

**JOINT REGIONAL PLANNING PANEL  
(East)**

<b>JRPP No</b>	2015SYE097
<b>DA Number</b>	DA2015/0262
<b>Local Government Area</b>	Hurstville City Council
<b>Proposed Development</b>	Demolition of existing structures and construction of an eight storey commercial development containing ground and first floor retail floor area, levels 2 to 7 office floor area, and 30 car spaces within a mechanical car stacker system
<b>Street Address</b>	9 – 11 Crofts Avenue Hurstville
<b>Applicant/Owner</b>	Applicant: Anthony Vavayis and Associates Architects  Owner: Mrs M Stevens
<b>Number of Submissions</b>	43 adjoining and adjacent owners/residents notified  Application advertised for fourteen (14) days  No submissions were received
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	Value over \$20M
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>▪ State Environmental Planning Policy No 55 - Remediation of Land</li> <li>▪ Hurstville Local Environmental Plan 1994</li> <li>▪ Draft State Environmental Planning Policy (Competition) 2010</li> <li>▪ Hurstville Local Environmental Plan 2014 (amendment 3)</li> <li>• Hurstville Development Control Plan No 2</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	Plans and information as previously submitted
<b>Recommendation</b>	Approval subject to conditions of consent
<b>Report by</b>	Paula Bizimis - Senior Development Assessment Officer Hurstville City Council

## Assessment Report and Recommendation

<b>ZONING</b>	<p>Zone when application was lodged - 3(d) City Centre Commercial Core under Hurstville Environmental Plan 1994</p> <p>Current zone - B3 Commercial Core under Hurstville Local Environmental Plan 2014 (amendment 3)</p>
<b>APPLICABLE PLANNING INSTRUMENTS</b>	<ul style="list-style-type: none"> <li>▪ State Environmental Planning Policy No 55 - Remediation of Land</li> <li>▪ Hurstville Local Environmental Plan 1994</li> <li>▪ Draft State Environmental Planning Policy (Competition) 2010</li> <li>▪ Hurstville Local Environmental Plan 2014 (amendment 3)</li> <li>▪ Hurstville Development Control Plan No. 2: Section 2.2 - Neighbour Notification and Advertising of Development Applications, Section 4.2 - The Controls, Section 5.1 - Design Guidelines for Building, Public Domain and Open Space, Section 6.1 - Car Parking, Section 6.3 - Access and Mobility, Section 6.4 - Crime Prevention through Environmental Design, Section 6.5 - Energy Efficiency, Section 6.7 - Drainage and On-Site Detention Requirements, Section 6.9 - Waste Management, Section 6.10 - Development of a Heritage Item or in the Vicinity of a Heritage Item</li> </ul>
<b>HURSTVILLE LOCAL ENVIRONMENTAL PLAN 1994 INTERPRETATION OF USE</b>	<i>Shop and Office Premises</i>
<b>EXISTING DEVELOPMENT</b>	Three storey commercial building used as restaurant
<b>COST OF DEVELOPMENT</b>	\$20,447,115.00
<b>FILE NO</b>	DA2015/0262
<b>HAS A DISCLOSURE OF POLITICAL DONATIONS OR GIFTS BEEN MADE?</b>	No

### EXECUTIVE SUMMARY

1. This development application seeks approval for the demolition of existing structures and construction of an eight storey commercial development containing ground and first floor retail floor area, office floor area on levels 2 to 7, and 30 car spaces within a mechanical car stacker system
2. The proposed development has been assessed against the requirements of the relevant planning instruments and development control plan and complies

except in the provision of onsite car parking. A variation is sought due to the site's location within the city centre and its close proximity to public transport. This is discussed in the report.

3. The application was publicly advertised and notified to 43 adjoining and adjacent owners and residents and no submissions were received in reply.

## **RECOMMENDATION**

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

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## **DESCRIPTION OF THE PROPOSAL**

The application is for the demolition of existing structures and construction of an eight storey retail/commercial building. The proposal will comprise 9 retail tenancies, office floor area on levels 2 to 7 and 30 car parking spaces within a mechanical car stacker in a basement level. Specifically, the proposed development will contain the following:

### Basement Level:

- Parking for 30 cars (10 spaces for the retail component for staff use and 20 spaces for the office component for staff use)
- Bicycle racks for 30 bicycles
- Male end of trip facilities
- Female end of trip facilities
- Waste bin storage area
- 3 lifts, 1 goods lift and 2 stairs
- Plant rooms
- Staff bathroom
- Cleaners room

### Ground Level:

- 4 retail spaces with a total floor area of 218sqm
- Commercial/retail entry and lobby area including arcade area
- Car park entry and loading/unloading area off Crofts Ave including 2 car lifts for car stacker
- 1 retail lift, 2 office lifts, 1 goods lift and 3 stairs
- Accessible bathroom
- Plant rooms and substation

### Level 1:

- 5 retail spaces with a total floor area of 404sqm
- Arcade/circulation area
- 1 retail lift, 2 office lifts, 1 goods lift and 2 stairs
- Female bathroom, male bathroom, accessible bathroom, cleaners room

### Levels 2 to 6:

- Office area on each level with a total floor area of 2439sqm
- External terrace area on level 2
- Pocket park on level 6 with roof void over on level 7 (121sqm)

- 1 retail lift, 2 office lifts, 1 goods lift and 3 stairs
- Female bathroom, male bathroom, accessible bathroom, cleaners room

Roof level:

- Plant maintenance area only
- Lift overrun, 2 stairs, enclosed plant area

The Statement of Environmental Effects submitted with the application provides the following statement in relation to the design philosophy for the building:

*The design philosophy has been to convert the existing aged building, to a contemporary style building for high grade retail and commercial space. This building will also reflect its position on a prominent corner site and will positively address both Crofts Avenue and Woodville Street. The proposal includes active retail tenancies at ground floor and first floor with glazed shopfronts at the street frontage to assist the proposal in maintaining a relationship with the existing streetscape. At the upper floor levels, the building is stepped back from Crofts Avenue and Woodville Street behind a roof terrace. Both street frontages will comprise various articulation elements including angled glazing which create visual interest when viewed from the streetscape. The proposal will be visible, and prominent, from both street frontages however has been designed to relate to existing and emerging streetscape character and not dominate neighbouring developments. The compliance with key building envelope controls ensures a building consistent with Council's LEP and DCP.*



*Photomontage of the proposed development*

## HISTORY

23 July 2015	The development application was lodged.
10 September 2015	The application was presented to the Design Review Panel (DRP) for comments/assessment relating to the design of the development and its urban design response.
16 September 2015	Briefing with the Joint Regional Planning Panel on the development application.
23 September 2015	Request for information and DRP comments sent to applicant.
10 October 2015	Amended plans and information received.

## DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the corner of Crofts Ave and Woodville St Hurstville and is known as 9 - 11 Crofts Ave Hurstville. The site is rectangular in shape with a splayed corner. The site has a north-eastern frontage to Crofts Ave of 21.080m, a splay of 4.065m at the corner of Crofts Ave and Woodville St and a north-western boundary to Woodville St of 36.665m. This frontage immediately adjoins the Hurstville Bus Interchange. The site has a total area of 770sqm. The site is relatively flat, with a fall of 0.72 metres from the rear of the site to the Crofts Ave frontage.

The subject site is currently occupied by an existing rendered three storey commercial development which occupies the site entirely. All three storeys of the development are known as *Sunny Harbour Seafood Restaurant*. The subject site does not have any trees or landscaping. The site has vehicular access to a basement car park from the bus interchange on Woodville St.

To the north, on the opposite side of Woodville St is the site known as 2-2A Barratt St and 18-22 Woodville St. In 2012 the JRPP granted development consent for a mixed commercial/residential development containing two buildings of 14 storeys and 7 storeys with a floor space ratio of 5.54:1. The development is currently under construction.

Further to the north at 14 - 16 Woodville St is a multi-storey commercial/residential development. To the east, adjoining the site, is 310 Forest Rd which comprises a three storey commercial building built to all boundaries. The ground level of the development comprises a retail tenancy and the two upper levels appear to be used as office space. Also to the east, on the opposite side of Crofts Ave, is 8 Crofts Ave which comprises a five storey commercial development with retail tenancies at the ground level and office spaces above. This building is identified as a heritage item under the Hurstville Local Environmental Plan.

North-east of the subject site is 13 - 17 Woodville St. In 2011 the JRPP granted development consent for a 10 storey commercial/residential development with a floor space ratio of 4.136:1. This development has been completed.

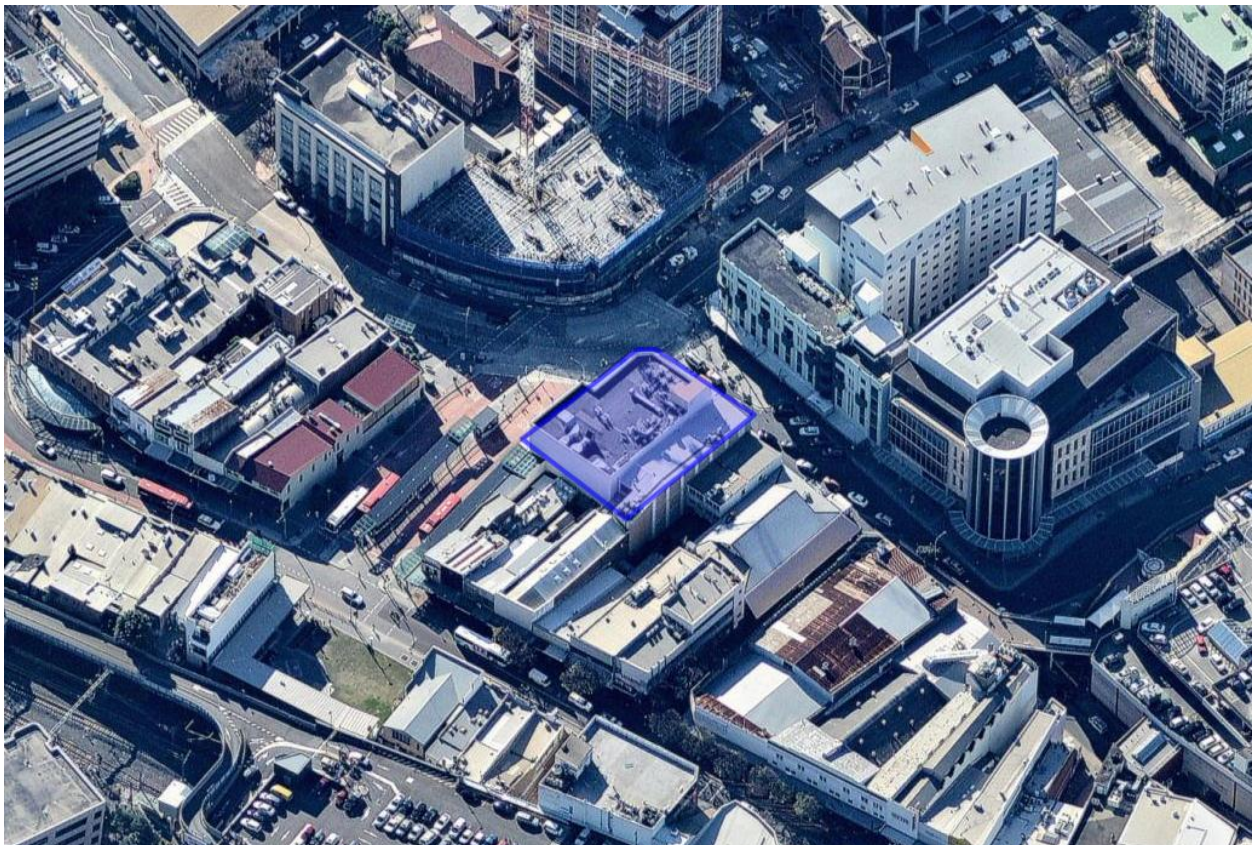
To the south are 310, 312, 314 and 316 Forest Rd, which all comprise three storey commercial developments. These developments are built to all boundaries and have pedestrian access from Forest Rd. Further to the south on the opposite side of Forest Rd is an open space area and entry to Hurstville Train Station. Diagonally opposite the site (on the other side of the bus interchange) is 330 - 332 Forest Rd



which comprises a two storey commercial development known as the *Golden Tiger Bar*.



*The subject site from the corner of Crofts Ave and Woodville Street (source: SEE)*



*Location map of the subject site*

## COMPLIANCE AND ASSESSMENT

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

### 1. ENVIRONMENTAL PLANNING INSTRUMENTS

#### ***Hurstville Local Environmental Plan 1994***

The site is zoned 3(d) City Centre Commercial Core under the provisions of the Hurstville Local Environmental Plan 1994 and the proposed development which comprises *shops and office premises* is permitted in the zone with development consent.

The objectives of the zone are:

- (a) *to provide for a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community,*
- (b) *to encourage appropriate employment opportunities in accessible locations,*
- (c) *to maximise public transport patronage and encourage walking and cycling,*
- (d) *to strengthen the role of Hurstville City Centre as a major retail and commercial centre,*
- (e) *to provide a consolidated commercial core (where residential development is prohibited) around the Hurstville railway station and proposed bus interchange.*

It is considered that the proposed development is consistent with the objectives of the zone. The proposed development will provide retail and office uses which will encourage employment opportunities. The location of the subject site adjoining the Hurstville Bus Interchange and in close proximity to the Hurstville train station will encourage users of the site to access public transport.

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

#### Clause 15 – Services

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

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

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

The application is accompanied by a Geotechnical Assessment, prepared by JK Geotechnics (ref 28583ZTHrpt, dated 22 July 2015) which discusses the proposed

excavation to the site and provides recommendations to be implemented during excavation of the site. These recommendations are to be implemented in the development, should consent be granted.

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

Clause 33 states:

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

The subject site is in the vicinity of the building known as “Victory House” at 8 Crofts Ave Hurstville which is as identified as a heritage item in the Hurstville Local Environmental Plan. The applicant has submitted a Heritage Impact Assessment prepared by Zolton Kovacs Architect (dated July 2015) which assesses the impact the proposed development will have on the heritage item. The report concludes that:

*The proposed development does not affect the setting and significance of “Victory House”, which is a listed heritage item in the vicinity of the development site.*

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

**State Environmental Planning Instruments**

Compliance with the relevant state environmental planning policies is detailed in the table below:

<b>State Environmental Planning Policy</b>	<b>Complies</b>
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes
State Environmental Planning Policy 55 – Remediation of Land	Yes



## 2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

### ***Draft State Environmental Planning Policy (Competition) 2010***

The aims of this policy are to:

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

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

### ***Hurstville Local Environmental Plan 2014 (Amendment 3) (draft at time of lodgement)***

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

The amendments to the LEP and DCP now known as Hurstville Local Environmental Plan 2014 (amendment 3) and Development Control Plan No 2 (amendment 6) came into effect on 24 July 2015. The LEP contains a savings provision to the effect that only development applications lodged on or after the 24 July 2015 are subject to the new provisions. As such the new provisions do not apply to the subject development application, however the following table is provided to identify the controls for the site:

	<b>Zone/Use</b>	<b>Maximum height</b>	<b>Maximum FSR</b>
Hurstville LEP 1994	3(d) City Centre Commercial Core	-	-
DCP No 2 - Hurstville City Centre	Retail/commercial	Required = 35m Proposed = 34m maximum	Required = 5:1 maximum Proposed = 5:1
Hurstville LEP 2014 (amendment 3)	B3 Commercial Core	Required = 35m Proposed = 34m maximum	Required = 3.5:1 maximum Proposed = 5:1
DCP No 2 - Hurstville City Centre (amendment 6)	Retail/commercial	-	-

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

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

#### Demolition

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

### 3. DEVELOPMENT CONTROL PLANS

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

#### ***Development Control Plan No 2 - Hurstville City Centre – Section 2.2 Neighbour Notification and Advertising of Development Applications***

The application was publicly advertised and notified to 43 adjoining and adjacent owners and residents and no submissions were received in reply.

#### ***Development Control Plan No 2 – Hurstville City Centre – Section 4.2 The Controls***

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

<b>Block 10 Site 10A</b>	<b>Standard</b>	<b>Proposed</b>	<b>Complies</b>
Use	Ground floor retail Upper floors commercial/retail	Ground floor retail Upper floors commercial	Yes
Height	35m maximum	34m maximum	Yes
FSR	5:1	5:1	Yes
Setbacks	No	To the boundary for Crofts Ave and Woodville St	Yes
Awnings	Cantilevered awning to Crofts Ave Posted awning to Woodville St	Cantilevered awning provided. Posted awning to Woodville St not practical due to location of Hurstville Bus Interchange	Yes
Balconies	N/A	N/A however an outdoor terrace is proposed to level 2 and a pocket park to levels 6/7	Yes
Vehicles Access	Woodville or Crofts Ave	Crofts Ave (access from Woodville St not practical due to location of Hurstville Bus Interchange	Yes
Car parking in basement (minimum 50% on site)	1 car space/30sqm for retail (622sqm) = 21 spaces 1 car space/60sqm for commercial (2579sqm) = 43 spaces  Total required: 64 spaces	Provided on site in car stacker system = 30 + 9 car spaces credited to the site paid as section 94 contributions as part of previous development consents  Total = 39 car spaces  + 18 bicycle spaces for customers + 12 bicycle spaces for retail and office staff +loading area	No (1)

(1) Car parking

Under the provisions of DCP 2 which applied when the application was lodged, 64 onsite car spaces are to be provided for the proposed development. The proposed development provides 30 car spaces within a mechanical car stacker system and also has 9 car spaces credited to the site from section 94 contributions paid under previous development consents. The applicant is therefore seeking a variation of 25 car spaces. The application is accompanied by a Traffic Impact Assessment prepared by GTA Consultants P/L (ref 15S1618000, date 23 July 2015). The report assesses the implications of the development in terms of:

- existing traffic and parking conditions
- suitability of the proposed parking
- service vehicle requirements
- pedestrian and bicycle requirements
- the traffic generating characteristics of the development
- access arrangement for the site
- the impact of the proposed development on the road network

The report makes the following conclusions:

- i. *The proposed development incorporates an eight storey tower, with 9 retail tenancies across the lower two floors, and office tenancies on the upper floors.*
- ii. *The proposed development is located in the Hurstville CBD and is well served by a combination of existing public transport services (train and bus services) and an extensive pedestrian network.*
- iii. *The proposed development generates a Hurstville DCP 2012 parking requirement of 64 spaces, with 9 spaces previously paid for as cash contributions, resulting in a requirement for 55 car spaces.*
- iv. *The proposed supply of 30 spaces within a basement mechanical car stacker system is appropriate given the nature of the development and proximity of the site to various public transport services. The proposed supply is at a rate consistent with previously approved developments on the site.*
- v. *It is proposed to prioritise entering vehicles at all times and restrict the car stacker operation to entry-only movements during the AM peak arrival period, which is considered appropriate as all car parking is allocated to retail and commercial staff.*
- vi. *Queuing analysis shows that the car stacker would have estimated 95th percentile queues of 5 vehicles. With 2 vehicles in the car lifts, there is adequate space for 3 vehicles to queue within the site during the AM peak.*
- vii. *The access driveway is in accordance with the requirements of AS2890.1:2004 if a pedestrian visibility splay of 2.5m x 2.0m is provided at the egress to ensure adequate visibility between vehicles leaving the car park area and pedestrians on the frontage footpath.*
- viii. *The car lift area and loading bay is generally in accordance with the requirements of AS2890.1:2004 and AS2890.2:2002.*
- ix. *The car stacker will be designed in accordance with industry standards with respect to dimensions, service rates and height clearances and in consultation with the proposed supplier, Car Park Solutions.*
- x. *It is recommended that approximately 20 bicycle parking spaces be provided for staff and visitor use, with reference to the NSW Planning Guidelines for*

*Walking and Cycling (Department of Infrastructure, Planning and Natural Resources, 2004).*

- xi. The provision of a single loading space accommodating up to an 8.8m medium rigid vehicle is considered appropriate for the size and nature of the development, with loading to occur outside of the AM and PM peak periods to avoid conflict with vehicles accessing the car lifts.*
- xii. The site is expected to generate up to 24 and 240 vehicle movements in any peak hour and daily respectively.*
- xiii. There is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development.*

In relation to the provision of onsite car parking, the report provides the following justification (in summary):

*With respect to reducing the parking requirements, the Hurstville DCP 2012 notes:*

*"In determining the prescriptive parking requirements for each type of land use, Council has adopted guidelines from the Roads and Traffic Authority Guide to Traffic Generating Developments, October 2002. It must be emphasised, however that Council uses this guide on a discretionary basis only, and may be flexible in establishing parking conditions according to expert reports on the existing parking and traffic conditions in the vicinity of the subject site."*

*In this regard, the following sets out the justification for a reduction in car parking provision of 25 spaces.*

#### *Public Transport Availability*

*...the site is well served by public transport. Specifically, the site is adjacent to the Hurstville Bus Interchange which is serviced by over 20 bus routes, as well as being less than 3 minutes' walk from Hurstville Railway Station which operates on the Eastern Suburbs and Illawarra Line, and the South Coast Line.*

*Given the close proximity to frequent public transport services, it is considered that public transport is an attractive and viable mode of transport for staff and visitors to the site, which will be highly utilised. This is particularly relevant to the commercial component of the development, as well as for retail staff. Providing less car spaces promotes the use of sustainable modes of transport such as public transport, walking and cycling.*

#### *Land Use and Transport Characteristics*

*It is not appropriate or necessary to provide small amounts of visitor parking for the small retail tenancies proposed as part of the development. Such tenancies largely rely on a walk-up catchment as part of the broader town centre, and are generally not a specific single destination for customers travelling to the town centre. The shortfall of retail parking spaces is appropriate on this basis and would not place an increased parking demand on the broader town centre.*

#### *Previously Approved Developments*

*...there have been three developments approved for the site in the last 25 years. The development approved in 1989 had a DCP requirement of 25 spaces, where 17 (68%) were provided (13 on site and 4 paid for by cash contribution). The approved development in 2006 had a statutory requirement 43 car spaces, of which 26 (60%) were provided (17 on site, 5 paid for by cash contribution, and the four previously*

*paid for by cash contribution in 1989). On this basis, the provision of 39 spaces (30 on-site and 9 paid for previously by cash contribution) equates to 61% of the DCP requirement, which is consistent with the previously approved developments on the site.*

#### Comment

It is considered that a variation to the onsite parking can be accepted for the following reasons:

- The subject site is located within the Hurstville City Centre and has excellent access to public transport with the bus interchange located immediately adjoining the site on Woodville St and the Hurstville train station located less than 100m of the site. As the proposed development comprises commercial floor area only, its location encourages future tenants and employees to use public transport rather than drive to work. This is in comparison to developments that contain a residential component where end users (residents) have different needs in terms of onsite parking.

- Clause 6.1.2.1(1)(a) of DCP 2 states:

*(a) In determining the prescriptive parking requirements for each type of land use, Council has adopted guidelines from the Roads and Traffic Authority Guide to Traffic Generating Developments, October 2002. It must be emphasised, however that Council uses this guide on a discretionary basis only, and may be flexible in establishing parking conditions according to expert reports on the existing parking and traffic conditions in the vicinity of the subject site.*

In relation to the objective and clause above, the Traffic Impact Assessment report submitted with the application identifies that the proposed onsite parking is sufficient to meet the requirements of the development when considering the location of the site in the city centre, its close proximity to public transport, and on the basis of previous development consent granted to the site whereby a similar variation was applied by Council. As such, the traffic consultant has established that a reduction in the onsite parking will not have an adverse impact on the road network.

- In DCP 2 the objective of the car parking requirements is:

*To provide sufficient, safe and convenient parking facilities meeting user requirements including pedestrians, cyclists and vehicles.*

Notwithstanding the site's location to public transport, the development will still provide 30 onsite car spaces for use by staff and bicycle facilities in the form of bicycle racks, showers and change rooms. The applicant will also be required to provide a "Green Travel Plan" and loading area management plan as suggested by its traffic consultant. These facilities will complement the site's location in the city centre and result in a development that allows for a range of travel options to the site. In this regard the development will meet the objective relating to car parking.

- It is noted that DCP 2 was amended on the 24 July 2015 after the development application was lodged. Although the provisions of this DCP do



not apply to the subject development application, the following table provides a comparison of the car parking requirements of DCP 2 that applied when the development application was lodged and the car parking requirements which were introduced on 24 July 2015. The table shows that the current requirements would result in the development having a surplus of 13 onsite car spaces. This demonstrates that DCP 2, as amended, recognises the site's location within the city centre and proximity to public transport.

DCP 2	Required	Provided	Compliance
Requirements when application was lodged	1 car space/30sqm for retail (622sqm) = 21 spaces 1 car space/60sqm for commercial (2579sqm) = 43 spaces  Total required = 64 spaces	30 spaces in car stacker system + 9 car spaces credited to the site paid as section 94 contributions  Total = 39 car spaces	-25 spaces
Requirements relevant from 24 July 2015	1 car space/50sqm for retail (622sqm) = 13 spaces  1 car space/200sqm for retail/office in commercial core zone (2579sqm) = 13 spaces  Total required = 26 spaces	39 car spaces (as above)	+13 spaces

***Development Control Plan No 2 – Hurstville City Centre – Section 5.1 Design Guidelines for Buildings, Public Domain and Open Space***

Section 5.1	Design Guidelines	Proposed	Complies
5.1.1 – Street alignment	Buildings to be sited on street frontage.	Building is sited on street frontage	Yes
	Buildings to provide pedestrian amenity in form of active street frontages, building entrances, and awnings	An active street frontage is proposed with retail uses on ground floor	Yes
	Buildings set back from street are to address the street with major facades, entrances, low fences, substantial planting, etc.	Building is located on the front boundary	N/A
5.1.3 – Frontage	Building frontages are to be articulated into separate	Variety of articulation and changes in texture	Yes

articulation	building frontages and bays, using shop front separations, attached columns and steps in façade Changes of texture and colour should complement	and colour	
5.1.7 – Roof Design	Lift over-runs and plant equipment should be concealed	Lift over-runs and plant equipment are located on roof and concealed by parapet	Yes

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

### ***Development Control Plan No 2 – Hurstville City Centre – Section 6.1 Car Parking***

The car parking requirements for the proposed development have been discussed in the report above.

### ***Development Control Plan No 2 – Hurstville City Centre – Section 6.3 Access and Mobility***

The applicant is accompanied by a Disability Access Report prepared by Cheung Access (ref 150723, dated 23 July 2015). The report assesses the proposed development's compliance with the relevant provisions of the Building Code of Australia (BCA) and the Disability (Access to Premises – Buildings) Standards (2010) in terms of disability access and facilities. The report concludes that the proposed development can comply with the relevant requirements and Australian Standards in relation to disability access and facilities.

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

<b>Section 6.3 – Access and Mobility</b>	<b>Requirements</b>	<b>Proposal</b>	<b>Complies</b>
Access requirements	Access in accordance with AS1428 for all persons through the principal entrance of the building and to common areas	Can be provided	Yes
Accessible retail/commercial car spaces	1 space per 20 spaces or part thereof, where parking areas have more than 20 spaces but less than 50 spaces = 2 accessible car spaces are required	The car spaces provided in the car stacker are accessible to disabled persons	Yes

**Development Control Plan No 2 – Hurstville City Centre – Section 6.4 Crime Prevention through Environmental Design (CPTED)**

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

<b>CPTED</b>	<b>Performance criteria</b>	<b>Proposed</b>	<b>Complies</b>
Fencing	Fence design should maximise natural surveillance from the street to the building and from the building to the street, and minimise the opportunities for intruders to hide	No fencing is proposed	N/A
Blind corners	Avoid blind corners in pathways, stairwells, hallways and car parks	No blind corners evident. Entrances are direct from the street. Stairwells are located within the building and not visible externally.	Yes
Communal/ public areas	Provide natural surveillance for communal and public areas	Surveillance available from the shopfronts at ground level and windows of floors above. Terrace area on level 2 allows surveillance of the area surrounding the building. Entries to the building are visible from street and lobby.	Yes
Entrances	Provide entries that are clearly visible and avoid confusion	The building has entry points from the ground level that are clearly visible from the street. Lobby areas are visible from the street.	Yes
Landscaping	-Avoid landscaping which obstructs casual surveillance and allow intruders to hide -Use vegetation as barriers to deter unauthorised access -Avoid large trees/shrubs and building works that could enable an intruder to gain access to the dwelling or to neighbouring dwellings	Landscaping to the development is located in the terrace area and the pocket park which are located above ground level.	Yes
Lighting	Provide lighting to enable natural surveillance, particularly in entrances/exits, service areas, pathways and car parks. Ensure lighting does not produce glare or dark shadows	Can be subject to condition of consent	Yes
Building identification	Ensure buildings are clearly identified by street number to prevent unintended access and	Can be subject to condition of consent	Yes

	to assist persons trying to find the building		
Security	Use security hardware and/or personnel to reduce opportunities for unauthorised access	Details not provided however access to retail and office component is via separate lifts. Access to car parking areas is secured.	Yes
Ownership	Create the impression that the place is well looked after and well “cared for”	Ownership is implied through the design of the different retail and office areas	Yes
Maintenance	Use materials that reduce the opportunity for vandalism	Can be subject to condition of consent	Yes
Mixed use land uses	Where permitted, provide appropriate mixed uses within buildings to increase opportunities for natural surveillance, while protecting amenity	The development provides retail and office areas which provide opportunities for surveillance from all levels.	Yes
Spaces	Spaces should be clearly defined to express a sense of ownership and reduce illegitimate use/entry	Spaces are clearly defined	Yes
Public facilities	Locate public services such as ATMs, telephones, help points, etc, in areas of high activity	Public services such as toilets located adjoining common corridor areas	Yes
Shopfront	Allow for natural surveillance and a suitable streetscape appearance	Shopfronts located on the street frontage of Crofts Ave and Woodville St which allows natural surveillance	Yes
Building materials	Use building materials which reduce the opportunity for intruder access	Building materials are appropriate	Yes
Hours of operation	Provide adequate security to buildings with extended hours of operation	Specific use of each tenancy is not part of this application however the development has been designed to be secure, irrespective of hours of operation of the tenancies.	Yes

### ***Development Control Plan No 2 – Hurstville City Centre – Section 6.5 Energy Efficiency***

This section of DCP 2 applies to residential development only. Notwithstanding this, the shadow diagrams submitted with the application show that the proposed development will not unreasonably overshadow any adjoining development. Adjoining sites will receive sunlight for at least 2 hours between 9am and 3pm on June 21.

### ***Development Control Plan No 2 – Hurstville City Centre – Section 6.7 Drainage and On-Site Detention Requirements***

The proposed development can drain to the street in accordance with the requirements of DCP 2 and appropriate conditions of consent have been provided in the recommendation. An assessment of the drainage is provided in the following table:

<b>Stormwater Assessment</b>	
Existing Stormwater System	Gravity to Street
Proposed Stormwater System	Gravity to Street
Stormwater objectives for development type met?	Consistent
Slope to rear (measured centreline of site)	No
Gravity to street (from property boundary to street kerb)?	Yes
Discharge into same catchment?	Yes
Easement required?	No

### ***Development Control Plan No 2 – Hurstville City Centre – Section 6.9 Waste Management***

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

### ***Development Control Plan No 2 – Hurstville City Centre – Section 6.10 – Development of a Heritage Item or in the Vicinity of a Heritage Item***

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

## **4. IMPACTS**

### ***Natural Environment***

Although the proposal includes excavation for the basement level, this is not uncommon in the Hurstville CBD area. The proposal is unlikely to adversely impact on existing drainage patterns and soil stability in the locality. The site currently has no vegetation, but the proposed development will include a terrace area on level 2 and pocket park to levels 6 and 7 which will be landscaped and will improve the current site conditions. It is therefore considered unlikely that the proposal will have adverse impacts on the natural environment.

### ***Built Environment***

The proposed development is unlikely to have an adverse impact on the built environment. The proposed development complies with the relevant requirements relating to height and floor space ratio and is of a bulk and scale anticipated by the planning requirements. The proposed development seeks a variation to the onsite car parking requirements which is supported as detailed in the report.

### ***Social Impacts***

The proposed development has no perceived adverse social impacts.



### ***Economic Impacts***

The proposed development has no perceived adverse economic impacts. The proposed development will provide employment opportunities to the site and the Hurstville City Centre.

### ***Suitability of the Site***

The subject site has no impediments that preclude it from being developed for the proposed development.

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

### ***Resident***

The application was public advertised and notified to 43 adjoining and adjacent owners and residents and no submissions were received in reply.

### ***Council Referrals***

#### Development Engineer

Council's Development Engineer has raised no objection to the development subject to conditions of consent being attached to any consent granted.

#### Senior Building Surveyor (Major Projects)

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

### ***External Referrals***

#### Design Review Panel

The application is referred to the Design Review Panel for comments/assessment relating to the design of the development and its urban design response. This section outlines the advice provided by the Design Review Panel (DRP), the Applicant's response to this advice and the Development Assessment Officer's (DAO's) comments.

#### Principle 1: Context and Neighbouring Character

##### DRP Comment

*This is a prominent site in the city centre near the bus interchange and Hurstville station. The site is surrounded on the south east and south west by commercial buildings of 2-6 storeys with taller residential buildings surrounding to the north.*

*While the LEP states that the FSR for the site will be no more than 3.5:1 the proposal has a density of 5:1 based on the former DCP requirements. The height specified for both controls remains the same at 35m which the proposal complies with. The proposal comprises retail space at grade and first levels with five (5) commercial levels above.*

##### Applicant's comment:

No comment required.

##### DAO's comment:

No comment required.

## Principle 2: Built Form and Scale

### DRP Comment

*The proposal fills the site and provides a setback to each of its street frontages of 1m and 2m respectively. The building has a glazed chamfered corner at its top levels, apart from this it is a simple prism. The facades of the building extend up 3m or so above roof level so as to accommodate the plant room. The proposal also includes large voids and plant rooms which contribute to the bulk of the building and appear as though they could simply become additional usable space in the future. The Panel suggests that the double height plant room on the sixth level become an open courtyard for the use of employees and tenants. Basic amenity such as power, seating and planting must be provided.*

*While the proponents suggest that it is an iconic response, the expression of the building appears to the Panel to be very underdeveloped. It does not, for example, express the entry or provide any hierarchy vertically let alone generate a sense of dynamism or representation of contemporary work spaces. The street elevation to Croft Street comprises predominately parking/service access and fire stairs/emergency egress. The proposal does not provide shelter to footpaths and should incorporate a substantial awning around both street facades.*

### Applicant's comment:

*The following modifications have been made to the submitted plans:*

- *Enlarging the high level glazed corner splay to provide a more overstated appearance*
- *Provision of additional articulation to the eastern façade*
- *Cladding material selection updated for improved sustainability*

### DAO's comment:

The development has been amended to address the issues raised by the DRP. In addition to the changes detailed by the applicant, the development has also been amended to include a cantilevered awning to both street frontages, provision of a larger shopfront to Crofts Ave, providing a 'pocket park' to levels 6 and 7, and provision of planting and facilities to the terrace area on level 2 and the pocket park. The changes undertaken to the development satisfactorily address the issues raised by the DRP.

## Principle 3: Density

### DRP Comment

*The density proposed complies with the former DCP but not the current LEP. As the height and bulk of the building complies with current and former requirements however the density proposed is acceptable. As referred to above, proposed voids and over scaled plant rooms constitute a major part of the bulk of the building. Care should therefore be taken that these spaces are not colonised as commercial space.*

### Applicant's comment:

No comment required.

### DAO's comment:

The proposed development complies with the relevant height and floor space ratio requirements.

#### Principle 4: Sustainability

##### DRP Comment

*The Panel believes that the proposal should integrate a broad range of well considered design strategies and building solutions to achieve high levels of sustainability. These could include:*

- *Solar panels*
- *Water collection and re-use*
- *Energy efficient lighting and appliances*
- *Optimisation of solar access and natural ventilation*
- *Green roof*
- *Window shading to regulate heat gain*
- *Assessment under sustainability rating system*

##### Applicant's comment:

*The proposal has included a series of important sustainability measures, to address the sustainability issues raised by the Panel. These measures include a revised cladding which comprises a ceramic green coloured tile (Titanium Dioxide coated).*

*When exposed to direct sunlight, 150m<sup>2</sup> of the Titanium Dioxide coated cladding can equal the quantity of oxygen that produced by 1000m<sup>2</sup> of forest. The cladding decomposes toxic Nitrogen Oxide particles in the immediate atmosphere at a rate equal to 11 cars driving 30km each in 24 hours (based on Hydrotec technical information sheets which can be provided on request). As the proposed building has approximately 716m<sup>2</sup> of this cladding, the façade alone will be able to purify nitrogen dioxide at a rate equal to 4,773m<sup>2</sup> of forest.*

*In addition, the proposal will include water collection and re-use, energy efficient lighting and appliances and the windows are recessed into the façade to provide the necessary shading to regulate heat gain.*

##### DAO's comment:

The incorporation of the above features to the development to increase its sustainability are acceptable and address the issues raised by the DRP.

#### Principle 5: Landscape

##### DRP Comment

*Landscape amenity could be provided as suggested above by changing the double height plant room on Level 6 into an open courtyard. In addition a green roof could be incorporated into the roof design. Further information should be provided regarding the design and amenity of the terraces on Level 2. This should include the design of balustrades, doors opening out, planting, paving, seating, etc.*

##### Applicant's comment:

*The following modifications have been made to the submitted plans:*

- *Converting the double height plant room converted into a 'Pocket Park'*
- *External glass balustrade deleted at level 2 and replaced with solid balustrade and a planter*
- *Provision of outdoor furniture to level 2 terrace*

DAO's comment:

The amendments undertaken to the development are appropriate. The applicant has provided details of the facilities to be provided in the terrace area and pocket park that include landscaping and seating.

Principle 6: Amenity

DRP Comment

*There are a number of amenity issues that should be addressed:*

- *Awnings should be provided to each street frontage.*
- *WC's opposite lifts should be relocated or re-oriented so that a visitor to the building does not see directly into this space.*
- *Windows should be reconceived in terms of light access, outlook, natural ventilation as well as aesthetics.*
- *While voids are generally supported it is important that they do not become colonised by commercial space.*
- *End of trip bicycle facilities including change room, showers and lockers should be provided near bicycle storage*

Applicant's comment:

*The following modifications have been made to the submitted plans:*

- *Privacy screens/blades added internally adjacent to toilet entrances*
- *Provision of male and female end of trip facilities (bathrooms and change rooms)*
- *Provision of additional bicycle spaces*
- *Restricting all plant to be located on roof top only*

DAO's comment:

Amendments undertaken to the development in response to the above issues are appropriate and address the issues raised by the DRP.

Principle 7: Safety

DRP Comment

*Acceptable.*

Applicant's comment:

No comment required.

DAO's comment:

The proposed development provides appropriate security to the site and is consistent with crime prevention principles.

Principle 8: Housing Diversity and Social Interaction

DRP Comment

*Not applicable.*

## Principle 9: Aesthetics

### DRP Comment

*As noted above the Panel does not believe the aesthetics meet the proponent's objectives of being a landmark exciting piece of new architecture. The "parallax" referred to by the proponent conflicts with the otherwise conventional structure and strip window presentation. The corner chamfer appears understated and under scaled for a building of this size and therefore does not adequately address a significant urban corner. The setbacks on Level 2 produce a terrace that is clumsily scaled and too small for any practical use. Glazed balustrading could exacerbate the inadequacy of this gesture.*

### Applicant's comment:

See comments provided under "Built Form and Scale".

### DAO's comment:

The proposed development provides an appropriate urban design response. The development provides various materials and finishes to identify the different elements of the development which provides visual interest.

## **6. CONCLUSION**

The application seeks permission for the demolition of existing structures and construction of a commercial development containing retail and office floor area and 30 car spaces within a mechanical car stacker system.

The proposed development has been assessed against the requirements of the relevant planning instruments and development control plans and complies except in that a variation is sought to the number of onsite car spaces. This is supported as discussed in the report.

The proposed development has been amended from that originally submitted to address the issues raised by the Design Review Panel. No submissions were received to the application in response to the public advertising and notification of the development. Accordingly, the application is recommended for approval subject to conditions of consent.

## **RECOMMENDATION**

THAT pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Council grants development consent to Development Application DA2015/0262 for the demolition of existing structures and construction of a commercial development containing ground and first floor retail floor area, levels 2 to 7 office floor area, and 30 car spaces within a mechanical car stacker system on Lot 1 DP 792303 and known as 9 – 11 Crofts Ave Hurstville subject to the following conditions of consent:



## Schedule A – Site Specific Conditions

### GENERAL CONDITIONS

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

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

Reference No.	Date	Description	Revision	Prepared by
Project 15019 DA0000	9 Oct 15	Cover page	3	Anthony Vavayis + Associates P/L
DA0100	9 Oct 15	Survey and demolition plan	3	Anthony Vavayis + Associates P/L
DA1000	9 Oct 15	Basement level plan	3	Anthony Vavayis + Associates P/L
DA1001	9 Oct 15	Ground level plan	3	Anthony Vavayis + Associates P/L
DA1002	9 Oct 15	Level 1 plan	3	Anthony Vavayis + Associates P/L
DA1003	9 Oct 15	Level 2 plan	3	Anthony Vavayis + Associates P/L
DA1004	9 Oct 15	Level 3 and 4 plan	3	Anthony Vavayis + Associates P/L
DA1005	9 Oct 15	Level 5 plan	3	Anthony Vavayis + Associates P/L
DA1006	9 Oct 15	Level 6 plan	3	Anthony Vavayis + Associates P/L
DA1007	9 Oct 15	Level 7 plan	3	Anthony Vavayis + Associates P/L
DA1008	9 Oct 15	Roof plan	3	Anthony Vavayis + Associates P/L
DA2000	9 Oct 15	Section 1	3	Anthony Vavayis + Associates P/L
DA2001	9 Oct 15	Section 2	3	Anthony Vavayis + Associates P/L
DA2002	9 Oct 15	Section 3	3	Anthony Vavayis + Associates P/L
DA3000	9 Oct 15	North elevation	3	Anthony Vavayis + Associates P/L
DA3001	9 Oct 15	West elevation	3	Anthony Vavayis + Associates P/L
DA3002	9 Oct 15	South elevation	3	Anthony Vavayis + Associates P/L
DA3003	9 Oct 15	East elevation	3	Anthony Vavayis + Associates P/L
DA7000	9 Oct	Perspectives	3	Anthony Vavayis +

	15			Associates P/L
DA7001	9 Oct 15	Materials and Finishes Board	3	Anthony Vavayis + Associates P/L
-	Rec 18 Nov 15	Photomontage	-	Anthony Vavayis + Associates P/L
28583ZTH rpt	22 Jul 15	Geotechnical Assessment	0	JK Geotechnics P/L
15S16180 00	23 Jul 15	Travel Impact Assessment	A	GTA Consultants P/L
-	Rec 23 Jul15	Waste Management Plan	-	-

2. 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: **\$69,294.00.**

(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.

3. GEN1002 - **Fees to be paid to Council** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable **at the time of payment.**

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

**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:

**Fee types, bonds and contributions**

Fee Type
Long Service Levy (to Long Service Corporation)
Builders Damage Deposit
Inspection Fee for Refund of Damage Deposit
S94 Non-Residential Hurstville City Centre (Public Domain)

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

PCA Services Fee	\$TBA
Construction Certificate Application Fee	\$TBA
Construction Certificate Imaging Fee	\$TBA

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

4. GEN1004 - **Section 94 Contributions - Non Residential Development in Hurstville City Centre (Public Domain)**

a. Amount of Contribution

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

Contribution Category	Amount
Public Domain Facilities	\$230,555.04
<b>Total:</b>	<b>\$230,555.04</b>

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

b. Indexing

The above contribution will be adjusted at the time of payment to reflect changes in the Consumer Price Index (All Groups Index) for Sydney, in

accordance with the provisions of the *Hurstville Section 94 Development Contributions Plan 2012*.

c. Timing and Method of Payment

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

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

**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).**

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

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

5. GEN1014 - **Long Service Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to [www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au) or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**

## **SEPARATE APPROVALS UNDER OTHER LEGISLATION**

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

6. APR6005 - **Engineering** - Council's stormwater drainage pipeline shall be extended along Crofts Avenue from near Diment Way to connect to the existing drainage system at Woodville Avenue and to provide a sub-surface outlet/gully-pit for stormwater discharged from the development site. The proposed system is to be a 375mm (min,) diameter pipeline 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.
7. APR6001 - **Engineering - Section 138 Roads Act and Section 68 Local Government Act 1993**

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

**on public infrastructure.**

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve; and
- (k) Stormwater and ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

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

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

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

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

- (a) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council’s Specifications for vehicular crossings. The details of the vehicular crossing and any modifications to the existing kerb are to be determined in consultation with and approved by Council’s Manager Infrastructure Planning prior to the release of the Construction Certificate.
- (b) Construct a new full width (boundary to kerb) footpath in paving material approved and specified by Council’s Engineer for the full frontage of the site in Crofts Avenue and Woodville Street Hurstville in accordance with Council’s Specifications for footpaths.
- (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council’s *Specification for Vehicular Crossings and*

*Associated Works.* The work shall be carried out by a private contractor, subject to Council approval.

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

To apply for approval:

- (a) Complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Hurstville Council's Website at: [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au)
- (b) In the Application Form, quote the Development Consent No. (eg. DA2015/0262) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Vehicular Crossing applications.

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

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

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

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and

A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

**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.

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

## **REQUIREMENTS OF OTHER GOVERNMENT AGENCIES**

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

**12.GOV1013 - Ausgrid - Undergrounding electricity mains (Hurstville CBD area)** - Arrangements are to be made with Ausgrid to install underground all low voltage street mains in that section of the street/s adjacent to the development and to provide conduits for the future under grounding of high voltage mains. This shall include any associated services and the installation

of underground supplied street lighting columns where necessary. These works to be carried out at the expense of the beneficiary of the consent. For details visit [www.ausgrid.com.au](http://www.ausgrid.com.au) or call 131365.

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

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

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](http://www.ausgrid.com.au) or call 131365.

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

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](http://www.ausgrid.com.au) or call 131365.

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

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

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](http://www.ausgrid.com.au) or call 131365.

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

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

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

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

18. 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**.

#### **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.

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

Reference No.	Date	Description	Revision	Prepared by
15019: SK2002 3	19/6/15	Section 3, Proposed Stormwater OSD	3	Anthony Vavayis + Associates, and Enstrust Group P/L

The above submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken. The underground basement car park must pump to and all other stormwater must drain by gravity to:

- (a) 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.**

**20. CC3004 - Development Engineering - Stormwater Drainage Plans**

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

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

**21. 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**

**22. CC3006 - Development Engineering - Detailed Stormwater Drainage Design**

- The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) must be submitted **with the Construction Certificate application.**

**23. CC3012 - Development Engineering - Pump-Out System Design for**

**Stormwater Disposal** - The design of the pump-out system for storm water 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.

24. **CC3018 - Development Engineering** - The submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

- (a) All stormwater shall drain by gravity to the upper level of Council's proposed kerb inlet pit which is to be constructed directly in front of the development site. Council's drainage system is to be extended to connect to the system of pits and pipelines that currently conveys stormwater runoff from the road reserve in Woodville Street adjacent to the development site. The design of this system will provide for the removal of the converter in Crofts Avenue such that all stormwater is managed sub-surface 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). Design details and certification shall be submitted for approval **with the Construction Certificate application**.

25. **CC3019 - Development Engineering** - The above 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, within the development site, at the 'loading entrance' to 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. **CC3020 - Development Engineering - Alignment Levels** - An Application under Section 138 of the Roads Act 1993 shall be submitted to Council's Engineer for the issue of Footpath design and alignment levels for the full frontages of the site in Carrington Ave and Queens Road. The alignment levels shall be issued **prior to the issue of the Construction Certificate.**

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

27. **CC4003 - Health - Regulated Systems - Details and Fit out** - Details of the regulated system must be submitted to the Principal Certifying Authority. Such details must demonstrate compliance with the following:

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

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

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 the site, including to all foyer areas, basement carpark, required sanitary and kitchen facilities and allocated terrace areas 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 the location of fire hydrant facilities and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

**32. 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.

**33. CC2005 - Development Assessment - Building Height** - The height of the building must not exceed RL105.30 to the top of the parapet. Details of compliance to be illustrated on the plans lodged with the Construction Certificate.

**34. 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.

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

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

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

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

36. **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 with a kerb inlet pit located directly 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**.

(b) The proposed development is to be designed such that road traffic noise from adjacent public roads is mitigated by durable materials, as required by and in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). Roads and Maritime's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

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

37. **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 is to be prepared for the terrace area on Level 2 and the "Pocket Park" on Level 6/7 and 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 including water recycling systems
- (vi) Details of furniture to be included in the open space areas.

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

- (a) In order to ensure the design quality excellence of the development is retained:
- (i) The design architect is to have direct involvement in the design documentation, contract documentation and construct stages of the project;
  - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project;
  - (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

**39.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.

**40.CC8006 - Waste - Waste Storage Containers - Commercial/Industrial -**

Appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:-

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

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

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

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

**41.CC6005 - Engineering - Traffic Management - Construction Traffic**

**Management Plan (Large Developments only) - A Construction Traffic Management Plan detailing:**

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

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

42. **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.

43. **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

44. **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 including, but not limited to all properties with a common boundary to the subject site prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
- (d) 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.

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

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

47. **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.

48. **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.

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

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

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

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

50. **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.
51. **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.
52. **PREC7004 - Building - Structural Engineers Details - Supporting Council road/footway** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting Council's roadways/footways must be submitted to the satisfaction of Council's Building Control Department.
53. **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.

54. **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.

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

- (a) All Council infrastructure adjoining the subject site.

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

The report must include the following:

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

The reports are to be supplied in electronic format in Word or PDF.

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

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

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

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

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

## **DURING WORK**

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

**57.CON3001 - Development Engineering - Physical connection of stormwater to site** -No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's proposed gully pit in Crofts Avenue.

58. **CON7001 - Building - Structural Engineer's Certification during construction** - The proposed structure/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.

59. **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.

60. **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.

61. **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.

62. **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. No vegetation, article, building material, waste or the like shall be ignited or burnt whatsoever or in association with the work on site. 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.

63. **OCC3001 - Development Engineering - Positive Covenant for On-site Detention Facility** - A Positive Covenant is to be created over any on-site detention facility.

This covenant is to be worded as follows:

*"It is the responsibility of the lots burdened to keep the "On-Site Detention" facilities, including any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The "On-Site Detention" facilities are not to be modified in any way without the prior approval of Council."*

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

The Positive Covenant shall be registered at the NSW Department of Lands prior to the issue of a Final Occupation Certificate.

64. **OCC3002 - Development Engineering - Works as Executed and Certification of Stormwater works** - Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A works-as-executed drainage plan and certification must be forwarded to the Principal Certifying Authority and Hurstville City Council, from a suitably qualified and experienced Hydraulic Consultant/Engineer.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Certifying Authority.

The works-as-executed drainage plan must be prepared by a suitably qualified and experienced Hydraulic Engineer in conjunction with a Registered Surveyor and the works-as-executed plan must include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;
- (b) Volume of storage available in any detention areas;
- (c) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- (d) The orifice size/s (if applicable);
- (e) Details of any pumping systems installed (including wet well volumes).(if applicable)

65. **OCC4003 - Health - Regulated Systems - Inspection, Certification and Registration** - Certification by a 'competent person' as defined under the Public Health (Microbial Control) Regulation 2000 must be submitted that verifies that the regulated system has been installed in accordance with:

- (a) Public Health Act 2010 (As amended)
- (b) Public Health Regulation 2012 (As amended)

- (c) AS/NZS 3666.1:2002 Air-handling and water systems of buildings - Microbial control - Design, installation and commissioning (as amended)

and can operate as required by Clause 9 of the Public Health (Microbial Control) Regulation, 2000 (as amended).

The owner must register the regulated systems with Council and provide the Principal Certifying Authority with evidence of registration pursuant to Clause 12 of the Public Health Regulation, 2012 (as amended).

66. OCC4004 - **Health - Noise from mechanical plant and equipment - CBD Only** - Noise from the operation of mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and/or refrigeration systems must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest strata, stratum or community title boundary.

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

67. OCC7005 - **Building** - The proposed structure(s) 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.

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

- (a) Retail: 10 car spaces
- (b) Commercial/Office: 20 car spaces
- (c) Loading/Services: 1 space on the ground level as shown on the approved plan
- (d) Bicycle: 30 spaces in the basement level as per the approved plan

69. 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.

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

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

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

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

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

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



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

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

72. **OCC6005 - Engineering - Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;
- (b) Driveways and vehicular crossings within the road related area;
- (c) Removal of redundant driveways and vehicular crossings;
- (d) New footpaths within the road related area;
- (e) Relocation of any existing power/light pole
- (f) Relocation/provision of street signs
- (g) New or replacement street trees;
- (h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- (i) New or reinstated kerb and guttering within the road related area; and
- (j) New or reinstated road surface pavement within the road.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Further the damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

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

- (a) All Council infrastructure adjoining the subject site.

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

The report must include the following:

- (a) Photographs showing the condition of the road pavement fronting the site,
- (b) Photographs showing the condition of the kerb and gutter fronting the site,
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road, and

- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the professional engineer.

The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

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

- 74. **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.
- 75. **OCC2005 - Development Assessment - Completion of Landscape Works**
  - All landscape works must be completed before the issue of the Final Occupation Certificate.
- 76. **OCC3011 - Development Engineering - Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate:
  - (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
  - (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
  - (c) Construct any new vehicle crossings required.
  - (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
  - (e) A Section 73 (Sydney Water) Compliance Certificate for the development shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
  - (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation

## 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.

77. **ONG2011 – Development Assessment** - The recommendations of the Traffic Impact Assessment prepared by GTA Consultants P/L (ref 15S1618000, date 23 July 2015) are to be implemented in the development. A Green Travel Plan and Car Parking and Loading Dock Management Plan are to be prepared by GTA Consultants P/L for the development. The recommendations and/or operating procedures established in these plans are to be adopted for the development and ongoing use of the site.
78. **ONG2009 - Development Assessment** - Development consent is to be obtained for the first use of each retail/commercial/office unit within the development.
79. **ONG2010 - Development Assessment - Maintenance of Car Stacker System** - The car stacker system is to be maintained on an ongoing basis such that the system operates at all times with access to the car parking spaces being available at all times.
80. **ONG4004 - Health - Operation of Regulated Systems** - The occupier must operate regulated systems in compliance with Clause 9 of the Public Health (Microbial Control) Regulation, 2000 (as amended).
- Where there is any change in the regulated system the occupier must register the changes in the regulated systems with Council pursuant to Clause 15 of the Public Health (Microbial Control) Regulation, 2000 (as amended).
- Water cooling system must be certified by a competent person annually as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected.
81. **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).
82. **ONG4017 - Health - Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill.
83. **ONG7004 - Building** - Noise levels emitted from the mechanical exhaust system or any air conditioning unit must not exceed the background noise level when measured at any point on the boundary of the site.
84. **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.

85.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.

86.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.

#### **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.

87.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.

88.ADV7004 - **Building - Council as PCA - Compliance with the BCA** - Should 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 and smoke hazard management systems to all areas including sanitary and basement car park areas.
- Fire-fighting services and equipment including control centre facility, hydrant systems, sprinkler systems (excessive fire hazard areas), hose reels, mechanical air handling and stair pressurization systems,

- portable fire extinguishers, smoke hazard management systems and sound & warning systems.
- Emergency lighting and exit signs throughout including roof terrace and basement areas.
- Fire resistance levels of building elements including walls, floors, roof tops, columns, and separation of electrical supply systems etc.
- Location and construction of all fire doors and lift landing doors including operational and warning signage.
- Fire compartmentation and fire wall separation details including all stairway/passageway, lift and service riser shafts.
- Construction and separation of Atriums.
- Provisions for escape including the basement area shall be in accordance with Part D1 of the BCA. NOTE; all exit doors and door within a path of travel shall open in the direction of egress.
- Exit travel distance and access grade to public areas must demonstrate compliance with the BCA.
- Re-entry facilities from fire isolated exit stairways.
- Stretcher facility and emergency lift installation.
- Motor vehicle parking provisions for people with disabilities.

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.

89.ADV7005 - **Building - Energy Efficiency Provisions** - 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.

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

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

## Schedule B – Prescribed Conditions

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

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

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

91. 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.
92. 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.
93. 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.
94. 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.
95. PRES1005 - **Clause 98C- Entertainment Venues** - Schedule 3A of the Environmental Planning and Assessment Act 1979 outlines the prescribed conditions which apply to Entertainment Venues.
96. 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.
97. PRES1007 - **Clause 98E – Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect

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

## **Schedule C – Operational & Statutory Conditions**

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

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

98. **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.

99. **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.

100. **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.

101. 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.

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

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

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

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

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

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

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

104. 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.

105. 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.



106. 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.

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