

**JOINT REGIONAL PLANNING PANEL  
(East)**

<b>JRPP No</b>	2016SYE047
<b>DA Number</b>	DA2016/0052
<b>Local Government Area</b>	Georges River Council
<b>Proposed Development</b>	Demolition of existing structures and construction of a residential flat building containing 21 units and basement car parking (Crown Application)
<b>Street Address</b>	53 – 57 Lawrence Street Peakhurst
<b>Applicant/Owner</b>	Applicant: NSW Land and Housing Corporation  Owner: NSW Land and Housing Corporation
<b>Number of Submissions</b>	22 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 \$5M and Crown Application (\$6,981,443.00)
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>▪ Hurstville Local Environmental Plan 2012</li> <li>▪ Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment</li> <li>▪ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>▪ State Environmental Planning Policy (Building Sustainability Index (BASIX) 2004</li> <li>▪ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>▪ Development Control Plan No 1 – LGA Wide</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	Amended plans submitted with this report
<b>Recommendation</b>	Approval subject to conditions of consent
<b>Report by</b>	Paula Bizimis - Senior Development Assessment Officer Georges River Council

## **ASSESSMENT REPORT AND RECOMMENDATION**

### **EXECUTIVE SUMMARY**

1. The application is for the demolition of existing structures and construction of a part 3/part 4 storey residential flat building containing 5 x 1 bedroom and 16 x 2 bedroom dwellings, basement car parking for 27 cars, associated landscaping and consolidation into a single lot.
2. The application has been assessed against the requirements of the relevant planning instruments and development control plan and seeks a variation to the height, number of storeys, excavation, height of the basement, and building envelope. The variations are considered to be minor and reasonable and are supported.
3. The application was notified/advertised to 22 resident/owners and no submissions were received in reply.

### **RECOMMENDATION**

THAT the application be approved in accordance with the conditions included in the report. The applicant has given its concurrence to the conditions of consent.

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### **REPORT DETAIL**

#### **DESCRIPTION OF THE PROPOSAL**

The application is for the demolition of the existing structures and construction of a part 3/part 4 storey residential flat building containing 5 x 1 bedroom and 16 x 2 bedroom dwellings, basement car parking for 27 cars, associated landscaping and consolidation into a single lot. In particular the proposed development will comprise the following:

#### **Basement level**

- 21 residential car spaces including 2 accessible car spaces
- 3 visitor car spaces
- Lobby area, lift, stairs

#### **Upper basement level**

- 3 visitor car spaces
- Lobby area, lift, stairs, bike racks, storage areas

#### **Ground level**

- 1 x 1 bedroom unit
- 2 x 2 bedroom units
- Lift and stairs

#### **First floor**

- 1 x 1 bedroom unit
- 6 x 2 bedroom units
- Lift and stairs
- Common open space areas 1, 2 and 3

#### **Second floor**

- 1 x 1 bedroom unit
- 6 x 2 bedroom units
- Lift and stairs

### Third floor

- 2 x 1 bedroom unit
- 2 x 2 bedroom units
- Lift and stairs



### DESCRIPTION OF THE SITE AND LOCALITY

The subject site is identified as Lots 244, 245 and 246 in DP 36317 and known as 53, 55 and 57 Lawrence Street Peakhurst. The site has a frontage of 45.72m and a site area of 1795sqm. Existing on each site is a single storey dwelling house with outbuildings. The site also contains several trees, 11 of which are proposed to be removed. The site has a fall of approximately 5.1m from the rear south east corner to the front north western corner adjacent to Lawrence Street.

Adjoining the site on the western (side) boundary is a residential flat building under construction. Adjoining the site on the eastern (side) boundary is a two storey dual occupancy development. To the rear of the site is Jacques Avenue which is a public reserve. On the opposite side of Lawrence Street are single storey dwellings.



## HISTORY

11 Mar 2016 -	The subject application was lodged with Council.
28 Apr 2016 -	JRPP briefing
5 May 2016 -	Application presented to the Design Review Panel.
12 May 2016 -	Minutes of the Design Review Panel and request for information forwarded to the applicant.
17 Aug 2016 -	Amended plans and information received.

## COMPLIANCE AND ASSESSMENT

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

### 1. Environmental Planning Instruments

#### ***HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012***

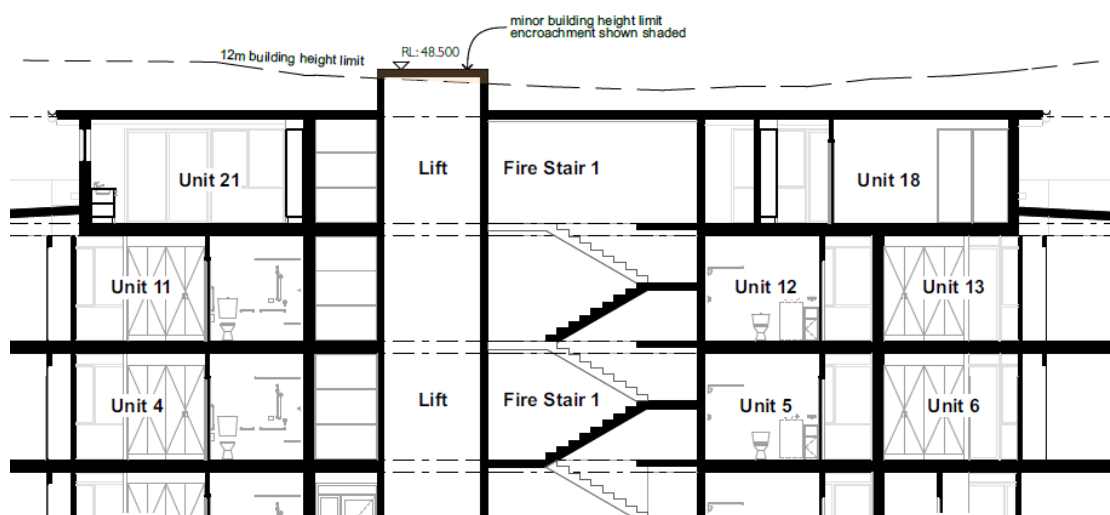
The extent to which the proposed development complies with the Hurstville Local Environmental Plan 2012 is detailed and discussed in the table below:

Clause	Standard	Proposal	Complies
1.2 – Aims of the Plan	In accordance with Clause 1.2 (2)	Consistent with the aims of the plan	Yes
1.4 - Definitions	Residential flat building	The proposed development is defined as a residential flat building	Yes
2.3 - Zone objectives and Land Use Table	Meets objectives of R3 Zone  Development must be permissible with consent	Meets objectives and is a permissible development with consent	Yes
2.6 - Subdivision	Subdivision is permissible with consent	Subdivision is not sought with this application	N/A
2.7 - Demolition	Demolition is permissible with consent	Demolition proposed	Yes
4.3 – Height of Buildings	12m as identified on Height of Buildings Map	12m maximum, except for a portion of the lift overrun and roof which is just above the 12m height (see diagrams below). The encroachment beyond the 12m height standard has been considered against the provisions of Clause 4.6 – Exceptions to Development Standards and found to be acceptable. The additional height is very minor and negligible in terms of any additional impacts or the scale of the development.  The applicant has submitted	Acceptable

		an assessment of the variation which addresses the provisions of Clause 4.6. This statement has been considered in the assessment of the application.	
4.4 – Floor Space Ratio	1:1 as identified on Floor Space Ratio Map	0.85:1	Yes
4.5 – Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	FSR and site area calculated as per requirements	Yes
4.6 –Exceptions to development standards	A written request to vary a development standard must be submitted by the applicant	Minor variation to height as discussed above	Yes
5.9 – Preservation of Trees or Vegetation	Trees to be removed are specified in DCP1	Council's Tree Management Officer raises no objection to the removal of trees as identified in the arborist's report submitted with the application.	Yes
5.10 – Heritage conservation	Heritage impact statement required if site involves heritage item	Site does not involve heritage item	N/A
6.1 – Acid Sulfate Soils	Acid Sulfate Soils Management Plan must be prepared	Site not affected by acid sulfate soils	N/A
6.7 – Essential Services	<p>The following services that are essential for the development shall be available or that adequate arrangements must be made available when required:</p> <ul style="list-style-type: none"> <li>-Supply of water, electricity and disposal and management of sewerage</li> <li>-Stormwater drainage or on-site conservation</li> <li>-Suitable vehicular access</li> </ul>	<p>Adequate facilities for the supply of water and for the removal of sewage and drainage are available to this land</p> <p>The site can drain to the street subject to conditions of consent.</p> <p>New driveway crossing from Lawrence St (standard conditions for the submission of separate vehicular crossing applications and driveway design)</p>	Yes



*Diagram of height encroachment*



*Diagram of height encroachment*

### **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
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	Yes

### **STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT**

#### **2015 Review of SEPP 65 and Residential Flat Design Code**

The changes to SEPP 65 were notified on the NSW legislation website on 19 June 2015, but commenced four weeks after this date on 17 July 2015. The changes to SEPP 65 include savings provisions. For apartment development applications lodged prior to 19 June 2015, the Residential Flat Design Code (RFDC) applies. For

apartment development applications lodged after 19 June 2015 and determined after 17 July 2015, the Apartment Design Guide, along with the changes to SEPP 65 will apply.

The subject development application was lodged on the 11 March 2016 and as such the provisions of the ADG apply as detailed in the table below.

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

#### Application of SEPP 65

<b>Clause</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
3 - Definitions	Complies with definition of “Residential Apartment Development” (RAD)	Complies with definition	Yes
4 - Application of Policy	Development involves the erection of a new RFB, substantial redevelopment or refurbishment of a RFB or conversion of an existing building into a RFB	Erection of a new residential flat building	Yes
50 – Development Applications	Design verification statement provided by qualified designer  Registered Architect Name and Registration No.	Design Verification Statement provided by Registered Architect D P Stanton (Registration No 3642)	Yes

#### Part 2 Design Quality Principles under the SEPP

<b>Clause</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
1 – Context and neighbourhood character	Good design responds and contributes to its context (e.g. natural and built features of an area)	Proposed development has been designed to respond to the slope of the site by being split into two buildings	Yes
2 – Built form and scale	Good design provides an appropriate scale in terms of the existing and desired future character and built form that suits the scale of the street and surrounding buildings	The proposed development provides an appropriate scale in relation to the relevant requirements relating to floor space ratio, height, and setbacks	Yes
3 - Density	Good design has a density appropriate for a site and its context, in terms of projected population and can be sustained by existing and proposed infrastructure	Proposed development has a floor space ratio below the requirements	Yes
4 – Sustainability	Good design combines positive environmental, social and economic outcomes. Includes use of natural cross	Proposed development provides appropriate outcomes for sustainability, through energy efficiency	Yes



	ventilation and sunlight, recycling and reuse of materials and waste, use of sustainable materials and deep soil zones	measures, deep soil areas, cross ventilation and sunlight	
5 - Landscape	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity, enhances the development's environmental performance, optimises useability, privacy and opportunities for social interaction, equitable access, and practical management	Landscaping to the site achieves minimum requirements and submitted landscape plan proposes new planting to the site. Council's Tree Management Officer has no objection to the removal of the trees identified in the arborist's report submitted with the application.	Yes
6 - Amenity	Good design influences internal and external amenity for residents and neighbours	The proposed development mitigates privacy impacts with the location of balconies on the front and rear elevations except for two balconies located on the east elevation. Provision is made for windows with privacy screens on the side elevations and windows do not correspond with adjoining windows	Yes
7 – Safety	Good design optimises safety and security, both internal to the development and for the public domain	Proposed development is consistent with crime prevention principles	Yes
8 –Housing diversity and social interaction	Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Includes different types of communal spaces for social interaction	Proposed development provides a variety of housing options in terms of unit size and adaptable housing	Yes
9 - Aesthetics	Good design achieves a built form that has a balanced composition of elements, a variety of materials, colours and textures and responds to the future local context	Design of development and proposed external materials and finishes are appropriate and provide architectural interest	Yes



## Clause 30 – Consideration of Residential Flat Design Code Design Controls

Clause	Standard	Proposal	Complies
Objective 3D-1	<p>1. Communal open space has a minimum area equal to 25% of the site.</p> <p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (midwinter)</p>	<p>25% of the site is dedicated to communal open space</p> <p>Minimum levels of solar access to communal open space are achieved</p>	Yes
Objective 3E-1	<p>1. Deep soil zones are to meet the following minimum requirements:</p> <p>-Where site area is greater than 1500sqm</p> <p>-Minimum dimensions =6m</p> <p>Deep soil = 7%</p>	<p>-Site area 1795sqm</p> <p>-Minimum 6m dimension</p> <p>-20% deep soil in front setback and behind building line</p>	Yes
Objective 3F-1	<p>1. Separation between windows and balconies is provided to ensure visual privacy is achieved.</p> <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <p>Up to 12m (4 storeys) Habitable rooms and balconies = 6m Non-habitable rooms = 3m</p>	<p>3/4 storeys</p> <p>The development complies with the minimum separation distances</p>	Yes
Objective 3J-1	<p>1. For development in the following locations:</p> <p>- On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area;</p> <p>- The minimum car parking requirement for residents and visitors is set out in the</p>	<p>Subject site is more than 800m from a railway station. Development complies with the requirements of DCP 1 which apply and provides bicycle parking and storage areas</p>	Yes

	<p>Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p>		
Objective 4A-1	<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	<p>Living rooms = 76% of apartments Private open spaces = 71% of apartments</p> <p>19% of apartments (4 apartments) receive no sunlight. The development results in one apartment above the requirements receiving no sunlight. This is primarily attributed to the site having a north-south orientation and the development being designed to orientate units towards the rear of the site adjoining Jacques Reserve (as opposed to adjoining developments). The apartments achieve other requirements and have private open space areas in excess of the requirements which results in good amenity for the apartments. These apartments have a pleasant outlook to Jacques Reserve.</p>	Acceptable
Objective 4B-3	<p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be</p>	<p>100% of apartments are appropriately cross ventilated.</p>	Yes

	<p>fully enclosed</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>	No cross-over and cross through apartments in the development	
Objective 4C-1	<p>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms = 2.7m Non-habitable rooms = 2.4m</p>	All apartments comply with floor to ceiling heights	Yes
Objective 4D-1	<p>1. Apartments are required to have the following minimum internal areas:</p> <p>1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	All apartments comply with these requirements	Yes
Objective 4D-2	<p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	<p>Within range.</p> <p>Open plan layouts less than 8m from window except for 4 apartments which have a maximum depth of 8.7m. The additional depth is considered negligible and does not diminish the amenity of the apartment which has appropriate light, ventilation and circulation space.</p>	Acceptable
	1. Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm	Development complies with all requirements	Yes

	<p>(excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>-3.6m for studio and 1 bedroom</li> <li>- 4m for 2 and 3 bedroom apartments</li> </ul> <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>		
Objective 4E-1	<p>1. All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> <li>-1 bedroom = 8sqm/2m depth</li> <li>-2 bedroom = 10sqm/2m depth</li> <li>-3+ bedroom = 12sqm/2.4m</li> </ul> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m</p>	<p>All balcony depths of sufficient size, greater than size required.</p> <p>Ground floor apartments meet requirement.</p>	Yes
Objective 4F-1	<p>1. The maximum number of apartments off a circulation core on a single level is 8</p>	Maximum 7 apartments	Yes
Objective 4G-1	<p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p>	All apartments have storage areas in excess of the requirements.	Yes

	-1 bedroom = 6m <sup>3</sup> -2 bedroom – 8m <sup>3</sup> 3 bedroom – 10m <sup>3</sup>		
Objective 4M	Facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.	Façade of development is appropriate	Yes
Objective 4N	Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for residential accommodation and open space are maximised. Incorporates sustainability features.	Roof design is appropriate and integrated with design of the development.	Yes
Objective 4O	Landscape design is viable and sustainable, contributes to the streetscape and amenity	Landscape design is appropriate and provides suitable communal and private open space areas	Yes
Objective 4P	Planting on structures – appropriate soil profiles are provided, plant growth is optimised with appropriate selection and maintenance, contributes to the quality and amenity of communal and public open spaces	Raised planters provided to small sections of the front and rear setback area with appropriate details provided.	Yes
Objective 4Q	Universal design – design of apartments allow for flexible housing, adaptable designs, accommodate a range of lifestyle needs	Design of apartments allows for use by different lifestyles	Yes
Objective 4R	Adaptive reuse as apartment of existing buildings- new additions are contemporary and complementary, provide residential amenity while not precluding future adaptive reuse	New residential flat building	N/A
Objective 4S	Mixed use developments are provided in appropriate locations, provide active street frontages, residential levels of the building are integrated within the development and safety and amenity is maximised for residents	Residential flat building with residential uses only	N/A
Objective 4T	Awnings and signage – awnings are well located and	Residential development within a residential zone.	N/A

	compliment and integrate with the building design, signage responds to the context and desired streetscape character	Awning and signage not relevant	
Objective 4U	Development incorporates passive environmental design, passive solar design to optimise heat storage in winter and reduce heat transfer in summer, natural ventilation minimises need for mechanical ventilation	Development incorporates BASIX commitments in the design to provide appropriate energy efficiency features	Yes
Objective 4V	Water management and conservation – potable water use is minimised, stormwater is treated on site before being discharged, flood management systems are integrated into site design	Development incorporates appropriate stormwater measures	Yes
Objective 4W	Waste management – storage facilities are appropriately designed, domestic waste is minimised by convenient source separation and recycling	Waste facilities are provided which are accessible to all residents	Yes
Objective 4X	Building maintenance – building design provides protection from weathering, enables ease of maintenance, material selection reduces ongoing maintenance cost	Design incorporates a mix of external finishes that require minimal maintenance such as face brick and metal wall cladding.	Yes

### Advice from the Design Review Panel

This section outlines the advice provided by the Design Review Panel (DRP), the applicant's response, and the author's (DAO) comments. The Panel supports the application subject to the changes described below. The application satisfies the design quality principles contained in SEPP 65.

### PRINCIPLE 1 - CONTEXT AND NEIGHBOURING CHARACTER

#### DRP advice:

*The site is in an evolving context within a R3 medium density zone. The site itself has a significant slope to the rear and to the side and has numerous healthy trees contributing to the skyline. To the rear of the site there is a public reserve which provides views from the adjoining street to the north, the existing trees on the site contributes significantly to the landscape quality of this area. A thorough site analysis (as described in the ADG) was not submitted with the application. Therefore, some design decisions regarding layout and the removal of trees appear to have been too hastily made. The use of the building is well suited to its context and its scale is commensurate with adjoining properties.*

Applicant's comment:

*Please refer to the revised 'Site and Block Analysis Plans and Deep Soil Zone diagram' drawing DA09 Sheet 10 of 23 Revision 5 dated 14.07.2016 prepared in accordance with the requirements of the Apartment Design Guide (ADG) as noted on the submitted ADG checklist, which determined that the location of the building represents the most efficient use of the site. It is noted that eleven (11) trees of the fourteen (14) trees located within the site are proposed to be removed. The decision to remove these trees arose from site analysis and justification for their removal is provided in the submitted arborist report. However, significant compensatory tree plantings are proposed, which are briefly summarised as follows:*

- A total of 29 capital pear trees with mature heights of 6m distributed along the side and rear boundaries.*
- 3 Crepe Myrtle trees with mature heights of 8m and 4.5m and 1 Native Frangipani (mature height 5m) are proposed for the eastern side boundary.*
- 1 Tuckeroo tree with a mature height of 8m is proposed for the western side boundary.*
- Within the front setback, T9 and T10, which are proposed for removal, are to be replaced with 2 x Crepe Myrtle trees with mature heights of 8m.*

DAO's comment:

The application is accompanied by an arborist's report which recommends the removal of trees due to their poor health/condition or anticipated impact by the proposed development. The application has been reviewed by Council's Tree Management Officer who supports the recommendations of the arborist's report and subject to the replacement of trees to be removed. The landscape plan submitted with the application shows that numerous trees, shrubs and ground covers will be planted on the site which will provide an appropriate landscape outcome.

**PRINCIPLE 2 – BUILT FORM AND SCALE**

DRP advice:

*Scale is generally acceptable. However, the Panel note that there are a number of minor breaches of the height plane cause by exaggerated parapet features. It is recommended that the frames proposed around the projecting balconies lower the height of their top component to avoid the breaching of the height plane.*

*The building footprint also appears to impinge within the prescribed setbacks. This is mainly due to the orientation of the building within the site itself resulting in the decision to remove almost all of the trees along the southern part of the site. The Panel believes that in order to retain these trees, an adjustment of the building footprint and the extent of excavation should be undertaken.*

*The built form proposed creates wholly unsatisfactory common open spaces at the perimeter of the site. This is exacerbated by the slope which makes some of these spaces inaccessible and unusable. The ADG stipulates that the effective common open space is required to be 25% of the site area and 50% of this area must achieve 50% midwinter solar access between 9am and 3pm. Therefore, the building configuration should be changed and/or a roof top common open space should be considered to achieve these outcomes. As per the last proposal for this site the entry ramp seems over designed, visually intrusive and unnecessary. The Panel suggests that an entry path which departs from the footpath further to the east (near the current ramp half landing location) would allow all residents to access the building*



*via an almost level path. If stairs are required in addition to this path it is the client's choice.*

*The Panel notes that the architectural modelling of the building is quite busy with a variety of materials proposed. However, the setback top floor lacks the stylistic treatment of the rest of the building with its skillion roofs and wide overhangs it is shed like in appearance. This element should be redesigned to be more consistent with the rest of the building*

**Applicant's comment:**

*The design of the roof and projecting balconies have been revised such that only the lift overrun component of the building exceeds the building height plane, as demonstrated on the revised architectural plans. The orientation of the building is determined by the orientation of the site and to achieve the required levels of solar access for the dwellings within the development. The proposal achieves the objectives of the DCP control given that adequate landscaping opportunities are provided; visual and acoustic privacy will not be unreasonably impacted given the minor nature of the encroachments; solar access to adjoining properties is not unreasonably reduced as demonstrated on the submitted shadow diagrams; and the development will not result in detrimental impacts on the attractiveness of the streetscape.*

*The trees at the southern boundary that are proposed to be removed are of medium significance and justification for their removal provided in the submitted arboricultural impact assessment report and replacement tree plantings are proposed to compensate for the loss of these trees as described above.*

*The landscape and site plans have been modified to include two clearly defined, usable common open space areas with bench seating at the rear of the site that are directly accessible from the internal lift area/ lobby and balconies of the rear facing units. There are three common open space areas distributed along the eastern side boundary and across the rear of the site, totalling 478.74m<sup>2</sup>, equating to 26% of the site area. The ADG design criteria requires 50% of the common open space area to receive a minimum 2 hours direct solar access at June 21 over at least 50% of the area between the hours of 9am and 3pm. Given the location of the common open space areas in relation to the building and the orientation of the site being north/south, the development is unable to achieve the design criteria. However, as shown on the plans a portion of common area 1 will receive direct solar access in the afternoon; whilst common areas 2 and 3 will receive direct solar access in the morning.*

*The ADG provides guidance where developments are unable to achieve the design criteria, such as providing larger balconies and whether the development has good proximity to public open space. All of the balconies in the development provide in excess of the private open space area required by the ADG. It is noted that 6 of the 21 dwellings are provided with in excess of twice the amount required by the ADG.*

*The site also has good proximity to public open space, being Peakhurst Park, located approximately 400m walking distance to the north of the site. Accordingly, no change to the building configuration or roof top common open space was considered necessary to address the Panel's concerns.*

*Alternative locations for the entry ramp were investigated, however, due to the topography of the site the proposed location is the most suitable. It is noted that the ramp has a gradient of 1:20 which reduces the visual impact of the structure. Additional perspective drawings have been prepared demonstrating how the appearance of the entry ramp structure will be screened and softened by the proposed planter beds and landscaping. The stairs provide a direct line of entry from the street to the site to assist with way finding, which is consistent with Crime Prevention through Environmental Design (CPTED) principles.*

*The plans have been revised such that the top floor is more consistent with the floors below in terms of both materials and design. Materials for the top floor are consistent with lower levels; and a flat roof profile is consistent with the horizontal roof elements of the floor below.*

DAO's comment:

The design of the development has been modified to address the issues raised by the DRP. It is noted that the site does have limitations in terms of a steep slope and north-south orientation which have affected the design of the development. It is considered that the design of the development is acceptable and provides a good outcome in terms of amenity for residents and adjoining developments.

PRINCIPLE 3 – DENSITY

DRP advice:

*Acceptable.*

Applicant's comment:

*Noted.*

DAO's comment:

The proposed development has a floor space ratio below the maximum permitted and provides an appropriate outcome in terms of bulk and scale.

PRINCIPLE 4 – SUSTAINABILITY

DRP advice:

*The removal of perfectly healthy trees is detrimental to the environment as well as the physical and visual amenity of the building. The Panel notes a rainwater tank is located under the driveway. The use of this water should be confirmed. Otherwise subject to BASIX.*

Applicant's comment:

*The decision to remove trees from the site was derived from the site analysis and justification for their removal provided in the submitted arborist report. The water collected by the rainwater tank will be used for toilets and watering of the gardens, as noted on the new BASIX certificate prepared for the DA, which also demonstrates that the proposed development will comply with State targets for environmental sustainability.*

DAO's comment:

A BASIX Certificate accompanies the application which shows that the development meets the target scores. The landscaping to the site is supported by Council's Tree Management Officer.

## PRINCIPLE 5 – LANDSCAPE

### DRP advice:

*See comments above in Scale and Built form regarding the ADG's requirements for common open space. It is not clear from the landscape plan provided the intended function and use of the landscaped spaces or how they are to be accessed. The landscape plan provided does not show levels, connection with internal units or the building circulation system, drainage and the design of retaining walls required by the proposal and is therefore inadequate. While the species selected appears suitable it is difficult to assess the planting design without understanding the intended use and function of the external areas.*

*The placement of any privacy screens needs to ensure access to all areas of garden bed for maintenance. This particularly applies in the internal courtyard area. Tree protection measures must be shown on landscape drawings as well as existing levels at the base of tree trunks and within the TPZ. Tree 16 should be retained. In addition there may be opportunity to redesign the access ramp on the eastern side of the entry pathway in which case Trees 9 and 10 may also be retained. There is an opportunity to reduce the use of hard materials in the front garden bed by removing the terracing. In addition, the Panel believes that trees T5 and T17 should be retained and consideration be given to retaining some of the smaller species on the southern portion of the site such as the 2 citrus trees which are not scheduled in the Arborist report.*

### Applicant's comment:

*A response in relation to the common open space for the development is provided under the heading 'Scale and Built Form', above. The landscape plan has been amended to show the relationship between the internal spaces of the building and the landscaped areas. Level access is provided from the rear of the building to the common areas. The landscape plan has been amended to show finished levels and connection between the interior of the building and the external areas. Finished levels, drainage pits and retaining walls (including top of wall levels) are also shown on the landscape plan. Detailed design of retaining walls will be undertaken at tender documentation phase. As noted above, the landscape plan has been amended to show the relationship between the internal spaces of the building and the landscaped areas, with level access provided from the rear of the building to the common areas. Private and common open space areas are clearly defined as shown in the revised landscape plan.*

*The landscaped areas of the site can be accessed for maintenance as shown on the revised landscape plan. The internal courtyard areas and privacy screens shown in the previous proposal have been removed from the plans. The revised landscape plan shows tree protection zones and existing ground levels at the base of the tree trunks and within the TPZ of T16 is shown to be retained. Redesign of the entry ramp was considered as noted earlier in this response. T9 and T10 would not be able to be retained due to the impact of the building floor print on the structural root zone of these trees and are to be replaced with 2 x Crepe Myrtle trees with mature heights of 8m.*

*Terracing between the entry ramp and driveway has been removed from the current design. Given the proximity of T5 and T17 to the building footprint, it was not possible to retain these trees. Compensatory tree plantings are proposed to replace*

*these trees. The 2 citrus trees at the southern portion of the site are now shown on the plans to be retained.*

DAO's comment:

The applicant has acknowledged the comments of the DRP and has addressed the issues raised by amending the design of the development. The amendments undertaken are considered to be satisfactory.

PRINCIPLE 6– AMENITY

DRP advice:

*See comments above in built form and scale regarding the entry ramp and common open space. The entry courtyard is currently filled with a planter bed which appears to serve no purpose. The Panel recommends that planting is reduced in scale and extent. This would allow an amenable seating area to be provided, which would create a sunny space for social interaction. Generally the amenity of the units is acceptable. However there appears to be too little storage provided within some units. A table of storage provision should be provided to demonstrate compliance with the guidelines of the ADG. Additionally, some bedrooms appear to be too small (bedroom 2 in units 6, 8 and units above); some bathrooms open directly to dining rooms which is unacceptable. (Units 10, 8 and units above) and some balconies' heavy framing unnecessarily constrain solar access, ventilation and outlook. The Panel recommends that unit 2 be amended to provide an adaptable unit in place of unit 4 which would otherwise require access via the single lift.*

Applicant's comment:

*The planting in the entry courtyard has been reduced in scale and extent and replaced with seating. A table of storage provision demonstrating compliance with the ADG is provided on the revised architectural drawings. All units have been revised to comply with the ADG. A table of bedroom sizes demonstrating compliance is provided. The architectural plans have been revised such that bathrooms do not open directly to the dining rooms. In this regard, a nib wall located between the dining room and the bathrooms of Units 10, 8 and units above has been introduced.*

*The balcony treatment will remain unchanged as the current design achieves the required solar access requirements as demonstrated in the solar access table submitted and the shorter sides of the balconies are partially open, allowing for ventilation and outlook. In addition, the balcony design is considered to represent a significant element of the building facade treatment. The Panels comments were noted. However, to accommodate Unit 2 as an adaptable dwelling, the floor plan would require substantial re-design and an increase in the building footprint and the floor space ratio for the site under the Hurstville Local Environmental Plan 2012 exceeded.*

DAO's comment:

The applicant has amended the plans to address the issues raised above. The changes are satisfactory and improve the design and amenity of the development.

PRINCIPLE 7 – SAFETY

DRP advice:

*It is not clear if the entry court is secure or not. This could provide an unsafe space for residents of the building. A secure gate needs to be provided as part of the entry*

*shelter. It appears that there is unlimited access to the spaces bordering the building and consideration should be given to providing fences and gates to provide security.*

Applicant's comment:

*The entry door to the lobby is a secure door. Secure fencing and a gate at the street have not been provided as this was considered inconsistent with open landscaped front setback areas characteristic of the streetscape in Lawrence Street. Fencing has been provided on the amended plans at the side boundaries to restrict access from the street to the rear areas of the site. The fence between the eastern elevation and the eastern side boundary includes a gate to enable access.*

DAO's comment:

The amendments undertaken to the design of the development satisfactorily address the issues raised by the DRP.

## PRINCIPLE 8 - HOUSING DIVERSITY AND SOCIAL INTERACTION

DRP advice:

*Acceptable.*

Applicant's comment:

*Noted.*

DAO's comment:

This proposed development provides 1 and 2 bedroom apartments with various floor areas and layouts. This provides housing options for future occupants of the development.

## PRINCIPLE 9 - AESTHETICS

DRP advice:

*The Panel encourage the proponent to continue to refine the aesthetics of the building by:*

- making the balconies lighter*
- increasing the landscape character of the site,*
- removing the front entry ramp,*
- providing a gentler entry path as proposed above and*
- perhaps using less materials than currently proposed.*

Applicant's comment:

*The approach taken for the architectural facade treatment is that the main building is quite "monotone" in design as it proposes a mainly face brick facade. The idea was then a "modular type" balcony element be overlaid over the main building body to provide a "cube-like" facade treatment. The balconies are designed to be an integral part of the facade and not "tack-on". By doing this, the roof can be designed as part of the balcony design in lieu of proposing a light-weight balcony and pergola structure. In addition, the balcony design is not considered to unreasonably obscure views and ventilation given that the sides have open sections; and dwellings in the development receive adequate solar access as demonstrated in the Winter Solstice Solar Access Schedule. Modification of the balcony design was therefore not considered necessary.*

*The landscape plan has been amended to improve the landscape character of the site by showing the relationship between the building and the landscaped spaces; including the provision of two landscaped common areas at the rear of the site. Alternative locations for the entry ramp were investigated, however, due to the topography of the site the proposed location is the most suitable. It is noted that the ramp has a gradient of 1:20 which reduces the visual impact of the structure. Additional perspective drawings have been prepared demonstrating how the appearance of the entry ramp structure will be screened and softened by planter beds and landscaping. The materials for the top floor have been amended to be consistent with the materials used on lower floors such that overall there are less materials used for the building.*

DA's comment:

The amendments to the design of the development are considered satisfactory and appropriately address the issues raised by the DRP.

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

There are no draft planning instruments that apply to the proposed development.

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

The Regulations prescribe the following matters for consideration for development in the Georges River 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**

### ***PLANNING LEGISLATION CHANGES FOR DCPS***

In March 2014, a new Section 74BA was introduced into the Environmental Planning and Assessment Act 1979 which identifies the purpose and status of development control plans, highlighting the fact that Development Control Plans are to primarily provide guidance to compliment an environmental planning instrument (LEP), and that provisions in a Development Control Plan are not statutory requirements.

Section 79C(3A) provides guidance on how consent authorities must assess and determine DAs in relation to provisions that are contained within Development Control Plans. The section identifies that if:

- a Development Application meets the standards in a Development Control Plan, the consent authority is not to require more onerous standards with respect to the development; and
- a Development Application does not meet the standards of a Development Control Plan, the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions.

The proposal has been assessed under the relevant sections of Development Control Plan No 1 as follows:

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 2.2 – NEIGHBOUR NOTIFICATION AND ADVERTISING OF DEVELOPMENT APPLICATIONS**

The application was publicly advertised and notified to 22 adjoining and adjacent owners and residents and no submissions were received in reply.

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

The extent to which the proposed development complies with Section 3.1 – Car Parking is detailed and discussed in the table below:

<b>Section 3.1 – Car Parking</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
3.1.4.1 - Resident parking	1 or 2 bedroom – 1 space (21 units proposed) = 21 car spaces	21	Yes
3.1.4.1 -Visitor parking (4 or more dwellings)	1 space per 4 dwellings or part thereof (21 units proposed) = 6	6	Yes
3.1.4.2 – Dimension of car spaces, car parking layout, circulation, egress and egress	Compliance with AS2890.1 2004 and AS2890.2	Information submitted with the application indicates that development complies with the Australian Standards, but conditions of consent attached to any consent granted.	Yes
3.1.4.3 – Stencilling of driveways	Finished with plain concrete	To be provided as plain concrete	Yes subject to condition of consent
3.1.4.4 – Ramps transitions, driveways	Ramp grades to comply with AS2890.2 2004, Part 2  Longitudinal section 1:20 to be provided with development application	Complies	Yes
3.1.4.5- Basement car parking	- Underground parking to be located under building footprint - Minimise visual impact on street -Mechanical ventilation and exhaust shafts to be illustrated in plans	Complies	Yes
3.1.4.6 – Parking for people with a disability	Compliance with AS1428 – Design for access and mobility and AS2890.6	Complies	Yes
3.1.4.4 - Car	1 space (which can be a	Not shown on plans	Yes,



washing area	visitor space)	but can be within a visitor space	subject to condition of consent
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### **DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.3 ACCESS AND MOBILITY**

The extent to which the proposed development complies with Section 3.3 – Access and Mobility is detailed and discussed in the table below:

<b>Section 3.3 – Access &amp; Mobility</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
Adaptable dwellings	1 adaptable dwelling/10 dwellings or part there of (min) = 3  Adaptable dwelling complies with AS4299	3	Yes
Access requirements	Access in accordance with AS1428 for all persons through the principal entrance of the building and to common areas	Can comply with Australian Standards	Yes
Accessible car space	1 space per adaptable dwelling = 3 spaces  Layout complies with Australian Standard	2 spaces provided, however an additional accessible space can be provided as a condition of consent	Yes, subject to condition of consent

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

The extent to which the proposed development complies with Section 3.4 – Crime Prevention through Environmental Design is detailed in the table below:

<b>Section 3.4</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
Site and building Layout	-Provide surveillance opportunities -Building addresses street --Habitable rooms are directed towards the front of the building -Garages are not dominant -Offset windows	The proposed development provides appropriate opportunities for surveillance of the subject site and addresses the street	Yes
Building Identification	-Clearly numbered buildings -Entrances numbered -Unit numbers provided at entry	The building and apartments within can be appropriately numbered	Yes
Entrances	Clearly visible and not	The entrance to the	Yes

	confusing	building is clearly visible and located on the front elevation of the development	
Fencing	Allows natural surveillance to street	Proposed fencing is appropriate	Yes
Blind Corners	To be avoided	No blind corners evident	Yes
Communal Areas	Provide opportunities for natural surveillance	The communal areas proposed provide opportunities for natural surveillance	Yes
Landscaping	<ul style="list-style-type: none"> <li>-Avoid dense medium height shrubs</li> <li>-Allow spacing for low growing dense vegetation</li> <li>-Low ground cover or high canopy trees around car parks and pathways</li> <li>-Vegetation used as a barrier for unauthorised access</li> </ul>	Landscaping proposed as per the landscape plan is appropriate	Yes
Lighting	<ul style="list-style-type: none"> <li>-Diffused/movement sensitive lighting provided externally</li> <li>-Access/egress points illuminated</li> <li>-No light-spill towards neighbours</li> <li>-Hiding places illuminated</li> <li>-Lighting is energy efficient</li> </ul>	Can be provided in the development	Yes
Security	Provide an appropriate level of security for each dwelling, communal areas and car park	Appropriate security has been provided	Yes
Car parks	Access to lifts and stairwells to be clearly defined	Access to the car parking area is clearly defined	Yes
Ownership	Use of fencing, landscaping, colour and finishes to imply ownership	Ownership is implied through the design of the development	Yes
Building maintenance	Use materials that can be easily cleaned or use anti-graffiti paint	Proposed external materials and finishes are appropriate	Yes

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.5 ENERGY EFFICIENCY**

A BASIX Certificate has been submitted with the application and the BASIX commitments have been detailed in the design of the proposal. In terms of solar access, the proposed development will result in the private open space area and the windows of the adjoining developments receiving in excess of 3 hours solar access between 9am and 3pm on 21 June.

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.7 DRAINAGE AND ON SITE DETENTION (OSD) REQUIREMENTS**

The subject site can drain to the street via gravity subject to appropriate conditions of consent being attached to any consent granted.

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

A Waste Management Plan has been submitted with the application which is acceptable. Standard conditions have been imposed requiring appropriate waste management during construction and as part of the ongoing use of the development.

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.11 PRESERVATION OF TREES AND VEGETATION**

The subject site contains several trees of which 7 will be retained and 11 are to be removed due to their poor health/condition or due to the anticipated impact from the proposed development. The street trees located at the front of the site will be retained.

An Arboricultural Impact Assessment (prepared by Arboreport, dated 11 December 2015) has been submitted with the application which identifies and assesses the trees. Council's Tree Management Officer has examined the application and raised no objection to the removal of the trees subject to the recommendations of the report being implemented and replacement planting being provided.

The landscape plan submitted with the application has been prepared by a qualified landscape architect and shows that new planting to the site will include trees, shrubs and ground cover which will provide an appropriate landscape environment.

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 4.3 MULTIPLE DWELLINGS AND RESIDENTIAL FLAT BUILDINGS**

The extent to which the proposed development complies with Section 4.3 – Multiple dwellings is detailed and discussed in the table below:

<b>Section 4.3</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
Minimum Street Frontage	24m	45.72m	Yes
Residential density (Floor Space Ratio)	As per Hurstville LEP 2012 = 1:1 maximum	0.85:1	Yes
Landscaped Area	20%	20%	Yes
Maximum Building Height	As per Hurstville LEP 2012 (12 metres)	12m except for a minor portion of the lift overrun and roof which is towards the	No as discussed in the report above

		centre of the site.	
Front Site Height Maximum	12m	< 12m	Yes
Rear Site Height Maximum	12m	< 12m	Yes
Number of habitable storeys at front of site	3 storeys	4 storeys	Yes(1)
Number of habitable storeys at rear of site	3 storeys	4 storeys	Yes(1)
Minimum Private Open Space Area	<u>Ground floor level</u> Must not be located forward of the building line  < 3 bedrooms = 50sqm Min dimension = 3m  <u>Upper levels</u> < 3 bedrooms = 12sqm Min width = 2.5m Direct access from living room	All units have private open space area in accordance with the requirements of the ADG.  It is noted that Hurstville DCP 1 was amended soon after this application was lodged and now requires the private open space areas to comply with the provisions of the ADG.	Acceptable
Minimum Principal Private Open Space Area	<u>Ground floor</u> < 3 bedrooms = 4m x 4m 1:20 (max)  <u>Upper levels</u> < 3 bedrooms = 12sqm	All units have a private open space which meets the requirements of the ADG	Acceptable
Landscape Plan	Landscape plan to be submitted with the DA	Landscape plan submitted with the application has been prepared by a qualified landscape architect and is satisfactory	Yes
Front Boundary Setbacks	Minimum 6m, balconies can project 1m	6m with balconies projecting maximum 1m	Yes
Rear Boundary Setbacks	Minimum 6m, balconies can project 1m	6m with balconies projecting maximum 1m	Yes
Minimum Side Boundary Setbacks	As per building envelope	Complies with building envelope except for minor parts of the west and east elevation.	No (2)

		(Building separation distances in excess of the requirements of the ADG).	
Maximum excavation of natural ground level	500mm	Up to 1m excavation proposed for basement level only. Natural ground level around the building will remain as existing	No (3)
Driveways, access lanes and car parking	If street frontage is more than 20m – Must not occupy more than 33%	Driveway is 13.1% of the frontage	Yes
Garages and car ports	Garages must not visually dominate the street facade	Garages do not visually dominate the street facade	Yes
Basement parking	Basement cannot extend more than 1m above natural ground level	Basement level extends maximum 1.92m above natural ground level	No (4)
Visual Privacy	Habitable windows within 9m to be offset 1m or screened	Complies	Yes
Solar Design & Energy Efficiency	3hrs of sunlight upon the open space areas of adjacent dwellings between 9am-3pm on 21 June	More than 3 hours sunlight to adjacent dwellings	Yes
Fences at the front boundary	Fences facing the street – Max 1m in height  If Private Open Space has a common boundary to public space, height may be increased to 1.8m (must be 50% of fence to be open)	A front fence is not proposed on the front boundary other than dwarf wall on the landscape edge.	Yes
Site Services	Site must be serviced by standard utilities	Appropriate utilities can be provided	Yes
Storage	6 cubic metres per dwelling	>6 cubic metres provided per dwelling	Yes

(1) Number of storeys, (3) Maximum excavation, and (4) Basement parking

Hurstville Local Environmental Plan 2012 defines a storey as:

*“**storey**” means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:*

- (a) a space that contains only a lift shaft, stairway or meter room, or*
- (b) a mezzanine, or*

(c) *an attic.*"

The proposed development seeks a variation to the number of storeys, excavation, and basement parking area. The variation to these requirements is a result of the topography of the site which has a significant slope to the front of the site. To address this issue the applicant has provided a basement level which sits wholly within the ground and an upper basement level to part of the site which requires the height to be up to 1.92m above ground level. The excavation proposed to the site is at the perimeter of the building so to provide a level slab for the ground level. The diagram below identifies in red where the development is defined as being 4 storeys. This is in the middle of the site where there is a transition between the highest and lowest part of the site.

The variations are considered acceptable as they do not result in additional impacts to the adjoining developments in terms of privacy and solar access. The ground level around the building has been maintained with landscaped open space areas being at the existing ground level. The development generally achieves or exceeds compliance with the relevant requirements and has a floor space ratio below the maximum requirement. As such the variations are not a result of an overdevelopment of the site.

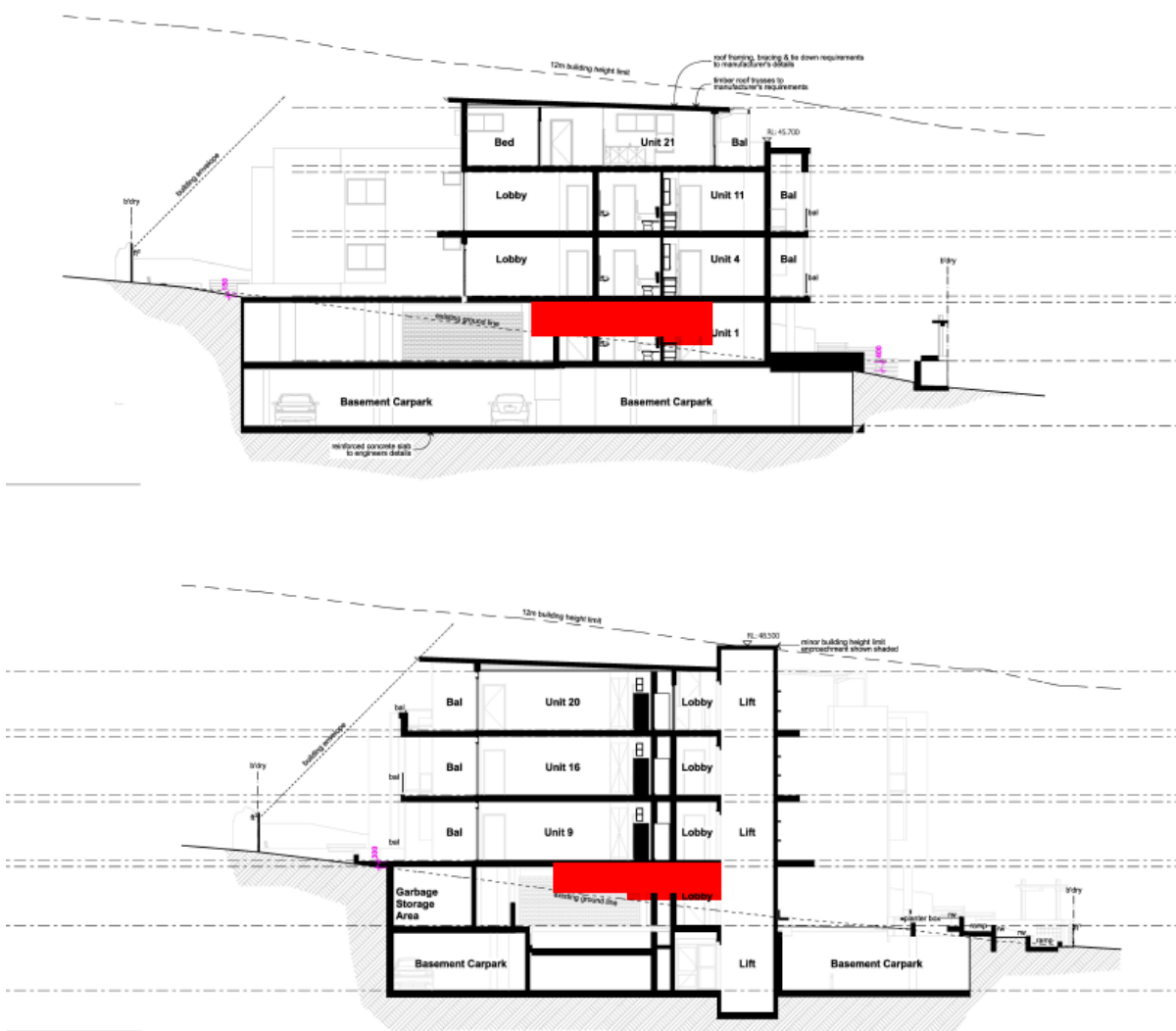
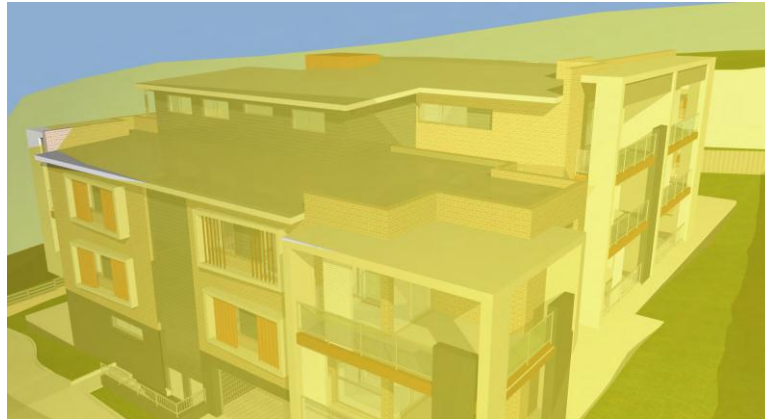


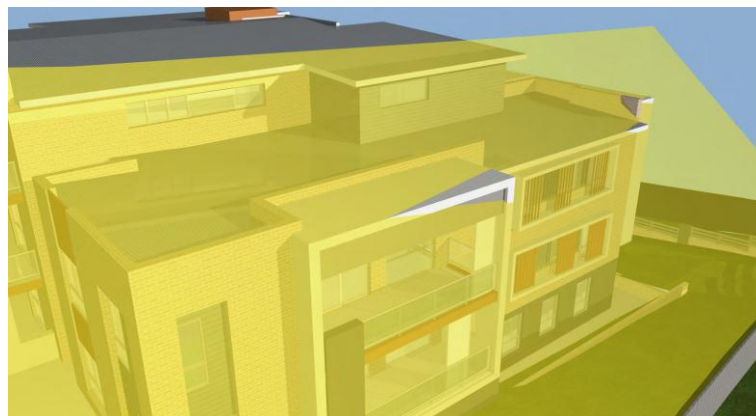
Diagram showing the fourth storey in red

## (2) Minimum Side Boundary Setbacks

The proposed development encroaches into the building envelope for a minor part of the east and west elevation as shown in the diagrams below. The encroachment is negligible and does not result in any adverse impact on the adjoining developments or the bulk and scale of the development. It is noted that the development provides separation distances in excess of the requirements of the ADG and as such the encroachment into the building envelope is not a result of the building being closer to the side boundaries.



*Building envelope encroachment diagram (west elevation)*



*Building envelope encroachment diagram (east elevation)*

## **4. Impacts**

### ***Natural Environment***

The subject site contains several trees of which 7 will be retained and 11 are to be removed due to their poor health/condition or due to the anticipated impact from the proposed development. The street trees located at the front of the site will be retained. The Arboricultural Impact Assessment submitted with the application has been reviewed by Council's Tree Management Officer and he has raised no objection to the removal of the trees subject to the recommendations of the report being implemented and replacement planting being provided. The landscape plan submitted with the application shows that new planting to the site will include trees, shrubs and ground cover which will improve the current site conditions. As such the proposed development is unlikely to result in adverse impacts on the natural environment.

### ***Built Environment***

The application is unlikely to have an adverse impact on the built environment. The proposed development complies with the relevant requirements except marginally in



relation to the height, number of storeys, excavation, height of basement, and building envelope. These variations are considered minor in nature and are primarily a result of the topography of the site which has a significant slope to the front. The variations are located within the middle of the building and do not result in additional height or bulk to the overall development. They do not result in additional impacts to adjoining developments in terms of solar access and privacy.

### ***Social Impact***

The proposed development is unlikely to have an adverse social impact.

### ***Economic Impact***

The proposed development is unlikely to have an adverse economic impact.

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

The subject site is suitable for the proposed development. The site has a significant slope to the rear of the site which results in the proposed development seeking variations to the relevant requirements. This does not result in any additional impacts to adjoining developments in terms of privacy and solar access.

## **5. Referrals, Submissions and the Public Interest**

### **Resident**

The application was notified/advertised to 22 resident/owners and no submissions were received in reply.

### **Council Referrals**

#### ***Tree Management Officer***

Council's Tree Management Officer has raised no objection to the application subject to the recommendations of the arborist's report being adopted in the development.

### **External Referrals**

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

The comments of the Design Review Panel have been discussed in the report under the section entitled 'State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development'.

## **6. Conclusion**

The application seeks approval to demolish the existing structures and construct a residential flat building with basement car parking area. The proposed development has been assessed against the requirements of the relevant planning instruments and development control plan and seeks a variation to the height of the development, number of storeys, excavation, height of basement, and building envelope. These variations are supported as detailed in the report.

No submissions were received in response to resident notification. Accordingly, it is recommended that the application be approved subject to conditions of consent. As the applicant is a crown authority, its concurrence is required to the conditions of consent. The applicant has given its concurrence to the conditions below.

## RECOMMENDATION

THAT pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, the Joint Regional Planning Panel, grants development consent to Development Application DA2016/0052 for the demolition of existing structures and construction of a residential flat building containing 5 x 1 bedroom and 16 x 2 bedroom units with basement car parking on Lots 244, 245 and 246 DP 36317 and known as 53, 55 and 57 Lawrence Street Peakhurst, 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
Job No BGGHC Drawing No DA00	-	Cover sheet and location plan	4	Stanton Dahl Architects
Drawing No DA01	1 Aug 16	Site and external works plan	6	Stanton Dahl Architects
Drawing No DA02 - 05	7 Jul 16	External Works Details (4 sheets)	2	Stanton Dahl Architects
Drawing No DA06 - 08	1 Aug 16	Shadow Diagrams (3 sheets)	5	Stanton Dahl Architects
Drawing No DA09	14 Jul 16	Site and block analysis and deep soil zone diagram	5	Stanton Dahl Architects
Drawing No DA10	7 Jul 16	Basement car park	3	Stanton Dahl Architects
Drawing No DA11	7 Jul 16	Ground floor and upper basement parking plan	6	Stanton Dahl Architects
Drawing No DA12	7 Jul 16	First floor plan	5	Stanton Dahl Architects
Drawing No DA13	30 Jun 16	Second floor plan	3	Stanton Dahl Architects
Drawing No DA14	30 Jun 16	Third floor plan	4	Stanton Dahl Architects
Drawing No DA15	30 Jun 16	Roof plan	2	Stanton Dahl Architects
Drawing No DA16	1 Aug 16	Elevations (sheet 1 of 3)	5	Stanton Dahl Architects

Drawing No DA17	7 Jul 16	Elevations (sheet 2 of 3)	4	Stanton Dahl Architects
Drawing No DA18	7 Jul 16	Elevations and section (sheet 3 of 3)	4	Stanton Dahl Architects
Drawing No DA19	30 Jun 16	Sections (sheet 1 of 2)	4	Stanton Dahl Architects
Drawing No DA20	30 Jun 16	Sections (sheet 2 of 2)	4	Stanton Dahl Architects
Drawing No DA21	30 Jun 16	Door and window schedule	4	Stanton Dahl Architects
Drawing No DA22	11 Aug 16	External colour selections	3	Stanton Dahl Architects
L01 and L02	11 Dec 15 and Nov 15	Landscape plan and details	1	Botanique Design
Job No BGGHC, ref 33787A01. DWG		Contour and detail plan (3 sheets)	-	Degotardi Smith and Partners
-	-	Waste management plan		Stanton Dahl Architects

2. 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 commencement of work.

**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**

<b>Fee Type</b>
Builders Damage Deposit
Inspection Fee for Refund of Damage Deposit
S94 Residential (Community Facilities)
S94 Residential (Open Space, Recreation, Public Domain)

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

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

a. Amount of Contribution

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

<b>Contribution Category</b>	<b>Amount</b>
Community Facilities	\$26,981.60.
Open Space, Recreation and Public Domain Facilities	\$190,768.75.
<b>Total:</b>	<b>\$217,750.35.</b>

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

b. Indexing

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

c. Timing and Method of Payment

**The contribution must be paid prior to the commencement of works.**

**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 the commencement of works.

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.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

4. GEN1016 - **Damage Deposit - Major Works** - In order to insure against

damage to Council property the following is required:

- (a) Payment by the building contractor 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: **\$54,864.00.**
- (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 commencement of works.
- (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.

The cost of repairing any damage caused to the Council for the area's assets in the vicinity of the subject site as a result of demolition/construction works associated with the approved development is to be met in full by the building contractor.

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

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

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

- (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) 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 prior to the commencement of works.

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

For further information, please contact Council's Customer Service Centre on (02)9330 6400.

6. **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 1.50 metre wide x 80mm thick concrete path for the full length of the frontage of the site in Lawrence Street in accordance with Council's Specifications for footpaths. Details are to be submitted to the approval of the Council.
  - (b) Construct a 150mm thick concrete vehicular crossing reinforced with F82 fabric in accordance with Council's Specifications for vehicular crossings.
  - (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 building contractor and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*.
7. **APR7003 - Building - Below ground anchors - Information to be submitted to Council** - 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, the following details must be submitted to Council:
  - (a) Cable anchors must be stressed released when the building extends above ground level in accordance with Council's standards.
  - (b) The building contractor 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 building contractor 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 builder.

## 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.

8. 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.

9. 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 commencement of works**; and

(b) Ausgrid's requirements are to be met before the occupation of the development.

10. 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 prior to commencement;

(b) Where conduits are to be installed, evidence of compliance with Ausgrid's requirements is to be submitted to Council prior to occupation.



11. **GOV1007 - Sydney Water - Quick Check** - The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's website: [www.sydneywater.com.au](http://www.sydneywater.com.au)

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

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

#### **12. CC3001 - Development Engineering - Stormwater System**

<b>Reference No.</b>	<b>Date</b>	<b>Description</b>	<b>Revision</b>	<b>Prepared by</b>
HDA01 1 of 9	10/12/15	Hydraulic Services Locality Plan, Cover Sheet and Legend	P2	INLINE Hydraulic Services
HDA02 of 9	10/12/15	Hydraulic Services Site Plan	P2	INLINE Hydraulic Services
HDA03 of 9	10/12/15	Hydraulic Services Basement Carpark Plan	P2	INLINE Hydraulic Services
HDA04 of 9	10/12/15	Hydraulic Services Ground Floor and Upper Basement Parking Plan	P2	INLINE Hydraulic Services
HDA05 of 9	10/12/15	Hydraulic Services First Floor Plan	P2	INLINE Hydraulic Services
HDA06 of 9	10/12/15	Hydraulic Services Second Floor Plan	P2	INLINE Hydraulic Services
HDA07 of 9	10/12/15	Hydraulic Services Third Floor Plan	P2	INLINE Hydraulic Services
HDA08 of 9	10/12/15	Hydraulic Services Roof Plan	P2	INLINE Hydraulic Services
HDA09 of 9	10/12/15	Hydraulic Services Detail Sheet #1	P2	INLINE Hydraulic Services

The above 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 Lawrence Street at the front of the site 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) and be submitted before the commencement of works.

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

Reference No.	Date	Description	Revision	Prepared by
HDA01 of 9	10/12/15	Hydraulic Services Locality Plan, Cover Sheet and Legend	P2	INLINE Hydraulic Services
HDA02 of 9	10/12/15	Hydraulic Services Site Plan	P2	INLINE Hydraulic Services
HDA03 of 9	10/12/15	Hydraulic Services Basement Carpark Plan	P2	INLINE Hydraulic Services
HDA04 of 9	10/12/15	Hydraulic Services Ground Floor and Upper Basement Parking Plan	P2	INLINE Hydraulic Services
HDA05 of 9	10/12/15	Hydraulic Services First Floor Plan	P2	INLINE Hydraulic Services
HDA06 of 9	10/12/15	Hydraulic Services Second Floor Plan	P2	INLINE Hydraulic Services
HDA07 of 9	10/12/15	Hydraulic Services Third Floor Plan	P2	INLINE Hydraulic Services
HDA08 of 9	10/12/15	Hydraulic Services Roof Plan	P2	INLINE Hydraulic Services
HDA09 of 9	10/12/15	Hydraulic Services Detail Sheet #1	P2	INLINE Hydraulic Services

The underground basement car park must pump to and all other stormwater must drain by gravity to:

- (a) Lawrence Street at the front of the site.

The design of the proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided).

14. **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.

15. **CC3014 - Development Engineering - Allocation of car parking and storage areas** - A plan showing the allocation of storage area to each individual unit in accordance with the conditions of the development consent shall be prepared.
16. **CC3018 - Development Engineering - Protection of basement from inundation of stormwater** - A crest is to be provided in the driveway and driveway ramp retaining walls constructed to levels that provide protection of the underground basement from the inundation of surface waters in a 1:100yr ARI storm event.

Evidence from an appropriately qualified person that this design requirement has been adhered to shall be submitted.

17. **CC3019 - Development Engineering - Existing Sewer Main** - Council's records indicate that a sewer main passes through the site. The requirements of Sydney Water shall be satisfied for the construction of the proposed building.
18. **CC7008 - Building - Access for Persons with a Disability** - Access and/or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1.
19. **CC2003 - Development Assessment - Construction Site Management Plan - Major Development** - A Site Management Plan must be submitted prior to the commencement of works, 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.

20. **CC2004 - Development Assessment - Design Changes** - The following design changes are required and are to be incorporated into the plans and a copy provided to Council.

- (a) The balustrade to the eastern elevation of the balcony to units 7 and 14 be a minimum 1.5m high and of a material that cannot be seen through such as translucent glazing. This condition has been imposed to reduce privacy impacts on the adjoining development at 59 Lawrence Street Peakhurst.
- (b) The balustrade to the western elevation of the balcony to units 10 and 17 be a minimum 1.5m high and of a material that cannot be seen through such as translucent glazing. This condition has been imposed to reduce privacy impacts on the adjoining development at 51 Lawrence Street Peakhurst.
- (c) The private open space area to Unit 1 (ground floor) is to have a minimum setback of 5m to the front boundary of the site. This condition has been imposed so that the private open space area has a front setback in accordance with the requirements of Hurstville Development Control Plan No 1.

21. **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 occupation of the development.

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

- (a) In order to ensure the design quality excellence of the development is retained:
  - (i) The design architect, Stanton Dahl Architects 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 the commencement of works.
  - (b) The design architect of the project is not to be changed without prior notice to Council.
23. CC2011 - **Development Assessment - BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No 561713M\_02 dated 14 December 2015, approved with the Development Consent No. DA2016/0052 must be implemented on the plans.
24. CC5001 - **Trees - Compliance with the Arborist Report** - The recommendations outlined in the Arboricultural Impact Assessment prepared by Arboreport, dated 11 December 2015 must be implemented throughout the relevant stages of construction. Details of any tree protection measures to be implemented must be detailed and implemented prior to the commencement of any works on the site.
25. CC5002 - **Trees - Tree Protection and Retention** - The following trees shall be retained and protected:
- (a) The trees identified as numbers 6, 7, 11, 12, 13, 16, 18, in the Arboricultural Impact Assessment prepared by Arboreport, dated 11 December 2015.
  - (b) All street trees located on the public nature strip (Lawrence Ave and Jacques Avenue) adjoining the boundaries of the site.
- All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site. The tree protection measures must be undertaken in accordance *AS4970-2009 Protection of trees on development sites*. Details of the tree protection measures to be prepared by a suitably qualified Arborist (AQF Level 4 or above in Arboriculture) and must be retained thorough all stages of construction.
26. CC5003 - **Trees - Tree Removal and Replacement - Private Land** - Permission is granted for the removal of the following trees:
- (a) The trees identified as numbers 1, 2, 3, 4, 5, 8, 9, 10, 14, 15, and 17, as identified Arboricultural Impact Assessment prepared by Arboreport, dated 11 December 2015.

Six (6) proposed replacement trees are to be high canopy trees and must be planted prior to occupation from Councils 'Tree species for landscaping list'. (<http://www.hurstville.nsw.gov.au/IgnitionSuite/uploads/docs/Tree%20Pruning%20and%20Removal%20Guidelines.pdf>). The minimum pot size at time of planting will be equivalent to 25 litre (min) containerised stock. The trees are to conform to the NATSPEC guide for assessing the quality of and purchasing of

landscape trees by Ross Clarke, 2003. If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species. All advanced trees are to be planted in holes at least 380mm square and 400mm deep, containing good quality soil and humus. In lawn areas, grass is to be kept back for a radius of at least 450mm from stems and trunk

27. **CC6003 - Engineering - Council Property Shoring** - Prior to the commencement of works, plans and specifications prepared by a qualified and practising structural engineer must detail how Council's road reserve and public infrastructure on Lawrence Street shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5Mpa lean concrete mix.

28. **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 Council's Engineers prior to the commencement of works. Council's Engineers must endorse the Traffic Management Plan prior to the commencement of works.

29. **CC7002 - Building - Fire Safety Measures** - Prior to commencement of works a list of the essential fire safety measures specifying the minimum standard of performance for each essential fire safety measure, is to be provided by an appropriately qualified Fire Safety Consultant for inclusion in a Fire Safety Schedule for the building.

30. **CC7004 - Building - Structural details** - Structural plans, specifications and design statement prepared 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 before the commencement of works 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) stabilising works
  - (i) structural framework
31. **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 commencement of works** 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) A dilapidation report for 51 Lawrence St and 59 Lawrence St. The dilapidation report is to include assessment of the dwellings and any external paths, grounds etc. and this must be submitted to Land and Housing Corporation and a copy provided to Council and the adjoining owners of 51 Lawrence St and 59 Lawrence St prior to commencement.
  - (c) On-site guidance by a vibration specialist during the early part of excavation.
  - (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
  - (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
32. **CC3015 - Development Engineering - Engineering Plans (General)** - A copy of detailed engineering plans are to be provided to Council prior to the commencement of works. The detailed plans may include, but not be limited to, details of the earthworks, road works, road pavements, retaining wall details, stormwater drainage, landscaping and erosion control works.
33. **CC3016 - Development Engineering - Driveway Construction Plan Details** - Engineer's details shall be submitted to Council regarding the proposed construction of the driveway.

These details shall show longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials and shall be designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.

The plans are to also incorporate details of the suitable provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits) with all services to be underground.

The full length of the driveway shall be designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width.

The driveway shall be designed with a surface that shall be non-slip.

34. 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).
35. 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 Land and Housing Corporation and a copy provided to the Manager - Environmental Services, Georges River Council prior to commencement.

#### **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.

36. 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 Georges River 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.
37. 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 prepared 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 Safe Work NSW.



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

38. **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 Georges River Council advising of the demolition date, details of the SafeWork 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.

39. **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.

40. **PREC6001 - Engineering - Dial before your dig** - The builder shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the construction commencing. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

41. **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) stormwater drainage infrastructure
- (b) kerb and gutter, kerb ramp and foot path
- (c) road pavement

The Dilapidation Report must be prepared by a qualified structural engineer. A copy of the report must be provided to 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.

42. **PREC7001 - Building - Registered Surveyors Report - During Development Work** - A report must be submitted to Land and Housing Corporation 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.
- (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.

Work must not proceed beyond each stage until Land and Housing Corporation is satisfied that the height and location of the building is proceeding in accordance with the approved plans. A copy is to be provided to Council.

43. **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 Council's Building Control Department.

## **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.

44. **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.

45. **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.
46. **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 stormwater system in Lawrence Street.
47. **CON6001 - Engineering - Cost of work to be borne by the builder** - The builder shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc, and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
48. **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.
49. **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 Council prior to occupation of the development.

#### **PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

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

50. **OCC10000 - Land Information - Installation of street addresses** - In order to comply with *AS/NZS 4819:2011 Rural and Urban Addressing* and the *NSW Addressing User Manual (AUM)*, the street addresses for the subject development must be installed as advised by Council.
- (a) The street number of the development must be displayed in a prominent location at the primary frontage of the site.
  - (b) Separate letterboxes for each unit must be provided with permanent numbers for each letterbox. The letterboxes must be located within an easily accessible area within the primary frontage of the development.
  - (c) The number of each unit must be displayed in a prominent location near the entrance of each unit.

The abovementioned works must be completed prior to occupation.

51. **OCC10001 - Land Information - Notice to Georges River Council - Allocation of street addresses** - Prior to occupation, 'As-built' drawings detailing the installed and allocated street/unit address and numbering must be submitted to the Land Information Team at Georges River Council for its information.
52. **OCC2007 - Development Assessment - Allocation of car parking spaces** - Car parking associated with the development is to be provided as follows:
- (a) Resident spaces: 21 car spaces
  - (b) Visitor spaces: 6 car spaces
  - (c) Car wash bay: 1 car wash bay (which can be a visitors' space)
53. **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."*

Georges River Council (Hurstville Office) is to be nominated as the Authority to release, vary or modify this Covenant.

The Positive Covenant shall be lodged with Land and Property Information prior to occupation of the development.

54. **OCC3002 - Development Engineering - Works as Executed and Certification of Stormwater works** - Prior to the occupation of the development, the stormwater drainage system is to be constructed in accordance with the approved design and relevant Australian Standards.

A works-as-executed drainage plan and certification must be forwarded to the Georges River Council (Hurstville Office), 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.

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:

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable)
- (c) Volume of storage available in any detention areas;
- (d) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- (e) The orifice size/s (if applicable);
- (f) Details of any pumping systems installed (including wet well volumes)(if applicable).

55. **OCC3008 - Development Engineering - Consolidation of Site** - The site shall be consolidated into one allotment by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be lodged with Land and Property Information prior to the occupation of the development.

56. **OCC4006 - Health - Noise from Mechanical plant and equipment** - Noise from the operation of mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and/or refrigeration systems must not give rise to offensive noise as defined under the Protection of the Environment Operations Act 1997 (as amended) and will comply with the noise intrusion criteria as defined under the NSW Industrial Noise Policy published by the Environment Protection Authority.

A professional acoustic engineer shall be engaged to certify that the design and construction of all sound producing plant and equipment associated with the building complies with the above requirements. Certification shall be submitted to LAHC prior to the occupation of the development.

57. **OCC6004 - Engineering - Line marking of car parking spaces - Major**

**Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742 - Australian Standard Manual of Uniform Traffic Control Devices and RMS's guidelines.

58. **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 occupation of the development, 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.

59. **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 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.
60. **OCC2004 - Development Assessment - BASIX Compliance Certificate** - A Compliance Certificate must be provided to Land and Housing Corporation regarding the implementation of all energy efficiency measures as detailed in the BASIX Certificate No 561713M\_02 dated 14 December 2015, and in the plans approved with the Development Consent, before occupation of the development.
61. **OCC2005 - Development Assessment - Completion of Landscape Works** - All landscape works must be completed before the occupation of the development.
62. **OCC6009 - Engineering - Stormwater drainage works - Works As Executed** - Prior to the occupation of the development, stormwater drainage works are to be certified by a qualified stormwater engineer, with Works-As-Executed drawings supplied to Council detailing:
- (a) Compliance with conditions of development consent relating to stormwater;

- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the occupation of the development.

### **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.

63. **CC8002 - Waste - Waste Storage Containers - Home Units (Residential Flat Development)** - The following waste and recycling facilities will be required:-

Domestic Waste:- 11 x 240 litre Mobile Garbage Bins (MGB's);

Domestic Recycling:- 11 x 240 litre MGB's.

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.

The location of the proposed Waste Storage Area as shown on the submitted plan is not easily accessible for Council's Waste Contractor to service the bins. Accordingly, it will be the responsibility of the residents to present the MGB's for collection and return them to the storage area after they have been emptied.

64. **ONG4017 - Health - Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill.
65. **ONG7004 - Building** - Noise levels emitted from the mechanical exhaust system must not exceed the background noise level when measured at any point on the boundary of the site.
66. **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.
67. **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.

### **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.

68. **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.

Not applicable.

If you need more information, please contact the Senior Development Assessment



Officer, below on 9330-6400 between 9.00am -11.00am business days.

A handwritten signature in black ink, appearing to read 'PBizimis'.

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