

**JOINT REGIONAL PLANNING PANEL
(East)**

JRPP No	2015SYE044
DA Number	DA2014/1169
Local Government Area	Hurstville City Council
Proposed Development	Demolition of structures on site, retention and conservation of existing heritage chapel; construction of a new place of public worship and ancillary buildings with basement car park
Street Address	800 Forest Road and 2 Hugh Avenue, Peakhurst
Applicant/Owner	Applicant: Barrelle Guirguis Architects Owner: Coptic Orthodox Church (NSW) Property Trust
Number of Submissions	Application advertised and notified three (3) times, one (1) submission received
Regional Development Criteria (Schedule 4A of the Act)	Value over \$5M Cost of works: \$7,601,950.00
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> ▪ State Environmental Planning Policy No 55 - Remediation of Land • Hurstville Local Environmental Plan 2012 • Hurstville Development Control Plan No 1
List all documents submitted with this report for the panel's consideration	Architectural Drawings – BG Architects Landscape Plans – Conzept Landscape Statement of Environmental Effects – EP&A Solutions Stormwater Plans – MSP Consulting and Building Construction Traffic Report – Hermanote Consulting Heritage Report – Heritage 21 Access Report – Exgon Consulting Section J Report – Australian Energy Efficiency Consulting QS Certificate and Report – Washington Brown
Recommendation	Approval
Report by	Mark Raymundo – Development Assessment Officer Planning and Development Hurstville City Council

Assessment Report and Recommendation

ZONING	Zone R3 - Medium Density Residential
APPLICABLE PLANNING INSTRUMENTS	<ul style="list-style-type: none">▪ State Environmental Planning Policy No 55 - Remediation of Land▪ Hurstville Local Environmental Plan 2012▪ Hurstville Development Control Plan No 1
HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012 INTERPRETATION OF USE	Place of Public Worship
EXISTING DEVELOPMENT	Place of Public Worship and dwelling house
COST OF DEVELOPMENT	\$7,601,950.00
FILE NO	DA2014/1169
HAS A DISCLOSURE OF POLITICAL DONATIONS OR GIFTS BEEN MADE?	No

EXECUTIVE SUMMARY

1. The proposal seeks approval for demolition of structures on site, retention and conservation of existing heritage chapel; construction of a new place of public worship and ancillary buildings with basement car park on land known as 800 Forest Road and 2 Hugh Avenue, Peakhurst.
2. The application has been considered in accordance with the relevant planning controls and complies for the most part. A clause 4.6 Exemption to Development Standard to Hurstville Local Environmental Plan 2012 accompanies this application for the dome and cross which are above the prescribed 12m height limit.
3. The proposal does not seek to increase the approved one hundred and sixty (160) seats or hours of operation.
4. The application was notified/advertised to sixty one (61) adjoining and adjacent owners/residents. In response, one (1) submission was received, and the concerns in this submission have been addressed further within this report.

RECOMMENDATION

THAT the Clause 4.6 - Exemptions to Development Standards be supported.

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

DESCRIPTION OF THE PROPOSAL

- Retention of heritage listed "Wesleyan Chapel" sandstone church, ancillary works;
- Demolition of hall and associated structures;
- Removal of nine (9) trees;
- Construction of a part four (4) storey/part two (2) storey church with two (2) car parking levels detailed as follows;
 - Lower basement level: twelve (12) car spaces and ancillary storage;
 - Basement level/lower ground floor: thirty two (32) car spaces, inclusive of two (2) accessible spaces and service areas;

- Ground floor: church auditorium (one hundred and sixty (160) seats), altar, two (2) priest rooms, ancillary service rooms, bookshop, three (3) offices, bathrooms, library, kitchen, canteen and tea room;
- Level 1: foyer, service room, bathrooms, multipurpose hall, storage and thirteen (13) classrooms;
- The proposed built form seeks a maximum height of 13.48m, and a minimum southern primary setback to Forest Road of 2.27m, 1.75m to the eastern side boundary, 2.43m to the northern rear boundary, 5.11m to the western secondary frontage to Hugh Avenue with a total floor space ratio of 0.81:1 (1,780.53sqm);
- Two (2) driveway crossovers to Hugh Avenue, access ramp, pathways and associated works building and landscaping works (28.6% landscaped parking 630.5sqm);
- Wesleyan Chapel – conservation works.

The proposal seeks the following hours of operation;

Monday – Friday – 5:00am to 11:00pm,

Saturday – 8.00am to 10.00pm, and

Sunday – 7:00am to 1:00pm

It is noted that the proposal does not seek any intensification of the approved seating area comprising of 160 seats. No increase in approved hours of operation are sought than that approved as part of 12/DA-364.

HISTORY

20 Jun 13 12/DA-364 Approval - demolition of existing hall, retention of heritage listed 'Wesleyan Chapel' church, construction of a new church facility, basement and car park, conservation works to heritage chapel and landscape works.

The applicant was advised that given the extent of works proposed which incorporated a new part four (4) storey northern wing, a Section 96 Modification would not be accepted as this was not substantially the same as the original approval. Therefore a new Development Application was required for consideration.

12 Dec 14 DA2014/1169 Application lodged for Demolition of existing hall, retention of heritage listed 'Wesleyan Chapel' church, construction of a new church facility, basement and car park, conservation works to heritage chapel and landscape works. It is noted that this was approved at an FSR of 0.62:1.

8 Jan 15 Stop the Clock letter – Applicant was advised to prepare a Quantity Surveyor's report to identify the cost of works. At the preliminary assessment stage, based on the previous quoted cost of works for 12/DA-364 with the larger extent of new proposed works, it appeared that the cost of works could have been over \$5M which would warrant determination at the Joint Regional Planning Panel.

6 Mar 15	Additional information received – Quantity Surveyors report identified cost of works at \$7,601,950 (over \$5M)
23 Mar – 15 Apr 15 Notification period	
24 Mar 15	Application registered for Joint Regional Planning Panel determination
3 Jun 15	Stop the Clock Letter requesting revised heritage report
16 - 31 Jun 15	Renotification period
20 Jul 15	Revised heritage report provided

DESCRIPTION OF THE SITE AND LOCALITY

The site is legally described as Lots 375-376 in DP 36537, Lot 1 in DP 196789 and is known as 800 Forest Road and 2 Hugh Avenue, Peakhurst. The site forms a corner allotment with a primary frontage to Forest Road and a secondary frontage to Hugh Avenue. The site is dimensioned as follows; 36.82m along the southern frontage, with a 5.32m splay within the south west corner, 51.25m along the western secondary frontage, 36.59m along the northern rear boundary and 59.76m along the east side boundary with a total site area 2,196.7sqm.

The site contains a cross slope from the front south east corner to the rear north west corner of about 6m (approximately). A single storey heritage listed church known as “Wesleyan Chapel” is located within the front south east corner. A two (2) storey weatherboard church and hall which forms an ‘L’ shape is centrally located within the site. Nine (9) trees are located within the site, which are predominantly located within the rear and along the secondary frontage to Hugh Avenue. There are currently no allocated car parking spaces on site. A dwelling house is located within the northern portion of the site.

The surrounding area comprises of a mixture of commercial uses which are located to the west and to the south. Multiple dwellings adjoin the site along the eastern side boundary. Currently the surrounding area is undergoing transitional change whereby existing older detached dwellings are being replaced with amalgamated allotments comprising of new three (3) storey residential flat buildings to the north west.

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 2012

The proposal has been assessed under the applicable provisions as follows.

The subject site is occupied by an existing place of public worship. A place of Public Worship is a permissible use within the Hurstville Local Environmental Plan 2012 which is defined as follows;

“place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training”.

The relevant R3 – Medium Density Residential zone objectives to this proposal are as follows;

“To enable other land uses that provide facilities or services to meet the day to day needs of the residents”

“To ensure that a high level of residential amenity is achieved and maintained”

Comment: The proposal seeks works which are considered to adequately satisfy the underlying intent of the applicable objectives of the zone. The proposed place of public worship is considered to provide a facility or service to meet the day to day needs of the residents within the locality and beyond. Whilst the proposal seeks a variation to Clause 4.3 – Height of Buildings (which is further discussed in detail within this report), this is considered to be minor and results in only negligible overshadowing impacts to surrounding properties, than that of a fully compliant proposal.

The provision of additional parking of forty four (44) car spaces is considered to be an improvement over the existing condition. It is also noted that 12/DA-364 provided twenty five (25) car spaces which was ten (10) spaces short in relation to Council’s prescribed requirements which requires thirty-five (35). The proposed design and sitting of the development is considered to be appropriate given the topography of the site and relationship with adjoining development and negligible impacts. In this regard, the proposal is considered to satisfy the zone objectives on planning merit.

Clause 4.3 – Height of Buildings

Council’s controls prescribe the maximum height limit of 12m. The proposal seeks a maximum height of 13.48m which comprises of a minor portion of the main roof dome and cross and north-west front dome and cross which is centrally located on site. The applicant has provided justification in relation to this clause which is discussed in further detail under Clause 4.6 – Exceptions to development standards which is supported on planning merit. It also noted that the variation was previously supported in 12/DA-364 and is proposed to be unchanged in this proposal.

Clause 4.4 – Floor Space Ratio

Council’s controls prescribe the maximum floor space ratio of 1:1 within the R3 Medium Density Zone. The proposal seeks a compliant floor space ratio of 0.81:1 (1,780.53sqm) which is considered to be well under the prescribed requirements. The surrounding adjoining area is currently undergoing change whereby newer residential flat buildings approved comprise of a floor space ratio close to 1:1. It is noted that the previous approval 12/DA-364 sought a floor space ratio of 0.62:1.

Clause 4.5 – Calculations of floor space ratio and site area

The proposal has been assessed under the provisions of this clause and complies.

Clause 4.6 – Exceptions to development standards

The applicant has sought a variation to Development Standard Clause 4.3 – Height of Buildings.

“(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.”*

Comment: The proposed variation has been considered with the underlying intent of this clause.

“(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.”

Comment: A Clause 4.6 Variation may be considered in relation to Clause 4.3 – Height of Buildings within the Hurstville Local Environmental Plan 2012.

“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

Comment: The proposal seeks architectural roof and features of which are commensurate for a Coptic Orthodox Church. The applicant has provided the following justification in relation to this clause:

“Hurstville LEP 2012 provides that an architectural roof feature that exceeds, or causes a building to exceed the height limit set by Clause 4.3 may be carried out with development consent. The proposed development includes a decorative peak and cross located above the main roof dome at the uppermost portion of the building, which extends to a height of 13.48m including the cross.

These architectural roof features comply with the objectives of Clause 5.6 in that they:

- contribute to variety in the Hurstville skyline and urban environment;*
- are one component of a quality design, and make a substantial contribution to the aesthetic design of the building;*
- integrate well with the facades of the building; and*
- are architecturally designed to a high standard.*

In addition, Council may be satisfied that the roof dome peak and cross:

- comprise a decorative element located at the uppermost portion of the building;*

- *are not advertising structures;*
- *do not include floor space and are not capable of modification to include floor space area; and*
- *will not result in any overshadowing to neighbouring dwellings.”*

Comment: The design of the proposal in relation to the non-compliant portion of development is considered to be commensurate to that of other places of public worship within the locality and to a general extent the Sydney Metropolitan Area. In this regard, given the circumstances and nature of the proposal it is considered to be unreasonable or unnecessary to strictly comply with the development standard due to the religious architectural design.

The extent of the variation is considered to be minor in nature (maximum encroachment 1.48m) and does not result in excessive material planning impacts and is attributed by the sites fall from front to rear. No external walls or other roof features exceed this 12m height limit. It is considered that the variation is considered to be supported on its merits. Furthermore the location of the variation is centrally located on site, given the extent of the cross fall of the site of 6m, it is considered that the proposed location of the variation is appropriately located. The dome and cross from a focal point of the architecture and are highlighted as religiously significant.

The proposal is considered to adequately satisfy the underlying intent of the clause and does not comprise an advertising structure or result in additional modifiable floor space complying levels of solar access are achieved to neighbouring properties.

“(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and”

Comment: The proposal is considered to be in the public interest given that the proposal seeks to improve an existing place of public worship. The proposal adequately satisfies the R3 Medium Density Residential zone objectives as previously addressed within the report. The extent of the variation is considered to be minor and inconsequential.

PART 5 – MISCELLANEOUS PROVISIONS

Clause 5.6 – Architectural Roof and Features

This is previously addressed within Clause 4.6 – Exceptions to Development Standards.

This clause states the following;

“(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

- (a) *the architectural roof feature:*
(i) *comprises a decorative element on the uppermost portion of a building, and*
(ii) *is not an advertising structure, and*
(iii) *does not include floor space area and is not reasonably capable of modification to include floor space area, and*
(iv) *will cause minimal overshadowing,”*

Hence, it is considered that height variation proposed adequately satisfies the underlying intent of the objectives and provisions of this clause. The extent of the variation is an architectural feature and is a decorative element of the building. The proposed variation does not comprise of an advertising structure and is not included as floor area or reasonably capable of being modified for this purpose.

Clause 5.9 – Preservation of trees or vegetation

The proposal seeks the removal of nine (9) trees located within the subject site to accommodate the building footprint which is centrally located on site. The removal of these trees is considered to be of low impact and is required to be removed to accommodate the proposed building footprint and associated works. Four (4) replacement trees are conditioned to replenish the tree canopy. It is also noted that approval was granted for the removal of five (5) trees on site as part of 12/DA-364.

Clause 5.10 – Heritage Conservation

The proposal seeks to retain the heritage listed item known as “Wesleyan Chapel”. A Statement of Heritage Impact has been prepared by Heritage 21 Pty Ltd (Conservation Architects and Heritage Consultants) dated July 2015. The proposed works in relation to this clause relate to re-establishing the curtilage to the original building footprint of the heritage item (which is currently attached to the hall that is to be demolished), interior and external works. The Statement of Heritage Impact supports the proposed works and concludes as follows;

“In accordance with the observation made in Section 6.0 of this report, Heritage 21 is of the opinion that the proposed development is an education building adjacent to the subject site associated with DA2014/1169 would be of neutral heritage significance to the ‘Wesleyan Chapel’ heritage item I98. As per the assessment made in this Statement of Heritage Impact, Heritage 21 recommends that Hurstville City Council considers the development application favourably”.

Comment: The proposed works to the heritage item are considered to be satisfactory and adequately satisfy the intent of the objectives of this clause. The applicant has provided Statement of Heritage Impact prepared by Heritage 21 which supports the proposal.

PART 6 – ADDITIONAL LOCAL PROVISION

Clause 6.1 – Acid Sulfate Soils

The subject site is not affected by Acid Sulfate Soils.

Clause 6.7 - Essential Services

The proposal seeks to provide adequate services relating to sewerage, power and access. In this regard, the requirements of this subsection have been satisfied. Appropriate conditions are to be incorporated within the development consent to ensure that these requirements have been met.

STATE ENVIRONMENTAL PLANNING INSTRUMENTS

Compliance with the relevant State Environmental Planning Policies are detailed and presented below;

State Environmental Planning Policy	Complies
State Environmental Planning Policy 55 – Remediation of Land	Yes

2. Draft Environmental Planning Instruments

No draft environmental Planning Instruments apply.

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 1 (DCP 1) apply to the subject site as follows:

DEVELOPMENT CONTROL PLAN NO 1 - LGA WIDE - SECTION 3.1 CAR PARKING

The use as a place of public worship has been assessed in respect to the car parking provisions of Council's Development Control Plan as shown in the following table.

Section 3.1	Standard	Proposal	Complies
Place of public worship: 347.06sqm (church auditorium) Ancillary: 1,432.93sqm	1 space per 10 seats or 1 space per 10sqm (GFA whichever is greater) = 35	44 spaces (previously approved with 25 spaces)	Yes (1)
3.1.4.2(a) – Layout	AS2890.1 – Min. dimensions 2.7m x 5.4m	Compliant size car spaces provided	Yes
3.1.4.2 – Dimension of car spaces, car parking layout, circulation, egress and egress	Compliance with AS2890.1 2004 and AS2890.2	Yes	Yes

(1) Car parking

Given that the existing place of public worship provides no on site car parking, the existing current hall (112.32sqm) and 'Wesleyan Chapel' church (36sqm) comprises of 148.36sqm in total. It is considered that the new proposed works forms an intensification of the site and hence it is reasonable given the proposed floor area of 347.06sqm for the new church auditorium.

It is noted that the place of worship assembly area (excluding alter service rooms and ancillary office spaces/rooms/uses and 'Wesleyan Chapel' church are not included within the calculation for car parking) given that the maximum utilisation of

car parking spaces would likely occur during services in the church auditorium. When such services are not carried out, it is considered that sufficient on site car parking is provided to accommodate the office, administration and ancillary uses.

Furthermore, given that the proposal seeks a floor space ratio of 0.81:1, this is considerably well below the permissible floor space ratio of 1:1. In this regard, the proposal is considered on merit to satisfy the intent of this subsection.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.3 ACCESS AND MOBILITY

The proposal is considered to adequately satisfy the requirements of this subsection. Appropriate conditions have been imposed as part of the development consent.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.4 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Given the nature of proposed use, the extent to which the proposed development complies with the crime prevention through environmental design provisions is outlined in the table below.

Section 3.4	Requirements	Proposed	Complies
Blind Corners	To be avoided	Avoided with clear sight lines	Yes
Entrances	Clearly visible and not confusing	Clearly defined front entrance	Yes
Landscaping	<ul style="list-style-type: none"> - Avoid dense medium height shrubs - Allow spacing for low growing dense vegetation - Low ground cover or high canopy trees around car parks and pathways 	A mixture of landscaping is proposed. This ranges from ground cover, small shrubs to medium sized trees	Yes

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.6 RAINWATER TANKS

The proposed works seek to drain to an OSD tank located within the north west front setback when then drains to the kerb and gutter to Hugh Avenue. The proposal is supported by Council's Development Engineer subject to conditions of consent.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.7 DRAINAGE AND ON SITE DETENTION

The proposed works seek to drain to Hugh Avenue. The proposal is supported by Council's Development Engineer subject to conditions of consent.

Stormwater Assessment	
Existing Stormwater System	Drain to street
Proposed Stormwater System	Drain to street (Hugh Avenue)
Stormwater objectives for development type met?	Objectives meet
Slope to rear (measured centreline of site)	Yes
Gravity to street (from property boundary to street kerb)?	Yes to Hugh Avenue

Discharge into same catchment?	Yes
Easement required?	No

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.9 WASTE MANAGEMENT

A waste management plan has been lodged with the development application regarding the disposal, reuse and recycling of materials in relation to the proposed works. In this regard, the proposal has satisfied the requirements of this subsection.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 3.11 PRESERVATION OF TREES

Previously discussed within the report, objectives of subsection met.

4. Impacts

Natural Environment

The proposed works are not considered to result in any unacceptable planning impacts. Whilst Council's controls do not prescribe the maximum cut and fill for places of public worship, the extent proposed is not considered to result in any adverse impacts to the subject site or adjoining properties and is supported on merit. A geotechnical report and dilapidation report for the adjoining properties are conditioned as part of the approval. The removal of nine (9) trees on site are supported to accommodate the proposed works subject to four (4) replacement trees to be located on site.

Built Environment

The proposal seeks a minor variation to the maximum height which is supported on merit. Whilst Council's controls do not prescribe setback controls or the like, the proposal is considered to be appropriate as no adverse amenity impacts are generated by the proposed design of the built form. Acceptable landscape has been provided within the setback areas. The proposed works are not considered to result in any unacceptable built form planning impacts.

Social Impact

The proposal is considered to result in a community benefit. The proposed development is not considered to result in any unacceptable car parking/traffic impact as it is likely that car parking would arise during peak periods. The proposal is considered to be an improvement over the existing development. Complying levels of car parking have been provided.

Economic Impact

The proposal is considered to result in no material adverse economic impacts.

Suitability of the Site

The proposal is considered to be suitable for the subject site for the reasons outlined within this report.

5. REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST

The proposal is considered to be in the public interest for the reasons contained within this report.

Resident

The application was advertised/notified to sixty one (61) adjoining and adjacent owners/residents three (3) times. In total, one (1) submission was received, and concerns within this submission have been addressed in this report.

Drainage impacts

Concerns were raised regarding drainage impacts of the development and impact to the surrounding area. Concerns were also raised regarding excavation, basements and impacts regarding reduction of water absorption into the ground.

Comment: The proposal seeks to drain to Hugh Avenue at the front of the site. This is supported by Council's Development Engineer subject to conditions of consent. The extent of cut and excavation is not considered to result in any material drainage impact to surrounding properties as appropriate drainage disposal is proposed. The proposed cut and fill is considered to be reasonable and commensurate of that of development within the locality. The proposal is not considered to result in any material impact regarding water absorption into the ground as 28.6% of the site comprises soft landscaping which assists in water absorption into the ground.

Council Referrals

Environmental Health Officer

Council's Environmental Health Officer supports the proposal subject to conditions of consent.

Development Engineer

Council's Development Engineer supports the proposal subject to conditions of consent.

Senior Environmental Health and Building Surveyor (Major Projects)

Council's Senior Environmental Health and Building Surveyor supports the proposal subject to conditions of consent.

Manager Infrastructure Planning

Council's Manager Infrastructure Planning raises no concerns with the proposal offers the following comments:

"I have reviewed the DA plans and the Traffic & Parking Impact Assessment submitted by applicant for the abovementioned development and offer following comments:

Layout of Off-Street Parking Facilities

The proposed 90-degree angled parking spaces and the aisles comply with the Australian Standard AS/NZS 2890.1-2004 'Off-Street Car Parking'. (Angle Parking Aisle)

Access to Off-Street Parking Facility

The proposed location of the vehicular access complies with Australian Standard AS/NZS 2890.1-2004 (Clause 3.2.3, Figure 3.1).

Parking Provision

The proposed development provides in excess of the off-street parking requirements stipulated in Council DCP. Thus the proposed development will reduce the current demand for on-street parking in the vicinity of the Church.

Impact on Road Network

The RMS Guide to Traffic Generating Development (2002) does not provide trip generations for places for worship. Council agrees with the Traffic Consultant's assertion that most of the vehicular trips from the proposed development are generated on Sunday mornings and Sunday School classes. Based on current usage of the facility the consultant has estimated that around 55 to 83 vehicular trips could generate during Sunday mornings.

At present, Hugh Avenue carry about 60 veh/hr during AM peak and about 65 veh/hr during PM peak periods. Thus with maximum AM peak traffic generation from the proposed development, forecast traffic volume on Hugh Avenue during morning peak will be around 140 veh/hr, which is well below the environmental goals set by the RMS for a local street (which is 200 veh/hr). Thus with the additional traffic generated from the development, Hugh Avenue will continue operate at a good level of service.

Conclusion

As discussed above, the traffic and parking related impacts from the proposed development will not cause any unacceptable traffic or parking impacts on adjoining neighbourhood. Accordingly, Engineering Services raise no objections to the proposed church development at 800 Forest Road & 2 Hugh Avenue, Peakhurst."

Comment: As previously discussed within the report, the proposal does not seek to increase the already approved place of public worship floor area at 347.06sqm. The proposal seeks to provide ancillary uses on site which are not considered to result in a demand on traffic given the use of the site. It is noted that forty four (44) car spaces have been provided which is considered to be an improvement of that previously approved at twenty five (25) spaces. Currently the existing condition does not have any line marked car spaces on site.

Public Interest

The proposal is considered to be in the public interest for the reasons contained within this report.

6. CONCLUSION

The proposal as assessed complies with the exception of the variation to the maximum height which is supported on merit. It is considered that the subject site forms an appropriate development which is suitable for the subject site and is commensurate of that with of other places of public worship within the locality. The proposed works for the reasons contained within this report is recommended for approval.

DETERMINATION

THAT the Clause 4.6 – Exceptions to Development Standard be supported.

FURTHER THAT pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, grants development consent to

Development Application DA2014/1169 for demolition of structures on site, retention and conservation of existing heritage chapel; construction of a new place of public worship and ancillary buildings with basement car park on Lots 375-376 in DP 36537, Lot 1 in DP 196789 and known as 800 Forest Road, Peakhurst subject to the attached conditions:

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
A00	18/09/14	Site Plan, Roof Plan and Site Analysis	A	BG Architects
A01	06/30/14	Lower Basement	A	BG Architects
A02	06/30/14	Basement	A	BG Architects
A03	06/30/14	Ground Floor	A	BG Architects
A04	06/30/14	First Floor	A	BG Architects
A07, A08, A09, A10	07/31/14	Elevations	A	BG Architects
A005	07/07/14	Section	A	BG Architects
LPDA 15-145/1-2	December 2014	Landscape Plan	B	Conzept Landscape
2387	July 15	Heritage Report		Heritage 21
A21	11/12/14	Schedule of Colours and Finishes		BG Architects

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

Please contact council prior to the payment of Section 94 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Form of payment for transactions \$500,000 or over - Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable)

- (a) Fees to be paid to Council:

Schedule of fees, bonds and contributions

Fee Type	Paid	Amount	Receipt Date	Receipt No
Development Application Fee	X	\$3,975.00	12 Dec 14	2025395
Development Application Fee		\$3,281.60		
Plan First Fee	X	\$2,240.00	12 Dec 14	2025395
Plan First Fee		\$2,625.25		
Notification Fee	X	\$320.00	12 Dec 14	2025395
DA Advertising Fee	X	\$1,105.00	12 Dec 14	2025395
Company Search Fee	X	\$20.00	12 Dec 14	2025395
Long Service Levy		\$26,606.00		
Builders Damage Deposit		\$112,092.00		
Inspection Fee for Refund of Damage Deposit		\$280.00		

The following fees apply where you appoint Council as your Principal Certifying Authority (PCA). (If you appoint a private PCA, separate fees will apply)

PCA Services Fee		\$5,455.59		
Construction Certificate Application Fee		\$5,455.59		
Construction Certificate Imaging Fee		\$229.00		

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

3. **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 or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
4. **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: **\$112,092.00**
 - (b) Payment to Council of a non refundable inspection fee to enable assessment of any damage and repairs where required: **\$280.00**
 - (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.

5. 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

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

6. **APR6004 - Engineering - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Traffic Authority, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications **before the commencement of work in the road**.
7. **APR6005 - Engineering** - Council's stormwater drainage line shall be extended along Hugh Avenue, approximately 100 metres with a 375mm (min,) diameter pipeline to the proposed stormwater pit outside the subject site with all costs borne by the developer.

A separate application under Section 138 of the Roads Act is required to be approved by Council for such works prior to the issue of the Construction Certificate.

8. **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 hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/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

(d) 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; and

(e) The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.

9. **APR7002 - Building - Place of Public Entertainment** - Entertainment, as defined in the Environmental planning and assessment Act 1979 is not permitted to be carried out within the premises.

10. **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.

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

11. 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**.
12. 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

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.

13. 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 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.

14. 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 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**.

15. 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 or call 131365.

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.

16. 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.

17. 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.

18. **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 include the extension of Council's drainage system to terminate with a kerb inlet pit in front of the development site. These design changes are to be incorporated into the Detailed Hydraulic Plans submitted for approval **with the Construction Certificate Application**.

19. **CC2008 - Development Assessment - Landscape Plan** - A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:

- (i) Location of existing and proposed structures on the site including existing trees (if applicable);
- (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (iii) Location, numbers and type of plant species;
- (iv) Details of planting procedure and maintenance;
- (v) Details of drainage and watering systems.

20. **CC3002 - Development Engineering - Stormwater Systems with Basement**

Reference No.	Date	Description	Revision	Prepared by
131/C-111/14-1/3	3/12/14	Stormwater Drainage System Concept Plan	-	MSP Consulting and Building Constructions Pty Ltd

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

The underground basement car park must pump to and all other stormwater must drain by gravity to the upper level of the new kerb inlet pit required to be constructed directly in front of the development site.

The design of the proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) and be submitted for approval **with the Construction Certificate application.**

21. **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.

All stormwater shall drain by gravity to the upper level of Council's kerb inlet which is to be constructed directly in front of the development site. Council's drainage system is to be extended to this point with a 375mm (min,) diameter pipeline with all costs borne by the developer. The internal drainage system is to be designed in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2003 (as amended).

The design of this proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided). Certification of the adequacy of the absorption trench system for the surface area being drained shall also be provided by the hydraulics engineer.

Design details and certification shall be submitted for approval **with the Construction Certificate application.**

22. **CC3004 - Development Engineering - Stormwater Drainage Plans (By Engineer Referral Only)** - The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

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

23. **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**

- 24. **CC3012 - Development Engineering - Pump-Out System Design for Stormwater Disposal** - The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria: -

- (a) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one (1) hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one (1) hour duration storm of the 1 in 20 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Engineering details demonstrating compliance and certification from an appropriately qualified and practising civil engineer shall be provided with the application for the Construction Certificate.

- 25. **CC3018 - Development Engineering - Development Engineering - Stormwater - Protection of basement from inundation of stormwater waters** - The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

A crest is to be provided in the driveway and driveway ramp retaining walls constructed to levels that provide protection of the underground basement from the inundation of surface waters in a 1:100yr ARI storm event.

Evidence from an appropriately qualified person that this design requirement has been adhered to shall be submitted **with the Construction Certificate application**.

26. **CC5003 - Trees - Tree Removal and Replacement - Private Land** - Permission is granted for the removal of the following trees:

(a) Nine (9) trees located on site.

Four (4) trees selected from the list of suitable species in the Hurstville City Council's *Tree Removal and Pruning Guidelines* must be replanted within the front setback of the subject site. Trees are to be replanted a minimum of 3m away from any driveway, building or structure.

The selected trees shall have a minimum pot size of 50L. A copy of Hurstville Council's *Tree Removal and Pruning Guidelines*, can be downloaded from Council's website [www.hurstville.nsw/Residents/Tree Management](http://www.hurstville.nsw/Residents/Tree%20Management).

27. **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.

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

29. **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.**

30. CC7008 - **Building - Access for Persons with a Disability** - Access for persons with disabilities must be provided to and throughout 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.
31. CC7018 - **Building** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.
32. 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 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.
33. 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 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 must be detailed on the plans lodged with the application for the Construction Certificate. Details of

compliance must be submitted with the application for the Occupation Certificate.

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

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

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

35. **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.
36. **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

37. **PREC2008 - Development Assessment - Demolition Notification Requirements** - The following notification requirements apply to this consent:
- a) The developer /builder must notify adjoining residents five (5) working days

prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

- b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Hurstville City Council advising of the demolition date, details of the WorkCover licensed asbestos demolisher and the list of residents advised of the demolition.
 - c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
38. **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.
39. **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.
40. **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 Roof Framing - Before roof covered detailing

eaves/gutter setback from boundaries.

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

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

- 41. **PREC7002 - Building - Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the developer's expense.
- 42. **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 the excavation must be submitted.

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.

- 43. **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.

- 44. **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.
- 45. **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.

46. **CON7001 - Building - Structural Engineer's Certification during construction** - The proposed building 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.
47. **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.

48. **OCC2005 - Development Assessment - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
49. **OCC2007 - Development Assessment - Allocation of car parking spaces** - Car parking associated with the development is to be allocated as follows:
- (a) Place of Public Worship: Forty four (44)
50. **OCC4002 - Health - Solid Fuel Heaters** - Prior to the issue of any Occupation Certificate, a Certificate prepared by a professional engineer must be submitted to the Principal Certifying Authority to confirm that the installation and design the solid fuel heater meets the following requirements:
- (a) Office of Environment and Heritage - Selecting, Installing and Operating Domestic Solid Fuel Heaters;
- (b) Section G2 of the Building Code of Australia (as amended);
- (c) Protection of the Environment Operations (Clean Air) Regulation 2010
- (d) Manufacturer's specification; and
- (e) AS4013:1999 Domestic solid fuel burning appliances (as amended)
51. **OCC4004 - Health - Noise from mechanical plant and equipment** - Noise from the operation of mechanical equipment, ancillary fittings, machinery,

mechanical ventilation system and / or refrigeration systems must not exceed background noise when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant & 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.

52. **OCC6001 - Engineering - Vehicular crossing - Minor development** - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the beneficiary of this consent, in accordance with the *Vehicular Crossing Approval* issued by Council's Engineering Services Division and in accordance with Council's Specification for Vehicular Crossings and Associated Works and the issued.

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.

Please Note: No stencilled or coloured concrete may be used outside the boundary of the property.

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

53. **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.

54. **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.

55. OCC7003 - **Building - Site for maximum number of seating** - A sign should be displayed in prominent position within the main entry foyer area stating the maximum number of persons permitted within the premises. Numbers are not to exceed the approved occupancy rates noted on the stamped Development Plans.
56. OCC7005 - **Building** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, 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.

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.

57. ONG2002 - **Development Assessment - Hours of operation** - The approved hours of operation shall be restricted to the following:
- Monday - Friday: 5.00am to 11.00pm
Saturday: 8.00am - 10.00pm
Sunday: 7.00am to 1.00pm
58. 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.
59. ONG4002 - **Health - Final Acoustic Report - Verification of Noise report** - Within three (3) months from the issue of an Occupation Certificate, an acoustical assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the use of the does not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997 (as amended).
60. ONG4011 - **Health - Noise Control** - The use of the premises must not give rise to the transmission of 'offensive noise' to any place of different occupancy. 'Offensive noise' is defined in the Protection of the Environment

Operations Act 1997 (as amended).

61. **ONG4015 - Health - Outdoor Lighting - Commercial/Industrial Premises** - Outdoor lighting must comply with AS 4282-1997 - Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire must not exceed the Level 1 control relevant under Table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282.
62. **ONG4049 - Noise Control - Prohibition of live bands, amplified music or speakers** - There shall be no live bands permitted to perform in outdoor areas at any time. There shall be no amplified music or speakers permitted in outdoor areas at any time.
63. **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.
- No vegetation, article, building material, waste or the like shall be ignited or burnt whatsoever or in association with the work on site.
64. **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.

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.

65. **ADV4006 - Health - Noise - Advice**

Noise related conditions

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (www.environment.nsw.gov.au/noise/nglg.htm) and the *Industrial Noise*

Guidelines (www.environment.nsw.gov.au/noise/industrial.htm) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links relating to Noise:

- **Community Justice Centres** - free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- **Department of Environment and Conservation NSW**, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
- **New South Wales Government Legislation** home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).
- **Australian Acoustical Society** - professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).
- **Association of Australian Acoustical Consultants** - professional society of noise related professionals (www.aaac.org.au).
- **Department of Gaming and Racing** - (www.dgr.nsw.gov.au).

66. **ADV7001 - Building - Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

67. **ADV7004 - Building - Council as PCA - Compliance with the BCA** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation, provided to bathroom, laundry and basement areas not afforded natural ventilation.
- Fire-fighting services and equipment including hydrant systems, hose reels, mechanical air handling, portable fire extinguishers, smoke hazard management systems and warning systems.
- Emergency lighting and exit signs throughout all premises including courtyard, common room/areas, lobby and basement areas.
- Fire resistance levels of building elements including walls, floors, ceilings, columns, and the separation of electrical supply systems etc.
- Construction of all fire doors (doors to swing in the direction of egress) including operational and warning signage.

- Fire compartmentation and fire wall separation details including all stairway, lift and service shafts.
- The protection of openings from any fire source feature.
- Exit travel distances and access grades including the number of required exits and installations within exits.
- Certified Alternative fire engineering reports where required.
- Construction of sanitary facilities.

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.

68. 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.
69. 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.

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.

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

70. 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.
71. 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.
72. 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.
73. 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.
74. PRES1005 - **Clause 98C- Entertainment Venues** - Schedule 3A of the Environmental Planning and Assessment Act 1979 outlines the prescribed conditions which apply to Entertainment Venues.
75. 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.
76. 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.

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

77. 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.

78. **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.

79. **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.

80. **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.

81. **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.

82. **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.

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

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

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

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