.

- The proposed floor space ratio for the development is below the maximum required under Development Control Plan No 2. The additional height is therefore not a result of additional floor area being provided and an overdevelopment of the site.
- The proposal is consistent with the objectives and intentions of the Hurstville City Centre TMAP promoting a building floor space which complies with the planning controls, does not result in an overdevelopment of the site, any adverse impact on traffic generation, nor result in additional non-compliances.



- Under clause 3.3.1.1 of DCP 2 the overall objectives for the City are to:
  - (a) *To encourage the growth of the Town Centre through an integrated, urban design approach to planning.*
  - (b) *To strengthen the identity and legibility of the Town Centre by recognising and building upon its spatial structure and urban form.*
  - (c) *To recognise Forest Road as the "main street" in Hurstville by encouraging its development while protecting and enhancing the central retail precinct.*
  - (d) *To emphasise and enhance the topography and street hierarchy of the town with medium/high density development.*
  - (e) *To ensure that the Town Centre is safe, accessible and contributes positively to the general well-being of the community.*
  - (f) *To recognise and address individual and cumulative social impacts which adversely affect the community.*
  - (g) *To ensure cohesive built form and sufficient development capacity throughout the Town Centre.*
  - (h) *To identify opportunities for the creation of more open space and improvement of the public domain.*
  - (i) *To expand pedestrian networks and improve pedestrian amenity.*
  - (j) *To relate the car parking requirements to the individual characteristics of each site and the regional transportation role of Hurstville.*
  - (k) *To introduce the principles of Ecologically Sustainable Development to all buildings and development in the town.*
  - (l) *To provide clear site-specific guidelines for building form, substantiated by the intent for each site in terms of town structure and architectural resolution.*
  - (m) *To ensure that organisation of traffic is appropriately designed in the present street system.*

The proposed development is consistent with the objectives for the City and in particular objectives (a), (b), (c), (d), and (g) as the height of the development provides an integrated and cohesive urban design outcome. The design of the development whereby the highest part of the development is located at the corner of Forest Rd and Queens Rd reinforces the site's corner location and prominent position on Forest Rd. The height of the development as proposed results in an improved urban design outcome for the streetscape and the adjoining sites and responds well to its context whilst still being below the maximum floor space ratio requirement.

- Under clause 4.1.5.1 of DCP 2 the "General Design Considerations" for the Hurstville City state that:

*...The built form profile is medium-rise, high-density, block-edge development. For this building form to be successful it needs to adhere to the following principles:*

- *The buildings should be appropriately modulated and articulated in their façade in order to provide well proportioned elevations and human scale, shadow lines etc when viewed along the street.*
- *Architecture must draw clues from the existing buildings in terms of plans, elevations and the traditional vertical structural modulation evident in Hurstville.*
- *The design should consider the proposed building in its street context.*

The proposed development is consistent with the design considerations identified in DCP 2 as the height of the development responds to the location of the site on a prominent corner of Hurstville City Centre. The height of the development is consistent with other existing and approved developments in the vicinity of the subject site and will not be an anomaly in the streetscape. The building responds well to adjoining sites by providing a transition to existing developments in Forest Rd and allowing for better spatial separation for sites adjoining the site that are yet to be developed.

The development is appropriately modulated and articulated which provides interest to the façade and allows for different elements of the building to be identified, such as building entrances at the street level. The development responds well to its context and is consistent with the design expectations of DCP 2.

**DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE –  
SECTION 5.1 DESIGN GUIDELINES FOR BUILDINGS, PUBLIC DOMAIN AND  
OPEN SPACE**

<b>Section 5.1</b>	<b>Design Guidelines</b>	<b>Proposed</b>	<b>Complies</b>
5.1.1 – Street alignment	Buildings to be sited on street frontage.	Building is sited on street frontage	Yes
	Buildings to provide pedestrian amenity in form of active street frontages, building entrances, and awnings	An active street frontage is proposed with the commercial/retail use	Yes
	Buildings set back from street are to address the street with major facades, entrances, low fences, substantial planting, etc.	Building is located on the front boundary	N/A
5.1.3 – Frontage articulation	Building frontages are to be articulated into separate building frontages and bays, using shop front separations, attached columns and steps in façade Changes of texture and colour should complement	Variety of articulation and changes in texture and colour	Yes
5.1.7 – Roof Design	Lift over-runs and plant equipment should be concealed	Lift over-runs and plant equipment are concealed	Yes
	Penthouses are encouraged to create interesting skylines using setback upper floors	Penthouse not proposed however the proposed development has various heights which create an	Yes

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

## **DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE – SECTION 6.1 CAR PARKING**

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

The applicant is accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd (dated 16 December 2014, reference 14472) which assesses the traffic generation and parking facilities of the proposed development. The report concludes that:

- The projected future traffic generation potential of the development is offset by the existing traffic generation potential of the existing development on the site. In doing this it is likely that the proposed development will result in a reduction in traffic generation potential of the site of approximately 10vph. The projected reduction in traffic activity as a consequence of the development proposal will not have any unacceptable implications in terms of road network capacity.
- The proposed parking and loading facilities satisfy the relevant requirements specified in both Council's Parking Code as well as the Australian Standards and it is therefore concluded that the proposed development will not have any unacceptable parking or loading implications.

The proposed development provides 121 car spaces which is in excess of the requirements of DCP 2. It is intended however that 89 car spaces be allocated to the residential units (70 required under DCP 2) and 16 spaces are allocated as residential visitor spaces (24 required by DCP 2). The provision of residential visitor spaces equates to 1 space/6 units and not 1space/4 units identified in DCP 2. The Traffic and Parking Assessment Report provides the following justification:

*The proposed development makes provision for a total of 121 off-street car parking spaces, thereby satisfying Council's Parking Code requirements. It is proposed to allocate 89 spaces to the 93 residential apartments (therefore 4 apartments will not have any car parking), 16 spaces for the retail/commercial component and 16 spaces for visitor parking.*

*That visitor parking provision equates to 1 space per 6 units, and is slightly less than the 1 space per 4 dwellings required by Council's DCP 2. However, the provision of 1 space per 6 apartments is considered to be acceptable in this instance because:*

- *it complies with the visitor parking rates nominated in the survey-based RMS Guidelines for high density residential flat buildings in CBD locations with good access to public transport*

- *it is consistent with the visitor parking rates nominate by other LGAs in south-eastern Sydney for high density residential developments located near railway stations, such as:*

*Marrickville DCP (2013): 1 space per 10 units*

*Leichhardt DCP (2013): 1 space per 11 units (min) to 1 space per 8 units (max)*

*Burwood DCP (2012): 1 space per 6.25 units (near Burwood & Strathfield Stations)*

*Rockdale DCP (2011): 1 space per 6.25 units (near Rockdale & Wolli Creek Stations)*

*Waverley DCP (2012): 1 space per 7 units*

*In addition, it is noted that peak residential visitation levels typically occur in the evenings, particularly on Friday and Saturday nights, when most (if not all) retail parking spaces are likely to be unused. The opportunity therefore exists for shared use of the retail parking spaces by residential visitors on an after-hours basis which could potentially increase the visitor parking provisions from 1 space per 6 units during the daytime to 1 space per 2.9 units in the evenings.*

*It is also noted that the site is located approximately 5 minutes walking distance from Hurstville Railway Station and Bus Interchange. It is therefore highly likely that some visitors will travel to/from the site using public transport.*

*In any event, it is understood that Council has previously approved the provision of visitor car parking at the rate of 1 space per 6 units for a number of similar high density residential developments located in the Hurstville Town Centre near the Railway Station/Bus Interchange.*

*The geometric design layout of the proposed car parking facilities have been designed to comply with the relevant requirements specified in the Standards Australia publication Parking Facilities Part 1 - Off-Street Car Parking AS2890.1 in respect of parking bay dimensions, ramp gradients and aisle widths.*

*It is therefore reasonable to conclude that the proposed development will not have any unacceptable parking implications.*

#### Comment

It is considered that the provision residential visitor spaces at a rate of 1space/6 units is acceptable for the following reasons:

- The number of residential units with an allocated car space will be increased from 70 required under DCP 2 to 89 which increases onsite parking allocated to residents of the development.
- The provision of visitor spaces at a rate of 1space/6 units is consistent with the RMS Guidelines for residential development in CBD locations.
- A similar variation was given to the approved development at 458-460 Forest Rd (the "Toga" site) on the basis that onsite parking is increased for residents. Should the car space not be required by residents, it can be used by their visitors, therefore performing the same function intended by the car space.

## **DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE – SECTION 6.3 ACCESS AND MOBILITY**

The applicant is accompanied by a Building Code of Australia Report prepared by

Michael Wynn-Jones and Associates (dated 30 August 2014). The report assesses the proposed development's compliance with the relevant provisions of the Building Code of Australia (BCA) in terms of disability access and facilities. The report concludes that the proposed development can comply with the relevant requirements and Australian Standards in relation to disability access and facilities.

In terms of the development's compliance with the requirements of DCP 2 the following assessment has been made:

<b>Section 6.3 – Access and Mobility</b>	<b>Requirements</b>	<b>Proposal</b>	<b>Complies</b>
Adaptable dwellings	1 adaptable dwelling for the first 8 dwellings and then 1 per 10 dwellings or part thereof (min) = 10  Adaptable dwelling complies with AS4299	8 adaptable units nominated however 10 can be provided	Yes
Access requirements	Access in accordance with AS1428 for all persons through the principal entrance of the building and to common areas	Can be provided	Yes
Accessible residential car spaces	1 space per adaptable dwelling  Layout complies with Australian Standard	1 space per adaptable dwelling provided	Yes
Accessible retail/commercial car spaces	1 space per 20 spaces or part thereof, where parking areas have more than 20 spaces but less than 50 spaces = 13 car spaces are required for the commercial/retail component therefore 1 accessible car space is required	Minimum of 1 accessible space is provided	Yes

**DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE – SECTION 6.4 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)**

The proposal is deemed to satisfy the requirements of DCP 2 by addressing CPTED principles. These are discussed below:

<b>CPTED</b>	<b>Design requirements</b>	<b>Proposed</b>	<b>Complies</b>
Fencing	Front fence maximum 1m, unless open type	No fencing is proposed	N/A

Blind corners	Direct pathways with permeable barriers Mirrors around corners Glass/steel panels in stairwells	No blind corners evident. Entrances are direct from the street. Stairwells are located within the building and not visible externally.	Yes
Communal/ public areas	Habitable rooms adjacent to public viewing areas Good visibility to stairwells, entries, elevators	Habitable rooms face onto street. Good views from bedrooms and their balconies to the street and from private open space areas to the communal open space. Entries and elevators are visible from street and lobby.	Yes
Entrances	Maximum one entry point per 6-8 dwellings User can see into building before entering Entrance clearly recognisable	The building has one entry point for the residential component which is clearly visible from the street. Lobby areas are visible from the street.	Yes
Site and building layout	Main entrance orientated towards street, and not from rear lanes Habitable rooms at front of dwelling	Main entrance is from the street. Habitable rooms are orientated towards the front and rear of the development.	Yes
Landscaping	Low hedges and shrubs or high canopied vegetation No continuous barrier of dense growth Ground cover or 2m clean trunks around children's play areas, car parks and pedestrian pathways Prickly plants used as barriers Avoid vegetation that conceals building entrances Large trees next to second storey windows or balconies	Proposed landscaping as per landscape plan submitted is satisfactory.	Yes
Lighting	Use of diffused and/or movement sensitive lights Access/egress routes illuminated No glare or dark shadows produced No lighting spillage onto neighbouring properties Users can identify a face 15	Can be subject to condition of consent	Yes

	metres away Use of energy efficient lamps/fittings/switches		
Building identification	Each individual dwelling numbered Unit numbers provided on each level Building entries state unit numbers accessed from that entry	Can be subject to condition of consent	Yes
Security	Intercom, code or card locks for building and car park entries Door and window locks comply with AS 220 Security access to basement parking via main building External storage areas well secured and lit	Details not provided however access to residential lobbies is secured. Access to car parking areas is secured.	Yes
Maintenance	Provision for the speedy removal of graffiti and repair/cleaning of damaged property Provision of information advising where to go for help and how to report maintenance or vandalism	Can be subject to condition of consent	Yes

**DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE – SECTION 6.5 ENERGY EFFICIENCY**

A BASIX Certificate has been submitted with the application which meets the target scores. In terms of solar access to adjoining developments, the shadow diagrams submitted with the application show that the proposed development will allow solar access to adjoining developments in accordance with the requirements of DCP 2 and SEPP 65.

**DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE – SECTION 6.7 DRAINAGE AND ON-SITE DETENTION REQUIREMENTS**

The proposed development can drain to the street in accordance with the requirements of DCP 2. An assessment of the drainage is provided in the following table:

<b>Stormwater Assessment</b>	
Existing Stormwater System	Gravity to Street
Proposed Stormwater System	Gravity to Street
Stormwater objectives for development type met?	Consistent
Slope to rear (measured centreline of	No

site)	
Gravity to street (from property boundary to street kerb)?	Yes
Discharge into same catchment?	Yes
Easement required?	No

## ***DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE – SECTION 6.9 WASTE MANAGEMENT***

The proposed development provides appropriate residential and commercial waste facilities within the development. The final design of the waste facilities area can be determined in consultation with Council's Manager – Environmental Services as a condition of any consent granted.

## ***DEVELOPMENT CONTROL PLAN NO 2 – HURSTVILLE CITY CENTRE – SECTION 6.10 – DEVELOPMENT OF A HERITAGE ITEM OR IN THE VICINITY OF A HERITAGE ITEM***

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

### **4. Impacts**

#### ***Natural Environment***

Although the proposal includes a large amount of excavation for the basement levels, this is not uncommon in the Hurstville CBD area. The proposal is unlikely to adversely impact on existing drainage patterns and soil stability in the locality. The site currently has no significant vegetation, but the proposed development will introduce 88sqm of deep soil zones to the site which will improve the current site conditions. It is therefore considered unlikely that the proposal will have adverse impacts on the natural environment.

The application is accompanied by an arborist's report (prepared by All Season Trees and Gardens) which identifies the tree protection measures that will have to be implemented during any construction phase to retain the three Evergreen Alder trees located on the Forest Rd footpath at the front of the subject site. These measures can be the subject of a condition of any consent granted.

#### ***Built Environment***

The proposed development is unlikely to have an adverse impact on the built environment. Although the proposed development relocates the maximum permissible height to the corner of the site, it results in a better urban design outcome for the site, the streetscape, and adjoining developments. It is noted that the floor space ratio of the development is below the maximum permitted. The development has acceptable impacts in terms of solar access and privacy to adjoining developments.

#### ***Social Impacts***

The proposed development has no perceived adverse social impacts.



### ***Economic Impacts***

The proposed development has no perceived adverse 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 submissions received to the application have been discussed in the report above.

### **Council Referrals**

#### ***Team Leader Subdivision and Development***

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

#### ***Senior Building Surveyor (Major Projects)***

Council's Senior Building Surveyor (Major Projects) has raised no objection to the application subject to conditions of consent being attached to any consent granted.

#### ***Manager – Infrastructure Planning***

Council's Manager – Infrastructure Planning was consulted in relation to the suitability of the development accommodating a possible right-of-way to the adjoining site over the proposed driveway. He has advised that a right-of-way can be accommodated as the design of the driveway has an appropriate ramp grade to provide access.

### **External Referrals**

#### ***Design Review Panel***

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

#### ***Roads and Maritime Services (RMS)***

The application was referred to the RMS who has raised no objection to the application subject to conditions of consent being attached to any consent granted.

#### ***Sydney Trains (formerly RailCorp)***

The concurrence of Sydney Trains was required to the application due to the site's proximity to railway infrastructure under the provisions of clause 86(1) of State Environmental Planning Policy (Infrastructure) 2007. Sydney Trains has provided its concurrence to the application subject to conditions of consent being attached to any consent granted.

## **6. Conclusion**

The application seeks permission for the demolition of the existing structures and construction of a mixed use development containing basement level car parking,

ground floor commercial/retail area and 12 levels of residential development containing 93 units.

The proposed development has been assessed against the requirements of the relevant planning instruments and development control plans and complies except in that the maximum permissible height of the development has been located at the corner of the site and not on Dora St as required by DCP 2. The applicant is also seeking a variation to the rate at which residential visitor parking is provided on site.

The proposed development has been amended from that originally submitted to address the issues raised by the Design Review Panel. As a result the development now has a tower element at the corner of the site with a lower height where the development adjoins properties on Forest Rd and Queens Rd. This is considered to be a better urban design outcome in terms of streetscape and provides increased separation distances to the adjoining site on Queens Rd.

Although the proposed development seeks a variation to the height requirement it has a floor space ratio below the requirements of DCP 2 and results in reduced impacts in terms of solar access and privacy to adjoining developments.

The submissions and enquiry submitted to the application have been discussed in the report and addressed in the amended plans and additional information provided by the applicant.

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

## **RECOMMENDATION**

THAT pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Council grants development consent to Development Application DA2014/1050 for the demolition of existing structures and construction of a 4 to 13 storey mixed development containing basement car parking, ground floor commercial/retail floor area, and 93 residential units comprising 30 x 1 bedroom, 7 x 1 bedroom + study, 51 x 2 bedroom and 5 x 3 bedroom units on Lots 41 and 42 DP 618174 and Lot 103 DP559923 and known as 378 – 384 Forest Road Hurstville subject to the following conditions of consent:

### **Schedule A – Site Specific Conditions**

#### **GENERAL CONDITIONS**

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

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

Reference No.	Date	Description	Revision	Prepared by
Project No	18 Dec		B	Architecture

PN-408 Drawing No A-0000 A-006 A- 007 A-008 A-009 A- 010 A-011 A-012 A- 013 A-014 A-015 A- 016 A-017 A-018 A- 019 A-020 A-021 A- 022 A-030 A-031 A- 032 A-033 A-035 A- 036	14	Photomontage and material sample Site- roof plan Basement 3 floor plan Basement 2 floor plan Basement 1 floor plan Ground floor plan First floor plan Second floor plan Third floor plan L4 floor plan Fifth floor plan Sixth floor plan Seventh floor plan Eighth floor plan Ninth floor plan Tenth floor plan Eleventh floor plan Twelfth floor plan West elevation East elevation North elevation South elevation Section A-A Driveway section		and Building Works
Drawing No ISO161DA 1, 2, 3, 4	Dec 14	Landscape plan	C	Isthmus landscape Design
Job No 142879 Drawing No DETL- 001/A	5 Jun 14	Detail and level survey	A	Lawrence Group
Reference: 2600R201 40908fc	10 Sep 14	Acoustic Assessment	V1	Koikas acoustics P/L
-	Received 12 Sep 14	Waste management plan	-	Architecture and Building Works

2. GEN1002 - **Fees to be paid to Council** - The following must be submitted to either Council or an Accredited Certifier before a Construction Certificate is issued:

(a) Fees to be paid to Council:

**Schedule of fees, bonds and contributions**

Fee Type	Paid	Amount	Receipt Date	Receipt No
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Development Application Fee	X	\$17,321.85	12 Sep 14	2021954
Plan First Fee	X	\$15,530.67	12 Sep 14	2021954
Notification Fee	X	\$320.00	12 Sep 14	2021954
Advertising Fee	X	\$1105.00	12 Sep 14	2021954
Design Review Panel Fee	X	\$2,400.00	12 Sep 14	2021954
Imaging Fee		N/A		
Company Search Fee		\$20.00	12 Sep 14	2021954
Long Service Levy		\$TBA		
Builders Damage Deposit		\$1,500.00		
Inspection Fee for Refund of Damage Deposit		\$135.00		
S94 Residential (Community Facilities)		\$142,911.73		
S94 Residential (Open Space, Recreation, Public Domain)		\$1,010,489.50		

**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		\$TBA		
Construction Certificate Application Fee		\$TBA		
Construction Certificate Imaging Fee		\$TBA		

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

### **3. GEN1003 - Section 94 Contributions - Residential Development (Community Facilities and Open Space, Recreation, Public Domain)**

#### **a. Amount of Contribution**

Pursuant to *Section 94 of the Environmental Planning and Assessment Act, 1979* (as amended) and *Hurstville Section 94 Development Contributions Plan 2012* the following contributions towards the cost of providing facilities shall be paid to Council:

<b>Contribution Category</b>	<b>Amount</b>
Community Facilities	\$142,911.73.
Open Space, Recreation and Public Domain Facilities	\$1,010,489.50.
<b>Total:</b>	<b>\$1,153,401.23.</b>

This condition and contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

b. Indexing

The above contributions will be adjusted at the time of payment to reflect changes in the Consumer Price Index (All Groups Index) for Sydney, in accordance with the provisions of the *Hurstville Section 94 Development Contributions Plan 2012*.

c. Timing and Method of Payment

**The contribution must be paid prior to the release of the Construction Certificate as specified in the development consent.**

**Please contact Council prior to payment to determine whether the contribution amounts have been indexed from that indicated above in this consent and the form of payment that will be accepted by Council.**

Contributions must be receipted by Council before a Construction Certificate is issued.

A copy of the *Hurstville Section 94 Development Contributions Plan 2012* may be inspected or a copy purchased at Council's offices (Civic Centre, MacMahon Street, Hurstville NSW 2220) or viewed on Council's website [www.hurstville.nsw.gov.au/Strategic-Planning.html](http://www.hurstville.nsw.gov.au/Strategic-Planning.html).

4. GEN1014 - **Long Service Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to [www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au) or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
5. GEN1016 - **Damage Deposit - Major Works** - In order to insure against damage to Council property the following is required:
  - (a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,500.00.**
  - (b) Payment to Council of a non refundable inspection fee to enable assessment of any damage and repairs where required: **\$315.00.**
  - (c) At the completion of work Council will:
    - (i) review the dilapidation report prepared prior to the commencement works;
    - (ii) review the dilapidation report prepared after the completion of works;
    - (iii) Review the Works-As-Executed Drawings (if applicable); and

- (iv) inspect the public works.

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

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

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

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

- 6. **APR7001 - Building - Hoarding Application** - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class (overhead type) hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footways/roadway where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the Local Government Act and Section 138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) 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

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.

- 7. **APR7003 - Building - Below ground anchors - Information to be submitted with Section 68 Application under LGA 1993 and Section 138**

**Application under Roads Act 1993** - In the event that the excavation associated with the basement car park is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works. In this regard the following matters are noted for your attention and details must be submitted accordingly:

- (a) Cable anchors must be stressed released when the building extends above ground level to the satisfaction of Council.
- (b) The applicant must indemnify Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council.
- (c) Documentary evidence of such insurance cover to the value of ten (10) million dollars must be submitted to Council prior to commencement of the excavation work.
- (d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$50,000.00.  
The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
- (e) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors must be borne by the applicant.

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

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

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

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

- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

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

The relevant Application Forms for these activities can be downloaded from Hurstville City Council's website at: [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au)

For further information, please contact Council's Customer Service Centre on (02)9330 6222.

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

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

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

To apply for approval:

- (a) Complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Hurstville Council's Website at: [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au)
- (b) In the Application Form, quote the Development Consent No. (eg. DA2014/1050) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Vehicular Crossing applications.



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

10. **APR6004 - Engineering - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Maritime Services, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications **before the commencement of work in the road.**

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

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

11. **GOV1013 - Ausgrid - Undergrounding electricity mains (Hurstville CBD area)** - Arrangements are to be made with Ausgrid 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 the expense of the beneficiary of the consent. For details visit [www.ausgrid.com.au](http://www.ausgrid.com.au) or call 131365.

- (a) A copy of confirmation of Ausgrid's requirements is to be submitted to Council before issue of the Construction Certificate; and
- (b) Ausgrid's requirements are to be met prior to 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.**

12. **GOV1006 - Sydney Water - Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the **Construction Certificate**.

13. **GOV1008 - Sydney Water - Section 73 Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Plumbing, Building and Developing section of Sydney Water's website to locate a Water Servicing Coordinator in your area. Visit: [www.sydneywater.com.au](http://www.sydneywater.com.au)

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 Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

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

14. GOV1009 - **Sydney Water - Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act must be submitted to the Principal Certifying Authority prior to the issue of the Occupation/Subdivision or Strata Certificate.

15. GOV1010 - **Ausgrid - Substation or Kiosk** - Ausgrid shall be consulted to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area, having the required dimensions as agreed with Ausgrid, indicating the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the Building Code of Australia. The substation site to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. For details visit [www.ausgrid.com.au](http://www.ausgrid.com.au) or call 131365.

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

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

16. GOV1011 - **Ausgrid - Underground electrical conduits** - Ausgrid is to be consulted to determine if underground electricity conduits are to be installed in the footway. If so, the developer is to install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. The developer is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. For details visit [www.ausgrid.com.au](http://www.ausgrid.com.au) or call 131365.

(a) a copy of Ausgrid's requirements is to be submitted to Council **before issue of the Construction Certificate**;

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

Where works within the road reserve are to be carried out by the beneficiary of this consent, a Road Opening Permit Application must be submitted to, and approved by, Council **before the issue of the construction Certificate**.

17. GOV1012 - **Ausgrid - Clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Ausgrid is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Ausgrid for any necessary modification to the electrical network in question. For details visit [www.ausgrid.com.au](http://www.ausgrid.com.au) or call 131365.

**18. GOV1019 - NSW Government Agency - Sydney Trains (RailCorp)**

- Prior to the issue of a Construction Certificate the Applicant is to provide Sydney Trains with a Geotechnical Report and Structural Drawings/report. These reports shall provide confirmation that there will be no negative impact on Sydney Trains infrastructure and land. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- Prior to the issue of a Construction Certificate the Applicant is to prepare an EMF report to assess any impact from the Sydney Trains substation located across the road. This report shall be provided to Sydney Trains for review. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to th

**19. GOV1020 - NSW Government Agency - Roads and Maritime Service**

- All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Forest Road in the vicinity of the site.
- A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Forest Road during construction activities.
- A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Roads and Maritime for determination prior to the

issue of a construction certificate.

- The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works. Details should be forwarded to:  
Sydney Asset Management  
Roads and Maritime Services  
PO BOX 973 Parramatta CBD 2124
- The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004.
- The proposed development should be designed such that road traffic noise from adjacent public roads is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). Roads and Maritime's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.
- The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012|001.
- The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:  
Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.  
Telephone 8848 2114  
Fax 8849 2766  
If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

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

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

20. CC7006 - **Building - 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 and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

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.**

21. CC7008 - **Building - Access for Persons with a Disability** - Access and sanitary facilities for persons with disabilities must be provided to the premises in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application.

**NOTE:** Sufficient sanitary facilities must be provided to cater for all commercial (office/retail) occupants/patrons. Where common facilities are provided, for use by all commercial premises, the number of sanitary facilities must be capable of accommodating the proposed uses. Any additional facilities required as a result of the intensified use of a commercial business must be provided separately by that premise.

22. CC7018 - **Building** - Pursuant to Clause 98 of the Environmental Planning & Assessment Regulation 2000, the proposed development must comply with the Building Code of Australia in respect to:

- a) The protection of openings
- b) The number, construction, protection and operation of required exits
- c) Exit travel distances and the discharge from exits
- d) The location and construction of Fire Control, Hydrant and Sprinkler Pump Rooms
- e) Fire resistant levels between classifications
- f) Fire services and equipment of Part E including Hydrants, Hose Reels, Portable Fire Extinguishers, Sprinklers Systems, Emergency Lights, Exit Signs, Warning Systems, Smoke Hazard Management and Zoned Smoke Controls, etc.
- g) The provision of Mechanical Ventilation and Exhaust for the motor vehicle parking areas.
- h) The provision and fire separation of Emergency lifts
- i) The location, separation and construction of Electrical Supply Systems
- j) The location and design of Mechanical Ventilation Systems for all Bathroom and Laundry areas not afforded natural ventilation.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

23. **CC7019 - Building** - Prior to the issue of a Construction Certificate an application is required under Clause 144 of the Environmental Planning and Assessment Regulation, 2000 seeking written comment from FR NSW about the Fire Engineered Solution developed to meet the performance requirements under Category 2 Fire Safety Provisions.
24. **CC7010 - Building - 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 prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings/buildings 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.
25. **CC2001 - Development Assessment - Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- (a) Compliance with the approved Erosion and Sediment Control Plan
  - (b) Removal or disturbance of vegetation and top soil is confined to within 3m

- of the approved building area (no trees to be removed without approval)
- (c) all clean water run-off is diverted around cleared or exposed areas
- (d) silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

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

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

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

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

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

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

The report shall be prepared at the expense of the beneficiary of the consent

and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

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

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

<http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3DDepl%20AND%20Year%3D2002%20AND%20No%3D530&nohits=y>.

29. **CC3001 - Development Engineering - Stormwater System**

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

- (a) The Basement water shall pump to the Onsite Detention Tank and all other stormwaters shall drain by gravity to Council's stormwater pit, located in Forest Road in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2003 (as amended).

30. **CC2011 - Development Assessment - BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. 572223M\_02 dated 18 February 2015, approved with the Development Consent DA2014/1050, must be implemented on the plans lodged with the application for the Construction Certificate.

31. **CC2034 Development Assessment - Design Quality Excellence**

- (a) In order to ensure the design quality excellence of the development is retained:

- (i) The design architect is to have direct involvement in the design documentation, contract documentation and construct stages of the project;
- (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project;
- (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.

- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.



32. **CC5002 - Trees - Tree Protection and Retention** - The following trees shall be retained and protected:

- (a) The 3 x Evergreen Alder (*Alnus Jorullensis*) trees located on the public footway on Forest Road at the front of the subject site.

All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site. The tree protection measures must be undertaken in accordance *AS4970-2009 Protection of trees on development sites* and in accordance with the recommendations of the Tree Protection Measures Report prepared by All Season Trees and Gardens. Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 4 or above in Arboriculture) and must be retained thorough all stages of construction.

33. **CC6004 - Engineering -Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be **designed and** constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

34. **CC6005 - Engineering - Traffic Management - Construction Traffic Management Plan (Large Developments only)** - A Construction Traffic Management Plan detailing:

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;
- (c) hours of construction;
- (d) access arrangements; and
- (e) proposed traffic measures to minimise impacts of construction vehicles, and

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

35. **CC7002 - Building - Fire Safety Measures prior to Construction Certificate** - Prior to the issue of a Construction Certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.

36. **CC7004 - Building - Structural details** - Structural plans, specifications and design statement prepared and endorsed by a suitably qualified practising structural engineer who holds the applicable Certificate of Accreditation as required under the Building Professionals Act 2005 shall be submitted along with the Construction Certificate application to the Certifying Authority for any of the following, as required by the building design:

- (a) piers
- (b) footings
- (c) slabs
- (d) columns
- (e) structural steel
- (f) reinforced building elements
- (g) swimming pool design
- (h) retaining walls
- (i) stabilizing works
- (j) structural framework

37. **CC7011 - Building - Slip Resistance- Commercial, Retail and Residential Developments** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.

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

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

- (a) Domestic Waste:- 47 x 240 litre Mobile Bins (MB's);
- (b) Domestic Recycling:- 47 x 240 litre MB's.

Larger 1,100 litre MB's may be used as an alternative, but an equivalent amount of space will need to be provided. These are considered to be adequate provided they are serviced in accordance with Council's current servicing requirements.

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

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

All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins, appropriate for the number of units and intended uses of the building, and is to be located in an area of the building that can be adequately serviced by waste collection vehicles.

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

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

**40.CC3018 - Development Engineering - Development Engineering - Existing Sewer Main**

Council's records indicate that a Sewer main passes through the site. The requirements of Sydney Water shall be satisfied for the construction of the proposed building.

**41.CC3019 - Development Engineering - Alignment Levels**

An Application under Section 138 of the Roads Act 1993 shall be submitted to Council's Engineer for the issue of Footpath design and alignment levels for the full frontages of the site in Forest Road, Queens Road and Dora Street. The alignment levels shall be issued **prior to the issue of the Construction Certificate.**

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

**42.CC3020 - Development Engineering - Section 138 Approval for Stormwater Works**

A separate application under Section 138 of the Roads Act 1993 shall be submitted to Council for the pipeline connection from the development site to Council's stormwater pit in Forest Road. This Application shall be approved **prior to the issue of the Construction Certificate**

**43.CC2028 - Development Assessment** - The application for Construction Certificate must be accompanied by a structural report and construction management plan showing how the excavation and construction can be carried out without damaging the adjacent heritage listed façade. This report is to be accompanied by a letter/certification from a qualified Heritage Consultant confirming that the proposed measures are appropriate.

**44.CC3014 - Development Engineering - Allocation of car parking and storage areas** - A plan showing the allocation of each car space and storage area to each individual unit in accordance with the conditions of the development consent shall be prepared. **This plan shall accompany the application for the Construction Certificate.**

**45.CC4003 - Health - Regulated Systems - Details and Fit out** - Details of the

regulated system must be submitted to the Principal Certifying Authority. Such details must demonstrate compliance with the following:

- Public Health Act 2010 (as amended)
- Public Health Regulation 2012 (as amended)
- AS/NZS 3666.1:2002 Air-handling and water systems of buildings - Microbial control - Design, installation and commissioning (as amended)

46. **CC4006 - Health - Acoustic Certification - Rooftop Mechanical Equipment (CBD only)** - The Construction Certificate plans must be accompanied by a certificate from a professional acoustic engineer certifying that noise from the operation of the roof top mechanical plant and equipment will not exceed the background noise level when measured at any boundary of the site. If sound attenuation is required, this must be detailed on the plans lodged with the Construction Certificate.

47. **CC4008 - Health -Car Wash Bays** - Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

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

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

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

(a) The submitted concept hydraulic plan shall be amended to discharged all stormwaters to Council's stormwater pit, located in Forest Road. These design changes are to be incorporated into the Detailed Hydraulic Plans submitted for approval **with the Construction Certificate Application**.

(b) The design of the waste facilities area for the development is to be determined and approved by Council's Manager - Environmental Services prior to the issues of the Construction Certificate.

49. **CC7010 - Building - 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 prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings/buildings 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.

#### 50. CC3004 - Development Engineering - Stormwater Drainage Plans

Reference No.	Date	Description	Revision	Prepared by
Drawing No 14MB6246 //D01, D02, D03, D04, D05	Received 12 Sep 14	Site and roof drainage plan, Ground floor drainage plan, Level 1 basement drainage plan, Level 3 basement drainage plan, Drainage details	A	United Consulting Engineers P/L

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

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, **shall accompany the application for the Construction Certificate.**

#### 51. CC3005 - Development Engineering - On Site Detention

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

An on-site detention (OSD) facility designed by a professional hydrological/hydraulic engineer, shall be installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) Peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden, at Annual

Recurrence Intervals of 2 years and 100 years.

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

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

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

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

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

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

52. **PREC2009 - Development Assessment - Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.
53. **PREC7004 - Building - Structural Engineers Details - Supporting Council road/footway** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting Council's roadways/footways must be submitted to the satisfaction of Council's Building Control Department.
54. **PREC2001 - Building regulation - Site sign - Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), the durable site sign issued by Hurstville City Council in conjunction with this consent must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
55. **PREC2002 - Development Assessment - Demolition and Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2011 - Demolition of Structures, NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011. The work plans required by AS2601-2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifying Authority prior to the

commencement of works.

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

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

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

56. **PREC6001 - Engineering - Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

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

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

- (h) Other.

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

58. **PREC6002 - Engineering - Dilapidation Report on Public Land - Major Development Only** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared on Council infrastructure adjoining the development site.

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

The report must include the following:

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

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

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

#### **DURING WORK**

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

59. **CON7001 - Building - Structural Engineer's Certification during construction** - The proposed mixed use commercial and residential development must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of construction or prior issue of the Occupation Certificate.



60.CON7002 - **Building** - The total number and layout of accessible units shall comply with the development controls under Section 3 of Councils DCP No.1. And all associated parking spaces shall comply with AS1428.1

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

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

62.CON2002 - **Development Assessment - Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved separately by Council.

63.CON5001 - **Trees - Tree Removal on Private Land** - The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with AS4373 -2007 Pruning of Amenity Trees and the Trees Work Industry Code of Practice (WorkCover NSW, 1998).

64.CON6002 - **Engineering - Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act and/or under Section 68 of the Local Government Act 1993. Penalty Infringement Notices may be issued for any offences and severe penalties apply.

65.CON8001 - **Waste - Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifying Authority and a copy provided to the Manager Environmental Services, Hurstville City Council.

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

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

66.OCC7005 - **Building** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the

structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate.

67. **OCC3008 - Development Engineering - Consolidation of Site** - The site shall be consolidated into one allotment by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Department of Lands prior to the issue of any occupation certificate (interim or final occupation certificate).
68. **OCC2010 - Development Assessment - Right-of-carriageway**  
A right - of carriageway (easement) which allows for vehicular and/or pedestrian access to the adjoining site at 15 Dora Street Hurstville is to be negotiated with the landowner of this property. Any right-of-carriageway agreed to is to be finalised and registered prior to the issue of an Interim Occupation Certificate.
69. **OCC2008 - Development Assessment - SEPP 65 Design Verification Statement** - A 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  
<<http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3DDepi%20AND%20Year%3D2002%20AND%20No%3D530&nohits=y>>.
70. **OCC4003 - Health - Regulated Systems - Inspection, Certification and Registration** - Certification by a 'competent person' as defined under the Public Health (Microbial Control) Regulation 2000 must be submitted that verifies that the regulated system has been installed in accordance with:
- (a) Public Health Act 2010 (As amended)
  - (b) Public Health Regulation 2012 (As amended)
  - (c) AS/NZS 3666.1:2002 Air-handling and water systems of buildings - Microbial control - Design, installation and commissioning (as amended) and can operate as required by Clause 9 of the Public Health (Microbial Control) Regulation, 2000 (as amended).
- The owner must register the regulated systems with Council and provide the Principal Certifying Authority with evidence of registration pursuant to Clause 12 of the Public Health Regulation, 2012 (as amended).
71. **OCC4004 - Health - Noise from mechanical plant and equipment - CBD Only** - Noise from the operation of mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and/or refrigeration systems must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest strata, stratum or community title boundary.

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

72. OCC2004 - **Development Assessment - BASIX Compliance Certificate** - A Compliance Certificate must be provided to the Principal Certifying Authority regarding the implementation of all energy efficiency measures as detailed in the BASIX Certificate No. 572223M\_02 dated 18 February 2015, and in the plans approved with the Development Consent/ Construction Certificate, before issue of the Occupation Certificate.

73. OCC2005 - **Development Assessment - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.

74. OCC2006 - **Development Assessment - Post Construction Dilapidation report - Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

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

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

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

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

- (a) Residential dwellings: 89 spaces (including 10 accessible spaces, one per each adaptable dwelling).
- (b) Residential visitors: 16 spaces (to remain as common property)
- (c) Retail: 9 spaces (including a minimum of 1 accessible space)
- (d) Commercial: 4 spaces
- (e) Loading/Services: 1 loading area on the ground floor as per the approved plans
- (f) Car wash bay: 1 space (which can be a visitor's space)
- (g) Motorbike spaces: 9 as per the approved plans
- (h) Bicycle spaces: 8 as per the approved plans

76. OCC6002 - **Engineering - Vehicular crossing and Frontage work - Major**

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

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

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

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

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

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

The report must include the following:

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

The reports are to be supplied in both paper copy and electronic format in

Word. Photographs are to be in colour, digital and date stamped.

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

**78.OCC7001 - Building - Fire Safety Certificate before Occupation or Use -**

In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the Regulation. The Fire Safety Certificate must be in the form required by Clause 174 of the Regulation. In addition, each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate must state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given (by the owner) to the Commissioner of Fire and Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

**79.OCC7002 - Building - Slip Resistance** - Floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in wet rooms in any commercial/retail/residential units are to comply with the slip resistant requirements of AS1428.1 (general requirements for access/new building work) and AS1428.4 (tactile ground surface indicators) and AS2890.6 (off-street parking). Materials must comply with testing requirements of AS/NZS4663:2002.

**ONGOING CONDITIONS**

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

**80.ONG7004 - Building** - Noise levels emitted from the mechanical exhaust system or any commercial air conditioning unit must not exceed the background noise level when measured at any point on the boundary of the site.

**81.ONG4017 - Health - Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill.

**82.ONG4018 - Health - Amenity of the neighbourhood** - The implementation

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

83. **ONG4004 - Health - Operation of Regulated Systems** - The occupier must operate regulated systems in compliance with Clause 9 of the Public Health (Microbial Control) Regulation, 2000 (as amended).

Where there is any change in the regulated system the occupier must register the changes in the regulated systems with Council pursuant to Clause 15 of the Public Health (Microbial Control) Regulation, 2000 (as amended).

Water cooling system must be certified by a competent person annually as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected.

84. **ONG2009 - Development Assessment** - Development consent is to be obtained for the first use of each commercial/retail unit within the development.

85. **ONG2003 - Development Assessment - Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained on an ongoing basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control and any other operations required to maintain healthy trees, plants and turfed areas.

86. **ONG7002 - Building - Annual Fire Safety Statement** - In accordance with Clause 177 of the Environmental Planning and Assessment Regulation, 2000 the owner of the building premises must cause the Council to be given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within twelve (12) months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within twelve (12) months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation, 2000.
- (d) A copy of the statement is to be given to the Commissioner of Fire and Rescue NSW, and a further copy is to be prominently displayed in the building.

87. **ONG3005 - Development Engineering - Additional requirements for the issue of a Strata Certificate** - In addition to the statutory requirements of the Strata Schemes (Freehold Development) Act 1973 a Strata Certificate must not be issued which would have the effect of:

- (a) The removal of any areas of common property shown upon the approved Development Application plans and allocated to any one or more strata

- lots,
- (b) The removal of any visitor parking spaces from the strata scheme and allocated to any one or more strata lots , or
- (c) Any unit's parking space or storage area is not strata subdivided as separate strata lot.
- (d) Under no circumstances shall any future Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building.

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

**88. ONG3006 - Development Engineering - Ongoing maintenance of the on-site detention system** - The Owner(s) must in accordance with this condition and any positive covenant:

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

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

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

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

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

**(a) Unit Numbering**

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

**(b) Car Parking Space Marking and Numbering**

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

**(c) Designation of Visitor Car Spaces on any Strata Plan**

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

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

- i. All car parking spaces shall be created as a part lot of the individual strata's unit lot in any Strata Plan of the subject building.
- ii. All storage areas shall be created as a part lot of the individual strata's unit lot or a separate Utility Lot (if practical) in any Strata Plan of the subject building.
- iii. The minimum number of parking spaces required to be allocated as a part lot to each individual strata's unit lot shall be in accordance with the car parking requirements of Council's Development Control Plan and as required by the relative development consent for the building construction.



- iv. No parking spaces shall be created as an individual strata allotment on any Strata Plan of the subject building unless these spaces are surplus to the minimum number of parking spaces required.

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

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

**(e) On Site Detention Requirements**

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

**(f) Creation of Positive Covenant**

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

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

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

**ADVICE**

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

90. ADV7005 - **Building - Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.
91. ADV7006 - **Building - Compliance with Access, Mobility and AS4299 - Adaptable Housing** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate application must be

accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Development Control Plan No 1 - LGA Wide - Section 3.3 Access and Mobility and AS 4299 Adaptable Housing.

92. ADV2002 - **Development Assessment - Site Safety Fencing** - Site fencing must be erected in accordance with WorkCover Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

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

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

Paula Bizimis  
Senior Development Assessment Officer  
**Planning & Development Directorate**

## Schedule B – Prescribed Conditions

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

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

It is the responsibility of the beneficiary of this consent to determine which prescribed conditions apply.

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

and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

### Schedule C – Operational & Statutory Conditions

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

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

100. OPER1001 - Requirement for a Construction Certificate

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

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

101. OPER1002 - Appointment of a Principal Certifying Authority

The erection of a building must not commence until the beneficiary of the development consent has:

- (a) appointed a Principal Certifying Authority (PCA) for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.

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

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

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

102. OPER1003 - Notification of Critical Stage Inspections

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

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

103. OPER1004 Notice of Commencement

The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

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

OPER1005 Subdivision Work – Construction Certificate & Appointment of Principal Certifying Authority.

Subdivision work in accordance with a development consent cannot commence until:

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

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

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

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

104. OPER1006 - Subdivision work – Notice of Commencement

The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the subdivision works.

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

105. OPER1007 - Critical Stage Inspections

The last critical stage inspection must be undertaken by the Principal Certifying Authority. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the *Environmental Planning and Assessment Regulation 2000*.

106. OPER1008 - Notice to be given prior to critical stage inspections

The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

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

107. OPER1009 - Occupation Certificate

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

Only the Principal Certifying Authority appointed for the building work can issue the Occupation Certificate. An **Occupation Certificate** Application Form is attached for your convenience.

### OPTION 01

COMPLYING WITH COUNCIL'S HEIGHT REQUIREMENTS

### OPTION 02

CORNER TOWER OPTION

### OPTION 03

PROPOSED OPTION

