

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSSH-23
DA Number	DA2020/0227
LGA	Georges River Council
Proposed Development	Demolition works, lot consolidation, engineering works involving realignment of a Sydney Water stormwater culvert, construction of a medical centre with basement carparking, landscaping and site works. The application is integrated development under the Water Management Act 2000.
Street Address	143 Stoney Creek Road Beverly Hills Lots 2 and 3 in DP1205598
Applicant/Owner	Cambridge Unit Developments Pty. Ltd. is both the Applicant and the Owner.
Date of DA lodgement	5 June 2020
Total number of Submissions Number of Unique Objections	No submissions were received following neighbour notification and advertising.
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The development is identified as a health services facility with a capital investment value exceeding \$5 million as per (5)(b) of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.
List of all relevant s4.15(1)(a) matters	State Environmental Planning Policy (Infrastructure) 2007; State Environmental Planning Policy No.55 – Remediation of Land; State Environmental Planning Policy (State and Regional Development) 2011; State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; Draft Environment State Environmental Planning Policy; Draft Remediation of Land SEPP; Hurstville Local Environmental Plan 2012; Draft Georges River Local Environmental Plan 2020; Hurstville Development Control No.1; Interim Georges River Development Control Plan
List all	Architectural Plans, Statement of Environmental Effects, Flood Report,

documents submitted with this report for the Panel's consideration	Arboricultural Report, Traffic Report, Acoustic Report, Survey Plan, Medical Needs Assessment, Geotechnical Report, Design Report, Detailed Site Investigation, Accessibility Report, BCA Report, Crime Risk Assessment and Security Management Plan, Stormwater Plans, Waste Management Plan, Cost Summary Report, Shadow Diagrams, Owners Consent.	
Clause 4.6 requests	No Clause 4.6 requests.	
Summary of key submissions	No submissions were received following neighbour notification and advertising.	
Report prepared by	Development Assessment Planner	
Report date	20 January 2021	
Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?		Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>		Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?		Not applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>		Not applicable
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>		Yes

Aerial Photo

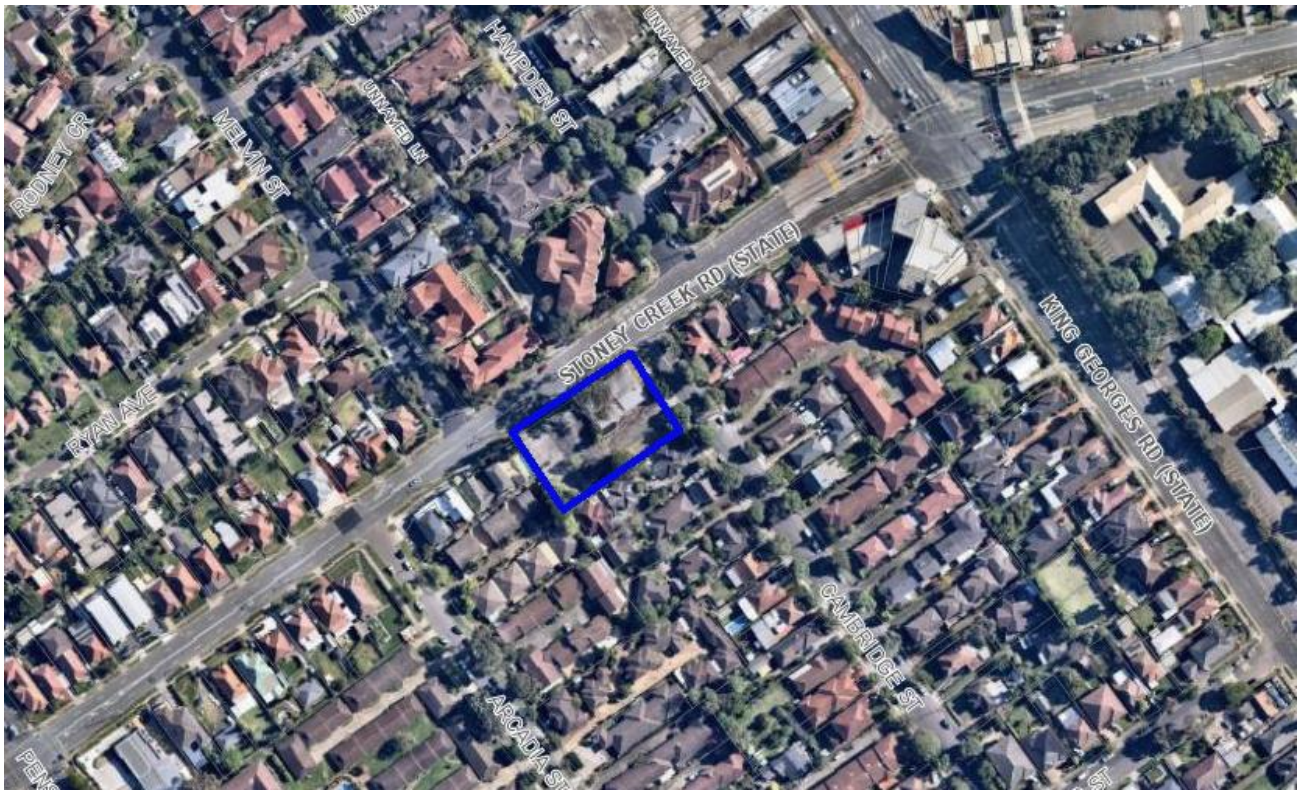


Figure 1: Aerial view of subject site outlined in blue (Source: Intramaps 2020)

Proposed Site Plan

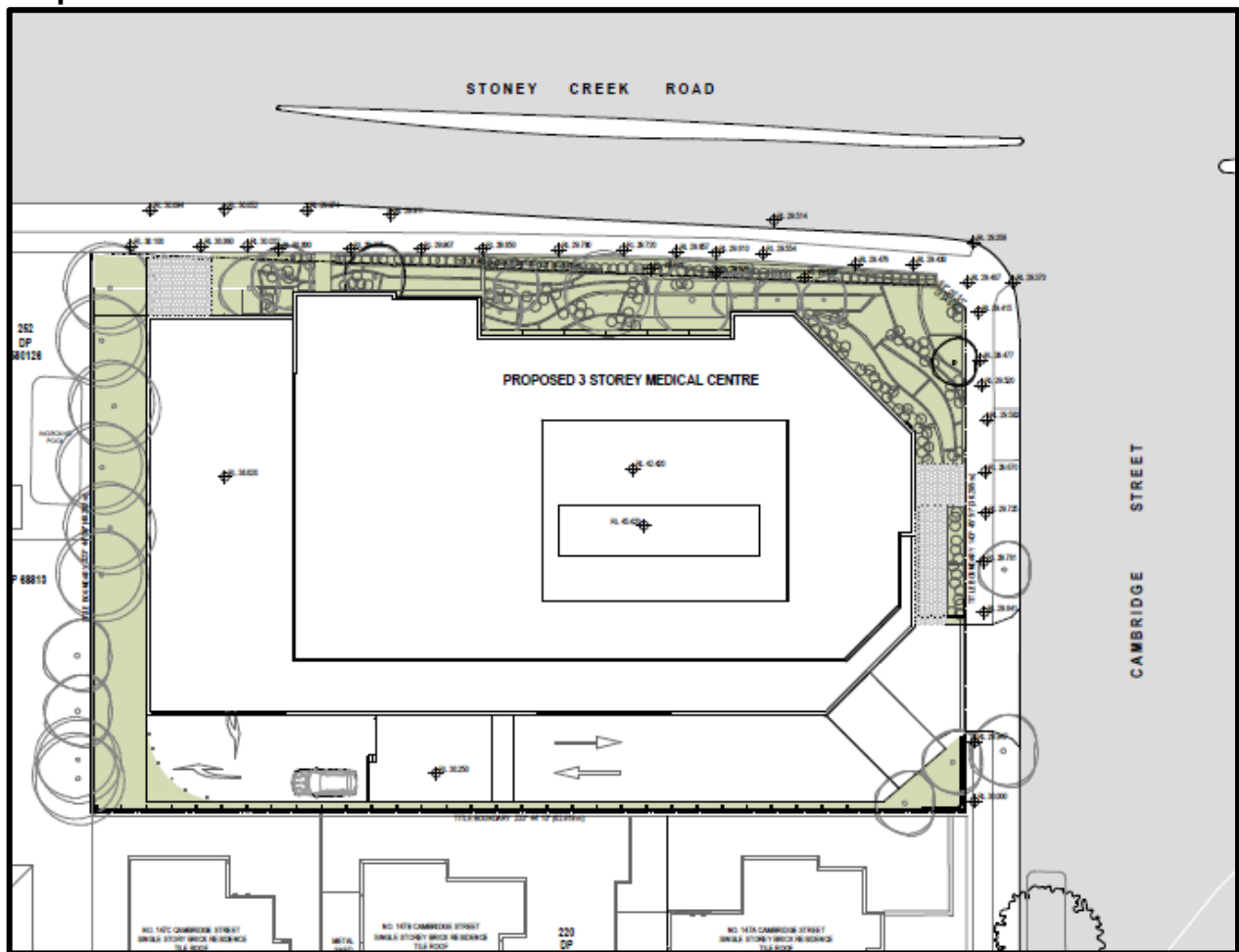


Figure 2: Proposed site plan (Source: Rothe Lowman Property Pty. Ltd. 2020)

Executive Summary

Proposal

1. Development consent is sought for demolition works, lot consolidation, engineering works involving the realignment of a Sydney Water stormwater culvert, construction of a three (3) storey medical centre over a flood chamber, basement carparking for one hundred and fourteen (114) car spaces, landscaping and site works. The application is integrated development under the Water Management Act 2000.

Site and Locality

2. The subject site is identified as Lot 2 and Lot 3 in DP1205598; commonly known as 143 Stoney Creek Road Beverly Hills. The rectangular corner site is 2,454sqm in size with a 60.975m frontage to Stoney Creek Road (Classified Road) and a secondary street frontage of 36.285m onto Cambridge Street. The site is relatively flat with a slight fall towards the intersection of Stoney Creek Road and Cambridge Street.

3. The site is located within an established residential area with one (1) and two (2) storey dwelling houses and multi dwelling housing developments located within the precinct. Residential flat buildings are located on the opposite side of Stoney Creek Road. The site formerly accommodated a Roads and Traffic Authority building.

Zoning and Permissibility

4. The site has a split zone with a portion of the site being zoned R2- Low Density Residential (south western portion of the site) and the remainder of the site zoned SP2- Infrastructure under the provisions of Hurstville Local Environmental Plan 2012 (HLEP). A medical centre is a 'health services facility' and is not a listed permitted use within these zones.
5. However, Clause 57 of State Environmental Planning Policy (Infrastructure) 2007 permits a health services facility within the R2 and SP2 zones. Therefore permissibility is gained by the State Environmental Planning Policy (Infrastructure) 2007 given the SEPP is a higher or Environmental Planning Instrument and prevails to the extent of any inconsistency (ref s3.28 EPA Act 1979).

Planning Compliance

6. Whilst all Environmental Planning Instruments and Council policies have been considered in respect to the application, the following have been identified as relevant:
 - State Environmental Planning Policy (Infrastructure) 2007;
 - State Environmental Planning Policy No.55 – Remediation of Land;
 - State Environmental Planning Policy (State and Regional Development) 2011;
 - State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
 - Draft Environment State Environmental Planning Policy;
 - Draft Remediation of Land SEPP;
 - Hurstville Local Environmental Plan 2012;
 - Draft Georges River Local Environmental Plan 2020;
 - Hurstville Development Control No.1;
 - Interim Georges River Development Control Plan;
 - GRC Community Engagement Strategy
7. In addition to the above policies and controls, the proposal has considered the issues that arose during the Sydney South Planning Panel Briefing meeting held 7 October 2020, amended plans resulted.

Submissions

8. The application was advertised for a period of twenty eight (28) days between 17 June 2020 and 15 July 2020 in accordance with the Hurstville Development Control Plan and the GRC Community Engagement Strategy notification criterion. No submissions were received.

Conclusion

9. Having regard to the matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment, the proposed Development Application (DA2020/0227) is recommended for approval subject to the conditions referenced at the end of this report.

Report in Full

Proposal

10. The proposal seeks the demolition of existing structures, lot consolidation, engineering works involving the realignment of a Sydney Water stormwater culvert, construction of a three (3) storey medical centre over a flood chamber, three (3) levels of basement carparking containing one hundred and fourteen (114) vehicle spaces, landscaping and site works.
11. The development is identified as integrated development, and requires approval under clause 90 of the Water Management Act 2000 due to the excavation encountering groundwater and requiring approval from WaterNSW. General terms of approval have been obtained from WaterNSW.
12. A detailed breakdown of the proposed medical centre is as follows:

Basement Level 3

- Forty two (42) car parking spaces including one (1) accessible space (6 car spaces are identified as small car parking spaces).
- Six (6) motorcycle spaces.
- Exhaust room, supply area chamber and storage room.
- Two (2) independent staircases and two (2) lifts connecting the upper levels.

Basement Level 2

- Forty two (42) car parking spaces including one accessible space (7 car spaces are identified as small car parking spaces).
- Six (6) motorcycle spaces.
- Exhaust room, storage room, air supply chamber and generator room.
- Two (2) independent staircases and two (2) lifts connecting the upper level and basement levels.

Basement Level 1

- Thirty (30) car parking spaces including four (4) accessible spaces (3 car spaces are identified as small car parking spaces).
- Six (6) motorcycle spaces.
- Exhaust fan room, fire pump room, fire tank, communication room, main switch room, two (2) storage rooms, grease arrestor, and air supply chamber.

- Two (2) independent staircases and two (2) lifts connecting the upper levels and basement levels.

Flood Chamber Level

- Void level beneath the ground floor for flood water storage during flooding events.

Ground Floor

- 920sqm of medical centre floor space.
- Main pedestrian entrance is located along Cambridge Street.
- Driveway located adjacent to south-eastern boundary with two-way carpark access from Cambridge Street.
- Landscape and deep soil areas around the perimeter of the site.
- Male and female bathroom facilities including a unisex accessible bathroom.
- Loading and delivery area, gas bottle storage and a bin storage room.
- Substation, fire tank and pump rooms, OSD tank, carpark exhaust space and carpark intake duct.
- Two (2) independent staircases and two (2) lifts connecting the upper levels and basement.
- Service cores.

First Floor

- 1,365sqm of medical centre floor space.
- Male and female bathrooms facilities including an accessible unisex bathroom.
- Two (2) independent staircases and two (2) lifts connecting the upper and lower levels.
- Service cores.

Second Floor

- 899sqm of medical centre floor space.
- Male and female bathrooms facilities including an accessible unisex bathroom.
- One staircase leading to roof area.
- Service cores.

Roof layout

- Plant area including lift overrun and exhaust room screened by a louvres.

Engineering works

- Excavation works and realignment of Sydney Water stormwater culvert to north-eastern edge of the site.

Landscape works

- Removal of major 24.0m tall Lemon Scented Gum tree located within the site along Stoney Creek Road interface, and retainment of 14.0m tall Brush Box Tree also within the site along Stoney Creek Road interface.

Note: The applicants seek to retain the existing masonry boundary fences along the southern and western side boundaries. The fences will be rendered and painted accordingly.

Development Summary

13. A numerical summary of the proposed development is provided as follows:

Element	Proposal
Car parking spaces	114 car spaces including 6 accessible spaces (including 16 small car spaces)
Motorcycle spaces	18 spaces.
Number of proposed tenancies	Should the application be supported, a condition shall be imposed requiring the number of tenancies be limited to 33 (maximum number of tenancies allowed based on the car parking provided excluding small car spaces- Based on HDCP No.1. This is discussed in detail later on the report). Should the application be supported, a future DA (or CDC if applicable) will be required for the fitout and operational use of the medical centre.
Medical Centre floor space	3,184sqm

Site and Locality

14. The site is identified as Lot 2 and Lot 3 in DP1205598; commonly known as 143 Stoney Creek Road Beverly Hills.
15. The site is rectangular in shape with a site area of 2,454sqm. The corner site observes a 60.975m primary frontage onto Stoney Creek Road (Classified Road) and a secondary street frontage of 36.285m onto Cambridge Street. The site is relatively flat with a slight fall towards the intersection of Stoney Creek Road and Cambridge Street.
16. The site contains a single storey rendered building historically used as a Roads and Traffic Authority (RTA) administration centre with the remainder of the site occupied by a hard stand car park for approximately 40 cars. The site was sold by the NSW State Government in mid-2018.
17. The site is located approximately 300m south-west of the intersection between Stoney Creek Road and King Georges Road. The site is also approximately 750m walking distance south of the Beverly Hills Train station.

18. Bisecting lot 2 is a drainage easement (3.35m wide) containing a Sydney Water stormwater culvert (see figure 6 below). The direction of flow is north (towards the culvert below Stoney Creek Road). Along the south-east boundary of lot 2 is another easement for stormwater drainage of variable width. It is noted that this easement is predominately for maintenance purposes of the exiting culvert (see figure 6 below).



Figure 6: Diagram showing easements affecting lot 2 with subject site shown in red- (Green: Sydney Water Stormwater Culvert within easement, can substantially contribute to the revitalisation of the Beverly Hills Town Centre. Orange: Easement for stormwater drainage (maintenance), Brown: Sydney Water Sewer)

19. The site contains twelve (12) trees of varying height and ecological significance. The proposal requires the removal of ten (10) trees including a major tree being a Lemon Scented Gum approximately 24.0m in height along Stoney Creek Road (Figure 7). The removal has been supported by an arboricultural report and was assessed by Council's Consultant Arborist who supported the removal subject to tree replacement and payment of a fee based on the ecological value of the tree (Council's Fees and Charges caps the payment being \$10,000). The development proposes the retention of an adjacent 14.0m tall Brush Box tree also along Stoney Creek Road. All street and neighbouring trees will be retained.
20. The subject site is flood affected based on the Overland Flow Flood Study for Hurstville, Mortdale and Peakhurst Wards, prepared by SMEC in 2016. The flooding impacts on the development and the impacts of the development on the overland flow path have been addressed in a flood report prepared by Northrop

dated December 2020. The flood report alongside the submitted hydraulic engineering design plans have been assessed in detail by Council's Development Engineer who recommended that the proposal be supported subject to engineering, flood and hydraulic conditions.

21. It is noted that the site is part of the Beverly Hills Town Centre Masterplan (April 2020) study area. It is important to note that the site has been identified in Section 7.2 of the Masterplan as one of eight key sites which



Figure 7: View of the site from Stoney Creek Road - The Major trees along Stoney Creek Road - 24.0m tall Lemon Scented Gum tree located left (to be removed) and 14.0m tall Brush Box Tree located right (to be retained)



Figure 8: View of the site along the intersection of Stoney Creek Road and Cambridge Street

22. The site is located within an established residential area with one (1) and two (1) storey single dwelling houses and multi dwelling housing developments located

around the site's perimeter. The existing housing stock is mostly traditional in design being brick/clad dwellings with pitched tiled roofs.

23. Located on the opposite side of Stoney Creek Road are three (3) storey face brick residential flat buildings. Located opposite the site on Cambridge Street are single dwelling houses. The existing buildings surrounding the site observe mostly light and earthy external colours and finishes.

Background

24. The site contains a single storey rendered building historically used as a Roads and Traffic Authority (RTA) administration centre with the remainder of the site occupied by a hard stand car park for approximately 40 cars. The site was sold by the NSW State Government in mid-2018.
25. Following lodgement of this application, a teleconference briefing meeting occurred between Council officers and the Sydney South Planning Panel (SSPP) Secretariat and Panel members on 7 October 2020.
26. Based on the outcomes of the briefing, a number of issues were raised and have been considered by the applicant which resulted in the lodgement of amended plans and documentation.
27. The issues together with the respective response have been provided in the table below:

Issue identified in SSPP Briefing	Response
Culvert design and realignment of Sydney Water stormwater pipe	<p>The applicant has confirmed that the proposed stormwater culvert is entirely below ground, as per the existing culvert, and will not be visible from the public domain. The design has also taken into consideration the existing sewer line.</p> <p>The design of the proposed culvert has been assessed in detail by Council's Development Engineer and was found to be satisfactory with regard to its dimensions and location. Through Council's assessment the culvert design was amended to be increased in size along where it bends and the incorporation of a flood chamber within the development to minimize conflict in the flow of stormwater which can lead to the backflow of water. The purpose of the culvert chamber is to reduce the chances of a whirlpool forming within the culvert which will lead to a backflow of water upstream. It is also noted that the reinforced concrete culvert is 800mm below ground with internal dimensions of 1.5m high x 2.1m wide.</p>

	<p>The application was referred to Sydney Water and was supported subject to the lodgement of a Section 73 Certificate.</p>
Flooding impacts	<p>Following the SSPP briefing, Council's Development Engineer expressed concern as to the design and sensitive use of the site and recommended for additional flood modelling taking into consideration additional parameters in relation to boundary walls and fences, as well as testing of scenarios of 50% and 100% blockage of the culvert.</p> <p>Based on the assessment of Council's Engineer of the amended flood report prepared by Northrop dated December 2020, a number of design amendments were recommended to reduce the flood risk on the proposed medical centre and the properties upstream and downstream. The main design changes include:</p> <ul style="list-style-type: none"> - The main pedestrian entrance was relocated to be along Cambridge Street rather than on the intersection between Stoney Creek Road and Cambridge Street. The reason is that the initial main entrance location was at the lowest point of the site which is prone to inundation during a flood event as it is categorized as a high risk area as per the flood report. The new entrance location is at a point higher within the site which reduces the risk of inundation during flooding events. - The entire building was designed to be located above the PMF (probable maximum flow) during peak storm events. Although the loading dock was not designed to PMF as it is external to the main building, the level of the loading dock was raised as per Council's recommendations. <p>The driveway leading to the basement incorporates a crest before entering the basement. The crest has been designed to 1% AEP (annual exceedance probability) + 300mm freeboard. Although this is not the PMF level, Council's Development Engineer is satisfied with the proposal.</p> <ul style="list-style-type: none"> - <u>Drainage Engineer key comment:</u> A minimum of the 1% AEP + 500mm (with the exception of the basement entry) or the PMF flood level is proposed as the Flood Planning Level for the proposed development. This is considered to provide a suitable level of protection to the development and

	<p>is consistent with the requirements set out by the NSW Floodplain Development Manual (2005) for emergency response facilities and critical infrastructure. In this case, the PMF is the governing requirement with the maximum level in the south-western corner of the site of approximately 30.94m AHD (PMF level). The ground floor is above the identified PMF level with a finished floor level of 31.2m AHD.</p> <p>It is noted that the loading dock area is sited below the 1% AEP flood level. This was required to enable vehicular access into the building while limiting flood impact to adjacent properties. The level of the delivery dock was raised to a minimum RL of 30.22m AHD following recommendations with Council's Development Engineer. Positioning this area below the 1% AEP flood level is not considered to create an increased risk to life within the facility as a step in the loading dock is proposed that will enable pedestrian access above the PMF flood level. Council's Development Engineer has recommended by condition that all building elements located below the Flood Planning level be structurally capable to withstand flood forces and facilitate easy cleaning.</p> <p>Following initial liaison with Council, the basement carpark entry threshold is proposed to be set at a minimum of the 1% AEP level plus a freeboard of 300mm. This corresponds to a level of approximately 30.8m AHD. All other openings including the carpark intake and exhaust, basement carpark stairwells and lift shafts are positioned at or above the PMF flood level.</p> <p>With regards to the substation, the area has not been raised and Ausgrid did not provide comment in relation to the design of the substation room. A condition has been imposed requiring the applicant to lodge an application with Ausgrid prior to the release of the Construction Certificate with regards to the substation and its design specification. Should the area be required to be raised, the applicant was made aware that a modification application will be required to be lodged in this regard.</p> <ul style="list-style-type: none"> - The discharge pipes between the building's main internal drainage system and the flood chamber
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	<p>now include non-return 'flaps' to prevent the backflow of water from the culvert back into the internal drainage system.</p> <ul style="list-style-type: none"> - Council has required by condition that a flood refuge area within the building be added to the architectural plans prior to the issue of the construction certificate. The area is to be accessible to all visitors and is to include seating and sufficient area for standing in the event of inundation. - Council has required by condition for the preparation of a flood evacuation plan and a flood emergency response plan. Both are to be prepared by a suitably qualified engineer prior to the release of the Occupation Certificate.
Tree removal	<p>It was identified that the removal of the major Lemon Scented Gum Tree along the Stoney Creek Interface is not due to the location of the proposed building but rather due to the demolition of the site's existing foundations which will likely result in horizontal soil pressure and may contribute to the collapse of the tree. The applicant's arborist has concluded that the removal of the existing RTA building will likely destabilize the tree and lead to its failure.</p> <p>The arboricultural report also notes that this is especially dangerous in this circumstance due to the especially large mass of this tree:</p> <p><i>"Tree height, mass weight and gravitational forces acts as a lever arm, where the risk of tree failure would increase when horizontal soil pressures are altered or disturbed within the SRZ the area required for tree stability between the building foundation and adjacent roadside infrastructure as shown".</i></p> <p>The report also adds that failure of this tree in this location would be catastrophic and very likely lead to loss of life due to the adjacent high voltage electricity cables and Stoney Creek Road which is a busy pedestrian and vehicle thoroughfare.</p> <p>It is noted that due to the Brush Box tree (14.0m tree to be retained) being a tree species with a more tenacious root system, the removal of the existing building's foundations are unlikely to result in adverse impact on this tree, therefore it can be retained.</p> <p>The proposal for the tree removal has been assessed</p>

	<p>in detail by Council's Consultant Arborist and was supported subject to the payment of a tree valuation fee (\$10,000.00 in this case) and specific tree and landscape conditions.</p> <p>Note: Although the Thyer Tree Valuation presented by the applicant proposes a tree value of \$11,850.00, Council's Tree Management Policy caps tree valuation fees at \$10,000.00.</p>
Consistent setback along Stoney Creek R2 interface	<p>Contrary to the original design which proposed a 2.0m front setback to the western portion of the building, the design of the ground and first floor plan has been amended to provide a 4.5m front boundary setback as requested by the SSPP for the western portion of the building (within R2 portion). This is consistent with the front setback requirements in R2 zones and would be consistent with future development located to the west of the subject site.</p> <p>The design of the development has also been amended to remove the main entrance along the Stoney Creek Road and Cambridge Street interface. This has resulted in an increase in the amount of deep soil landscaping and a reduction in TPZ encroachment of the Brush Box Tree (to be retained). The main entrance is now along Cambridge Street which is due to this location being safer with regards to flood events, and will reduce pedestrian activity along Stoney Creek Road (Classified Road). The entrance will include a stair climber (NCC Performance Solution) to facilitate access for all.</p>
Additional landscaping along R2 interface (south-eastern boundary)	<p>A reduction in the width of the driveway was investigated in order to create a wider landscape zone along south-east boundary to provide screening, however, the applicant's traffic engineer noted that a reduction in the ramp size may reduce functionality of the building and may lead to adverse traffic impacts.</p> <p>A reduction in the building footprint was also investigated however it was found that the internal traffic movement will be adversely impacted given the aisles would have to be narrowed. The narrow aisles fail to comply with AS2890.2:2018- Off Street Commercial Vehicle Facilities.</p> <p>In order to address this, the architectural and landscape plans have been amended to introduce an arbour along the entire south-eastern boundary which will support an extensive landscape screen along the entire interface to the R2 zone to the south-east.</p>

Plan of Management	<p>Although it was requested for a plan of management to be provided, as this development application is only for the construction of the outer envelope of the development, a later application for fitout/use will be required to be lodged. In the absence of a fitout, a plan of management has not been submitted.</p> <p>A condition has been imposed requiring the preparation of a plan of management prior to the release of the occupation certificate. A condition has been imposed requiring a future DA or CDC for fitout/operational use be lodged prior to operation of the medical centre.</p>
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Proposed use

28. The building has been designed for use as a medical centre with the capacity to accommodate an extensive range of medical services to meet the needs of the community. It is anticipated that the medical centre will comprise GP consulting rooms, allied health consulting rooms, pathology, radiology and related medical services.
29. A 'Medical Needs Assessment' for Beverly Hills prepared by Atlas Urban Economics accompanies this application. The Assessment identifies that there is a significant undersupply of GPs and allied health practitioners within the relevant catchment. Specifically the assessments found the following:
 - *The Catchment Area is a large population hub within the Georges River LGA. Population projections indicate the number of older residents in the area will progressively increase in the coming years.*
 - *There are 68 GP's operating within the Catchment Area, mostly within the Hurstville City Centre.*
 - *Benchmarking analysis indicates that based on the Catchment Area's population, there is a need for around 115 GPs. Accordingly, there is a current shortfall of about 47 GPs.*
 - *If there was no further provision, the shortfall of GPs would rise to 76 by 2036.*
 - *There are 10 pathology clinics in the Catchment Area and three radiology clinics, mostly within Hurstville.*
 - *The Site is well-suited for medical and health uses – it is highly accessible, benefits from good exposure and visibility and is located within walking distance of the Beverly Hills town centre.*

- *There is a role for the Site to play in accommodating some of the assessed latent demand for medical and health-related uses. The scale of a facility on the Site would depend on suitable business models and operational viability considerations.*

30. The demand for medical services in the local area has also been recognised by Council most recently in the draft Beverly Hills Town Centre Master Plan April 2020. In section 3.1 of the report, one of the challenges that the community raised includes gaps in the medical services sector and bulk billing GP's. Furthermore, based on the economic research undertaken (section 5.4- Key Economic Opportunities) it was noted that medical centres have been identified as a use that will strengthen the night time economy by supporting daytime activity within the centre which will in turn revitalise the Beverly Hills Town Centre.
31. It is important to note that the site has been identified in section 7.2 of the Master plan as one of eight key sites which can substantially contribute to the revitalisation of the Beverly Hills Town Centre.
32. The application does not propose an internal fit-out for the building, or use of individual tenancies. Fitout of the building will be the subject of a future development application.

Integrated Development

33. The development is identified as integrated development and requires approval under clause 90 of the Water Management Act 2000 due to the excavation encountering groundwater and requiring approval from WaterNSW. The application was referred to WaterNSW and general terms of approval have been obtained and have been included as part of the imposed conditions of consent.

Compliance and Assessment

34. The development site has been inspected and assessed having regard to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

STATE ENVIRONMENTAL PLANNING INSTRUMENTS

35. Compliance with the relevant State Environmental Planning Policies (SEPP) is detailed below.

State Environmental Planning Policy	Compliance
State Environmental Planning Policy (Infrastructure) 2007	Yes – permissibility derived by this policy.
State Environmental Planning Policy No.55 – Remediation of Land	Yes
State Environmental Planning Policy (State and Regional Development) 2011	Yes

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes
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State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

36. Clause 57 within Division 10 of Infrastructure SEPP provides the following:

(1) Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.

37. The prescribed zones are identified in Clause 56 and include R2 Low Density Residential and also SP2 Infrastructure zones. These are the two (2) zones which apply to the subject site, and therefore a 'health services facility' is permissible on the subject site notwithstanding the provisions of the Hurstville Local Environmental Plan 2012.



Figure 9: Zoning map (HLEP 2012) - Subject site in blue.

38. A 'health services facility' is defined in the Hurstville Local Environmental Plan 2012 as:

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,**
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*

(e) *hospital.*

39. The proposal is for a medical centre which is a type of ‘*health services facility*’ and is therefore permissible with consent on the subject site pursuant to Clause 57 of State Environmental Planning Policy (Infrastructure) 2007. Clause 57(4) also provides the following:

(4) *Nothing in this clause—*

(a) *prevents a consent authority from -*

(i) *granting consent for development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or*

(ii) *refusing to grant consent for development by reference to the consent authority’s own assessment of the compatibility of the development with the surrounding land uses, or*

(b) *otherwise limits the matters to which a consent authority may have regard in determining a development application for development of a kind referred to in subclause (2).*

40. In relation to Clause 57(4)(a)(ii), regarding the consideration of compatibility, the Land and Environment Court matter of Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191 provides guidance in relation to the meaning of compatibility with surrounding development and also establishes a planning principle to guide this consideration. Senior Commissioner Roseth explains that there is frequent confusion about sameness and compatibility, and specifically provides that:

“The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.”

41. The following table provides an assessment of the proposal against the principles established in Project Venture Developments v Pittwater Council [2005] NSWLEC 191 for determining whether a proposal is compatible with its context.

Planning Principle	Comments
Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include	<p>It is considered that the proposed development has considered the physical impacts on surrounding developments in the design of the proposal. In particular:</p> <ul style="list-style-type: none">• Due to the split zoning, the R2 part of the site was designed to comply with the applicable FSR and height controls as per the HLEP. The R2 portion of the site has been dimensioned from the HLEP zoning

<p>constraints on the development potential of surrounding sites.</p> <p><i>Physical impacts include noise, overlooking, overshadowing and constraining development potential.</i></p>	<p>maps. A reasonable attempt was made to identify the exact size of the R2 site and Council's GIS team were engaged who concluded that dimensioning off the HLEP maps would be the most appropriate solution in this case.</p> <ul style="list-style-type: none"> • The building adopts an envelope which observes two (2) storey elements along the adjoining neighbouring boundaries. The three (3) storey component is only observed along the street boundaries. This creates a welcome transition between the immediate R2 zones around the site and the R3 zone across Stoney Creek Road. This aspect is discussed in detail later in the report. • Apart from complying with the height along the R2 portion, the building is sufficiently setback from the adjoining R2 sites. The proposal provides a south-western setback of 4.0m which is primarily designated for deep soil planting. The building is also setback 6.95m from the south-eastern neighbouring boundary. This is in excess of the 1.2m setback required for two storey dwelling houses. • The adjoining dwelling houses receive the required three (3) hours of solar access between 9am and 3pm on 21 June as per the Hurstville DCP No.1. • In order to alleviate any privacy and overlooking impacts, the windows along the second storey element adjacent to the neighbouring boundaries observe obscure glazing to the lower part of the window (window elements below 1.6m as per design report). • The proposal will not require the removal of any trees or vegetation within neighbouring allotments. • In relation to traffic impacts, the Transport Assessment prepared by ASON Group which accompanies this application, provides that the proposed use will result in less peak hour traffic generation when compared to the previous use (RTA building) of the site and accordingly the proposed is unlikely to result in an unacceptable traffic impact on the surrounding street network. • The proposed development provides in excess of the required number of car parking spaces. This is further detailed in the DCP section below.
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	<ul style="list-style-type: none"> • The development is unlikely to constrain development of the adjoining residential lands as the building is sufficiently setback. It is noted that some adjoining sites contain multi dwelling developments which are no longer permissible in the R2. • An Acoustic Assessment prepared by Renzo Tonin accompanies this application which examines the expected operational noise from the use of the medical centre including noise generated during the hours of operation by mechanical plant and noise generated by vehicle movements within the premises. The assessment demonstrates that the predicted noise levels comply with the relevant noise emission criteria and therefore it is unlikely that the proposed development will result in an unacceptable acoustic impact to the adjacent properties. • The proposal's impact on the locality with regard to flooding has been found to be acceptable and is unlikely to result in significant adverse impacts to upstream and downstream properties. The culvert detail and location has been amended increasing the dimensions to further alleviate flood impacts on upstream properties.
<p>Is the proposal's appearance in harmony with the buildings around it and the character of the street?</p> <p><i>For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment</i></p> <p><i>The most important contributor to</i></p>	<p>It is considered that the proposal has taken into consideration aspects that allow the building to exist in harmony with surrounding developments and not be inconsistent with the character of the area. In particular:</p> <ul style="list-style-type: none"> • The building proposes external colours and finishes that are not dissimilar than those existing in the locality. The earthy colours chosen, in addition to the face brick exterior, is a design feature that allows the building to coexist with surrounding development. The external colours and finishes are similar to those of the residential flat buildings opposite the site along Stoney Creek Road. • The proposal can largely be viewed as separate vertical elements that make up the building consistent with the zoning boundary. This design feature positively breaks up the mass and bulk of the building when viewed from the adjoining streets. • The Stoney Creek Road visual catchment includes a range of heights from 1 to 3 storeys, with 3 storey brick residential flat buildings directly opposite the site to the north. The proposal provides a 3 storey element

<p><i>urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character.</i></p> <p><i>Buildings do not have to be the same height to be compatible. Front setbacks and the way they are treated are an important element of urban character.</i></p> <p><i>Landscaping is also an important contributor to urban character.</i></p>	<p>to the northern and eastern sides of the site which are designed to provide an appropriate scale responding to the prominent corner location and the higher scale of development opposite the site.</p> <ul style="list-style-type: none"> • It is considered that the proposal provides a welcome transition between the adjoining low density buildings and the medium density development contained on the opposite side of Stoney Creek Road. The building is two (2) storeys along the neighbouring boundaries and only presents as three (3) storeys along the streets. • With regards to the front setback toward Stoney Creek Road, the building adopts a 4.5m front setback treatment to the R2 portion of the site. This ensures a soft transition between the adjoining dwelling houses. The façade of this portion of the building also includes articulation elements and a varied colour palette to add interest when viewed from Stoney Creek Road. The proposed deep soil zones within the front setback allow for a increased deep soil zone with opportunity for the proposed Grey Gum trees (as referenced in the landscape plan) to grow unimpeded. <p>The building steps to approximately 4.0m further east to allow for a sufficient area for the existing 14.0m Brush Box tree to continue growing. It is noted that the building encroaches into the setback of 2.0m, however this is characteristic of the prominent building location and is limited to the northern corner of the development which is considered acceptable.</p> <ul style="list-style-type: none"> • The main entrance area is located along the Cambridge Street to reduce pedestrian activity along Stoney Creek Road which is a main classified road with a high volume of vehicles. The entrance location is considered to be suitable given that it is oriented towards where pedestrians are likely to walk from the Beverly Hills Town Centre. The entrance location is considered to be adequately located from a flooding perspective given it is on a downward slope which will reduce chances of water inundating and blocking the entrance during storm events. • The initially proposed accessibility ramp along Stoney Creek Road has been removed with the amended plans which allow for less TPZ encroachment to the 14.0m Brush Box Tree to be retained. In addition, with the removal of the accessibility ramp, additional deep
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	<p>soil zones were added along the Stoney Creek Road front setback interface. A stair climber along the main entrance has been proposed in order for the development to comply with the NCC and with the Disability Discrimination Act facilitating access for all.</p> <ul style="list-style-type: none"> • The secondary street setback observed along Cambridge Street is 3.68m, and increases along the eastern corner as a result of the driveway. The setback is considered acceptable given that the wide driveway space provides a transition towards the dwelling houses further south along Cambridge Street. The façade is also sufficiently articulated which reduces the bulk and scale and adds visual interest. <p>The secondary setback is proposed to contain the new stormwater culvert (below ground), thus an increased setback does not necessarily allow for additional deep soil in this location. The landscape plan includes turf and low scale planting along that setback which is considered acceptable. The proposal also intends to retain the existing street trees along the secondary street.</p> <ul style="list-style-type: none"> • Although the proposal only provides a narrow landscaping strip along the south-eastern boundary adjoining the R2 zoned sites, the approach was considered satisfactory as increasing the amount of landscaping in this area will have adverse impacts on traffic and vehicular movement within the building and will have impact on flooding. In addition, large trees along that landscape strip will likely increase adverse shadow impacts to the adjoining dwelling houses. <p>In order to address this, the architectural and landscape plans have been amended to introduce an arbour along the entire southern boundary which will support an extensive landscape screen along the entire interface to the R2 zone to the south-east.</p>
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Clause 101- Development adjacent to pipeline corridors

42. The application, being a 'Sensitive Use' has been referred to Australian Pipelines and Gas Association (APA) for comment due to being within 590m (measured radially) from the MSE (Moomba to Sydney Ethane Pipeline). Sensitive use in this case is as defined in AS2885- Standard for Gas and Liquid Petroleum Pipelines.
43. APA has assessed the proposal and did not object to the proposal. One condition was recommended and was imposed as a condition.

Clause 101- Development with frontage to classified road

44. Clause 101 states the following:

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

45. There is no vehicular access proposed from Stoney Creek Road. The proposal maintains the existing driveway access to the site from Cambridge Street. This access point ensures that the proposal will continue to minimise any adverse impact on the safety, efficiency or ongoing operation of the classified road and there will be no emissions of smoke or dust that will adversely affect the operation of Stoney Creek Road. It is noted that the proposed use will generate less peak traffic than that which resulted from the former use of the site as an RTA office as per the submitted traffic report.

Clause 104- Traffic-generating development

46. Clause 104 of Infrastructure SEPP requires that before granting consent to a development with a car park of more than 50 which connects to a classified road within 90 metres, Councils must refer the application to the Roads and Maritime Services (Transport for NSW) for comment and must consider the accessibility of the site, including:

- *The efficiency of movement of people to and from the site and the extent of multi-purpose trips, and*
- *The potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- *Any potential traffic safety, road congestion or parking implications of the development.*

47. The application is accompanied by a Transport Assessment prepared by ASON Group which addresses the relevant traffic issues associated with the proposal.

The proposal has been referred to Transport for NSW who supported the development subject to conditions.

48. The application was also internally referred to Council traffic team who were satisfied with the proposal subject to conditions.

State Environmental Planning Policy (Infrastructure) 2007 – Amendment - Health Services Facilities

49. An amendment is currently proposed to the Infrastructure SEPP provide a more efficient planning framework for health infrastructure in NSW. This amendment was on exhibition until 17 December 2020.
50. The proposed amendments form part of the NSW Planning Reform Action Plan to update certain planning provisions that will ensure the efficient delivery of important government infrastructure that serves the NSW community. This amendment will specifically facilitate efficient planning pathways for low impact health infrastructure.
51. The scope of the proposed amendment extends to development with consent, development without consent, complying development and exempt development provisions within the Infrastructure SEPP. The amendments will enable efficient delivery of infrastructure that is important to support the health and wellbeing of NSW communities such as community health centres, consulting rooms and ambulance facilities.
52. The proposed development will not be inconsistent with the intended amendments of the Infrastructure SEPP.

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)

53. State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.
54. Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out of any development on that land and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.
55. The application is accompanied by a Detailed Site Investigation prepared by Environmental Investigations Australia. The investigation included a desktop analysis as well as soil sampling at eight test bore locations and concludes that widespread contamination was not identified at the site and that the site can be

made suitable for the proposed development subject to certain recommendations found within the report. The application was assessed by Council's Environmental Health team and was supported subject to specific conditions.

56. No Remedial Action Plan (RAP) was required to be submitted as per the recommendations of the Detailed Site Investigation. The applicant will be required to prepare a Hazardous Materials Survey which was included as a condition of consent.
57. Due to the development encountering ground water as per the submitted geotechnical report, Council's Environmental Health team recommended for appropriate dewatering conditions. It is noted that although WaterNSW granted general terms of approval in light of the integrated referral, a subsequent approval is required to be obtained from WaterNSW prior to the release of the Construction Certificate.

State Environmental Planning Policy (State and Regional Development) 2011

58. The proposal is a regionally significant development pursuant to Clause 5(b) of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as it is development defined as "*health services facility*" with the capital investment value exceeding \$5 million.
59. In this case the Sydney South Planning Panel is the consent authority for the subject development application.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

60. The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.
61. The Vegetation SEPP applies to clearing of:
 - (a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
 - (b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).
62. The objectives of the SEPP are to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 5(1) of the SEPP as the site is within both Georges River Council and the SP2 Infrastructure zone.

63. Pursuant to Clause 8(1) of the SEPP, clearing does not require authority under the policy as it is a type of clearing that is authorised under Section 60O of the Local Land Services Act 2013 (specifically, that associated with a development consent issued under Part 4 of the Environmental Planning and Assessment Act 1979).
64. Twelve (12) trees are nominated to be removed as part of the works, included a significant Lemon Scented Gum tree (Tree 17 in Arboricultural report- *Corymbia Citriodora*). The application proposed the retention of a large Brush Box tree adjacent to the Lemon Scented Gum tree (to be removed). The application was referred to Council's Consultant Arborist who concurred with the findings of the applicants Arborist Report and supported the tree removal subject to replacing planting at a 2:1 ratio and the payment of a tree valuation fee for the removal of the Lemon Scented Gum tree. Specific landscape conditions have been imposed in that regard.

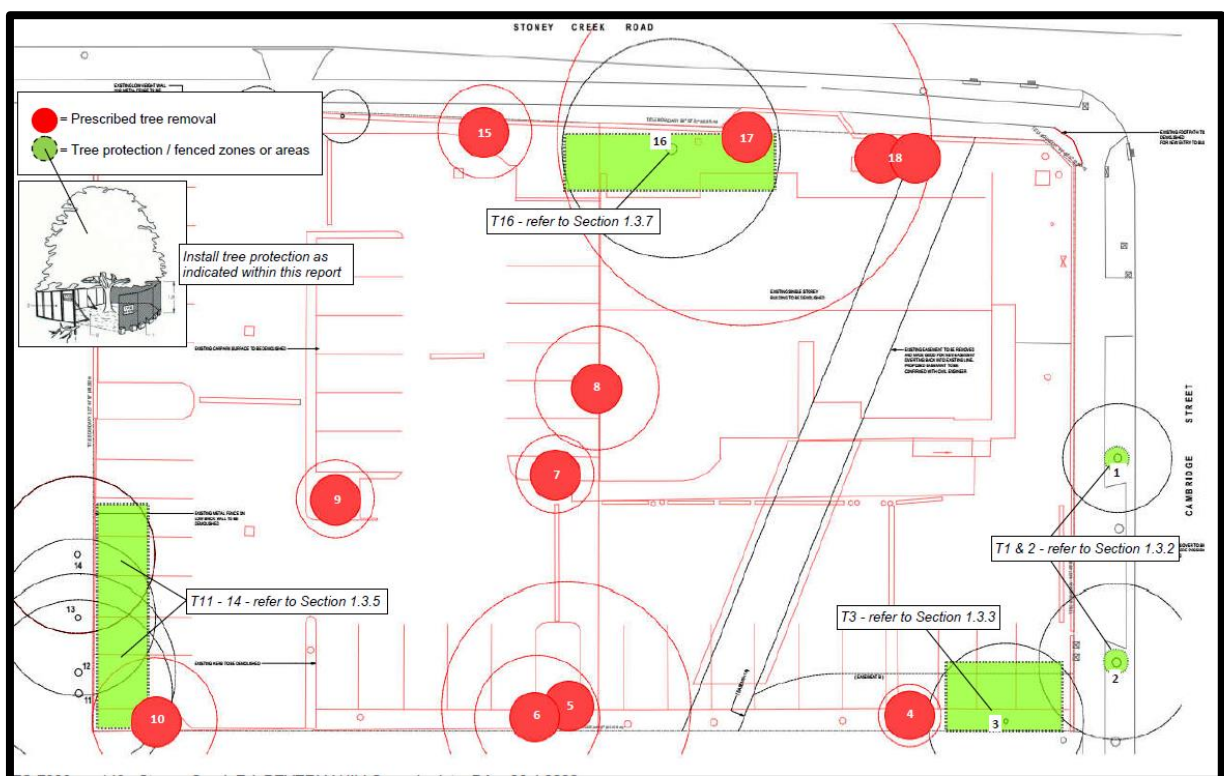


Figure 10: Proposed tree removal (Source: Arboricultural Impact Assessment Report prepared by Raintree Consulting)

65. It is noted that the removal of the major Lemon Scented Tree along the Stoney Creek interface is not due to the location of the proposed building but rather due to the demolition of the site's foundations which will likely result in horizontal soil pressure and may contribute to the collapse of the tree. The applicant's arborist has concluded that the removal of the existing building will likely destabilize the tree and lead to its failure.

66. The arboricultural report notes that this is especially dangerous in this circumstance due to the especially large mass of this tree:
- “Tree height, mass weight and gravitational forces acts as a lever arm, where the risk of tree failure would increase when horizontal soil pressures are altered or disturbed within the SRZ the area required for tree stability between the building foundation and adjacent roadside infrastructure as shown”.*
67. The report also adds that failure of this tree in this location would be catastrophic and very likely lead to loss of life due to its location adjacent to high voltage electricity cables and Stoney Creek Road.
68. The proposal for the tree removal has been assessed in detail by Council's Consultant Arborist and was supported subject to the payment of a tree valuation fee (\$10,000.00 in this case) and specific tree and landscape conditions.
69. Although the Thyer Tree Valuation proposes a tree value of \$11,850.00, Council's Tree Management Policy caps tree valuation fees at \$10,000.00.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Draft Environmental State Environmental Planning Policy

70. The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the following seven existing SEPPs:
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas;
 - State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011;
 - State Environmental Planning Policy No. 50 – Canal Estate Development;
 - Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
 - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997);
 - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
 - Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.
71. The proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Remediation of Land State Environmental Planning Policy

72. The Draft Remediation of Land SEPP was exhibited from 31 January 2018 to 13 April 2018. The proposed remediation of land SEPP will:

- Provide a state-wide planning framework for the remediation of land;
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well;
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
- Clearly list the remediation works that require development consent;
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

73. The proposal is not inconsistent with the provisions of this Draft Instrument as there is no evidence this site is contaminated based on previous uses.

Hurstville Local Environmental Plan 2012 (HLEP 2012)

74. The site has a split zoning within lot 2 within an SP2 - Infrastructure zone (Public Administration) and an R2 - Low Density Residential Zone and lot 3 fully within an SP2 - Infrastructure zone (Public Administration).



Figure 11: Zoning map (HLEP 2012)- Subject site in blue

75. An assessment of the proposal against the relevant LEP clauses is as follows:

Clause	Standard	Proposal	Compliance
Part 2 Permitted or prohibited development			
2.3 Zone objectives and Land use table	<p>R2 Low Density Residential</p> <p><u>Objectives:</u></p> <ul style="list-style-type: none"> • To provide for the housing needs of the 	Despite the R2 and the SP2 zone prohibiting the development of a medical centre	Yes

	<p>community within a low density residential environment.</p> <ul style="list-style-type: none"> • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To encourage development of sites for a range of housing types, where such development does not compromise the amenity of the surrounding area, or the natural or cultural heritage of the area. • To ensure that a high level of residential amenity is achieved and maintained. • To encourage greater visual amenity through maintaining and enhancing landscaping as a major element in the residential environment. • To provide for a range of home business activities where such activities are not likely to adversely affect the surrounding residential amenity. 	<p>as per the LEP, Clause 57 of the Infrastructure SEPP allows the development of a health services facility in R2 and SP2 zones.</p> <p>Albeit the development not being permissible with the R2 and SP2 zones as per clause 2.3 of HLEP, the proposed development will meet the respective zone objectives applicable for non-residential developments, and will not prohibit adjoining sites meeting their respective zone objectives. In particular:</p> <p><u>R2 Low Density Residential</u></p> <ul style="list-style-type: none"> • The development continues to allow adjoining land uses to 	
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	<p>meet there day to day needs. The development is considered to provide an important service to the community, and is located on a site that has been historically used for commercial purposes.</p> <p>SP2- Infrastructure</p> <p><u>Objectives:</u></p> <ul style="list-style-type: none"> • To provide for infrastructure and related uses. • To prevent development that is not compatible with or that may detract from the provision of infrastructure. 	<ul style="list-style-type: none"> • The development allows for residential amenity of adjoining allotments to be maintained given the development will not likely result in adverse physical impacts including overshadowing and overlooking, and acoustic and traffic 	
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		<p>impacts.</p> <ul style="list-style-type: none"> • The proposal provides sufficient amounts of landscaping around the site's perimeter in order to provide a softer transition between the adjoining sites, and in order to provide a green buffer between the existing and proposed build form. <p><u>SP2-Infrastructure</u></p> <ul style="list-style-type: none"> • The development proposes a use that is permitted in the subject zones based on Clause 57 of the Infrastructure SEPP. • The development is considered 	
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		<p>to be a compatible land use given the proposal is not considered to exacerbate physical environmental impact to the adjoining and immediate locality.</p> <ul style="list-style-type: none"> • The development is considered to be a compatible land use as the proposed development is not inconsistent with the character of the locality. 	
2.7 Demolition	Demolition requires development consent.	Consent for demolition of existing structures is sought. The boundary fences along the southern and western side boundaries are proposed to be	Yes, relevant demolition conditions have been imposed.

		retained.	
Part 4 Principal development standards			
4.3 Height of Buildings	SP2 Zone – No height control	16.02m	Yes
	R2 Zone – 9.0m	9.0m	Yes
4.4 Floor space ratio	SP2 Zone – No FSR control	3,095sqm	Yes
	R2 Zone – 0.6:1 or	<p>Area of R2 site: 579.9sqm.</p> <p>Maximum Permitted FSR: 347.94sqm.</p> <p>Proposed: 0.54:1 (319sqm) - As per architectural plans.</p> <p>Note: Council's GIS team were requested to derive accurate dimensions of the R2 portion of the site. As the GIS team did not have this detail, the LEP zoning map was scaled in order to dimension the R2 portion of the site. The lot sizes have been detailed in the</p>	Yes

		lot subdivision Plan dated 05/11/2020 drawing no. TP00.05. This is the basis in which the calculations were derived.	
Part 5 Miscellaneous provisions			
5.10 Heritage conservation	As per Clause 5.10	The subject site does not adjoin a heritage item or is within a heritage conservation area.	Yes
Part 6 Additional local provisions			
6.1 Acid sulfate soils	(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	Subject site is not located on land mapped as containing Acid Sulfate Soils.	Yes
6.7 Essential services	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water,	Water supply is available to the	Yes

	(b) the supply of electricity,	<p>site and can be extended to support this development.</p> <p>Provision of space for a substation has been considered in the design of the proposal. Ausgrid advised that the applicant is required to lodge a connection application, which has been included as a condition of consent.</p>	Yes
	(c) the disposal and management of sewage,	<p>Sewerage is available to the site and can be extended to service this development.</p>	Yes
	(d) stormwater drainage or on-site conservation,	<p>The proposed stormwater drainage system including the flood storage void area below the ground level and the culvert have been assessed by Council's Development</p>	Yes
	(e) suitable road and vehicular access.		

		Engineer and were found to be satisfactory. The proposal is supported subject to specific conditions. The existing driveway location will service the basement which was considered acceptable by Transport for NSW, and Council's Traffic Engineering and Asset Engineers subject to conditions.	
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Draft Georges River Local Environmental Plan 2020

76. In accordance with section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 any proposed instrument that is or has been the subject of public consultation is a relevant matter for consideration in the assessment of a development application.
77. The Georges River Local Planning Panel endorsed at its meeting dated 26 June 2020 the Planning Proposal (as amended) to be forwarded to the Department of Planning, Industry and Environment for gazettal in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.
78. The draft amendments do not make any change in relation to the subject site's zoning however the FSR control for R2 zones is proposed to be reduced from 0.6:1 to 0.55:1. The proposed development has an FSR of 0.54:1 in the R2 zoned component of the site. Notwithstanding, the Draft Georges River Local Environmental Plan 2020 provisions have no determining weight as a result of proposed operation of Clause
79. *"1.8A Savings provisions relating to development applications"* of the Draft Plan which provides *"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the*

application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced”.

Hurstville Development Control Plan No.1 (HDCP)

80. The Hurstville Development Control Plan No. 1 applies to all land to which the Hurstville Local Environmental Plan 2012 (Hurstville LEP 2012). Although a medical centre is not permissible in the subject SP2 and R2 zones as per Hurstville LEP 2012 (permissible granted by the Infrastructure SEPP) an assessment has been undertaken against the applicable Hurstville DCP controls as a guide for the development. The following table outlines compliance with HDCP:

Clause	Standard	Proposal	Compliance
3.0 General Planning Considerations			
3.1 Vehicle Access, Parking & Manoeuvring	<p>DS1.3 – Table 2 (car parking rates –land located Outside a Business or Industrial zone)</p> <p>Medical centre: 3 spaces per consulting room</p>	<p>The proposal as lodged does not provide detail as to the number of consulting rooms. A future DA or CDC for the fitout will include details regarding the number of tenancies.</p> <p>The proposal provides 114 car spaces. 98 car spaces excluding the small car spaces (16).</p> <p>The proposal also provides for 18 motorcycle spaces. Although no tenancies have been included, a condition has been imposed requiring the number of tenancies be</p>	<p>Yes. Should the proposal be supported a condition of consent is to be imposed limiting the number of future tenancies to thirty three (33).</p>

		<p>limited to thirty three (33) (maximum number of tenancies allowed based on the car parking provided excluding 16 small car spaces). The reason for the imposition of the condition is to ensure that the number of tenancies to be proposed part of the future fitout DA/CDC still comply with the HDCP parking rates.</p> <p>It is noted that based on the Georges River DCP (not yet adopted) the proposal would require 86 car spaces (1 space per 40sqm for sites within 800m walking distance from a train station).</p>	
3.3 Access & Mobility	<p>DS1.1 – Table 1 (Accessible parking requirements)</p> <p>BCA Class 9 buildings.</p> <p>2 % of all parking spaces are to be set aside for accessible</p>	<p>2% of 114 car spaces: 2.28 space (rounded to 3 spaces)</p> <p>Provided: 6 accessible car spaces</p>	Yes

	parking where 50 or more parking spaces are provided, to be designed in accordance with AS 2890.		
3.4 Crime Prevention Through Environmental Design	PC1. Site and building layout PC2. Lighting PC3. Lighting and fencing PC4. Fencing PC5. Security and Operational Management PC6. Building Identification PC7. Building Ownership PC8. Building Materials PC9. Building Maintenance	<p>The proposed development achieves the objectives of crime prevention through environmental design as relevant to a medical centre development. The proposed building has been designed to clearly delineate between public and private spaces and the site is secured with a fence at the western end of the Stoney Creek Road frontage as well as a fence and a sliding gate at the Cambridge Street entrance.</p> <p>The proposal is expected to be well attended and the building provides a high level of passive surveillance surrounding the building. In addition, the building entry will be well lit at night and low-level lighting will be</p>	<p>Yes. Should the proposal be supported a condition of consent is recommended requiring CCTV systems and appropriate lighting be installed around the perimeter of the site as per the recommendation of the NSW Police Force. A condition shall also be imposed requiring operational compliance with the submitted Crime Risk Assessment and Security Management Plan.</p>

		<p>provided in the landscaped area around the building to prevent potential concealment. The proposed building materials are robust and minimise the opportunity for damage and can be easily maintained.</p> <p>The application was referred to the NSW Police Force who supported the application subject to the installation of a CCTV system around the perimeter of the site. The application was also accompanied by a Crime Risk Assessment and Security Management Plan which was assessed by the NSW Police Force, and required to be complied with through the imposition of condition.</p>	
3.7 Stormwater	As per Section 3.7 of HDCP No.1	The subject site is flood affected based on the Overland Flow Flood Study for	Yes

		<p>Hurstville, Mortdale and Peakhurst Wards, prepared by SMEC in 2016. The flooding has been addressed by a flood study which has been assessment by Council's Development Engineer. The flood report has been assessed in detail by Council's Development Engineer who recommended that the proposal be supported subject to conditions.</p> <p>The realignment of the Sydney Water Stormwater pipe/culvert has been assessed by Council's Development Engineer who recommended that the proposal be supported subject to conditions.</p> <p>The application was also referred to Sydney Water and was supported subject to a Section 73 Certificate.</p>	
Appendix 1			
7	Waste	The provisions of this	An operational Yes

Management	section require applicants to consider the design, structure, and location of waste management facilities prior to the submission of a DA. Additionally, a Waste Management Plan (WMP) may be required to be submitted with a DA for the development categories described in Section 1.2 of this Plan.	waste management plan accompanied the proposal and has been assessed by Council's Waste Team. The proposal was supported subject to specific waste conditions relating to demolition, excavation, construction and operational waste management.	
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Note: The site is located outside the Beverly Hills Study area within section 6.1 of HDCP No.1.

Georges River Development Control Plan 2020 (Interim Policy)

82. The Interim Policy is a supplementary document, meaning that the current Development Control Plan controls continue to apply if a particular control is not specified in the Interim Policy, or if it is still considered best practice. All operative Development Control Plans still legally apply. Whilst the Interim Policy has no statutory recognition in the assessment of a Development Applications pursuant to the Environmental Planning and Assessment Act 1979, the policy was used as a guide as it is an endorsed position of the Council.
83. In relation to the proposed medical centre, no specific controls are referenced in the Interim Policy Development Control Plan.

Impacts

Natural Environment

84. Twelve (12) trees are nominated to be removed as part of the works, included a significant Lemon Scented Gum tree (Tree 17 in Arboricultural report- *Corymbia Citriodora*). The application proposed the retention of a large Brush Box tree adjacent to the Lemon Scented Gum tree to be removed.
85. The removal of the major Lemon Scented Gum tree along the Stoney Creek interface is not due to the location of the proposed building but rather due to the demolition of the site's foundations which will likely result in horizontal soil pressure and may contribute to the collapse of the tree. The applicant's arborist has concluded that the removal of the existing building will likely destabilize the tree and lead to its failure.

86. The arboricultural report notes that this is especially dangerous in this circumstance due to the especially large mass of this tree:

“Tree height, mass weight and gravitational forces acts as a lever arm, where the risk of tree failure would increase when horizontal soil pressures are altered or disturbed within the SRZ the area required for tree stability between the building foundation and adjacent roadside infrastructure as shown”.

87. The report also adds that failure of this tree in this location would be catastrophic and very likely lead to loss of life due to the adjacent high voltage electricity cables and Stoney Creek Road.
88. The application was referred to Council’s Consultant Arborist who concurred with the recommendation of the applicants Arborist Report and supported the proposed tree removal including the removal of the Lemon Scented Gum tree subject to replacing and replanting new trees at a 2:1 ratio. Specific landscape conditions have been imposed in that regard. It is noted that a tree valuation fee of \$10,000.00 is required to be paid due to the removal of the major Lemon Scented Gum tree.
89. The subject site is flood affected based on the Overland Flow Flood Study for Hurstville, Mortdale and Peakhurst Wards, prepared by SMEC in 2016. The flooding impacts on the development, and the impacts of the development on the overland flow path have been addressed in a flood report prepared by Northrop dated December 2020. The flood report alongside the submitted hydraulic engineering design plans have been assessed in detail by Council’s Development Engineer who recommended that the proposal be supported subject to specific, engineering, hydraulic, and flooding conditions of consent.

Built Environment

90. The proposed redevelopment will provide for the urban renewal of a large consolidated site within the Beverly Hills area that will contribute positively to the building stock within the area with a harmonious built form. The siting, scale, bulk, and massing of the development is generally consistent with that anticipated for the site and represents an appropriately designed development which will contribute positively to the character of the area.
91. Although the development is located partially in an R2 zone, the building has been designed to fully comply with the envelope controls of the R2 zone mainly: height, FSR and setbacks. The building has introduced a highly modulated and articulated front façade treatment along Stoney Creek Road and Cambridge Street to create a landmark development will benefit the local and regional community.

92. It is considered the proposal provides a welcome transition between the adjoining low density buildings and the medium density development contained on the opposite side of Stoney Creek Road. The building is two (2) storeys along the neighbouring boundaries and only presents as three (3) storeys along the street.
93. The proposed development incorporates appropriate design elements to ameliorate potential amenity impacts to adjoining properties.
94. The adjoining dwelling houses receive the required three (3) hours of solar access between 9am and 3pm on 21 June as per the Hurstville DCP No.1.
95. The windows along the second storey element adjacent to the neighbouring boundaries contain obscure glazing to the lower part of the window (window elements below 1.6m according to design report).
96. The proposal will not require the removal of any neighbouring trees or vegetation.
97. In relation to traffic impacts, the Transport Assessment prepared by ASON Group which accompanies this application provides that the proposed use will result in less peak hour traffic generation when compared to the previous use (RTA building) of the site and accordingly the proposed is unlikely to result in an unacceptable traffic impact on the surrounding street network. The application was referred to Transport for NSW and was supported subject to specific traffic related conditions.
98. The development is unlikely to constrain development of the adjoining residential allotments as the building is sufficiently setback. It is noted that some adjoining sites contain multi dwelling developments which are no longer permissible in the R2 zone.
99. An Acoustic Assessment prepared by Renzo Tonin accompanies this application which examines the anticipated operational noise from the use of the medical centre including noise generated during the hours of operation by mechanical plant and noise generated by vehicle movements within the premises. The assessment demonstrates that the predicted noise levels comply with the relevant noise emission criteria and therefore it is unlikely that the proposed development will result in an unacceptable acoustic impact to the adjacent properties.

Social Environment

100. The proposed development is of a scale and form that is consistent with modern developments which is unlikely to result in adverse social impacts.

Economic Environment

101. The building has been designed for use as a medical centre with the capacity to accommodate an extensive range of medical services to meet the needs of the community. It is anticipated that the medical centre will comprise GP consulting rooms, allied health consulting rooms, pathology, radiology and related medical services.
102. A Medical Needs Assessment for Beverly Hills prepared by Atlas Urban Economics accompanies this application. The Assessment identifies that there is a significant undersupply of GPs and allied health practitioners within the relevant catchment.
103. The demand for medical services in the local area has also been recognised by Council most recently in the draft Beverly Hills Town Centre Master Plan April 2020. In section 3.1 of the report, one of the challenges that the community raised includes gaps in the medical services sector and bulk billing GP's. Furthermore, based on the economic research undertaken (section 5.4- Key Economic Opportunities) it was noted that medical centres have been identified as a use that will strengthen the night time economy by supporting daytime activity within the centre which will in turn revitalise the Beverly Hills Town Centre.
104. The increased worker population on the site will also assist in revitalising the Beverly Hills town centre by introducing a day time population into the centre which will encourage all day trading within the centre.
105. The proposed development will provide temporary employment through the construction of the development. In addition, the proposal will restore and increase employment associated with the use of the site which is consistent with Section 9.3 of Council's Local Strategic Planning Statement (LSPS) which seeks to protect employment land and provide an additional 187,000 square metres of employment floor space by 2036.

Suitability of the Site

106. The site although not permissible with the subject R2 - Low Density Zone, and SP2 - Infrastructure zone, is a permissible form of development pursuant to Clause 57 of State Environmental Planning Policy (Infrastructure) 2007. The proposed development meets all applicable zone objectives and will not prohibit neighbouring sites from meeting their respective zone objectives if they are to be developed.
107. Based on the assessment of Council's Development Engineer of the amended flood report prepared by Northrop dated December 2020, it was concluded that the site's flood conditions do not conflict with the flood matrix found in Council's Stormwater Management Policy 2020. Council's Development Engineer has concluded that the site is suitable for the proposed development and has

recommended engineering, hydraulic, and flood related conditions which have been imposed.

SUBMISSIONS, REFERRALS AND THE PUBLIC INTEREST

108. The application was advertised for a period of twenty eight (28) days between 17 June 2020 and 15 July 2020 in accordance with the Hurstville Development Control Plan.

Application Referrals

109. The application was referred to a number of external agencies and internal officers for comment as follows:

Referral – External	Comments	Action
NSW Police	The application is supported subject to condition for CCTV and lighting.	Conditions of consent provided.
APA Group (Gas)	The application is supported subject to a condition.	Condition of consent provided.
Sydney Water	The application is supported subject to the lodgement of a Section 73 certificate.	Conditions of consent provided.
WaterNSW (Integrated development)	The application is supported with the general terms of approval issued. It is noted that a separate approval is required to be issued by WaterNSW prior to the release of the construction certificate.	Conditions of consent provided.
Transport for NSW	The application is supported subject to specific traffic related conditions.	Conditions of consent provided.
Ausgrid	The application is supported subject to specific conditions. It is noted that a separate approval is required to be issued by Ausgrid prior to the release of the Construction Certificate.	Conditions of consent provided.
Sydney Airports Corporation and CASA (Civil Aviation Safety Authority)	The application is supported subject to specific conditions relating to the height limitation for	Conditions of consent provided.

	the building and any construction equipment (such as cranes).	
Referral – Internal	Comments	Action
GIS	The application is supported subject to specific conditions.	Conditions of consent provided.
Council Arborist	The application is supported subject to specific conditions relating to tree removal, landscaping, tree replacement, and the payment of a tree valuation fee.	Conditions of consent provided.
Traffic Engineer	The application is supported subject to specific traffic related conditions.	Conditions of consent provided.
Development Engineer	The proposal was assessed by Councils Development Engineer who supported the development and recommended engineering, hydraulic, and flood related conditions which have been imposed.	Conditions of consent provided.
Environmental Health Officer	The application is supported subject to specific health related conditions and excavation dewatering conditions.	Conditions of consent provided.
Waste Team	The application is supported subject to specific waste (excavation, demolition, construction and ongoing) conditions.	Conditions of consent provided.
Driveway Team	The application is supported subject to specific driveway related conditions.	Conditions of consent provided.

Local Infrastructure Contributions

110. The development is subject to Section 7.12 (former Section 94A Contribution) contribution as the proposed cost of works, registered with Council exceeds \$100,000.00. In accordance with Council's Section 94A Plan, Section 7.12 – Fixed

Development Consent Levies are applicable to developments with cost of works exceeding \$100,000.00 being a levy of 1% of the cost of work.

111. In this case the levied charge is \$220,275.00 which is required to be paid in full prior to the release of any Construction Certificate.

Conclusion

112. The proposal seeks consent for demolition of existing structures, lot consolidation, engineering works involving the realignment of a Sydney Water stormwater culvert, construction of a three (3) storey medical centre and flood chamber over three (3) levels of basement carparking containing one hundred and fourteen (114) car spaces, landscaping and site works.
113. The development is identified as Integrated development under clause 90 of the Water Management Act 2000 due to the excavation encountering groundwater and requiring approval from WaterNSW. General terms of approval have been obtained from WaterNSW.
114. The site although not permissible within the subject R2 - Low Density Zone and the SP2 - Infrastructure zone under the Hurstville Local Environmental Plan 2012, however the development is a permissible form of development pursuant to Clause 57 of State Environmental Planning Policy (Infrastructure) 2007.
115. The proposal has been assessed in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979. As discussed throughout this report, the proposal is considered a form of development which is compatible with its surrounding environment. The proposal is not considered to exacerbate physical environmental impact to the adjoining and immediate locality. In addition, it is considered that the proposed is within character and is capable of existing harmoniously with its surroundings.
116. Operationally, the proposal will not result in any unreasonable impacts on the amenity of adjoining properties subject to conditions of consent as recommended below.
117. The application is recommended for approval subject to conditions

DETERMINATION AND STATEMENT OF REASONS

118. Statement of Reasons
- The proposed development is a permissible form of development pursuant to Clause 57 of State Environmental Planning Policy (Infrastructure) 2007.
 - The proposed development is not considered to be incompatible with surrounding development and surrounding land uses.

- The proposed development complies with the requirements of the relevant environmental planning instruments and development control plan.
- The building will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, overshadowing or view loss.
- The proposed development is well considered and sensitively designed so that it will not result in any unreasonable impact on the natural and built environment.
- The proposed development is not considered incompatible with the character of the locality and is capable of existing harmoniously with its surroundings.
- The proposal is consistent with Section 9.3 of Council's Local Strategic Planning Statement (LSPS) which seeks to protect employment land and provide an additional 187,000 square metres of employment floor space by 2036 which this use will contribute to.
- The proposal is not inconsistent with the provisions of the Draft Georges River Local Environmental Plan 2020.

DETERMINATION

119. THAT pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) the Sydney South Planning Panel grants consent to DA2020/0227 for demolition works, lot consolidation, engineering works involving the realignment of a Sydney Water stormwater culvert, construction of a three (3) storey Medical Centre over a flood chamber, basement carparking for one hundred and fourteen (114) car spaces, landscaping and site works at Lots 2 and 3 in DP1205598 and known as 143 Stoney Creek Road Beverly Hills, subject to the following conditions:

Conditions of consent

1. **Approved Plans** - The development has been approved as a Medical Centre (as defined under Hurstville Local Environment Plan 2012) and the build 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
Site Plan	Project 220015 Drawing TP00.01	18/12/2020	B	Rothe Lowman Property Pty. Ltd.
Demolition Plan	Project 220015 Drawing TP00.03	18/12/2020	B	Rothe Lowman Property Pty. Ltd.

Basement Plan	3	Project 220015 Drawing TP01.01	23/11/2020	A	Rothe Lowman Property Pty. Ltd.
Basement Plan	2	Project 220015 Drawing TP01.02	23/11/2020	A	Rothe Lowman Property Pty. Ltd.
Basement Plan	1	Project 220015 Drawing TP01.03	18/12/2020	B	Rothe Lowman Property Pty. Ltd.
Flood Chamber Plan		Project 220015 Drawing TP00.06	18/12/2020	-	Rothe Lowman Property Pty. Ltd.
Ground Floor Plan		Project 220015 Drawing TP01.04	18/12/2020	B	Rothe Lowman Property Pty. Ltd.
Level 1 Floor Plan		Project 220015 Drawing TP01.05	18/12/2020	B	Rothe Lowman Property Pty. Ltd.
Level 2 Floor Plan		Project 220015 Drawing TP01.06	18/12/2020	A	Rothe Lowman Property Pty. Ltd.
Roof Plan		Project 220015 Drawing TP01.07	18/12/2020	A	Rothe Lowman Property Pty. Ltd.
Northern and Eastern Elevation Plans		Project 220015 Drawing TP02.01	18/12/2020	B	Rothe Lowman Property Pty. Ltd.
Southern and Western Elevation Plans		Project 220015 Drawing TP02.02	18/12/2020	B	Rothe Lowman Property Pty. Ltd.
Section 01		Project 220015 Drawing TP03.01	18/12/2020	A	Rothe Lowman Property Pty. Ltd.

Section 02	Project 220015 Drawing TP03.02	18/12/2020	B	Rothe Lowman Property Pty. Ltd.
Section 03	Project 220015 Drawing TP03.03	18/12/2020	A	Rothe Lowman Property Pty. Ltd.
Section 04	Project 220015 Drawing TP03.04	18/12/2020	A	Rothe Lowman Property Pty. Ltd.
GFA Plans	Project 220015 Drawing TP10.00	18/12/2020	B	Rothe Lowman Property Pty. Ltd.
Lot Subdivision Plan	Project 220015 Drawing TP00.05	05/11/2020	A	Rothe Lowman Property Pty. Ltd.
Schedule of Colours and Finishes	5.0 Materials/5.01 Material Palette 143A Stoney Creek Road Beverly Hills NSW	-	-	Rothe Lowman Property Pty. Ltd.
Landscape Set	Reference 2020103: LD- DA001, LD- DA100, LD- DA200, LD- DA400, LD- DA900	17/12/2020	3	Landform Studios
Crime Risk Assessment and Security Management Plan	143A Stoney Creek Road Beverly Hills	May 2020	-	Sutherland and Associates Planning
Detailed Site Investigation	E23967.E02_R EV2	8 May 2020	2	El Australia

Flood Impact Assessment	SY200410	17 December 2020	B	Northrop
Geotechnical Report	E23967.G03_R EV4	19 May 2020	3	El Australia
Accessibility Design Review Report	Job 20152 20152_ADR_D A_v1.2	22 May 2020	-	ABE Consulting
Acoustic Assessment	TL394-01F02	21 May 2020	1	Renzo Tonin and Associates
Arboricultural Impact Assessment	RTC-7320	26 May 2020	-	Raintree Consulting
Transport Assessment	P0780r01v01	26/05/2020	1	Ason Group
Design Report	143A Stoney Creek Road Beverly Hills	May 2020	-	Rothe Lowman Property Pty. Ltd.

Note: Any variation to the development as approved, must only be undertaken in accordance with any applicable Exempt, Complying Development or an Approved Development Consent as outlined under the Environmental Planning and Assessment Act 1979.

Separate Approvals Required Under Other Legislation

2. **Vehicular Crossing - Major Development** - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:
 - (a) Construct a 1.5 metre wide footpath for the full length of the frontage of the site in Cambridge Street 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 Cambridge Street 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.

- 3. **Building - Hoarding Application** Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

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

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

- 4. **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 (eg Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (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.

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. **Road Occupancy Licence (Transport for NSW Condition)**- A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Stoney Creek Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

Requirements of Concurrence, Integrated & Other Government Authorities

7. **Electricity Supply** - An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).

To submit a connection application visit:

<https://www.ausgrid.com.au/Connections/Get-connected>

Note 1: The assessment and requirements of a new substation is addressed during their application stage with Ausgrid's Contestability Group.

Note 2: Confirmation is required to be obtained from Ausgrid as to whether the floor level of the substation room nominated on the architectural plans is required to be raised to allow for protection from flood events. In case the floor level does require to be altered a modification application is required to be lodged.

8. **Approval from WaterNSW-** The development consent holder must apply to WaterNSW for a Water Supply Work approval after development consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the WaterNSW website at: www.watarnsw.com.au > Customer Services > Applications & Fees.

Notes:

- i. An extraction limit will be determined by the Department of Planning, Industry and Environment following a further hydrogeological assessment and included on the conditions applied to the authorisation for the dewatering activity.
 - ii. Detailed information required to permit the hydrogeological assessment to be carried out is to be provided by the applicant otherwise the issue of the authorisation will be subject to delay.
 - iii. The authorisation will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of approval for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.
9. **WaterNSW General Terms of Approval-** The General Terms of Approval issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Dewatering

- (a) The Department of Planning, Industry and Environment and Water has determined that an authorisation to account for the temporary and transient impacts on groundwater systems associated with the proposed development for up to twelve months is required (to be issued by WaterNSW).
- (b) All required monitoring and reporting arrangements are to be designed to demonstrate the activity meets due diligence with respect to the Water

Management Act 2000, the relevant water sharing plan(s) and the NSW Aquifer Interference Policy during construction and occupation phases of the building.

- (c) At the time of application for a Construction Certificate, the developer must be able to demonstrate to the consent authority that an authorisation for the pumping of groundwater for temporary construction dewatering has been obtained for the relevant groundwater source from which water is being taken.
- (d) At the time of application for an Occupation Certificate, the developer must be able to demonstrate to the consent authority that any unexpected groundwater pumping (resulting from poor construction methods, materials or inadequate waterproofing) has been authorised by a water access licence purchased for the relevant groundwater source from which water is being taken and must be able to demonstrate no impact on neighbouring sites or the integrity of the aquifer.
- (e) All monitoring data collected for the development and all monitoring and management reports are to be provided in electronic format (tabulated and raw corrected data) to the Department of Planning, Industry and Environment and Water.
- (f) A specialist Site Hydrogeology Report prepared and certified by a qualified, experienced and practising hydrogeologist must be provided to enable the Department of Planning Industry and Environment to carry out the assessment that includes, but is not limited to, the following:
 - 1. Pre-development (existing) conditions in the form of a baseline monitoring record and comprehensive groundwater system description:
 - i. site and neighbouring area stratigraphy, formation description, site groundwater levels, groundwater flow paths, site aquifer and aquitard (if relevant) hydraulic characterization.
 - ii. groundwater quality and specific consideration of groundwater potentially affected by contamination from surrounding land uses or acid sulfate soils where they are found to exist.
 - iii. neighbouring users, groundwater dependent ecosystems, water bodies and other relevant features within a one kilometre radius of the subject site.
 - iv. the above site information must not date more than six months prior to the date of lodgement of the development application to account for climate trends and maintain the currency of groundwater data.

2. Excavation phase (during dewatering), in the form of a comprehensive impact prediction description as well as a monitoring and management strategy:
 - i. predicted impacts (extent, magnitude and duration) that are developed through numerical groundwater modelling.
 - ii. corresponding trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts.
 - iii. construction techniques and approaches that will be used to prevent any ongoing groundwater pumping at the same time as not causing any obstruction to natural groundwater behavior.
 - iv. details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping).
 - v. where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to Council (Note while it is the Proponents responsibility to identify the risk, the Department recommends that Council enforce this requirement for all applications in all high risk areas which includes sand formations or other unconsolidated ground).
3. Post-excavation phase (during aboveground construction) in the form of a comprehensive post-dewatering impact review:
 - i. collation of monitoring records.
 - ii. analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed.
 - iii. magnitude and extent of potential long-term effects from the completed structure.
 - iv. arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority.
4. Occupational phase (after building completion) in the form of an annual groundwater monitoring plan:
 - i. monthly monitoring to demonstrate the magnitude of groundwater pumping after construction, either through satisfactory photographic and documented evidence of no visible seepage into the building or, if inflows cannot be prevented, measured flow rates into all pump-out sumps.
 - ii. recording arrangements to document ongoing compliance, event-based notification of unexpected groundwater take to the relevant authority and annual reporting arrangements.

10. **Electricity Supply to Development** - The electricity supply to the Development

must be underground.

11. **Sydney Water - Tap in™** - The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.
12. **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 <http://legislation.nsw.gov.au/> 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 <http://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.

Prior to the Issue of a Construction Certificate

13. **Low reflectivity roof** - Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.
14. **Maximum height of Building-** The maximum height of the development is not to exceed 46 meters AHD. The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

Should the height of any temporary structure and/or equipment be greater than 45.72 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

Information required by Sydney Airport prior to any approval is set out in the advisory section of this consent.

Application pursuant to airport (protection of airspace) regulations reg 7:

- (a) Pursuant to s. 183 of the *Airports Act 1996* and Reg 7 of the *Airports (Protection of Airspace) Regulations 1996*, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("*controlled activity*") set out in the Schedule.
- (b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- (c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- (d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- (e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- (f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- (g) The "Important Notes" must be read and accepted.
- (h) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

15. **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.

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.

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.

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.

16. **Stormwater Connection (Transport for NSW Condition)** - The stormwater connection on Stoney Creek Road and associated works shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

17. **Stormwater System-**

Description	Reference No.	Date	Revision	Prepared by
Civil Engineering Package- Cover Sheet	DAC01.01	18/12/2020	06	Northrop
Civil Engineering Package- Concept Sediment and Erosion Control Plan	DAC03.01	27/10/2020	06	Northrop
Civil Engineering Package- Concept Sediment and Erosion Control Details	DAC03.11	23/10/2020	04	Northrop
Civil Engineering Package- Siteworks and Stormwater Management Plan	DAC04.01	18/12/2020	09	Northrop
Civil Engineering Package- Stormwater Longitudinal Section	DAC04.01	18/12/2020	01	Northrop
Civil Engineering Package- Details Sheet	DAC06.01	23/10/2020	05	Northrop

Civil Engineering Package- Details Sheet	DAC06.02	23/10/2020	01	Northrop
Civil Engineering Package- Details Sheet	DAC06.03	16/12/2020	01	Northrop
Civil Engineering Package- Stormwater Catchment Plan	DAC07.01	16/12/2020	08	Northrop

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.

- (a) The PCA shall ensure that all connection into the proposed stormwater box culvert running through the site shall be to the requirement and approval of Sydney Water.
- (b) All stormwater shall drain by gravity to the Stormwater Box Culvert system running through the site, in accordance with the Australian Standard AS3500.3: 2015 to Council's satisfaction.
- (c) The PCA shall ensure that the approved drainage design levels are surveyed during construction by a registered surveyor and be consistent with the approved plans.
- (d) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.
- (e) The design and structural adequacy of the OSD tank system shall be certified by a practicing drainage engineer to the satisfaction of the PCA.
- (f) The head clearance of the flood chamber shall be sufficient to be accessed and cleaned as required by the relevant regulations.
- (g) Basement entry into the basement shall be above the 1:100 year ARI plus freeboard (RL30.8). All other openings shall be above the PMF flood level (excluding loading bay which is to remain as proposed).

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

Stormwater Systems with Basement

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

- i. the drainage system within the site via a silt trap pit .

The design of the proposed drainage system must be prepared by a professional engineer who specialises in hydraulic engineering and be submitted for approval with the Construction Certificate application.

Protection of basement from inundation of stormwater waters

- (b) The protection of the underground basement shall be protected from possible inundation by surface waters from the street.

Evidence from a professional engineer who specialises in hydraulic engineering that this design requirement has been adhered to shall be submitted with the Construction Certificate application.

18. **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 complying with the approved plans, shall be submitted for approval with the Construction Certificate.

- (a) Provide at least one grated access and sufficient ventilation to the OSD tank.
- (b) Provide at least two sealed access for future maintenance.
- (c) The PCA shall ensure that a drainage engineer shall supervise the construction of the OSD stormwater system and certify his supervision in writing and state his satisfaction of the constructed stormwater system on site that it is built as intended in this consent.
- (d) The structural adequacy of the OSD tank shall be certified by a practicing structural engineer to the satisfaction of the PCA.
- (e) The stormwater permissible site discharge shall comply with Council's stormwater policy requirement.
- (f) The surcharge from the OSD tank shall be directed to the street frontage.

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

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."

Full details shall accompany the application for the Construction Certificate.

19. **Compliance with Flood Study-** The development shall be designed to conform to the recommendations and conclusions of the submitted flood study report prepared by 'Northrop engineering consultants' as amended dated '17 December 2020' reference number 'SY200410'.

This shall include, but not be limited to, any recommendations for the followings:

- (a) Minimum floor levels and freeboard.

- (b) Fencing.
- (c) Site regrading
- (d) Overland flow path construction.
- (e) Ensure that the overland flow is not blocked through the site
- (f) Protection of the basement from inundation of surface waters.
- (g) Pedestrian safety around the site to comply with the regulations and the relevant conditions' requirement of this consent.

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

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

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

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

21. **Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- (a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- (b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
- (c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 3m wide pavement/kerb face to kerb face width, and a non-slip surface.

22. **Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in

practising structural engineering must detail how Council's property shall be supported at all times.

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

23. **Car parking layout (Transport for NSW Condition)** - The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.

24. **Excavation of site (Transport for NSW Condition)** - The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@rms.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

25. **Bicycle parking (Transport for NSW Condition)** - Bicycle Parking should be provided in accordance with AS2890.3.
26. **Stop sign along frontage (Transport for NSW Condition)** - No Stopping signage' shall be installed along all frontages of the development, at no cost to TfNSW.
27. **Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to

150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

28. **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.
29. **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: **\$74,026.00** (Not inclusive of drainage works).
 - (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: **\$155.00**
 - (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.

30. **Access for Persons with a Disability** - Access and or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.
31. **Acoustic Treatment of Mechanical and Plant equipment** - Appropriate Acoustic treatment shall be incorporated to all noise generating equipment on site (including plant and mechanical equipment on the roof). The acoustic treatment is to be in accordance with the findings of a suitably qualified acoustic engineer and be based on the findings and recommendations of the approved acoustic report prepared by Renzo Tonin and Associates dated 12/05/2020.
32. **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.

33. **Compliance with the Detailed Site Investigation** - Prior to the commencement of any construction works, complete the recommendations provided in the Detailed Site Investigation – 143A Stoney Creek Road Beverly Hills, dated 8 May 2020, prepared by EI Australia, which include the following:

- Completion of additional site investigations to close existing gaps for satisfactory characterisation of the site;
- Any soils to be excavated and removed from the site are to be waste classified in accordance with EPA (2014) Waste Classification Guidelines.

34. **Ground water – further site investigation of soil and ground water-**

- To ensure that the site is made suitable for the proposed development, a further site investigation in relation to the groundwater must be carried out and address gaps identified in the Geotechnical Investigation 143A Stoney Creek Road Beverly Hills, prepared by EI Australia and 19 May 2020. The investigation must be completed by a certified Contaminated Land Consultant.
- Any Remediation Action Plan for the site must reflect the current guidelines and any new information of soil and groundwater found in any additional sampling and analysis required by the appointed Site Auditor accredited under the Contaminated Land Management Act.
- The above must be completed prior to any shoring for temporary dewatering, excavation or building works. Approvals from appropriate government departments where required must be obtained. Full details of the investigation and site remediation are to be submitted to the Principal Certifying Authority and Council if Council is not the Principal Certifying Authority, in accordance with the Environmental Planning and Assessment Act 1979 prior to the commencement of any shoring for temporary dewatering, excavation or building works onsite.

35. **Waste Facility-** The following information shall be provided and shown on the Construction Certificate Plans

Details of the construction and fit out of the waste facility of the food premises must be submitted to Council's Waste Services Team for approval. Such details must demonstrate compliance with the [Food Act 2003](#) (as amended), [Food Regulation 20105](#) (as amended); the *Food Standards Code* as published by Food Standards Australia and New Zealand and Australian Standard AS 4674:2004 *Design, construction and fit out of food premises (as amended.)* and must be:

- i. provided with a hose tap connected to the water supply;

- ii. paved with impervious floor materials;
- iii. coved at the intersection of the floor and the walls;
- iv. graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- v. adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the [Protection of the Environment Operations Act 1997](#);
- vi. Must be large enough to accommodate the bins required.

Council's Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the issue of any Construction Certificate.

36. **Crime Prevention-** In line with the recommendation of the NSW Police Force, the following are to accompany the Construction Certificate application:
- (a) The development is to provide Closed-Circuit Television (CCTV) cameras in and around the development. A Closed-Circuit Television plan is to be prepared in that regard.
 - (b) The number of each level must be prominently displayed adjacent the elevators and fire stairs to assist users of the property identify locations particularly in emergency situations.
 - (c) The CCTV system must continuously at all times.
 - (d) Recordings must be in a digital format and at a minimum of ten frames per second (10 fps).
 - (e) Any recorded image must specify the time and date of the recorded image.
 - (f) The systems cameras must cover the following areas
 - (i) All entry and exit points on the premises
 - (ii) The footpath immediately adjacent to the premises
 - (iii) All publicly accessible areas (other than toilets) within the premises.
 - (iv) Throughout the underground car park to monitor activities around these areas
37. **Lighting in and around the Site-** Lighting must be installed in and around the property to increase visibility during the hours of darkness. Lighting must comply with the relevant Australian Standard.
38. **Commonwealth Disability (Access to Premises) Standard** - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing

building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

39. **Geotechnical report** - The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:
- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
 - (b) Dilapidation Reports on the adjoining properties including, but not limited to 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 PCA 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) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
 - (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.
40. **Construction Traffic Management Plan** - A Construction Traffic Management Plan detailing but not limited to the following:
- (a) Construction vehicle routes;
 - (b) Anticipated number of trucks per day;
 - (c) Anticipated number of staff per day
 - (d) Hours of construction;
 - (e) Duration of construction;
 - (f) Traffic Control Plans to manage construction vehicles;
 - (g) Access arrangements; and

- (h) Proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council's Traffic Engineer. Council's Traffic Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

- 41. **Design to withstand flooding-** The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to the probable maximum flood (PMF) level.
- 42. **Construction Pedestrian Traffic Management Plan (CPTMP) (Transport for NSW Condition)** - A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.
- 43. **Waste Room Construction** - The construction certificate drawing shall show the waste room containing 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) 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) all personnel doors are hinged and self-closing.
- 44. **Waste Handling Systems** - All waste handling equipment and systems used in conjunction with the provision of waste and recycling services shall be manufactured, installed and maintained in accordance with any applicable regulatory requirements, relevant Australian Standards, and relevant manufacturer's specifications.
- 45. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

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

Please contact Council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to

payment to determine correct total amount to be paid and bank account details (if applicable).

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$74,026.00 (Not inclusive of drainage works)
Inspection Fee for Refund of Damage Deposit	\$155.00
Offset Fee for Tree Replacement for removal of tree 17 (<i>Corymbia citriodora</i>)	\$10,000.00
DEVELOPMENT CONTRIBUTIONS	
Georges River Council Section 94A Development Contributions Plan 2017 (S7.12)	\$220,275.00

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.

Development Contributions

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 7.12 Contributions Plan.

Indexation

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 7.11 Development Contributions Plan.

Timing of Payment

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

Further Information

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.

46. **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.

47. **Required Design Changes-** The following changes are required to be made and shown on the Construction Certificate plans:

- (a) Prior to the issue of the Construction Certificate, a dedicated marked 'refuge area' approximately (3.0m x 4.0m) above the (PMF) is to be provided and annotated on the Construction Certificate Plans and Documents. This area is not to be enclosed by doors and is to contain some seating and room for standing to accommodate the number of visitors who would be expected to enter the building facilities at any time. This refuge area is to be indicated on the architectural plans and included as part of an emergency evacuation plan prepared in accordance with AS 3745-2010.

This refuge area is required in case; the operating businesses (within future tenancies) would be closed or not available for the public under evacuation. The Flood Emergency Response shall be amended to include this variation.

- (b) Prior to the issue of a Construction Certificate, the applicant shall ensure to submit the drainage and flood documents regarding the box culvert to Sydney Water for their assessment and approval. The applicant shall comply with the drainage engineering requirement and specifications of Sydney Water for this development.

48. **Traffic Design Certificate-** A detailed "design" certificate from an experienced and qualified traffic engineer with tertiary qualifications is to be submitted to and approved by the Principal Certifying Authority confirming the following:

- (a) The car parking layout and loading areas associated with the development (including, driveway grades, headroom clearance turn paths, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS2890.1:2004, AS2890.6:2009 and AS2890.2:2018.
- (b) Bicycle parking associated with the development is provided in accordance with AS2890.3 design requirements.
- (c) Driveway access complies with Figure 3.3 of AS2890.1:2004 minimum sight lines for pedestrian safety.
- (d) All vehicles shall enter and exit the premises in a forward direction;
- (e) Confirmation that the plans provide for the following allocation of parking facilities:
 - A minimum of 114 car parking spaces (including 16 small car spaces and including six (6) accessible car parking spaces);
 - A minimum of Eighteen (18) motorcycle spaces;
 - Bicycle spaces as required by AS2890.3;

49. **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.

50. **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 address for the subject development is allocated as follows:

Primary Address

143 Stoney Creek Road Beverly Hills NSW 2209.

51. **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.

52. **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.

53. **Compliance with submitted Arborist Report** – The recommendations outlined

in the Arborist's Report titled Arboricultural Impact Assessment Report prepared by Raintree Consulting, dated 26th May, 2020 must be implemented throughout the relevant stages of site set up, demolition, excavation construction and landscaping. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - Australian Standard AS 4970-2009: Protection of trees on development sites.

- **Tree protection as per - Appendix A: Tree Removal and Protection Plan (Arborist Report)**

The tree/s to be retained and protected are listed in the table below.

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) TPZ as per AS4970 - 2009 Fencing distance from trunk
Tree 1 – <i>Lophostemon confertus</i>	Councils street tree	5.4 metres
Tree 2 – <i>Lophostemon confertus</i>	Councils street tree	8.4 metres
Tree 3 – <i>Lophostemon confertus</i>	Within site, south east corner	3.0 metres
Tree 11 – <i>Citharexylum spinosum</i>	Within neighbours site, 108 Arcadia Street Beverly Hills	6.6 metres
Tree 12 – <i>Citharexylum spinosum</i>	Within neighbours site, 108 Arcadia Street Beverly Hills	7.2 metres
Tree 13 – <i>Xylosma senticosum</i>	Within neighbours site, 108 Arcadia Street Beverly Hills	4.8 metres
Tree 14 – <i>Xylosma senticosum</i>	Within neighbours site, 108 Arcadia Street Beverly Hills	4.8 metres
Tree 16 – <i>Lophostemon confertus</i>	Within site, front boundary of site	9 metres

54. **Landscape Plans** – All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by Landform Studios, Rev 2, Ref No2020103 – DA100, 200, 400, 900 and dated 5/11/20. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following -

- (a) The proposed trees *Angophora costata* (x6), *Eucalyptus punctata* (x6), *Syncarpia glomulifera* (x2), *Tristaniopsis laurina* (x4), must be planted within the site and be of pot/ bag size of minimum 100 litre.

- (b) All trees must be contract grown with a reputable nursery grower early in the build phase to ensure tree species, pot/bag size and quantities are guaranteed prior to landscape and planting phase to form compliance.
- (c) All trees proposed upon the approved landscape plan shall comply with AS 2303 – 2018, *Tree Stock for Landscape use* and *NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)*, and be planted and maintained in accordance with Councils standard specification;
- (d) If the planted trees and plants are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size;

55. **Tree Protection and Retention** – The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) TPZ as per AS4970 - 2009 Fencing distance from trunk
Tree 1 – <i>Lophostemon confertus</i>	Councils street tree	5.4 metres
Tree 2 – <i>Lophostemon confertus</i>	Councils street tree	8.4 metres
Tree 3 – <i>Lophostemon confertus</i>	Within site, south east corner	3.0 metres
Tree 11 – <i>Citharexylum spinosum</i>	Within neighbours site, 108 Arcadia Street Beverly Hills	6.6 metres
Tree 12 - <i>Citharexylum spinosum</i>	Within neighbours site, 108 Arcadia Street Beverly Hills	7.2 metres
Tree 13 – <i>Xylosma senticosum</i>	Within neighbours site, 108 Arcadia Street Beverly Hills	4.8 metres
Tree 14 - <i>Xylosma senticosum</i>	Within neighbours site, 108 Arcadia Street Beverly Hills	4.8 metres
Tree 16 – <i>Lophostemon confertus</i>	Within site, front boundary of site	9 metres

- (a) The client shall engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation, with a letter of engagement forwarded to the nominated PCA.

- (b) A certificate of compliance letter from the AQF 5 Arborist must be forwarded to the PCA – Principal Certifying Authority, at three (3) stages being, before works, during works and once all building works have been completed, that tree protection measures have been installed and being maintained during the building process.

Tree Protection Measures

- (c) All trees on Council property, subject site and adjacent sites, to be retained must be protected before site set up and maintained during demolition, excavation and construction of the site.
- (d) Although trees may be on adjacent sites, the tree protection fencing must be placed on the nominated distances as per table above, out from the trees trunk, within the subject site to minimise impacts to neighbours trees and kept for the entirety of the project.
- (e) The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- (f) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation.
- (g) The engaged AQF 5 Consulting Project Arborist must be present on-site during the stages of site set up, excavation, demolition and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
- (h) In accordance with AS 4970-2009 *Protection of trees on development sites*, a protective fence consisting of 2.4 x 1.8 metres high, fully supported chainmesh fence shall be used. The distance of the fence out 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.
- (i) The tree protection fencing must be kept in place during demolition, excavation and construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.
- (j) To preserve the Councils street trees, *Lophostemon confertus*, trees 1 and 2 and protection from machinery, no work shall commence until the Tree Protection Zone has been protected with 100mm of organic mulch laid, timber sleepers at 200mm x 100mm laid over the top and secured with metal framing bands as per AS4970 -2009, clause 4.5.3 Ground protection within the TPZ of the two (2) trees.

- (k) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.
- (l) No building products, preparation of building products, storage of materials, stockpiling, site sheds, toilets or services shall be installed within the TPZ of the trees to be retained on the site, Councils street trees and neighbours trees on adjacent sites.

Excavation works near tree to be retained

- (m) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the AQF 5 Project Arborist to ensure that the root system will not adversely be affected.
- (n) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the AQF 5 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.
- (o) Tree Protection Zones around the trees to be retained are not to have soil level changes, building product / materials stored 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.

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved. All pruning must be undertaken by a qualified Arborist in accordance with AS4373 -2007 Pruning of Amenity Trees and Amenity Tree Industry, Code of Practice (SafeWork NSW August 1998).

56. Tree Removal & Replacement - Tree removal

- (a) Tree removal
- (b) Tree valuation for tree 17 must be paid to Council prior to the removal of any trees and the issue of a Construction Certificate.

Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
Tree 4 – <i>Leptospermum petersonii</i>	X1	Within site, south east corner
Tree 5 – <i>Allocasuarina torulosa</i>	X1	Within site, southern fence line
Tree 6 – <i>Melaleuca squarrosa</i>	X1	Within site, southern fence line

Tree 7 – <i>Lophostemon confertus</i>	X1	Within site, middle car park
Tree 8 – <i>Schefflera arboricola</i>	X2	Within site, middle car park
Tree 9 – <i>Lophostemon confertus</i>	X1	Within site, middle car park
Tree 10 – <i>Lophostemon confertus</i>	X1	Within site, south west corner
Tree 15 – <i>Leptospermum petersonii</i>	X1	Within site, front north boundary
Tree 17 – <i>Corymbia citriodora</i> Valuation fee must be paid to Council prior to CC issued	X1	Within site, front north boundary
Tree 18 – <i>Leptospermum petersonii</i>	X2	Within site, front north boundary

General Tree Removal Requirements

- (a) All tree removal shall be carried out by a minimum certificate Level 3, Licenced and insured 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.

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

57. **Dilapidation Report on Public Land** – Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site:

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) 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.

58. **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 carpark, structural engineer's details relating to the method of supporting Council's roadways/footways must be submitted to the satisfaction of Council.
59. **Demolition & Asbestos** - 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.

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.

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.

60. **Demolition Notification Requirements** - The following notification requirements apply to this consent:
- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the

demolition site.

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

- 61. **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 the Principal Certifying Authority (PCA) and Council for their records.
- 62. **Compliance with the Detailed Site Investigation-** Prior to commencement, complete the recommendations provided in the Detailed Site Investigation – 143A Stoney Creek Road Beverly Hills, dated 8 May 2020, prepared by EI Australia, which include the following:
 - Prior to site demolition, carry out a Hazardous Materials Survey on existing structures to identify potentially hazardous building products that may be released to the environment during demolition;
- 63. **Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.
- 64. **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.

During Construction

- 65. **Physical connection of Stormwater to site-** No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's stormwater system in the street as indicated on the approved drainage plans.
- 66. **Building Materials – Flood Prone Land** - All building materials used to construct

the proposed building must be constructed using flood proof materials up to the PMF level (RL 30.94) AHD and this must be specified by the manufacturer. All electrical services must also be located above the 1:100 year flood level (RL30.38). The applicant should refer to the NSW Government Public Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas, Chapter 4.3’.

67. **Damage within Road Reserve and Council Assets-** The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
68. **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.

69. **Development Engineering - Damage within Road Reserve and Council Assets** - The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
70. **Transportation of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for

those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

71. **Remediation Works-** All remediation work (including asbestos removal) must be carried out in accordance with: -
- The Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land; and
 - the EPA Guidelines made under the Contaminated Land Management Act 1997.

72. **Dewatering – Permit to Discharge to Stormwater-** To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater must be obtained from Council. Dewatering must not commence until this is issued by Council.

73. **Dewatering – Water Quality Requirements** - For any water from site dewatering to be permitted to go to the stormwater, the water must meet the relevant default guideline values (DGVs) under the Australian & New Zealand Guidelines (ANZG) for Fresh & Marine Water Quality. The results of all testing must be completed by a NATA accredited laboratory.

All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater must be provided in this report. Reports must be provided to council prior to discharge of any groundwater to the stormwater system.

74. **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:

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

75. **Utility Arrangements (Transport for NSW Condition)** - The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

76. **Demolition and Construction Vehicles (Transport for NSW Condition)** - All

demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

77. **Development Engineering - Public Utility and Telecommunication Assets** - The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines and cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.
78. **Contamination - Unexpected Finds** - 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 and all works on site must cease immediately.
79. **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.
80. **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.

81. **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.
82. **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.
83. **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.

84. **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.

85. **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.

Prior to the issue of the Occupation Certificate

86. **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/Subdivision Certificate.
87. **Acoustic Compliance** – 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 DA Noise Assessment for Proposed Health Services Facilities – 143A Stoney Creek Road Beverly Hills, prepared by Renzo Tonin and Associates and dated 21 May 2020.
88. **Connection to the network will be required prior to the release of any Occupation Certificate** - Where works within the road reserve are to be carried out by the developer, a Road Opening Permit must be obtained from Council's Customer Service Centre before commencement of work.
89. **Acoustic Compliance – 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](#).

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 industrial Noise Policy"](#).

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

90. **Certification – air handling systems (including water-cooling system, hot water systems and warm-water system)-** Certification by a suitably qualified person engineer '2012 must be submitted to the PCA prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:
- (a) [Public Health Act 2010](#) (as amended)
 - (b) [Public Health Regulation 2012](#) (as amended)
 - (c) AS/NZS 3666.1:2011 *Air-handling and water systems of buildings -Microbial control -Design, installation and commissioning*
91. **Registration – Water-cooling and warm water systems-** The applicant must register the regulated systems with Council and provide the PCA with evidence of registration pursuant to Clause 12 of the [Public Health Regulation 2012](#) (as amended prior to the issue of an Occupation Certificate).
92. **Creation of a Drainage Easement-** A drainage easement shall be created in favour of Sydney Water over the proposed stormwater box culvert extending through site; complying with the requirements and specifications of Sydney Water (the layout as indicated on the stormwater Dwg plan No. DDAC04.01, Revision (9), dated 18/12/2020, prepared by 'Northrop engineering consultancy'). The drainage easement shall be registered with the NSW Land and Property Information Service prior to the issue of Occupation Certificate.
93. **Restriction to User and Positive Covenant for On-Site Detention Facility -** 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.

94. **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.
95. **Development Engineering - Restriction on use of land for overland flow-** Prior to the issue of the Occupation Certificate, the applicant must create of a restriction on the title of the subject property. The restriction is to be over the 100 year ARI flood zone identified in the flood report prepared by 'Northrop engineering consultants' dated '17 December 2020' reference number 'SY200410' preventing the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone.

The Restriction of Use of the Land is to be created using Section 88E of the Conveyancing Act 1919 over the subject property on which this development is to be carried out. This Restriction shall ensure that the stormwater overland flow-path, as determined by flood report prepared by 'Northrop engineering consultants' dated 17 December 2020 reference number 'SY200410', be maintained free from obstructions at all times and shall be worded as follows:

"In relation to the stormwater overland flow path, identified on the approved plans, for Development Application DA2020/0227, the following Restrictions on The Use of The Land will apply:

- (a) Property boundary fencing is not to obstruct the free flow of surface waters across the overland flow path in any way.*
- (b) No building structures, walls, fences, trees, shrubs, grass or other vegetation shall be erected or planted within the site of the **overland flow path or easement to drain water** (where existing or proposed on site), except with the approval of Council.*
- (c) The existing natural ground levels of the site shall not be raised or lowered or retaining walls constructed unless specified detailed plans are first submitted to and approved by Council.*
- (d) The overland flow path must be kept clear of obstructions at all times and maintained to the satisfaction of Council."*

This Restriction shall benefit Georges River Council and Georges River Council is to be nominated as the Authority to release, vary or modify this Restriction. This Restriction on Use of Land shall be registered on the title of the land, prior to the issue of Any Occupation Certificate for the development (including Interim or Part Occupation Certificate).

Documentary evidence of the registration of this Restriction on title is to be supplied to the Principal Certifying Authority when application for an occupation certificate is made.

96. **Contaminated Land – Site Validation Report (for contaminants found during demolition or construction)** - Any contaminants found during demolition or construction that requires the management of contamination, a Site Validation Report prepared by the certified Contaminated Land Consultant in accordance with the State Environmental Planning Policy No. 55 – Remediation of Land must be submitted to the Principal Certifying Authority and Council if Council is not the Principal Certifying Authority. Council must accept and acknowledge the receipt of the Site Validation Report prior to the issue of any Occupation Certificate.

The Site Validation Report must include:

- (a) A notice of completion of remediation works;
- (b) Details of site management requirements (if any); and
- (c) Clear statement on the suitability of the proposed site use.

Council will require a Site Audit Statement prior to accepting the report where:

- the site requires an Environmental Monitoring Program,
- Council is not satisfied with the report provided, and/or
- Council believes the complexity of the contamination requires an independent review.

97. **Requirements prior to the issue of the Occupation Certificate-** The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

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

complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

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

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

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate.

Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

99. **Vehicular crossing & Frontage work – Major development-** The following road frontage works shall be constructed in accordance with the specifications issued under the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division:

- (a) New 1.5m wide footpath to be constructed for full frontage of the site in accordance with Council's Specifications for footpath, 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 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.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Driveway Crossings and Associated Works. The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

100. **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.
101. **Waste Storage Containers – Medical Centres-** All clinical and hazardous wastes are to be disposed of in accordance with the requirements of the NSW Department of Health, specifically in terms of the nature of the use of the premises
102. **Traffic Certification-** An "as built" certificate from an experienced and qualified traffic engineer with tertiary qualifications is to be submitted to and approved by the Principal Certifying Authority confirming the following:
 - (a) The car parking layout and loading areas associated with the development (including, driveway grades, headroom clearance turn paths, aisle widths, aisle lengths and parking bay dimensions) has been constructed in accordance with AS2890.1:2004, AS2890.6:2009 and AS2890.2:2018.
 - (b) Bicycle parking associated with the development is provided in accordance with AS2890.3 design requirements.
 - (c) Driveway access complies with Figure 3.3 of AS2890.1:2004 minimum sight lines for pedestrian safety.
 - (d) All vehicles shall enter and exit the premises in a forward direction;
 - (e) Confirmation that the plans provide for the following allocation of parking facilities:
 - A minimum of 114 car parking spaces (including 16 small car spaces and including six (6) accessible car parking spaces);
 - A minimum of Eighteen (18) motorcycle spaces;
 - Bicycle spaces as required by AS2890.3;
 - (f) Parking spaces shall be clearly line marked prior to the issuing of an Occupation Certificate. Signage, pavement symbols and line marking shall comply with *Australian Standards, AS1742, Manual of Uniform Traffic Control Devices* where required.
103. **Requirements prior to the issue of the Occupation Certificate-** The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
 - (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
 - (c) Construct any new vehicle crossings required.
 - (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
 - (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
 - (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
 - (g) The construction of the kerb inlet pit and extension of Council's drainage system shall be completed in accordance with the conditions and specifications of the Section 138 Drainage Application under the Roads Act 1993.
104. **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 a final occupation certificate.
105. **Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:
- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;
 - (b) Driveways and vehicular crossings within the road related area;
 - (c) Removal of redundant driveways and vehicular crossings;
 - (d) New footpaths within the road related area;
 - (e) Relocation of existing power/light pole
 - (f) Relocation/provision of street signs
 - (g) New or replacement street trees;
 - (h) New footway verges, where a grass verge exists, the balance of the area

between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.

- (i) New or reinstated kerb and guttering within the road related area; and
- (j) New or reinstated road surface pavement within the road.

Council's Assets and Infrastructure Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

106. **Traffic Control Devices** - The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with Australian Standard - AS1742, Manual of Uniform Traffic Control Devices.

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

107. **Dilapidation Report on Public Land**– 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, and include:

- (a) Photographs showing the condition of the road pavement fronting the site
- (b) Photographs showing the condition of the kerb and gutter fronting the site
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road
- (e) The full name and signature of the professional engineer.

The report must be provided to the PCA and a copy provided to the Council. The reports are 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 or not to refund the damage deposit.

Council's Engineering Services Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

108. **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.

109. **Flood Evacuation plan and Flood emergency response plan - AS 3745-2010 -**

(a) Flood Evacuation plan:

An effective Flood Emergency Evacuation Management Plan shall be prepared by an appropriate consulting drainage engineer prior to the issue of the Final Occupation Certificate shall be submitted to the Principal Certifying Authority and a copy of the report shall be provided to Council for record keeping purposes.

This report is to include addressing the following issues:

- i. The report shall incorporate an effective evacuation process and procedure for egress both from the site in the early stages of a storm to upper floor levels and/or evacuation to a higher ground location (that is indicating a refuge area) above the probable maximum Flood level (PMF) during the peak of storm events.
- ii. The property owners/occupiers are to be made aware of the Flood Evacuation Management report and/or Plan and acknowledge that the site is affected by flood levels accepting their awareness, responsibility and liability to manage their private property under such circumstances.
- iii. Council is not liable for any damage due to flood within the private property.
- iv. No additional construction work, filling, earthworks or the like is permitted within the High Flood Risk Zone of the site; other than those permitted by this development consent.

The accredited certifier shall ensure that the recommendations of the flood report are implemented and all signage, warning systems and the Emergency Evacuation Plan are installed as recommended in the report and certified

appropriately. Those warning signs shall be displayed in visible locations such as the Foyer and near the Exits

(b) Flood emergency response plan:

A flood emergency response plan for this site shall be prepared by an appropriate consulting engineer. The plan should:

- i. Clearly indicate the expected full extent of flooding which may impact this area including inundation to the probable maximum flood (PMF) level in an extreme event.
- ii. identify areas of refuge above PMF level both on and off site and the safe routes to reach these refuge areas.
- iii. establish suitable warning signals to identify when action to evacuate should be undertaken without increased reliance on SES or other emergency services personnel.
- iv. Detail all training and awareness measures required to effectively maintain the plan for the life of the building.

The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be provided to Council for record keeping purposes.

110. **Flood Prone Land – Survey of levels-** A registered surveyor shall verify the levels of the design runoff overland flow path and finished floor levels to Australian Height Datum. The surveyor is also to verify that the flow paths and finished floor levels have been built to the approved design levels, dimensions and surface finishes as specified in the approved plans.

111. **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.

112. **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 commercial/retail/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.
113. **Electricity Supply** - Evidence shall be provided demonstrating that the development has been connected to Ausgrid (or relevant electricity provider).
114. **Post Construction Dilapidation report - Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

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.

115. **Completion of Landscape Works** -

- (a) All landscape works and the planting of eighteen (18) trees must be completed before the issue of the Final Occupation Certificate and to the satisfaction of Councils Tree Management Officers and in accordance with approved landscape plans and specifications, drawn by Landform studios.
- (b) A certificate of compliance for the planting of all eighteen (18) trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.

116. **Plan of Management**- A plan of management detailing operation of the medical centre is to be submitted to the satisfaction of the PCA prior to the release of the Occupation Certificate detailing the following:

- (a) Number of staff and staff amenities;
- (b) Anticipated building occupant capacity;
- (c) Hours of Operation;

- (d) General use of communal spaces and facilities;
- (e) Restricted areas within medical centre;
- (f) Medical centre management committee (or similar) and roles and responsibilities in relation to upkeep of the medical centre;
- (g) Medical centre rules and regulations including but not limited to: patient visitations, protocols for ambulance attendance if a patient requires conveying to a hospital, smoking, cleanliness and hygiene, noise, no alcohol consumption, patient transport (if applicable), pets, mail management, complaints management etc.;
- (h) Induction programs for new staff including briefing about fire and flood evacuation protocols and other emergency situations;
- (i) Noise control measures;
- (j) Loading dock management plan;
- (k) Car parking management plan;
- (l) Security;
- (m) Ongoing waste management including medical waste facilities how and where it is to be stored and removed from the site;
- (n) Operation of individual tenancies;
- (o) Review mechanism of plan of management with Council requiring a copy of any amended plan of management.

A copy of the plan of management is to be included with the occupation certificate application.

Operational Conditions (On-Going)

- 117. **Hours of Operation-** The approved hours of operation for the medical centre are restricted to 8:00am to 7:00pm Monday to Sunday inclusive.
- 118. **Plan of Management-** The medical centre is to comply at all times with the approved plan of management.
- 119. **Waste-** Ongoing waste management must be in accordance to the below:
 - (a) The on-site manager shall be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the Waste Collection Room, as soon as practicable after they have been serviced.
 - (c) The owner/manager 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.
 - (d) 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.
 - (d) The on-site Manager will monitor the bin storage area and all spills will be

attended to immediately by cleaners.

- (e) The required number of bins are 10 x 1100L bins.
To limit negative amenity (noise, traffic etc.) on neighbouring properties, it is required that on-site storage be reconfigured to enable maximum twice weekly collection of all wastes (general waste and commingled recycling) from the proposed development.
- (f) The waste room will contain the following to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:
 - waste collection area must hold all bins - bin movements should be with ease of access;
 - conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensured.
 - Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners/manager.

120. **Fitout and operational use of medical centre-** A future development application (or complying development certificate if applicable) is required to be lodged for the fitout and operational use of the medical centre. The approved medical centre is not to operate without the lodgement and approval of a separate fitout and operational use application.

Please note that the maximum number of individual tenancies permitted within the medical centre is limited to thirty three (33).

121. **Transport for NSW Condition-** All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Stoney Creek Road boundary.
122. **Ongoing Security Management** - The development must always be operated and managed in accordance with the provisions contained within the Crime Risk Assessment and Security Management Plan dated May 2020 prepared by Sutherland and Associates Planning.
123. **Crime Prevention-** In line with the recommendation of the NSW Police Force, the premise is to always operate as per the following:
- (a) The CCTV system must continuously operate at all times.
 - (b) Recordings must be in a digital format and at a minimum of ten frames per second (10 fps).
 - (c) Any recorded image must specify the time and date of the recorded image.
 - (d) The systems cameras must cover the following areas
 - i. All entry and exit points on the premises
 - ii. The footpath immediately adjacent to the premises
 - iii. All publicly accessible areas (other than toilets) within the premises.
 - iv. Throughout the underground car park to monitor activities around these

areas

- (e) Lighting in and around the Site- Lighting devices must be in operation in and around the property to increase visibility during the hours of darkness. Lighting must comply with the relevant Australian Standard.
- (f) Car parking entrance and pedestrian access points- The car parking entrance gate(s) and all pedestrian access points are to be closed and locked when the development is not in operation.

The premise is to always operate as per the approved Crime Risk Assessment and Security Management Plan.

124. **Noise Control** - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).

125. **Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited.

126. **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 with the exception of waste receptacles.

127. **Entering & Exiting of vehicles** - All vehicles shall enter and exit the premises in a forward direction.

128. **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.

129. **Maintenance of Landscaping** –

- (a) All trees and plants forming part of the landscaping must be maintained.

Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying plants and other operations required to maintain healthy trees, plants and turfed areas.

Tree Protection Measures

- (b) A final certificate of compliance letter, once all building and landscape works have been completed, from the engaged AQF 5 Consulting Arborist, that tree protection measures have been installed and maintained for the entirety of the project and report on the condition of the trees that as part of this Consent, were to be protected and retained.

Tree Replacement within subject site

- (c) The following replacement/ planted trees are to be planted prior to the issue of either an Occupation Certificate or Subdivision Certificate (whichever is first). All replacement trees must be replanted a minimum of 3m away from any driveway, building or structure.
- (d) A minimum of 18 x 100 litre size trees, which will attain a minimum mature height of nine (9) metres, shall be planted within the property. The trees are to conform to AS2303 – 2018, *Tree stock for landscape use*.
- (e) Tree species selected shall be from Georges River Councils Tree Management Policy, April 2019. Appendix 1 – Tree Planting.
- (f) If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website www.georgesriver.nsw.gov.au

- 130. **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.
- 131. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorist on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

132. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
133. **Appointment of a PCA** - The erection of a building must not commence until the applicant has:

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

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

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

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

134. **Notification Requirements of PCA** - No later than two 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 applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
135. **Notice of Commencement** - The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building. A Notice of Commencement Form is attached for your convenience.
136. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PCA. 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.
137. **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

Where Georges River Council has been appointed as the PCA, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

138. **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 PCA appointed for the building work can issue the Occupation Certificate.

Prescribed Conditions

139. **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.
140. **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 PCA and the Principal Contractor.
141. **Clause 98E - Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
142. **Clause 98E - Site Excavation** - 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.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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.

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

143. **Review of Determination** - Section 8.2 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.

144. **Appeal Rights** - Part 8 (Reviews and appeals) 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.
145. **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 4.53 of the Environmental Planning and Assessment Act 1979 as amended.
146. **Fitout and operational use of medical centre**- A future development application (or complying development certificate if applicable) is required to be lodged for the fitout and operational use of the medical centre. The approved medical centre is not to operate without the lodgement and approval of a separate fitout and operational use application.

Please note that the maximum number of individual tenancies permitted within the medical centre is limited to thirty three (33).

147. **Compliance with Access, Mobility and AS4299** - Adaptable Housing - Should the Council be appointment as the PCA, the Construction Certificate Application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Council's DCP and AS 4299 Adaptable Housing.
148. **Health Care Premises – Compliance with Legislation**- The operation of the Health Care Premises must comply with the following:
- (a) [Private Health Facilities Act 2007](#) (as amended)
 - (b) [Private Health Facilities Regulation 2010](#) (as amended)
 - (c) [Public Health Act 2010](#) (as amended)
 - (d) [Public Health Regulation 2012](#) (as amended)
149. **Underground Cables**- Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities

after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

150. **Application pursuant to airport (protection of airspace) regulations reg 7-** Should construction cranes require to operate at a height greater than 45.72 meters AHD, Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct. Information required by Sydney Airport prior to any approval is set out below:
- (a) Pursuant to s. 183 of the *Airports Act 1996* and Reg 7 of the *Airports (Protection of Airspace) Regulations 1996*, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("*controlled activity*") set out in the Schedule.
 - (b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
 - (c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
 - (d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
 - (e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
 - (f) The Secretary and the Airport, as applicable, may request further information before determining an application.
 - (g) The "Important Notes" must be read and accepted.
 - (h) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.
151. **Noise** - 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>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

- (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).

152. **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)

153. **Health Care Premises – Medical Waste Storage & Disposal-** Any future internal fitout must have provision for separate clinical waste bin and sharp container is to be provided for the disposal of clinical waste and sharps. Clinical and sharps waste must be collected and disposed of by an authorised contractor in accordance with the [Protection of the Environment Operations \(Waste\) Regulation 2005](#) (as amended).

154. **Additional information on Legionnaires Disease-** NSW Guidelines for the Control of Legionnaires' Disease can found on the NSW Health website: <http://www.health.nsw.gov.au>

155. **Disability Discrimination Act** - This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

156. **FR NSW comments** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation 2000 to seek written comment from FR NSW about any Fire Engineered Solution developed to meet the performance requirements for external combustible cladding.
157. **Council as PCA - Total Conformity with BCA** - Should the Council be appointed as the 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 justify the non-compliances with a detailed report, suitable evidence and expert judgement.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA, must be submitted to the 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 Certifying Authority prior to issue of the Construction Certificate.

158. **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.

159. **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.

160. **Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire 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.
161. **Future Development-** Should a fitout or internal alterations occur via a separate Complying Development Certificate or as Exempt Development, the applicant must advise APA (Australian Pipeline Trust) of further development details to ensure the development is compliant with AS2885 requirements.
162. **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).

163. **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 and/or Section 68 Local Government Act 1993:
- (a) Complete the Stormwater Drainage 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. (e.g. DA2018/0***) 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 stormwater applications.

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 stormwater 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.