

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SSH026
DA Number	MOD2018/0038
LGA	Georges River Council
Proposed Development	Modification of Development Consent No DA2016/0322 to amend the deferred commencement conditions of consent requiring easements
Street Address	282-290 Forest Rd Hurstville
Applicant/Owner	Telado P/L
Date of DA lodgement	15 March 2018
Number of Submissions	N/A
Recommendation	That the application be approved subject to modified conditions of consent
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Modification of development consent granted by the Sydney South Planning Panel
List of all relevant s4.15(1)(a) matters	- Hurstville Local Environmental Plan 2012 - Hurstville Development Control Plan No 2
List all documents submitted with this report for the Panel's consideration	SSPP report for original application
Report prepared by	Director – Environment and Planning
Report date	28 May 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes, the applicant has been advised of conditions of consent**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

1.

- On 16 August 2017 the Sydney South Planning Panel granted deferred commencement development consent for the demolition of existing structures and construction of a 14 storey building comprising 3 x levels of retail floor area, 11 x levels of commercial floor area, and basement parking accessed from Humphreys Lane. The development includes areas which overhang the Central Plaza adjoining the site and the deferred commencement conditions required the registration of easements and restrictive covenants relating to the Central Plaza
- The applicant has now submitted an application to modify the deferred commencement conditions of consent by deleting the requirement to obtain easements and restrictive covenants over the adjoining Council land (Central Plaza) on the basis that the area overhanging is to be used as an awning for weather protection only.
- The application has been assessed against the relevant requirements and it is considered that the deferred commencement conditions of consent can be amended to delete the condition on the proviso that other conditions are imposed addressing the fire matters and preventing the use of the awning unless, and until, proprietary rights such as a lease or license are in place.

BACKGROUND

2. On 16 August 2017 the Sydney South Planning Panel granted deferred commencement development consent for the demolition of existing structures and construction of a 14 storey building comprising 3 x levels of retail floor area, 11 x levels of commercial floor area, and basement parking accessed from Humphreys Lane.

The subject site is located adjoining the Central Plaza. This Plaza is publicly owned and currently under construction by Georges River Council. The development was approved with the ground floor retail area opening into the plaza and part of the first floor terrace overhanging the plaza.

As such, the consent was granted subject to the following deferred commencement condition:

A. DEF1001 - *Deferred Commencement Condition 1 – Registration of Easement/s and Restrictive Covenant/s-*

- a. The person with the benefit of the consent must obtain/secure a 6 metre wide easement at ground level with an approximate area of 338sqm (as confirmed by a registered surveyor) registered under section 88B of the Conveyancing Act 1919 (NSW) for access and egress (Right of Way),*
- b. A restrictive covenant registered under section 88D of the Conveyancing Act 191 (NSW) for fire separation. The covenant will apply from natural ground level being 6 metres wide and to a height of no more than 60 metres and having an area of 338sqm (as confirmed by a registered surveyor).*
- c. An easement registered under section 88B of the Conveyancing Act 1919 (NSW) for encroaching structure (awning overhang) from natural ground at RL 71.69 to RL77.010 to the under slab of Level 2 being 3 metres wide and having an approximate area of 168sqm (as confirmed by a registered surveyor).*

The consent is not to operate until evidence of registration of the easement/s and restrictive covenant/s is provided to Council.

Documentary evidence as requested or the above information must be submitted within 24 months of the granting of this deferred commencement consent. Commencement of the approval cannot commence until written approval of the submitted information has been given by Council.



Photomontage showing overhang of first floor terrace and ground floor tenancies accessed from Plaza

PROPOSAL

3. The application seeks approval to delete the deferred commencement condition of consent and the applicant has submitted the following information to support the application.

Description of proposed modification

*Deletion of Schedule 1 condition “DEF1001 Deferred Commencement Condition 1 – Registration of Easement/s and Restrictive Covenant/s” as the easement/s and restrictive covenant/s which are subject to this condition are no longer required given the changes on the adjoining site (Lot 16 / DP 4799) (**the Plaza**) since the time at which the original consent was granted.*

Supplementary information regarding the outdoor terrace over the property boundary

Telado Pty Ltd is prepared to proffer that a condition be imposed on DA2016/0322 to the following effect:

Projection of the outdoor terrace over the property boundary

- a) *That part of the outdoor terrace on level 1 which projects beyond the north western boundary of 282-290 Forest Road, Hurstville must not be used for any purpose other than for providing weather protection to pedestrians in the Plaza or entering the building.*
- b) *The area of the outdoor terrace on level 1 which projects beyond the north western boundary of 282-290 Forest Road, Hurstville*

must be made inaccessible at all times (via the construction of a suitable barrier) other than for the purposes of maintenance.

- c) If a lease or licence pursuant to section 46 of the Local Government Act, 1993 for the area of the outdoor terrace that projects beyond the north western boundary of 282-290 Forest Road, Hurstville is obtained from the owner of the Plaza, that area may be accessed for purposes permitted by such lease or licence and the barrier may be removed for the period during which any lease or licence remains in force.*
- d) Upon expiration or termination of any lease or licence, the barrier must be reconstructed along the common boundary position unless and until a new lease or licence becomes operative.*
- e) Notwithstanding parts (a)–(d) above, the applicant acknowledges that no proprietary rights are conferred on the applicant in respect of the land into which that part of the outdoor terrace on level 1 which projects beyond the north western boundary of 282-290 Forest Road, Hurstville encroaches.*

Supplementary explanation regarding the proposed modification:

- At the time of the grant of DA2016/0322 in respect of 282-290 Forest Road, Hurstville (**the site**), the Council land to the west of the site was owned by the Council, but contained a building abutting the boundary of the site. The easements stated above were necessary at the time of Council granting the consent to DA2016/0322, given the then use of the Council's land. Since that time, the circumstances have materially changed. The building on the Council land has been demolished and a public plaza is under construction. In addition, the Council land has been classified as community land under the Local Government Act 1993 and the Council has adopted a Plan of Management for its use, care, control and management.*
- The easements required by the consent were largely necessary in response to the Building Code of Australia (BCA) Report submitted with the development application which proposed the easements as a performance justification for the non-compliance with the deemed-to-satisfy requirements of the BCA having regard to the circumstances in existence at the time of the BCA Report.*

Additional Information

- The Plan of Management adopted by the Council for Central Plaza provides:
"2.2 The parcel of land subject to this Plan of Management has been categorised as general community use.
3.2 Based on the above core and value objectives, the uses that may be permitted in Central Plaza, Hurstville categorised as 'General Community Use' are outlined in Table 3.1"*
- Table 3.1 sets aside Central Plaza for passive recreation activities and group recreational use such as "staging of community events, gatherings and cultural activities, community use and ancillary service areas related to function and maintenance". The forms of physical development and facilities permitted include "shade structures, seating, water feature, lighting and hard and soft*

landscaped areas", "Community notice boards, ...kiosks, ...café or refreshment areas (permanent, pop up and mobile) including seating..." and "loading areas, car spaces, bicycle racks and advertising". The table also contemplates the leasing or licensing of areas for outdoor dining and pedestrian access to adjacent buildings and retail premises.

- Clause C3.2 of the BCA provides a deemed-to-satisfy criterion for protection of openings in external walls as follows:
Openings in an external wall that is required to have an FRL must —
 - a. if the distance between the opening and the fire source feature to which it is exposed is less than —
 - (i) 3 m from a side or rear boundary of the allotment;
or
 - (ii) 6 m from the far boundary of a road, river, lake or the like adjoining the allotment, if not located in a storey at or near ground level; or
 - (iii) 6 m from another building on the allotment that is not Class 10,
be protected in accordance with C3.4 and if wall wetting sprinklers are used, they are located externally; and
 - b. if required to be protected under (a), not occupy more than 1/3 of the area of the external wall of the storey in which it is located unless they are in a Class 9b building used as an open spectator stand.
- Fire source feature is defined in clause A1.1 as follows:
Fire source feature means —
 - c. the far boundary of a road, river lake or the like adjoining the allotment; or
 - d. a side or rear boundary of the allotment; or
 - e. an external wall of another building on the allotment which is not a Class 10 building.
- At the time of the preparation of the BCA Report submitted with the DA for the site, the land comprising Central Plaza contained a building. The western boundary of the site was treated for the purposes of clause 3.2 as the "side boundary".
- While ever there was a building occupying the Central Plaza land abutting the site, the western boundary was plainly a "side boundary". However, the land comprising Central Plaza is now community land and the Council has commenced construction of the plaza, and as such the frontage of the building approved on the site will front public open space rather than adjoin a building on its side boundary.
- In respect of compliance with C3.2 of the BCA, while Central Plaza is not a public road adjoining the allotment, the far boundary of the plaza is the relevant 'fire source feature' within the meaning of clause A1.1 of the BCA by virtue of the words "or the like".

- *While not a road, a public plaza is likely to function akin to a road. In common with a road, it is likely to provide a thoroughfare for pedestrians and while it may contain structures like lighting, paving, garbage bins, landscaping and seating, it is not likely to contain buildings other than minor ones such as kiosks and temporary structures.*
- *Conversely, while plazas and squares might be like roads, sometimes roads are like plazas and squares. There are many examples of public squares in the Sydney CBD which are in fact roads. Martin Place, Barrack Street and Queen's Square are such examples. These are all places that were roads open to traffic that have become fully or partly pedestrianised yet remain roads under the Roads Act 1993. There could be no question that Martin Place would be treated as anything other than a road for the purposes of the BCA for a building fronting a pedestrianised section of that road.*
- *Accordingly, once the Council demolished the building on the Central Plaza land, classified the land as community land and resolved to adopt a Plan of Management for that land that dictated its use for pedestrian thoroughfare, passive recreation and community activities, the land took on many of the characteristics of a road. While the Plan of Management does permit small buildings like kiosks and cafés, it is unlikely that such buildings will be placed in the area of the subject easements. This is even more so in this case as the Plan of Management dictates that Central Plaza is to be maintained to provide a pedestrian thoroughfare and to integrate with adjoining landholdings. It would, therefore, be inconsistent with the Plan of Management to erect any buildings in the plaza, including any buildings less than 6 metres from the buildings which adjoin the Central Plaza land.*
- *The consequence of this is that the approved building can be regarded as complying with the deemed-to-satisfy requirements of C3.2(a)(ii) of the BCA as it is located more than 6m from the far side of Central Plaza and, consequently, a restrictive covenant for fire protection is not required, as supported by the revised BCA report submitted with this modification application.*
- *In respect of the exits from the ground floor of the building to Central Plaza from the retail tenancies and the lobby on the ground floor, the original BCA Report referred to non-compliance with D1.2 of the BCA because only one exit was provided to these places. The original BCA Report did not suggest that the easement for access at ground level was a performance requirement that would overcome the non-compliance with the deemed-to-satisfy requirements of clause D1.2. Compliance is instead addressed through a fire-engineered performance solution. In addition, given the use of the Central Plaza land as a public plaza providing pedestrian thoroughfare in the area of the subject easements, a right of way at ground level is not required.*
- *In relation to the easement for the awning overhang over the Central Plaza land, there is no precedence in which an easement*

has been required for an awning over a public road or any form of public plaza or open space. Evidence recently provided by Council's planning expert Ms Gabrielle Morrish in Supreme Court Proceedings 299079 of 2017, supports the notion that an easement for encroaching structure, for the purposes of an awning overhang, is not required.

- Importantly, the awning overhang is consistent with both the approved Plan of Management and the development consent for the Central Plaza land (being DA2017/0049). The Development Application Report accompanying DA2017/0049 for the public plaza illustrates a "covered walkway" extending over the Central Plaza land from the building for the purposes of providing all-weather access through the public plaza (page 12 of the report).*
- Furthermore, the awning overhang provides public amenity and a new public benefit by creating a revenue generating opportunity for Council in the event that future tenants located on level 1 of the building apply for a license to use the area over the awning as a verandah. This potential use is consistent with Council's Plan of Management which contemplates the lease or licence of areas within the Central Plaza land for uses such as outdoor dining (see section 3.2). In the absence of such an application by a tenant or a grant of a license by Council, the area over the awning overhanging the Central Plaza land would remain non-trafficable and non-accessible, with the exception of any necessary maintenance and upkeep requirements. Telado Pty Ltd has proffered that a condition be imposed on DA2016/0322 to manage the use of this area.*
- Finally, none of the subject easements are required to enable the construction of the building, including the awning overhang. The grant of a temporary hoarding and scaffolding permit (or the like) is the normal approach and would be sufficient to enable construction to occur.*

In light of the change in circumstances since DA2017/0049 was granted, we have concluded that:

- there is no BCA or legal requirement for the proposed right of way at ground level for access and egress;*
- there is no BCA or legal requirement for the proposed restrictive covenant for fire separation; and*
- there is no BCA or legal requirement for the proposed encroachment easement for an awning overhang.*

As such, the easements required by Deferred Commencement Condition are not necessary and the consent should be modified to delete them.

THE SITE AND LOCALITY

- The subject site is located on the southern side of Forest Road Hurstville near the corner of the lane known as Diment Way. The rear of the site has a boundary to Humphreys Lane. The site is known as 282 – 290 Forest Road and legally described as SP66662. The land is an irregular rectangular shape with a frontage to Forest Road of 28.975m, a frontage to Humphreys Lane of 18.99m and a site area of 1248sqm.

Existing on the site is a three (3) storey building with 3544sqm of retail area which is built to the four boundaries. Fronting Forest Road at ground level are three retail tenancies and located centrally to the site is an arcade that provides pedestrian access to a number of retail tenancies at the lower ground level. The arcade extends to the rear of the development and connects to Humphreys Lane.

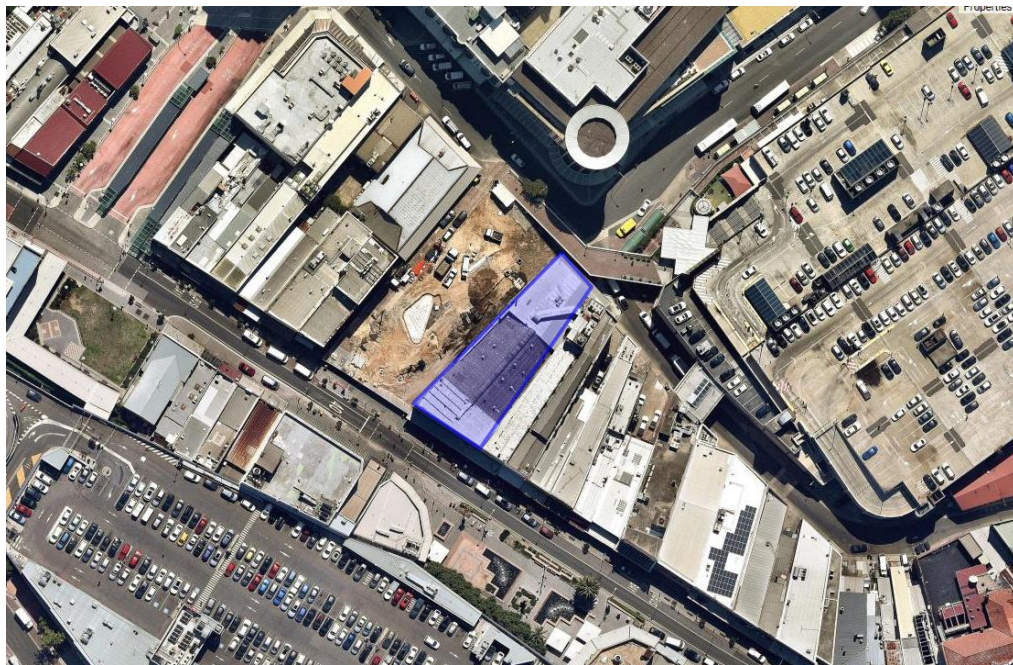
The site has a 4.25m slope across the site from north to south. A driveway at the rear of the site from Humphreys Lane is the primary vehicle access point. Humphreys Lane consists of a single lane road which restricts curb side parking and is located adjacent to an intersection of Cross Street and Crofts Avenue.

To the immediate south of the site is the Soul Pattinson Building, a 1920s commercial development of historic significance due to its social associations and location within the historic town square. To the immediate south west are three heritage listed buildings that comprise 235 Forest Road, 237 Forest Road and 239 Forest Road. To the south east of the site is the heritage listed Hurstville Memorial Square. This part of Forest Road forms part of the commercial retail core of the Hurstville City Centre and it is characterised by a number of low scale commercial developments and functions as the main civic space within Hurstville.

To the immediate north east, on the opposite side of Humphreys Lane is the Westfield Shopping Centre which is five (5) storeys in height. To the south east of the site are two (2) and three (3) storey buildings which are aligned to Forest Road. These buildings are characterised by narrow shop front facades and are typified by 1920s architectural facades. Further east is the street entrance to Westfield Shopping Centre.

To the immediate north west of the site was a two storey building known as 292-296 Forest Road which has been demolished and will be the site for the Central Plaza which is a site owned by Georges River Council and under construction as an urban park/public open space.

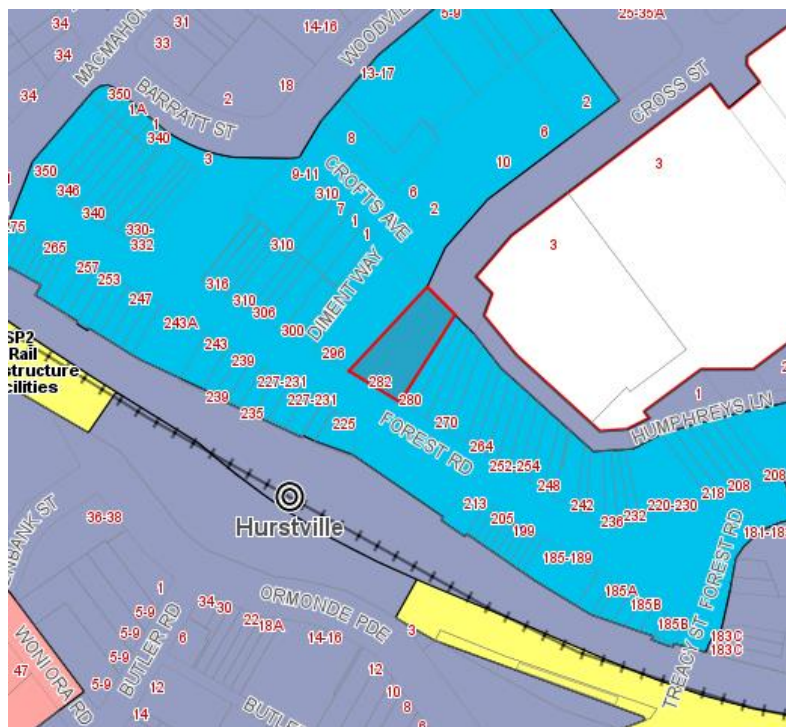
Directly opposite the site to the south is Hurstville Central Shopping Centre, which incorporates a range of retail areas and Hurstville train station. Located to the immediate south of the site is the Westpac banking tenancy (225 Forest Road).



Aerial map

ZONING

5. The subject site is zoned B3 Commercial Core under the provisions of the Hurstville Local Environmental Plan 2012 and the proposed modification to the approved development is permitted in the zone with Council consent.



Zoning map

PLANNING ASSESSMENT

Assessment of Section 4.55 (1A) Application

6. Section 4.55 (1A) of the Environmental Planning and Assessment Act (as amended) allows Council to modify development consent if:
 - a) *it is satisfied that the proposed modification is of minimal environmental impact*

Comment: The proposed modification is of minimal environmental impact. The modification proposed as part of the application does not result in any adverse impact to the amenity of the adjoining developments. The proposed amendment relates to the approved terrace area which overhangs the northwestern boundary of the site being redesigned so that it functions as an awning (is non-trafficable and for weather protection only). This proposed change has no implications on the approved height or floor space ratio of the development.

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

Comment: The proposed development is considered to be substantially the same development as that for which consent has been granted. The amended development will maintain the approved uses, being a retail and commercial development which will remain fundamentally as originally approved.

c) it has notified the Section 4.55 application (if required under Council's DCP) and has considered any submissions concerning the proposed modification

Comment: The application was not required to be notified/advertised under Section 2.4.3.1 of DCP2.

The development has been inspected and assessed under the relevant Section 4.15(1) "Matters for Consideration" of the Environmental Planning and Assessment Act 1979.

Environmental Planning Instruments

Hurstville Local Environmental Plan 2012

7. The subject site is zoned B3 Commercial Core under the provisions of the Hurstville Local Environmental Plan 2012 and the proposed amendments to the development have no implications on the approved development's compliance with the relevant requirements. The development as modified does not change the height or floor space ratio of the approved development.

State Environmental Planning Instruments

8. The development as modified has no implications on the approved development's compliance with the relevant State Environmental Planning Instruments.

Draft Environmental Planning Instruments

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

Development Control Plans

11. Hurstville Development Control Plan No 2 (DCP2) applies to the proposed development. The development as modified is consistent with the DCP2.

The modification application proposes that that part of the first floor terrace that overhangs Council land will not be used for any purpose except maintenance.

If, in the future, lessees or occupants of the first floor area that overhangs Council land wish to make the overhang trafficable and/or useable, such as for the use as a café, restaurant, or the like, this option would be available subject to the appropriate approvals and property arrangements with Council. This has been emphasised by an acknowledgement by the applicant that it has no proprietary rights over that part of the land into which that part of the development will overhang Council land.

IMPACTS

Natural Environment

12. The modified development is unlikely to have an adverse impact on the natural environment. The development as amended does not affect any open space and landscaped area within the development.

Built Environment

13. The proposed development is unlikely to have an adverse impact on the built environment. The proposed amendments relate to the terrace area which will, in part, become an awning and non-trafficable. As such, the proposed changes to the development are negligible in terms of its appearance from the street and impacts on adjoining developments.

Fire Safety Provisions

The development is situated along the north-western boundary of the site. This boundary adjoins Council's Central Plaza, which is currently under construction. The fire safety requirements (access/ egress and protection to openings) of the building were to be addressed through an easement of up to 3m along this boundary.

As an easement is no longer proposed, the development must ensure that the fire requirements under the Building Code of Australia have been met. The consent has been conditioned accordingly.

Social and Economic Impacts

14. The proposed development has no perceived adverse social or economic impacts.

Suitability of the Site

15. The subject site has no impediments that preclude it from being developed for the proposed development. The awning overhang will enable pedestrians within the Plaza area to obtain weather protection.

REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST

Resident

16. The application was not required to be notified/advertised under Section 2.4.3.1 of Development Control Plan No 2.

Legal Advice

17. The easements required as part of the original consent have been the subject of Supreme Court proceedings by the applicant pursuant to s88K of the Conveyancing Act, 1919. During the course of those proceedings, legal and external expert planning advice has been provided to Council to the effect that the easements are not reasonably necessary for the effective use or development of the applicant's land.

Council referrals

Senior Building Surveyor (Major Projects)

18. Council's Senior Building Surveyor (Major Projects) has examined the modification application and has advised that as the Central Plaza site has the potential for the erection of a building under the B3 Commercial Core zone, and an easement is sought to be deleted, the applicant will need to address "egress" and "protection of openings" requirements under the Building Code of Australia (BCA). This is based on the boundary line between the Central Plaza land and the property the subject of this application being identified as the "fire source feature". As such, this has to be addressed and a condition of consent to that effect has been imposed.

External Referrals

19. No external referrals were required for this application.

CONCLUSION

20. The application seeks approval to modify deferred commencement Development Consent No. DA2016/0322 under the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act by deleting the deferred commencement conditions to remove the requirement for easements and covenants. The proposed modification is acceptable subject to the imposition of conditions relating to the restriction on the use of the part of the terrace that overhangs Council land as well as the requirements of the Building Code of Australia being met. Accordingly, the application is recommended for approval subject to conditions of consent.

DETERMINATION

21. THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979, as amended, the Council grants development consent to the application known as MOD2018/0038 to modify deferred commencement Development Consent No DA2016/0322 granted on 16 August 2017 by the Sydney South Planning Panel for the demolition of existing structures and construction of a 14 storey building comprising 3 x levels of retail floor area and 11 x levels of commercial floor area, and basement parking accessed from Humphreys Lane on Lots 1-26 SP66662 and Lot CP SP66662 and known as 282-290 Forest Road Hurstville be approved subject to the following conditions of consent:

Consent Operation - This consent operates from the date of determination set out in this notice and will lapse five (5) years after that date, unless development has commenced within that time, pursuant to the provisions of the Sections 83, and 95 of the Act.

Right of Review – If you are dissatisfied with this decision, you may request a review of the determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review and the decision by Council of that request must be made within six (6) months of the date of this Notice of Determination and be accompanied by the relevant fee. You must ensure that an application for review of determination gives Council a reasonable period in which to review its decision having regard to the relevant issues and complexity of the application (Section 82A is not applicable to Integrated or Designated Development).

Right of Appeal – Alternatively, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the NSW Land and Environment Court within six (6) months of the determination date on this notice.

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 PA030432, DA-0080	24 Nov 16	Demolition plan	1	PTW Architects
DA-0095	17 Jul 17	Basement 4	2	PTW Architects
DA-0096	17 Jul 17	Basement 3	2	PTW Architects
DA-0097	17 Jul 17	Basement 2	2	PTW Architects
DA-0098	17 Jul 17	Basement 1	2	PTW Architects
DA-0099	3 May 17	Lower ground floor	2	PTW Architects
DA-0100	17 Jul 17	Ground floor plan	3	PTW Architects
DA-0101	24 Nov 16	Level 1 plan	1	PTW Architects
DA-0102	17 Jul 17	Level 2 plan	2	PTW Architects
DA-0103	17 Jul 17	Level 3-11 typical plan	2	PTW Architects
DA-0104	17 Jul 17	Level 12 plan	1	PTW Architects
DA-0114	24 Nov 16	Plant room	1	PTW Architects
DA-0115	24 Nov 16	Roof plan	1	PTW Architects
DA-0400	17 Jul 17	North west elevation	3	PTW Architects
DA-0401	17 Jul 17	North east elevation	2	PTW Architects
DA-0402	17 Jul 17	South east elevation	2	PTW Architects
DA-0403	17 Jul 17	South west elevation	2	PTW Architects
DA-0500	17 Jul 17	Section 1	2	PTW Architects
DA-0501	17 Jul 17	Section 2	2	PTW Architects
DA-0700	24 Nov 16	External Finishes	1	PTW Architects
DA-1000	17 Jul 17	GFA plans	2	PTW Architects
DA-1001	17 Jul 17	GFA plans	3	PTW Architects
DA-1002	17 Jul 17	GFA plans	2	PTW Architects
DA-1003	17 Jul 17	Area schedule	3	PTW Architects
-	17 Jul 17	Built form and scale streetscape alignment (3 sheets)	2	PTW Architects
-	-	Photomontage Hurstville view 01 and 03	-	PTW Architects
SY151-066-DA010	Jul 17	Erosion and sediment control	B	Van der Meer Consulting
WD822-01F02(REV 1)-WS REPORT	23 Nov 16	Wind Environment Assessment	1	Windtech

54446DT	6 Aug 15	Plan showing site details and levels	-	Harrison Friedmann and Associates Pty Ltd
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- 1(a). That part of the outdoor terrace on level 1 which projects beyond the north western boundary of 282-290 Forest Road, Hurstville must not be used for any purpose other than for providing weather protection to pedestrians in the Plaza or entering the building.
- 1(b). The area of the outdoor terrace on level 1 which projects beyond the north western boundary of 282-290 Forest Road, Hurstville must be made inaccessible at all times (via the construction of a suitable barrier) other than for the purposes of maintenance. Details of this barrier are to be provided at Construction Certificate stage.
- 1(c). If a lease or licence pursuant to section 46 of the Local Government Act, 1993 for the area of the outdoor terrace that projects beyond the north western boundary of 282-290 Forest Road, Hurstville is obtained from the owner of the Plaza, that area may be accessed for purposes permitted by such lease or licence and the barrier may be removed for the period during which any lease or licence remains in force.
- 1(d). Upon expiration or termination of any lease or licence, the barrier must be reconstructed along the common boundary position unless and until a new lease or licence becomes operative.
- 1(e). No proprietary rights are conferred on the applicant by this development consent in respect of the land into which that part of the outdoor terrace on level 1 projects onto the Central Plaza land.

(Conditions 1(a), 1(b), 1(c), 1(d) and 1(e) have been added to the consent as part of MOD2018/0038) (DA2016/0322))

2. GEN1016 - **Damage Deposit - Major Works** - In order to insure against damage to Council property the following is required:
 - (a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$34,770.00.**
 - (b) Payment to Council of a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$290.00.**
 - (c) At the completion of work Council will:
 - (i) review the dilapidation report prepared prior to the commencement works;
 - (ii) review the dilapidation report prepared after the completion of works;
 - (iii) Review the Works-As-Executed Drawings (if applicable); and
 - (iv) inspect the public works.

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

or partly refunded based on the damage incurred.

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

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

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

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

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

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

- (a) Fees to be paid:

Fee types, bonds and contributions

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

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

PCA Services Fee	\$10,476.50
Construction Certificate Application Fee	\$10,476.50
Construction Certificate Imaging Fee	\$TBA

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

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

a. Amount of Contribution

Pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended) and *Hurstville Section 94 Development Contributions Plan*

2012 the following contribution towards the cost of providing public domain facilities shall be paid to Council:

Contribution Category	Amount
Public Domain Facilities	\$1,243,590.42
Total:	\$1,243,590.42

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

b. Indexing

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

c. Timing and Method of Payment

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

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

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

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

A copy of the *Hurstville Section 94 Development Contributions Plan 2012* may be inspected or a copy purchased at Council's offices (Civic Centre, MacMahon Street, Hurstville NSW 2220) or viewed on Council's website www.georgesriver.nsw.gov.au.

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

SEPARATE APPROVALS UNDER OTHER LEGISLATION

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

6. APR6001 - **Engineering - Section 138 Roads Act and Section 68 Local**

Government Act 1993

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

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

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

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

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

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

The following information is to be submitted with a Hoarding Application under s68 of the Local Government Act and s138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and

- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party; and
- (e) The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.

8. **APR7003 - Building - Below ground anchors - Information to be submitted with Section 68 Application under LGA 1993 and Section 138 Application under Roads Act 1993** - In the event that the excavation associated with the basement car park is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works. In this regard the following matters are noted for your attention and details must be submitted accordingly:

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

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

- (a) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council's Specifications for vehicular crossings.

- (b) Construct a new full width (boundary to kerb) footpath in paving material as determined and approved by Council's Engineer for the full frontage of the site in Forest Road and Crofts Avenue in accordance with Council's Specifications for footpaths.
- (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*. The work shall be carried out by a private contractor, subject to Council approval.
- (d) A hump shall be introduced at the entrance to the basement carpark to prevent any overland flow entering into the basement car parks. Details are to be submitted with the construction certificate for the approval of the Principal Certifying Authority.

Constructing a vehicular crossing and/or footpath requires **separate approval** under **Section 138 of the Roads Act 1993**, prior to the **commencement of works**:

To apply for approval:

- (a) Complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2016/0322) and reference this condition number (e.g. Condition 23).
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Vehicular Crossing applications.

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

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

REQUIREMENTS OF OTHER GOVERNMENT AGENCIES

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

11. GOV1006 - **Sydney Water - Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the **Construction Certificate**.
12. GOV1008 - **Sydney Water - Section 73 Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Plumbing, Building and Developing section of Sydney Water's website to locate a Water Servicing Coordinator in your area. Visit: www.sydneywater.com.au

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

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

13. GOV1009 - **Sydney Water - Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act must be submitted to the Principal Certifying Authority prior to the issue of the Occupation/Subdivision or Strata Certificate.
14. GOV1010 - **Ausgrid - Substation or Kiosk** - Ausgrid shall be consulted to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area, having the required dimensions as agreed with Ausgrid, indicating the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the Building Code of Australia. The substation site to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. For details visit www.ausgrid.com.au or call 131365.

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

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

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

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

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

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

16. GOV1012 - **Ausgrid - Clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Ausgrid is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Ausgrid for any necessary modification to the electrical network in question. For details visit www.ausgrid.com.au or call 131365.
17. GOV1013 - **Ausgrid - Undergrounding electricity mains (Hurstville CBD area)** - Arrangements are to be made with Ausgrid to install underground all low voltage street mains in that section of the street/s adjacent to the development and to provide conduits for the future undergrounding of high voltage mains. This shall include any associated services and the installation of underground supplied street lighting columns where necessary. These works to be carried out at the expense of the beneficiary of the consent. For details visit www.ausgrid.com.au or call 131365.
 - (a) A copy of confirmation of Ausgrid's requirements is to be submitted to Council before issue of the Construction Certificate; and
 - (b) Ausgrid's requirements are to be met prior to the issue of an Occupation Certificate.

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

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

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

18. Prior to Council or an accredited certifier issuing a construction certificate, a detailed site investigation and remedial action plan (if required) shall be undertaken/completed by a suitably qualified person in accordance with the relevant guidelines approved by the Office of Environment and Heritage (OEH) and in accordance with the requirements of the *Contaminated Land Management Act 1997*. If remediation is required, as a consequence of that detailed site investigation, the required measures are to be implemented to the satisfaction of George River Council's Environmental Health Officer.
- 18(a) Prior to the issue of the Construction Certificate, the building design is to show adequate means of egress in accordance with Section D and adequate means of protection to openings under Section C of the Building Code of Australia.

(Condition 18(a) has been added to the consent as part of MOD2018/0038 (DA2016/0322))

19. End-of-trip facilities within the development are to be provided to support and encourage active transport to the subject development. The end-of-trip facilities are to be shown on the plans with the Construction Certificate.

20. The recommendations of the “Wind Environment Assessment” prepared by Windtech Consultants Pty Ltd (reference number WD822-01F02(REV1)-WS REPORT, dated 23 November 2016) are to be adopted in the development and maintained for the life of the development. Any modifications to the development required as a result of these recommendations are to be shown on the Construction Certificate plans.
21. Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distance requirements stipulated in the *Australian Standards AS2890.1*. If compliance with this requires a design change, it is to be shown on the plans for the Construction Certificate.
22. **CC3001 - Development Engineering - Stormwater System**

Reference No.	Date	Description	Revision	Prepared by
SY151-066-DA011	Jul 17	Drainage layout	C	Van der Meer Consulting
SY151-066-DA012	Jul 17	OSD tank details	B	Van der Meer Consulting

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 the upper level of Council's kerb inlet pit within Humphreys Lane in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2003 (as amended).
- (b) All stormwater drainage from the basement car parks shall be pumped out to the proposed 600 x 600mm junction pit (next to the pump room) by a suitably designed sump and pump system;

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 for approval **with the Construction Certificate application**.

23. **CC3002 - Development Engineering - Stormwater Systems with Basement -**
- (i) Stormwater drainage plans for each of the basement car parks shall be designed and submitted with the construction certificate.
- (ii) All stormwater drainage from the basement car parks shall be pumped out to the proposed 600 x 600mm junction pit (next to the pump room) by a suitably designed sump and pump system;

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the **Principal Certifying Authority prior to issue of the Construction Certificate**.

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

24. **CC3003 - Development Engineering - Stormwater - Protection of basement from inundation of stormwater waters** - The construction of the building shall be designed to comply with a hydraulic report prepared by a qualified hydraulic engineer in regards to the protection of the underground basement from any possible inundation of surface waters.

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

25. **CC3004 - Development Engineering - Stormwater Drainage Plans (By Engineer Referral Only)**

Reference No.	Date	Description	Revision	Prepared by
SY151-066-DA011	Jul 17	Drainage layout	C	Van der meer Consulting
SY151-066-DA012	Jul 17	OSD tank details	B	Van der meer Consulting

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

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

26. **CC3005 - Development Engineering - On Site Detention**

Reference No.	Date	Description	Revision	Prepared by
SY151-066-DA011	Jul 17	Drainage layout	C	Van der Meer Consulting
SY151-066-DA012	Jul 17	OSD tank details	B	Van der Meer Consulting

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

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

- (a) Peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden, at Annual Recurrence Intervals of 2 years and 100 years.

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

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

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

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

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

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

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

28. **CC3018 - 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.
29. **CC6006 - Engineering - Stormwater drainage infrastructure works** - Detailed design of the proposed stormwater drainage infrastructure works shall be submitted to the approval of the Council's infrastructure unit, prior to the issue of the Construction Certificate.
30. **CC7002 - Building - Fire Safety Measures prior to Construction Certificate** - Prior to the issue of a Construction Certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.
31. **CC7006 - Building - Vibration Damage** - To minimise vibration damage and

loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. **The report shall be submitted with the Construction Certificate application.**

32. CC7008 - **Building - Access for Persons with a Disability** - Access for persons with disabilities must be provided throughout the site, including to all common rooms, lobby/foyer areas, commercial premises and sanitary facilities in accordance with the requirements of the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application. In regards to the above, pedestrian access throughout basement levels shall be highlighted/line marked and sign posted to safeguard egress.
33. CC7018 - **Development Engineering - Structural adequacy of the buildings** - Buildings shall be designed and certified by a suitably qualified practicing engineer to ensure against failure due to flooding. In addition, a Flood Evacuation & Management Plan shall also be prepared by a suitably qualified professional. The design and certification of the building and the Flood Evacuation & Management Plan shall be submitted to the Principal Certifying Authority together with the application for the Construction Certificate.
34. CC7019 - **Building** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of booster pump and valve rooms and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator Panel.

35. CC2003 - **Development Assessment - Construction Site Management Plan - Major Development** - A Site Management Plan must be submitted with the application for the Construction Certificate, and must include the following measures:
 - location of protective site fencing;
 - location of site storage areas/sheds/equipment;
 - location of building materials for construction, e.g. stockpiles
 - provisions for public safety;
 - dust control measures;
 - method used to provide site access location and materials used;
 - details of methods of disposal of demolition materials;
 - method used to provide protective measures for tree preservation;
 - provisions for temporary sanitary facilities;
 - location and size of waste containers/skip bins;

- details of proposed sediment and erosion control measures;
- method used to provide construction noise and vibration management;
- construction traffic management details.

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

36. **CC6003 - Engineering - Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a qualified and practising structural engineer must detail how Council's property 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.

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

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

38. **CC7010 - Building - Geotechnical Reports** - The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on,

but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.

- (c) On-site guidance by a vibration specialist during the early part of excavation.
 - (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
 - (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
39. **CC7011 - Building - Slip Resistance - Commercial, Retail and Residential Developments** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.
40. **CC2001 - Development Assessment - Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- (a) Compliance with the approved Erosion and Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) all clean water run-off is diverted around cleared or exposed areas
 - (d) silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - (e) all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

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

41. **CC2008 - Development Assessment - Landscape Plan** - A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include planting to the Level 1 outdoor terrace area, Level 2 outdoor area, and Level 12 terrace area and the following details:

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

42. **CC2005 - Development Assessment - Building Height** - The height of the building must not exceed RL124.040. Details of compliance to be illustrated on the plans lodged with the Construction Certificate.

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

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

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

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

44. **C10000 - Land Information- Allocation of street addresses** - In order to comply with *AS/NZS 4819:2011 Rural and Urban Addressing*, the *NSW Addressing User Manual (AUM)* and Georges River Council's requirements, the street addresses for the subject development must be allocated as advised by Council.

Details indicating compliance with this condition must be shown on the plans lodged with the Construction Certificate.

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

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

- (i) The design architect, PTW 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 release of the Construction Certificate.

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

46. CC6004 - **Engineering - Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be **designed and** constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
47. CC6005 - **Engineering - Traffic Management - Construction Traffic Management Plan (Large Developments only)** - A Construction Traffic Management Plan detailing:
- (a) construction vehicle routes;
 - (b) anticipated number of trucks per day;
 - (c) hours of construction;
 - (d) access arrangements; and
 - (e) proposed traffic measures to minimise impacts of construction vehicles, and

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

48. CC8001 - **Waste - Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site, clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Principal Certifying Authority and copy provided to the Manager - Environmental Services, Georges River Council prior to the issue of any Construction Certificate.
49. CC8005 - **Waste - Waste Storage Containers** – For the retail/commercial portion of the building appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:-
- (a) Retail Trading - shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;
 - (b) Restaurants and Food Shops - 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals; and,
 - (c) Office - 0.01-0.03 cubic metres per 100 square metres of floor area per day.

The details and final design of the waste facilities are to be determined in consultation with the Manager - Environmental Services, Georges River Council prior to the issue of the Construction Certificate.

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

If the Waste Storage Area is located in a part of the building that cannot be easily accessed by service providers, it will be the responsibility of the Owners

Corporation/onsite manager to present the bins for collection to the kerb-side.

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

50. **CC3014 - Development Engineering - Allocation of car parking and storage areas** - A plan showing the allocation of car spaces to the retail and commercial components of the development in accordance with the conditions of the development consent shall be prepared. **This plan shall accompany the application for the Construction Certificate.**

51. **CC3020 - Development Engineering - Alignment Levels** - An Application under Section 138 of the Roads Act 1993 shall be submitted to Council's Engineer for the issue of footpath design and alignment levels for the full frontages of the site in Forest Road and Humphreys Lane. The alignment levels shall be issued **prior to the issue of the Construction Certificate.**

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

52. **CC4003 - Health - Regulated Systems - Details and Fit out** - Details of the regulated system must be submitted to the Principal Certifying Authority. Such details must demonstrate compliance with the following:
- *Public Health Act 2010 (as amended)*
 - *Public Health Regulation 2012 (as amended)*
 - *AS/NZS 3666.1:2002 Air-handling and water systems of buildings - Microbial control - Design, installation and commissioning (as amended)*
53. **CC4006 - Health - Acoustic Certification - Rooftop Mechanical Equipment (CBD only)** - The Construction Certificate plans must be accompanied by a certificate from a professional acoustic engineer certifying that noise from the operation of the roof top mechanical plant and equipment will not exceed the background noise level when measured at any boundary of the site. If sound attenuation is required, this must be detailed on the plans lodged with the Construction Certificate.

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.

54. **PREC2001 - Building regulation - Site sign - Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), the durable site sign issued by 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.
55. **PREC2002 - Development Assessment - Demolition and Asbestos** - The demolition work shall comply with the provisions of Australian Standard

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

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

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

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

56. **PREC2008 - Development Assessment - Demolition Notification Requirements** - The following notification requirements apply to this consent:
- a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
 - b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Hurstville City Council advising of the demolition date, details of the WorkCover licensed asbestos demolisher and the list of residents advised of the demolition.
 - c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
57. **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.
58. **PREC7001 - Building - Registered Surveyor's Report - During Development Work** - A report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:

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

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

- 59. **PREC7004 - Building - Structural Engineers Details - Supporting Council road/footway** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.
- 60. **PREC6001 - Engineering - Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.
- 61. **PREC6002 - Engineering - Dilapidation Report on Public Land - Major Development Only** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared on Council infrastructure adjoining the development site, including:

- (a) All public infrastructure adjoining the subject site

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

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting

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

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

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

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.

- 62. **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 drainage network/infra-structure.
- 63. **CON7001 - Building - Structural Engineer's Certification during construction** - The proposed structure/building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of construction or prior issue of the Occupation Certificate.
- 64. **CON6001 - Engineering - Cost of work to be borne by the applicant** - The applicant 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.
- 65. **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.

66. **CON2002 - Development Assessment - Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved separately by Council.
67. **CON6002 - Engineering - Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act and/or under Section 68 of the Local Government Act 1993. Penalty Infringement Notices may be issued for any offences and severe penalties apply.
68. **CON8001 - Waste - Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt whatsoever or in association with the work on site. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifying Authority and a copy provided to the Manager Environmental Services, Georges River Council.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

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

69. The person with the benefit of this consent must pay for the relocation of the pedestrian crossing located to the rear of the site on Humphreys Lane. The crossing is to be relocated to a suitable location as determined by the Georges River Council Traffic Advisory Committee. The relocation of the pedestrian crossing will be based on the new desired path of pedestrians taking into account the completed development. The relocation of the crossing is to be completed prior to the issue of the Occupation Certificate.
70. **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.

- (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 before the issue of any Occupation Certificate.

71. **OCC10001 - Land Information - Notice to Georges River Council - Allocation of street addresses** - Prior to the issue of any Occupation Certificate, 'As-built' drawings detailing the installed and allocated street/unit address and numbering must be submitted to the satisfaction of the Land Information Team at Georges River Council.
72. **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 is to be nominated as the Authority to release, vary or modify this Covenant.

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

73. **OCC3008 - Development Engineering - Consolidation of Site** - The site shall be consolidated into one allotment by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Department of Lands prior to the issue of any Occupation Certificate (Interim or Final Occupation Certificate).
74. **OCC4001 - Health - Noise Domestic Air conditioner and Heat pump water heaters (less than 450mm from boundary)** - Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the Principal Certifying Authority to certify that the design and construction of the air conditioner shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.
75. **OCC4004 - Health - Noise from mechanical plant and equipment - CBD Only** - Noise from the operation of mechanical equipment, ancillary fittings, machinery, mechanical ventilation system and / or refrigeration systems must not exceed background noise when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant & equipment must not exceed

background noise when measured at the nearest strata, stratum or community title boundary.

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

76. **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 *Australian Standards, AS1742, Manual of Uniform Traffic Control Devices* and *NSW Road Transport (Safety and Traffic Management) Regulations 1999*.
77. **OCC6006 - Engineering - Wheel Stops** - Wheel stops must be installed in accordance with Section 2.4.5.4 of the Australian Standards AS/NZS 2890.1 - Parking Facilities - Part 1 Off-Street Car Parking. Wheel stops shall be painted with reflective white paint to ensure night time visibility.
78. **OCC6007 - Engineering - Compliance with AS1742 Traffic Control Devices** - The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with Australian Standards, AS1742 - Manual of Uniform Traffic Control Devices and NSW Road Transport (Safety and Traffic Management) Regulations 1999.

If an exit from car park utilises a pedestrian footpath, then a warning system, such as flashing light and/or "alarm sound" must be installed on the subject property to alert pedestrians of vehicles exiting the car park. The Alarm System must be designed and installed in accordance with AS2890.1 - 2004.

79. **OCC7001 - Building - Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the Regulation. The Fire Safety Certificate must be in the form required by Clause 174 of the Regulation. In addition, each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate must state:
- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
 - (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

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

80. **OCC7002 - Building - Slip Resistance** - Floor surfaces used in the foyers,

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

81. OCC7005 - **Building** - The proposed structure(s) must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate.
82. OCC6005 - **Engineering - Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:
 - (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;
 - (b) Driveways and vehicular crossings within the road related area;
 - (c) Removal of redundant driveways and vehicular crossings;
 - (d) New footpaths within the road related area;
 - (e) Relocation of existing power/light pole
 - (f) Relocation/provision of street signs
 - (g) New or replacement street trees;
 - (h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
 - (i) New or reinstated kerb and guttering within the road related area; and
 - (j) New or reinstated road surface pavement within the road.

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

83. OCC6009 - **Engineering - Stormwater drainage works - Works As Executed** - Prior to the issue of the Occupation Certificate, 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.
 - (f) Evidence that a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 has been created on the title of the subject

property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site-detention system and/ (including any pumps and sumps incorporated in the development).

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

84. **OCC3011 - Development Engineering - Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

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

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

(d) A hump shall be introduced at the entrance to the basement carpark to prevent any overland flow entering into the basement car parks. Details are to be submitted with the construction certificate for the approval of the Principal Certifying Authority.

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

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

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

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

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

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

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

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

(a) Accessible car spaces: To be provided in accordance with the relevant Australian Standard (AS 1428 as amended) and the Disability Discrimination Act 1992 (as amended).

(b) Retail: 36 car spaces

(c) Commercial/office: 48 car spaces

(d) Loading/Services: as shown on the approved plan

(e) Bicycle spaces: 54 spaces (6 for the retail component and 48 for the commercial component)

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

(a) All public infrastructure adjoining the development site.

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

The report must include the following:

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

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

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

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.

- 90. **ONG2009 - Development Assessment** - Development consent is to be obtained for the first use of each retail/commercial unit within the development unless such use is authorised by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 91. The maximum size of truck/service vehicle using the development shall be restricted to an SRV with a maximum length of 6.4 metres.
- 92. All vehicles shall enter and exit the premises in a forward direction.
- 93. No deliveries to the premises shall be made direct from a public place or street inclusive of footpaths, nature strip, roadway and car parks except from identified "loading zones".
- 94. All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within the dedicated loading/unloading areas, which is wholly within the site.
- 95. **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.

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

- (a) Permit stormwater to be temporarily detained by the system;
- (b) Keep the system clean and free of silt rubbish and debris;
- (c) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by the Council;
- (d) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense;
- (e) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- (f) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- (g) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;
- (h) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations;
- (i) Indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the Owners in respect of the Owner's obligations under this condition.

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

required to maintain healthy trees, plants and turfed areas.

98. 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.

99. ONG4011 - **Health - Noise Control** - The use of the premises must not give rise to the transmission of 'offensive noise' to any place of different occupancy. 'Offensive noise' is defined in the Protection of the Environment Operations Act 1997 (as amended).
100. ONG4004 - **Health - Operation of Regulated Systems** - The occupier must operate regulated systems in compliance with Clause 9 of the Public Health (Microbial Control) Regulation, 2000 (as amended).

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

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

101. 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.
102. ONG7004 - **Building** - Noise levels emitted from the mechanical exhaust system or any commercial air conditioning unit must not exceed the background noise level when measured at any point on the boundary of the site.

ADVICE

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

103. ADV7001 - **Building - Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement.

Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

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

- Mechanical ventilation, provided to sanitary facilities and basement areas/rooms not afforded natural ventilation.
- Fire-fighting services and equipment including control centre facility, hydrant systems, sprinkler systems, hose reels, mechanical air handling and stair pressurization systems, portable fire extinguishers, smoke hazard management systems and sound & warning systems.
- Emergency lighting and exit signs throughout all premises including terrace, common room/areas, lobby and basement areas.
- Fire resistance levels of building elements including walls, floors, roof tops, columns, and separation of electrical supply systems etc.
- Construction of all fire doors including the installation of operational and warning signage.
- Fire compartmentation and fire wall separation details including all stairway, lift and service/exhaust shafts.
- Exit travel distances including the number of required exits must comply with Part D.
- The installation of internal wall wetting sprinklers for the protection of paths of travel.
- Smoke separation and smoke control zones, must demonstrate compliance with the BCA. Air handling systems should form part of the buildings smoke hazard management system.
- Re-entry facilities from fire isolated exit stairways.
- Stretcher facility and emergency lift installation.
- Aggregate exit widths must provide a sufficient egress for the intended number of occupants.
- The total number of male and female (including for the disabled) sanitary facilities must accommodate the intended number of occupants.

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

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

105. **ADV7005 - Building - Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the

building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.

106. **ADV7006 - Building - Compliance with Access, Mobility and AS4299 - Adaptable Housing** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Development Control Plan No 1 - LGA Wide - Section 3.3 Access and Mobility and AS 4299 Adaptable Housing.
107. **ADV2002 - Development Assessment - Site Safety Fencing** - Site fencing must be erected in accordance with WorkCover Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

For more information visit www.workcover.nsw.gov.au

108. **ADV2009 - Development Assessment - Security deposit administration & compliance fee** - Under Section 97(5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

Interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

Schedule B – Prescribed Conditions

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

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

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

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

Schedule C – Operational & Statutory Conditions

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

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

116. OPER1001 - **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued

by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

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

117. **OPER1002 - Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:

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

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

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

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

118. **OPER1003 - Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the PCA must notify:

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

119. **OPER1004 - Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

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

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

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

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

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

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

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

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

122. OPER1007 - **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifying Authority. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

123. OPER1008 - **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

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

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

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

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

If you need more information, please contact me on 9330-6400 during normal office hours.