

Annexure A
CA Camperdown Pty Limited v Georges River Council
 Conditions of Consent

DA2017/0421

2-6 Allen and 42-46 Connells Pt Rd South Hurstville

Demolition of all structures onsite and construction of an eight (8) storey mixed use building containing fifty-two (52) residential apartments, three (3) retail/commercial tenancies and three(3) levels of basement car parking at 42-46 Connells Point Road (Lot 56, DP 1999 and Lot B, DP 409605) and 2-6 Allen Street (Lot C, DP 409605, Lot B, DP 17767 and Lot C, DP 17767), South Hurstville

SPECIFIC DEVELOPMENT CONDITIONS

Section A Development Details

1. DEV6.1 - 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:

Description	Reference No.	Date	Revision	Prepared by
A1200 Basement 03 Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1201 Basement 02 Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1202 Basement 01 Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1203 Ground Floor Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1204 Level 01 Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1205 Level 02 Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1206 Level 03 Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1207 Level 04 Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1208 Level 05 Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1209 Level 06 Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects

A1210 Level 07 Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1211 Roof Terrace Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1212 Roof Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1301 North Elevation Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1302 South Elevation Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1303 East Elevation Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1304 West Elevation Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1305 Internal South Elevation Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1306 Internal North Elevation Plan	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1401 Section A	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1402 Section B & C	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1404 Section E & Roof Plan + NGL	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A1405 Section F – Typical Ceiling Height Diagram	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A 2001 GFA Calculations	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A2012 Solar Access Diagram 3D	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A2201 Material Schedule	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A2202 Material Schedule	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
A2203 Material Schedule	Project No. 31.17	15/02/2019	G	Ghazi Al Ali Architects
Landscape Plans Page 1 to Page 4	LPDA 18-46	15/02/2019	-	Conzept Landscape Architects
Waste Management Plan	-	13/02/2019	Rev F	ElephantsFoot recycling Solutions
BASIX Certificate	851988M_07	11/03/2019	-	Eco Certificates Pty Ltd

Section B Separate Approvals Required Under Other Legislation

2. APR7.2 - Section 138 Roads Act 1993 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.

Separate approval is required 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) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (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 & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

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

The relevant Application Forms for these activities can be downloaded from Council’s website www.georgesriver.nsw.gov.au. For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

3. Stormwater Drainage Application

- a) This Development Consent does not give approval to undertake works on Council stormwater drainage. A separate approval of a Stormwater Drainage Application is required under Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act 1993* to undertake:
 - i. Stormwater & ancillary works in the road reserve. This includes connections to Council stormwater pits and or pipes. Excludes connection of stormwater to the kerb.
 - ii. Stormwater & ancillary to public infrastructure on private land

- b) The Stormwater Drainage Application approval must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate
- c) Any stormwater connections to the kerb and gutter are to be in accordance with Council's 'Specification for Construction by Private Contractors'.

The Application Form for this activity can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6400

4. APR7.4 - 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 metre wide footpath for the full length of the frontage of the site in accordance with Council's Specifications applying at the time construction approval is sought.
- (b) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering, applying at the time construction approval is sought.
- (d) 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 applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.

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

5. APR7.5 - Road Opening Permit

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, 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.

6. APR7.7 - Building - Hoarding Application

- a. 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/road reserve, where the building is within 3.0 metres of the street boundary.

- b. 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.

7. 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 endorsed 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. APR7.8 - Below ground anchors - Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993

- a) In the event that the excavation associated with the basement carpark 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.
- b) The following details must be submitted.
 - (i) Cable anchors to be stressed released when the building extends above ground level to the satisfaction of Council;
 - (ii) The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council;
 - (iii) Documentary evidence of such insurance cover to the value of \$20 million;

- (iv) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$93,120.00 (based on the Allen Road, adjoining laneway and Connells Point Road frontages);
- (v) 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.
- (vi) 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 will be borne by the applicant.

Section C Requirements of Concurrence, Integrated & Other Government Authorities

9. GOV8.13 - Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing 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 Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, 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 Co-ordinator, 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. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

10. GOV8.14 - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to the issue of the Occupation Certificate.

11. GOV8.11 - 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. AUSGRID

a) Ausgrid substation

The applicant is to confer with Ausgrid to determine if an electricity distribution substation is required. If so, shall be incorporated within the Construction Certificate and it will be necessary for the final film survey plan to be endorsed with an area having dimensions 5m x 4m over the location of the proposed electricity distribution substation to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements are to be met prior to release of the occupation certificate.

b) Clearances to Overhead Mains

If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, the applicant is to confer with Ausgrid to determine if satisfactory clearances to any existing overhead mains will be affected. If so, the applicant is to make arrangements with Ausgrid for any necessary modification to the electrical network in question. These works to be at the applicant's expense and Ausgrid's requirements are to be met prior to actual construction commencing on site or as agreed with Ausgrid.

13. TRANSPORT ROADS & MARITIME SERVICES

- a) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004.
- b) The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.
- c) It is noted on-street parking is available along both sides of Allen Street. All vehicles are to enter/exit the site without conflict with the kerbside parking.
- d) All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.
- e) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of a construction certificate.
- f) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on King Georges Road during construction activities.
- g) All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime

Section D Prior to the Issue of a Construction Certificate

FEES AND CONTRIBUTIONS

14. CC9.1 - Fees Payment

- a) Any fees are to be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).
- b) 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).
- c) 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).

15. General Fees

The 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.

16. Development Contributions

The Section 7.11 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.

A Section 7.11 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan as follows.

DEVELOPMENT CONTRIBUTIONS	Contribution assessed	Credit 1B Shop top Housing	Contribution Payable
No.1 – Roads and Traffic Management – Residential	\$8,601.68	\$425.36	\$8,176.33
No.1 – Roads and Traffic Management – Commercial	\$73.08	\$775.32	-
No.5 – Open Space 2006	\$607,868.96	\$29,675.46	\$578,193.50
No.9 – Kogarah Libraries – Buildings	\$13,562.40	\$614.20	\$12,948.20
No.9 – Kogarah Libraries – Books	\$9,669.88	\$437.92	\$9,231.96
TOTAL Contribution currently payable			\$608,549.99

a) Indexation

- a. The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

b) Timing of Payment

- a. The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

c) Further Information

- a. A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

17. CC9.47 - Fire Safety Measures

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 PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

18. CC9.48 - Structural details

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the PCA.

19. CC9.52 - Access for Persons with a Disability and Adaptable Housing

Access for persons with disabilities must be provided throughout the site, including to all common rooms, lobby areas, commercial premises and sanitary facilities in accordance with the requirements of the Premises Standards, the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application.

In regards to the above, pedestrian access throughout basement levels shall be highlighted/line marked and sign posted to safeguard egress.

20. CC9.54 - Geotechnical report

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.

21. CC9.54.1 - 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.**

22. CC9.54.2 - Slip Resistance

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.

23. CC9.60 - 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 hydrant/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 / mimic Panels.

24. CC9.61 - 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).

25. CC9.32 - Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & 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 runoff 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 prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

26. Detailed Stormwater Plan

A Detailed Stormwater Plan and supporting information of the proposed on-site stormwater management system is to be submitted. The required details in this Plan and the relevant checklist are presented in the document 'Water Management Policy. Kogarah Council. August 2006'

The Detailed Stormwater Plan is to address the following issue(s):

- a) The Stormwater Concept Plan does not include the rainwater tank storages and reuse requirements as required in accordance with the lodged BASIX certificate. The Detailed Stormwater Plan is to clearly show the required Rainwater tank storages and connections for reuse in accordance with Basix.
- b) The orifice diameter size has not been specified. This is to be shown clearly on the Detailed Stormwater Plan. The orifice size is to be calculated in accordance with Section 4.4.5 of Council's Water Management Policy Site Drainage and Flood Management Practice Note #1 to allow for a maximum discharge of 35.5 litres per second.
- c) The Detailed Stormwater Plan is to be certified by a professional engineer specialising in hydraulic engineering. A Statement that the stormwater system has been designed in accordance with the document 'Water Management Policy. Kogarah Council. August 2006' and satisfies the provisions and objectives of that policy along with the requirements stated above must be included with the Detailed Stormwater Plan.

27. On-Site Detention system

A 63.9m³ with a Maximum Site Discharge of 35.5 Litres per Second is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.

28. Stormwater Detailed Plan and Long Section

A Detailed Plan and Long Section of any proposed extension to Council's stormwater drainage will be required to be provided. The plan and long section of any proposed pipeline to be constructed is to include existing levels, design levels of the pipes, proposed pit locations and the location and level of all service lines that are in the vicinity of the works. Detailed survey will need to be undertaken along the full extent of any proposed extension pipeline with all main features including but not limited to kerb and gutter, road pavement, footpaths, driveways, service pits, trees and details of the downstream street drainage system. It will need to be shown that any pipe to be installed can be installed with adequate clearances from all existing underground service lines and with adequate cover. A Dial Before you Dig request must be performed. It will also be required that for any proposed extension pipeline:

- a) Accurate locations and levels as determined by physically surveying by either excavation or a specialised service locator of all underground

services in the vicinity of the proposed stormwater pipe will need to be included on the design. It will not be sufficient to assume depths of the services.

- b) The proposed pipeline is required to be a minimum 375mm diameter Class 4 Reinforced Concrete pipe unless otherwise agreed by Council.
- c) Detail is to be shown that the new section of Council stormwater pipe is to be concrete encased for its full extent where the depth of cover to the top of the pipe is less than 500mm. Design detail of the concrete encasement is to be provided.
- d) Accessible junction pits to Council's requirements will be needed at all changes of direction and at other locations as determined by Council. All kerb inlet pits are to have minimum 1.8 metre lintel openings.

It is recommended that the applicant's consulting engineer contacts Council's Drainage section to discuss the requirements in the preliminary stages of design.

29. Written Approval Under Section 138 of the Roads Act

Prior to the issue of a Construction Certificate the design will need to receive written approval under Section 138 of the Roads Act and Section 68 of the Local Government Act 1993.

30. Roof Water and Surface Water Disposal

All roof water and surface water from paved or concreted areas are to be disposed of in accordance with the Stormwater Plan by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3:2015.

31. CC9.35 - On Site Detention

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and 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) Unit 1 of the onsite detention system is to have 34.5 m³ Maximum Site Discharge of 32 Litres per Second. Unit 2 of the onsite detention system is to have 6.6 m³ Maximum Site Discharge of 5.7 Litres per Second. This is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.
- (b) 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,

(c) At Annual Recurrence Intervals of 2 years and 100 years.
Refer to Flow Controls in Council's Draft/Adopted Stormwater Drainage Policy.

(d) 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:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

(e) Full details shall accompany the application for the Construction Certificate.

32. CC9.5 - Damage Deposit - Major Works

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development **\$115,096.32**
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required. **\$371.00**
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and 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.

33. CC9.48 - Structural details

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the PCA.

34. CC9.6 - Site Management Plan

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition 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 kept on site and is to be made available upon request.

35. CC9.61 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).

36. CC9.68 - Acoustic Requirements - Compliance with submitted Acoustic Report

The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled "*Acoustic Report – Proposed Mixed Use Development – 2-6 Allen Street & 44-46 Connells Point Road, South Hurstville NSW*" prepared by Koikas Acoustics Pty Ltd and dated 16 August 2017. Verification by a suitably qualified acoustic consultant of this demonstration of compliance must accompany the Construction Certificate Plans.

37. Site Investigation Requirements - Detailed Site Investigation

A detailed site contamination investigation of the deep soil zone only, proposed for onsite retention in the northern section of the development site, must be carried out by an appropriately qualified contamination consultant in accordance with the requirements of the relevant NSW EPA Guidelines approved under the Contaminated Land Management Act 1997 including the EPA Guidelines for Consultants Reporting on contaminated sites and shall certify the suitability of the site for the proposed development. If investigation finds that contamination makes

the land unsuitable for the proposed development and remediation is required, a Remedial Action Plan (RAP) must be submitted to Council prior to Council making a determination. Council reserves the right to require a site audit of the RAP.

38. Site contamination – Additional information

Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.

39. Remedial Action Plan (RAP)

A Phase 2 remediation Action Plan (RAP) must be prepared by an suitably qualified consultant in accordance with NSW Department of Environment and Conservation (DEC) and NSW Environmental Protection Authority (EPA) Guidelines and shall document all the remedial works to be undertaken at the site and also contain an environmental management plan and occupational health and safety plan for the remedial works.

40. Remediation Works

All remediation work must be carried out in accordance with: -

- a) The Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land; and
- b) The EPA Guidelines made under the Contaminated Land Management Act 1997.
- c) And in accordance with the proposed Remedial Action Plan.

41. Validation Report

After completion of all Remediation works, a copy of the Validation and Monitoring Report prepared by suitably qualified contaminated land consultant shall be submitted to Council. The Construction Certificate shall not be issued until Council approves this Report. The validation report shall be prepared in accordance with the Office Environment and Heritage Guidelines, *Consultants Reporting on Contaminated Sites*, and shall certify the suitability of the site for the proposed development.

- a. describe and document all works performed;
- b. include results of validation testing and monitoring;
- c. include validation results of any fill imported on to the site;
- d. show how the objectives of the Remedial Action Plan have been met;
- e. show how all agreed clean-up criteria and relevant regulations have been complied with; and
- f. include clear justification as to the suitability of the site for the proposed development and the potential for off-site migration of any residual contaminants.

42. CC9.78 - 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 Certifying Authority prior to the issue of any Construction Certificate.

43. CC9.79 - Waste Storage - Residential and Mixed Use Developments

The plans shall include details of the waste storage area. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day.

The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.

44. Residential Waste

The number of bins required for this property is 9 X1100L garbage bins and 27 X 240L recycling bins. As per the plans the bins need to be distributed internally. Bins will be collected from the bin room located in Allen St.

The waste room will contain the following to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:

- a) waste room floor to be sealed;
- b) waste room walls and floor surface is flat and even;
- c) all walls painted with light colour and washable paint;
- d) equipment electric outlets to be installed 1700mm above floor levels;
- e) The bin storage rooms will be mechanically exhausted as required by AS 1668.2;
- f) light switch installed at height of 1.6m;
- g) waste rooms must be well lit (sensor lighting recommended);
- h) optional automatic odour and pest control system installed to eliminate all pest
- i) types and assist with odour reduction - this process generally takes place at
- j) building handover - building management make the decision to install;
- k) all personnel doors are hinged and self-closing;
- l) waste collection area must hold all bins - bin movements should be with ease of access;
- m) conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensured.

- n) Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
- o) Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.

45. Trade Waste Agreement

The applicant shall obtain a Trade Waste Agreement (if required) with Sydney Water before the Construction Certificate is approved.

46. CC9.84 - Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans Dwg No – LPDA18 – 46, by Conzept Landscape Architects. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

47. General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 - 2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

48. Excavation works near tree to be retained

- (a) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (b) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures

to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

- (c) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

49. CC9.89 - Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree species	Number of trees	Location
Alnus Spp	1	Within courtyard of No 4, Allen Street Connells Pt, "Camelot Kindergarten"

50. General Tree Removal Requirements

- (a) All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).
- (b) No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.
- (c) Council shall be appointed to remove all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.

Fee Type – Tree removal on public land	Amount
Administration Fee for Tree Removal	\$159.50
Replacement Tree Fee (per Tree)	\$190.50
Cost of tree removal	TBA
Cost of Stump Grinding	TBA

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy and Masterplan, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

51. CC9.9 - BASIX Commitments

All energy efficiency measures as detailed in the BASIX Certificate No. 851988M_07, dated 11 March 2019 must be implemented on the plans lodged with the application for the Construction Certificate.

52. CC12.24 - Consolidation of Site

The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land and Property Information prior to the issue of any occupation certificate.

53. CC9.69 - Car Wash Bays

Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

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

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

54. CC9.7 - SEPP 65 Design Verification Statement

A design verification statement, prepared by a qualified designer, shall be submitted to the Certifying Authority verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of State Environmental Planning Policy No 65 -Design Quality of Residential Flat Development.

55. CC9.8 - Design Quality Excellence (Major Development)

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

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

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

56. CC9.90 - Allocation of street addresses

In order to comply with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW

Addressing User Manual (Geographical Names Board of NSW) and Georges River Council's requirements, the street addresses for the subject development must be allocated as advised by Georges River Council.

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

57. CC9.33 - Pre-Construction Dilapidation Report - Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- b) The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.
- c) A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 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 PCA.
- d) Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

Section E Prior to the Commencement of Work (Including Demolition & Excavation)

58. PREC10.1 - Demolition & Asbestos

- a) The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & 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 PCA prior to the commencement of works.
- b) 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 & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

- c) All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015)

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

59. PREC10.10 - 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.

60. PREC10.14 - Registered Surveyors Report - During Development Work

A report must be submitted to the PCA at each of the following applicable stages of construction:

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

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

61. PREC10.15 - Utility Arrangements

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the

applicant's expense.

62. Demolition Conditions-Asbestos

- a) Demolition of buildings where asbestos is determined to be present should only occur 7am – 5pm Monday to Saturdays, and must not occur on Sundays or Public Holidays, to ensure that the persons carrying out the work have access to WorkCover professionals if required.
- b) All asbestos removal shall be undertaken in accordance with the requirements of WorkCover's 'How to Safely Remove Asbestos' Code of Practice and Council's Asbestos Policy.
- c) Written notice must be provided to Georges River Council five (5) working days (excluding public holidays) prior to commencement of any works. Written notice is to include the following details:
 - (i) Date the demolition will commence
 - (ii) Name, address, contact details (including after hours) and licence number of the demolisher and asbestos removalist (if different)
 - (iii) Work must not commence prior to the nominated demolition date
 - (iv) Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.
- d) The owner is to notify all owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification is to be clearly written on A4 size paper stating the date the demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date and time stated in the notification.

63. Removal of asbestos

- a) A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).
- b) Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.
- c) Demolition sites that involve the removal of asbestos must display 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 on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.
- d) All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All

receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

- e) A Clearance Certificate or Statement, prepared by a suitably qualified occupational hygienist must be provided to Council upon completion of demolition and asbestos related works, which confirms that the relevant legislative requirements in relation to safe removal and disposal have been satisfied.

64. Work Cover Licensed Demolisher

A Work Cover Licensed Demolisher is to be engaged to carry out any demolition works using mechanical equipment where the structure is over 4 metres in height or to carry out any manual demolition works on a structure over 10 metres in height.

65. Compliance with Australian Standard AS 2601-1991: "The Demolition of Structures"

Compliance is to be met with the provisions of Australian Standard AS 2601-1991: "The Demolition of Structures", which requires notification of demolition to be submitted at least seven (7) days prior to demolition to the NSW Workcover Authority.

66. PREC10.17 - 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.

67. PREC10.11 - Dilapidation Report on Public Land - Major Development Only

Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including:

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.

(g) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

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

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

Section F During Construction

68. CON11.1 - Site sign - Soil & Erosion Control Measures

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by 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.

69. CON11.12 - 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.

70. CON11.13 - 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 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

71. CON11.2 - Hours of construction for demolition and building 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 is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

72. CON 11.20 - Hazardous or Intractable Waste – Removal and Disposal

Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements of **SafeWork NSW and the NSW Environment Protection Authority and with the** provision of:

- a) Work Health and Safety Act 2011 (NSW) (as amended);
- b) Work Health and Safety Regulation 2011 (as amended);
- c) Protection Of the Environment Operations Act 1997 (NSW) (as amended); and
- d) Protection of the Environment Operations (Waste) Regulation 2014 (as amended)

73. CON11.21 - 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.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

74. CON11.24 - Excavation works near tree to be retained

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

75. CON11.3 - 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 by Council.

76. CON11.18 - Building - Structural Certificate During Construction

The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.

77. CON11.11 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 in.

Section G Prior to the issue of the Occupation Certificate

78. 12.17 Restriction to User and Positive Covenant for On-Site Detention Facility (OCC12.17)

A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows;

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system."

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council."

Positive Covenants

1. The registered proprietor of the lot(s) hereby burdened will in respect of the system:

- a) keep the system clean and free from silt, rubbish and debris*
- b) maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*

c) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant

d) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.

2. Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:

a) in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above

b) the Council may recover from the registered proprietor in a Court of competent jurisdiction:

i. any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.

ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.

79. OCC12.18 - Maintenance Schedule - On-site Stormwater Management

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

80. OCC12.19 - Works as Executed and Certification of Stormwater works

Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

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

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

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

81. OCC12.28 - 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 section:

- (a) Construct a footpath for the full length of the frontage of the site in Allen Street and Connells Point Rad as required by Council in accordance with Council's Specifications for footpaths.
- (b) Construct the vehicular crossing in accordance with Council's Specifications for vehicular crossings.
- (c) A section 138 Driveway and associated works application is to be lodged with Council for any vehicle crossing over Council's road related area.
- (d) The design is to be prepared by a Qualified Engineer demonstrating vehicle clearance by the B99 percentile building in accordance with AS2890-2004 and for the largest Council contractor's 10.5 m long garbage truck.
- (e) The applicant will be required to pay for all costs associated and not limited to the relocation of service utilities affected by the works.
- (f) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering.
- (g) 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 applicant and in accordance with Council's

Specification for Vehicular Crossings and Associated Works.

- (h) All vehicles must enter and leave the site in a forward direction.
- (i) A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.
- (j) The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

82. OCC12.32 - Stormwater drainage works - Works As Executed

Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

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

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

83. OCC12.31 - Dilapidation Report on Public Land for Major Development

- a) Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site. The dilapidation report must be prepared by a professional engineer specialising in structural engineering, provide clear details of all defects following the completion of works.
- b) The reports must include:
 - i) photographs showing the condition of the road pavement, kerb and gutter including drainage lintels, footway including footpath pavement and the condition of retaining walls;
 - ii) Closed circuit television/video (CCTV) inspection, in digital format, of public stormwater drainage systems fronting, adjoining, or within the site, and is to include the inspection and notation of all visible defects and joints along the pipe. The post dilapidation report is to be carried out upon completion of all

construction works. (A specialised plumber/contractor who has a CCTV tractor that can access the pipe and provide suitable quality footage will need to be engaged);

- iii) The post dilapidation report summary is to include all recommended actions to rectify or remediate the defects that have arisen following the initial pre-dilapidation report;
- iv) The reports are to be supplied in digital format in Word or PDF. Photographs are to be included in the report and presented in colour and date stamped.
- c) Any works required on Council's road related area require a separate application under Sec 138 Roads Act. The dilapidation reports will be taken into consideration when Council undertakes a final inspection of works on road related areas as part of the section 138 applications.
- d) Council may use both reports to determine whether or not to; accept the works, issue further instructions and/or refund the damage deposit. Any omission in the pre-dilapidation report will be assessed as damage to be rectified.
- e) The report must be provided to the PCA and a copy provided to the Council

84. OCC12.7 - 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) 34-38 Connells Point Rd
- b) 48-50 Connells Point Rd

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged 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 any Occupation Certificate.

85. OCC12.60 - Allocation of street addresses

Prior to issue of an Occupation Certificate, All house numbering are to be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council's requirements. Council must be contacted in relation to all specific requirements for street numbering.

86. OCC12.34 - Fire Safety Certificate before Occupation or Use

In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000, 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 aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to 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 applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

87. OCC12.38 - Building - (Structural Certificates)

The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate.

88. OCC12.35 - Slip Resistance

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

89. OCC12.4 - BASIX Certificate

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

90. OCC12.5 - BASIX Compliance Certificate

A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate

before any Occupation Certificate is issued.

91. Acoustic Report

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled *Acoustic Report – Proposed mixed-use Development – 2-6 Allen Street & 44-46 Connells Point Road, South Hurstville NSW* prepared by *Koikas Acoustics Pty Ltd* and dated 16 August 2017.

92. Acoustic Compliance - General Operation of Premises (OCC12.41)

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority's "NSW Noise Policy for Industry"](#).

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

93. OCC12.59 - Electricity Supply

Evidence shall be provided demonstrating that the development has been connected to the Ausgrid, if required.

94. OCC12.6 - Completion of Landscape Works

All landscape works must be completed, in accordance with – Landscape Plan and specifications, Dwg No – LPDA 18 – 46, by Conzept Landscape Architects, before the issue of the Final Occupation Certificate.

95. OCC12.8 - Allocation of car parking spaces

Car parking associated with the development is to be allocated as follows and shall be reflected on the strata plan:

- (a) A maximum of 93 car parking spaces (comprising maximums of 73 resident, 16 resident visitor (including a car wash bay) and 4 commercial spaces), fully compliant with the access and dimensional requirements of AS2890.1-2004, except for the disabled parking supply
- (b) A maximum of 11 car parking spaces for disabled users, fully compliant with the access and dimensional requirements of AS2890.6-2009.

- (c) A minimum of 49 bicycle parking spaces (comprising 1 commercial space and 48 resident/visitor spaces), fully compliant with the access and dimensional requirements of AS2890.3-2015.
- (d) The three bedroom residential units are to be allocated two parking spaces in the first instance.
- (e) A directional sign shall be provided at the front of the site indicating the availability of visitor and/or customer parking on site. Those visitor and/or customer spaces shall be marked or signposted.
- (f) The four spaces for the ground floor tenancies are based on the tenancies being for commercial use that is not retail or food related. The allocation of the non-residential car spaces shall be on the basis of the GFA of the unit.

96. CC12.10 - Major Development

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

97. OCC12.11 - SEPP 65 Design Verification Statement

The PCA must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless the PCA has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 Design Quality of Residential Flat Development.

Section H Operational Conditions (Ongoing)

98. ONG14.28 - Activities and storage of goods outside buildings

There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building.

99. Noise Control (ONG14.12)

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. Outdoor Lighting

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.

101. Entering & Exiting of vehicles

All vehicles shall enter and exit the premises in a forward direction.

102. Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with the Acoustic Report submitted by *Acoustic Report Proposed mixed-use Development – 2-6 Allen Street & 44-46 Connells Point Road, South Hurstville NSW* prepared by *Koikas Acoustics Pty Ltd* and dated 16 August 2017.

103. Waste facilities

Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored. Cleaners must monitor the bin storage area and all spills need to be attended to immediately by cleaners.

104. Letter Boxes

Suitable letter box facilities (including Owner's Corporation in the case of strata units) shall be provided in accordance with Australia Post specifications.

105. Air Conditioning / Offensive Noise

Air conditioning plant and equipment shall be installed and operated so as to not create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

106. Responsibility of Owners Corporation

The Owners Corporation shall be responsible for presenting all approved recycling receptacles for collection on the driveway of the site, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

107. Acoustic Report - General Operation of Premises

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

An Acoustic Report shall be prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's [NSW Noise Policy for Industry](#).

108. ONG14.27 - 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.

109. ONG14.5 - Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

110. ONG14.67 - Annual Fire Safety Statement

The owner of the building premises must ensure the Council is 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 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 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 & Rescue NSW, and a further copy is to be prominently displayed in the building.

Section I Operational Requirements Under the Environmental Planning & Assessment Act 1979

111. OPER1001 - Requirement for a Construction Certificate

The erection of a building must not commence until a Construction Certificate has been issued

112. OPER1002 - Appointment of a Principal Certifying Authority

- a) The erection of a building must not commence until the beneficiary of the development consent has:
 - I. appointed a Principal Certifying Authority (PCA) for the building work; and
 - II. if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.
- b) If the work is not going to be undertaken by an Owner-Builder, then the beneficiary of the consent must:
 - I. 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
 - II. notify the PCA of the details of any such appointment; and
 - III. 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.

113. 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.

114. 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.

115. 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.

116. 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.

117. 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.

Section J Prescribed Conditions

118. 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.

119. 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.

120. 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.

121. 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.

122. PRES1007 - Clause 98E – Protection & support of adjoining premises

- a. 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.
- b. Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.
- c. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- d. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- e. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

END CONDITIONS

NOTES/ADVICES

123. Review of Determination

Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

124. Appeal Rights

Division 8 (Appeals and Related matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court

of New South Wales.

125. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.

126. ADV17.10 - Council as PCA - Compliance with the 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.

127. ADV17.11 - 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.

128. ADV17.12 - Compliance with Access, Mobility and AS4299

Adaptable Housing - Certification shall be provided by a person suitably accredited by the Association of Consultants in Access Australia, verifying that the development has been constructed in accordance with the requirements of AS4299 - *Adaptable Housing* and AS1428 - *Design for Access and Mobility* and in accordance with the report and checklist submitted with the Construction Certificate.

129. ADV17.9 - Council as PCA - Total Conformity with 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:

- a) Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.

- b) Provision of natural light to all habitable areas.
- c) Fire-fighting services and equipment including hydrant and booster assembly systems, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems and sound & warning systems.
- d) Emergency lighting and exit signs throughout, including terrace areas, lobby and basement areas.
- e) Construction of all fire (smoke) doors including warning and operational signage to required exit and exit door areas.
- f) Egress, travel distance and the discharge from an exit including the swing of exit doors.
- g) The protection of openings including spandrel separation.
- h) Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- i) Protection of openings including paths of travel from fire isolated exists
- j) Re-entry facilities from fire isolated exit stairways.
- k) Sound transmission and insulation details.
- l) Window schedule is to include the protection of openable windows.
- m) The location of sanitary facilities for employees in accordance with Table F2.1

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.

130. ADV17.9.1 - Building – Referral to FR NSW

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 construction of hydrant/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 / mimic Panels.

131. ADV17.13 - Site Safety Fencing

Site fencing must be erected in accordance with SafeWork 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.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

132. ADV17.19 - Noise related conditions

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

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

133. ADV17.20 - Acoustic Engineer Contacts & Reference Material

Further information including lists of Acoustic Engineers can be obtained from:

- a) Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au)
- b) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au)
- c) NSW Industrial Noise Policy – Office of Environment & Heritage (www.environment.nsw.gov.au)

134. ADV17.2 - Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

135. ADV17.28 - Sydney Water Section 73 Certificates

The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

136. ADV17.29 - Electricity Supply

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

137. ADV17.30 - Development Engineering

Conditions relating to future Strata Subdivision of Buildings

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

138. Prior to the issue of any Strata Certificate

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

(a) Unit Numbering

Apartment type numbers shall be installed adjacent or to the front door of each unit.

The unit number shall coincide with the strata plan lot numbering.

(b) Car Parking Space Marking and Numbering

Each car space shall be line marked with paint and numbered in accordance with the strata plan lot numbering.

"Visitor Parking" signs shall be installed adjacent to any and all visitor car spaces prior to the issue of any Strata Certificate.

- (c) Designation of Visitor Car Spaces on any Strata Plan
Any Visitor car spaces shall be designated on the final strata plan as "Visitor Parking - Common Property".
- (d) Allocation of Car Parking Spaces, Storage Areas and Common Property on any Strata Plan
 - i. All car parking spaces shall be created as a part lot of the individual strata's unit lot in any Strata Plan of the subject building.
 - ii. All storage areas shall be created as a part lot of the individual strata's unit lot or a separate Utility Lot (if practical) in any Strata Plan of the subject building.
 - iii. The minimum number of parking spaces required to be allocated as a part lot to each individual strata's unit lot shall be in accordance with the car parking requirements of Council's Development Control Plan and as required by the relative development consent for the building construction.
 - iv. No parking spaces shall be created as an individual strata allotment on any Strata Plan of the subject building unless these spaces are surplus to the minimum number of parking spaces required.

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

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

- (e) On Site Detention Requirements
The location any on-site detention facility shall be shown on the strata plan and suitably denoted.
- (f) Creation of Positive Covenant
A Positive Covenant shall be created over any on-site detention facility by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

"It is the responsibility of the Owner's Corporation to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The

on-site detention facilities shall not be modified in any way without the prior approval of Georges River Council."

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

139. ADV17.5 - 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.

The 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.

140. ADV17.6 - Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993

To apply for approval under Section 138 of the Roads Act 1993:

- (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. 2012/DA) 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 Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

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 specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment.

If you need more information, please contact the Senior Development Assessment Planner, below on 9330-6400 during normal Working Hours