

REPORT TO SYDNEY SOUTH PLANNING PANEL
SSPP MEETING OF THURSDAY, 25 NOVEMBER 2021

SSPP No	PPSSSH-88	Development Application No	DA2021/0113
Site Address & Ward Locality	643-643A King Georges Road, Penshurst Hurstville Ward		
Proposed Development	S4.55(2) - Major Modifications - Modification of Consent No: DA2017/0354 for stage 2 and 3 of Penshurst Park Masterplan including a new grandstand, youth facility and amenities, upgrades to existing sporting fields including new surfaces and running track, playground and exercise equipment, landscaping and external lighting. Additional works include extensions to Hurstville Aquatic Leisure Centre to include two multipurpose courts, gymnastics area and café, and additional car parking. The modifications seek to modify the location of the buildings, stormwater disposal amendments, the field changing from a cricket pitch to a soccer field, deletion of the playground, grandstand reconfiguration, modification of the internal layouts of the grandstand and youth centre.		
Applicant/Owner	Georges River Council		
Date Of Lodgement	14/07/2021		
Submissions	Total - 1 submissions		
Cost of Works	\$7,600,251.00 Excl. GST		
Local Planning Panel Criteria	Council owned land		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment State Environmental Planning Policy (Infrastructure) 2007 Hurstville Local Environmental Plan 2012 Hurstville Development Control Plan No 1 Draft Georges River Local Environmental Plan 2020 Draft Georges River Development Control Plan 2020		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Statement of Environmental Effects		
Report prepared by	Consultant Planners - Planik Pty Ltd		
Report date	18 November 2021		

Recommendation	THAT the application be approved subject to conditions
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Summary of matters for consideration under Section 4.15 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	Yes

recommendations summarised, in the Executive Summary of the assessment report?	
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 (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, however they can be reviewed when the report is published.

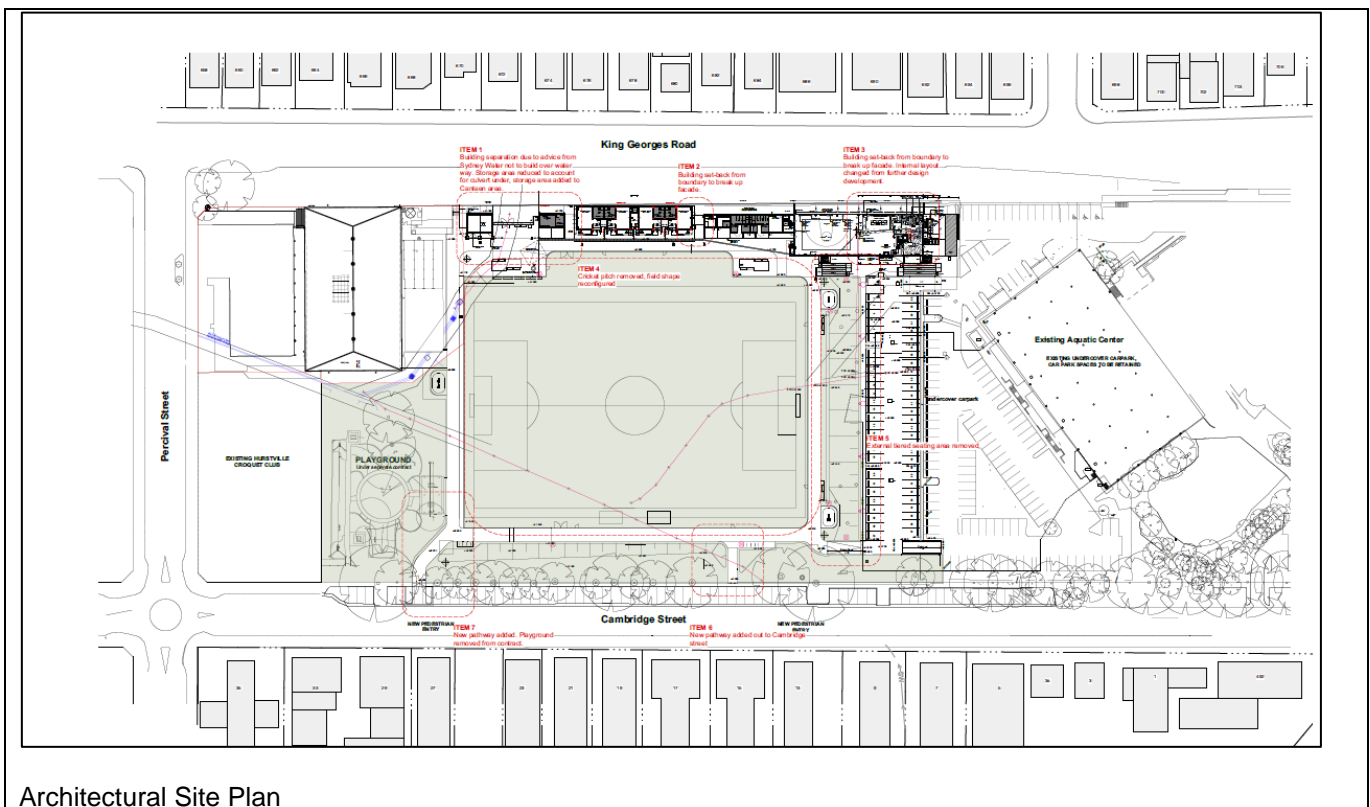
Site Plan



Aerial photograph of the subject site outlined in red and immediate surrounding area.



Specific location of the works the subject of this application



Architectural Site Plan

EXECUTIVE SUMMARY

1. Development consent DA2017/354 enabling Stages 2 and 3 of the approved Master Plan for works to the Penshurst Park Sporting Hub including a new grandstand, youth facility and amenities, upgrades to existing sporting fields including new surfaces and running track, playground and exercise equipment, landscaping and external lighting. Additional works include extensions to Hurstville Aquatic Leisure Centre to include two multipurpose courts, gymnastics area and café, and additional car parking was approved on 13 March 2018 by the Sydney South Planning Panel, at 643-643A King Georges Road, Penshurst.
2. DA2017/354 was subsequently modified under a s4.55(1) application - MOD2020/0048 on 25 March 2020, via deletion of Condition 36 that was inconsistent with other conditions within the development consent.
3. This Section 4.55(2) Modification Application (MOD2021/0113) seeks to modify the development consent plans under DA2017/354 including modifications to the location of the buildings, stormwater disposal amendments, the field changing from a cricket pitch to a soccer field, deletion of the playground, grandstand reconfiguration, modification of the internal layouts of the grandstand and youth centre.
4. The modifications are summarised as follows:
 - Minor changes to built form adjoining King Georges Road and associated changes to internal layout.
 - Removal of cricket pitch elements to be replaced with a soccer field.
 - Changes to seating, grandstand area, additional pathways, and increased grandstand seating.
 - Minor changes to roof form and materials of the approved built form.
5. The above modifications to the approved development have already been completed and the application seeks retrospective approval for the works as constructed.

Site and Locality

6. The subject site is legally described as Lot 498 in DP 752056 and is known as 426-426A King Georges Road, Penshurst.
7. Penshurst Park is a crown reserve of which Georges River Council is the Trustee. Currently the park contains the following:
 - Hurstville Aquatic Leisure Centre and associated car parking;
 - Hurstville Croquet Club;
 - Bob Fraser Bowling Green;
 - Soccer Field;
 - Playground;
 - Netball Courts; and
 - Cricket pitch and cricket nets.
8. The surrounding locality is characterised by residential flat buildings to the west, a service station and dwellings to the north, and single dwellings to the east and south.

Zoning and Hurstville LEP 2012 Compliance

9. The subject site is zoned RE1 – Public Recreation under the provisions of the Hurstville Local Environmental Plan 2012. The proposed modifications to the approved Penshurst Park Sports Hub meet the objectives of the RE1 zone being:
 - *To enable land to be used for public open space or recreational purposes.*
 - *To provide a range of recreational settings and activities and compatible land uses.*
 - *To protect and enhance the natural environment for recreational purposes.*

The portion of the site zoned RE2 – Private Recreation is not affected by the proposed modification.

10. The proposal complies with the relevant provisions of the LEP, noting there are no applicable FSR or height standards which apply to the site.
11. The proposed modifications are consistent with the provisions of Clause 6.2 of the LEP by altering the approved built form to minimise the impact of the development upon a discovered water channel below the subject site adjacent to the north-eastern portion of the soccer field.

Hurstville Development Control Plan 2012

12. The modifications do not contravene any relevant provisions of the Hurstville Development Control Plan 2012 relating to parking provision, access, CPTED principles, or built form controls.

Submissions

13. The DA was publicly notified to neighbouring properties between 4 August 2021 and 18 August 2021 in accordance with the provisions of the Hurstville Development Control Plan 2012.

14. In response, one (1) submission was received during the notification period. The issues raised within the submissions have been considered and addressed accordingly in further detail within this assessment report.

Reason for Referral to the Local Planning Panel

15. The application is made on behalf of George River Council and applies to Council owned land, and as such is required to be determined by the Georges River Local Planning Panel.

Conclusion

16. Having regard to the matters for consideration under Section 4.15(1) and the applicable assessment criteria under Section 4.55 of the Environmental Planning and Assessment Act 1979 and following a detailed assessment, the proposed modification application (MOD2021/0113) is recommended for approval subject to the modified conditions referenced at the end of this report.

REPORT IN FULL

Description of the Proposal

17. Development consent DA2017/354 enabling Stages 2 and 3 of the approved Master Plan for works to the Penshurst Park Sporting Hub including a new grandstand, youth facility and amenities, upgrades to existing sporting fields including new surfaces and running track, playground and exercise equipment, landscaping and external lighting. Additional works include extensions to Hurstville Aquatic Leisure Centre to include two multipurpose courts, gymnastics area and café, and additional car parking was approved on 13 March 2018 by the Sydney South Planning Panel, at 643-643A King Georges Road, Penshurst.
18. DA2017/354 was subsequently modified under a s4.55(1) application - MOD2020/0048 on 25 March 2020, via deletion of Condition 36 that was inconsistent with other conditions within the development consent.
19. This Section 4.55(2) Modification Application (MOD2021/0113) seeks to modify the development consent plans under DA2017/354 including modifications to the location of the buildings, stormwater disposal amendments, the field changing from a cricket pitch to a soccer field, deletion of the playground, grandstand reconfiguration, modification of the internal layouts of the grandstand and youth centre.
20. The modifications are detailed below:
 - Separation in built form at the north-eastern corner of the sports field as a result of Sydney Water advice to preserve the structural stability of a water channel below ground discovered after approval of the development.
 - Increased building setback of buildings adjacent to the south-eastern corner of sports field to comply with Condition 15 of the original consent (DA2017/0354) which required a landscaped buffer along King Georges Road.
 - Change in internal layout of 'multi-purpose hall' / Youth Centre building, with a new gallery space overlooking the multi-purpose court.
 - Removal of cricket pitch elements to be replaced with a soccer field. It is noted that the field remains available for use by cricket and other sporting codes, but the removal of the mechanical wicket is to reduce the annual costs for maintenance.
 - Removal of external tiered seating area adjacent to southern goal line of the soccer field, to be replaced with landscaping.
 - New pathway access created to Cambridge Street, towards SW corner of the

- site.
- New pathway access created to Cambridge Street, towards NW corner of the site.
- Grandstand entry and layout altered.
- Stormwater grille added to allow drainage away from building.
- External walkways added to improve accessibility between car park and buildings.
- Grandstand seating increased from 226 to 265. Windows facing towards King Georges Road have been removed.
- Changes to the viewing deck facing the sports field to allow for an interior meeting room and internal accessibility improved. Lift access added.
- Grandstand roof form altered by lifting the roof to improve viewing of the sports field. Windows facing King Georges Road have been removed.
- Roof to youth centre altered to a flatter profile. High level louvre windows removed.
- Fibre cement cladding provided to youth centre façade in lieu of timber cladding previously provided.

Description of the Site and Locality

21. The subject site is legally described as Lot 498 in DP 752056 and is known as 426-426A King Georges Road, Penshurst.
22. Penshurst Park is a crown reserve of which Georges River Council is the Trustee. Currently the park contains the following:
 - Hurstville Aquatic Leisure Centre and associated car parking;
 - Hurstville Croquet Club;
 - Bob Fraser Bowling Green;
 - Soccer Field;
 - Playground;
 - Netball Courts; and
 - Cricket pitch and cricket nets.
23. The surrounding locality is characterised by residential flat buildings to the west, a service station and dwellings to the north, and single dwellings to the east and south.

Planning Assessment

24. The proposed development has been assessed under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

Section 4.55 Modification under the Environmental Planning and Assessment Act, 1979

25. The proposal has been considered against the relevant statutory provisions of Section 4.55(2) of the Environmental Planning and Assessment Act, 1979.
 - (2) *Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*
 - (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*
- (4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

26. The application has been made pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 to modify development consent DA2017/354 including modifications to the location of the buildings, stormwater disposal amendments, the field changing from a cricket pitch to a soccer field, deletion of the playground, grandstand reconfiguration, modification of the internal layouts of the grandstand and youth centre.

27. Section 4.55(2) of the EP&A Act 1979 enables the consent authority to modify a development consent upon application being sought by the applicant or any person entitled to act on the consent, provided the consent authority is satisfied by the following criteria:

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

28. Comment: The development as modified is substantially the same as that for which consent was originally granted. The overall form and scale of the grandstand and youth centre building remains consistent with that approved and the use of the development remains as a sports hub. The deletion of the cricket pitch component and change to soccer field along with other external modifications result in a development that is 'substantially the same' as that originally approved.

- (b) **it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a**

requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

29. Comment: The modification application has been notified with the relevant public authorities and approval bodies as required with no objections raised.

- (c) **it has notified the application in accordance with—**
 (i) **the regulations, if the regulations so require, or**
 (ii) **a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**

30. Comment: In accordance with the public notification provisions of the Hurstville Development Control Plan, the application was notified to neighbouring properties. One submission was received during the notification period held between 4 August 2021 and 18 August 2021

- (d) **it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.**

31. Comment: One submission was received regarding the modification during the notification period. The submission raised queries regarding cost of construction works and the unauthorised works. The issues raised by the submission are considered further in paragraph 60 – 64 in this report.

- (3) **In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.**

32. Comment: The modification application seeks amendments to the approved development – Stage 2 & 3 of the Penshurst Park Masterplan that do not significantly alter the form and nature of the development. The changes proposed do not result in any significant additional building bulk on the site, and the proposed replacement of the cricket pitch is considered acceptable.

33. The proposal has been considered under the considerations under Section 4.15 in the following sections.

State Environmental Planning Policies (SEPPs)

34. Compliance with the relevant SEPPs is summarised in the following table and discussed in further detail below.

Table 1: SEPP Considerations

SEPP Title	Complies
State Environmental Planning Policy No 55 – Remediation of Land	Yes
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas 2017)	Yes
State Environmental Planning Policy (Infrastructure) 2007	Yes
State Environmental Planning Policy (Affordable Rental Housing) 2009	No

State Environmental Planning Policy No 55 - Remediation of Land

35. SEPP 55 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.
36. Clause 7 requires contamination and remediation to be considered in determining a development application. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.
37. The proposed modifications relate to changes to the approved built form and sport field and as such no further assessment is warranted with regards to site contamination.

Deemed State Environmental Planning Policy – Georges River Catchment

38. The modifications proposed are unlikely to result in additional run-off compared to that originally approved.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

39. The proposal does not involve any substantial alterations which would trigger the requirements of Statement Environmental Planning Policy BASIX. In this regard, the requirements of the SEPP have been reasonably satisfied.

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

40. The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.
41. 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).
42. The Vegetation SEPP repeals clause 5.9 and 5.9AA of the Standard Instrument - Principal Local Environmental Plan with regulation of the clearing of vegetation (including native vegetation) below the BOS threshold through any applicable DCP.
43. The proposed modifications do not involve the removal of any significant trees or vegetation. In this regard, the provisions of this SEPP are considered to be met.

State Environmental Planning Policy (Infrastructure) 2007

44. The aim of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure across the State. The modifications have been considered in accordance with the provisions of the SEPP and are found to be acceptable.

45. Consideration is given to the provisions of Georges River Local Environmental Plan 2021 in the assessment this application. The DRLEP does not alter the zoning of the site or applicable zone objectives and does not contain any principal development standards which apply to the modifications.
46. The proposed modifications do not contravene any miscellaneous or additional local provisions contained within the GRLEP.

ENVIRONMENTAL PLANNING INSTRUMENTS

Hurstville Local Environmental Plan 2012 (HLEP 2012)

47. The subject site is zoned RE1 – Public Recreation under the provisions of the Hurstville Local Environmental Plan 2012. The proposed modifications to the approved Penshurst Park Sports Hub meet the objectives of the RE1 zone being:
- *To enable land to be used for public open space or recreational purposes.*
 - *To provide a range of recreational settings and activities and compatible land uses.*
 - *To protect and enhance the natural environment for recreational purposes.*

The portion of the site zoned RE2 – Private Recreation is not affected by the proposed modification.

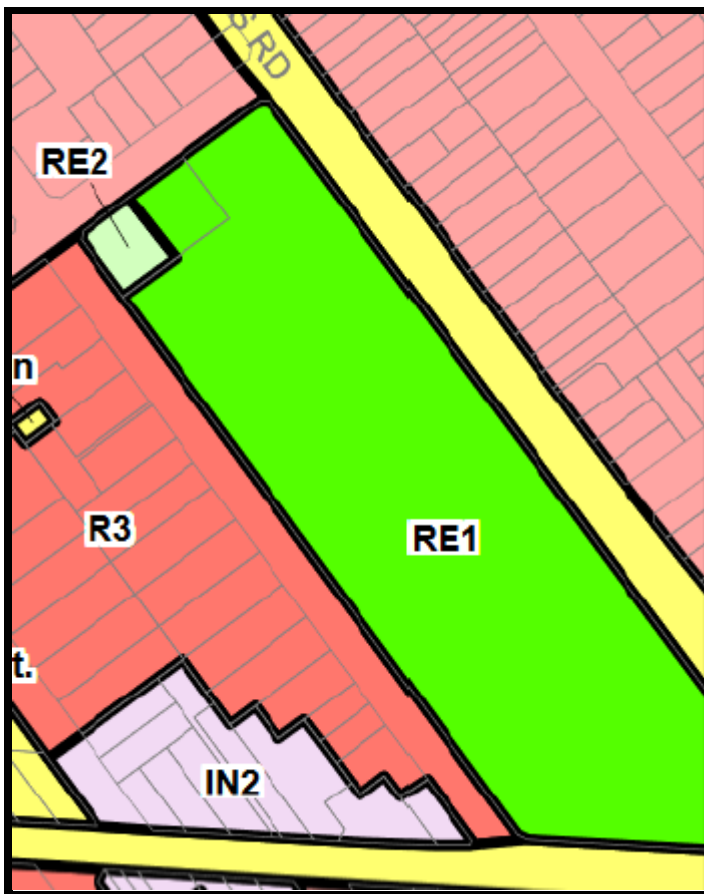


Figure 1 Extract of zoning map of Hurstville Local Environmental Plan 2012 (Source: Hurstville LEP 2012).

48. The proposal complies with the relevant provisions of the LEP, noting there are no applicable FSR or height standards which apply to the site.
49. The proposed modifications are consistent with the provisions of Clause 6.2 of the LEP by altering the approved built form to minimise the impact of the development upon a

discovered water channel below the subject site adjacent to the north-eastern portion of the soccer field

DEVELOPMENT CONTROL PLANS / PLANS OF MANAGEMENT

Hurstville Development Control Plan 2012 (HDCP 2012)

50. The proposal has been considered in accordance with the relevant chapters of the HDCP below.

Section 3 – General Planning Considerations

51. The proposal has been assessed against the key requirements of Section 3 of the DCP as provided below:

- **Car parking:** The DCP does not contain a parking rate for the subject development. The proposed modifications including increase in grandstand seating are considered to be acceptable with respect to parking demand and the modified development will not have an unreasonable impact upon the operation of the surrounding road network beyond that of the original development.
- **Access and Mobility:** The modifications to the grandstand and leisure centre do not impact upon accessibility and lift access continues to be provided as originally approved.
- **CPTED:** The modifications do not contravene the provisions of Crime Prevention through Environmental Design and the changes to the built form do not present any opportunities for concealment or safety concerns. The application has been referred to NSW Police who raised no concern with the modifications.
- **Waste Management:** The modifications present no changes to the approved waste management.
- **Tree preservation:** The modifications do not impact upon any trees beyond that of the original development.

Georges River Development Control Plan 2021

52. The Georges River DCP was made by the Georges River Local Planning Panel on 24 March 2021.

53. This instrument came into effect upon the gazettal of the Georges River LEP 2021 on 8 October 2021. The savings provisions details that the applicable controls for the assessment of this assessment are the Hurstville LEP and DCP.

Plan of Management Penshurst Park

54. The proposed modifications do not present issues of non-compliance with the Plan of Management.

IMPACTS

Natural Environment

55. The proposal will not impact upon the natural environment noting no tree removal or significant changes to the approved built form are proposed.

Built Environment

56. The proposal will not result in any unacceptable built form planning impacts.

Social Impact

57. No adverse social impacts have been identified as part of the assessment.

Economic Impact

58. There is no apparent adverse economic impact given the nature of the modifications.

Suitability of the site

59. The site is suitable for the proposed modifications.

Submissions and the Public Interest

60. The DA was publicly notified to neighbouring properties between 4 August 2021 and 18 August 2021 in accordance with the provisions of the Hurstville Development Control Plan 2012. In response, one (1) submission was received. All concerns raised within the submission have been considered. The key issues raised within the submissions have been addressed below.

Clarification sought as to cost of works of modifications

61. Comment: The applicant has provided a cost estimate report confirming the cost of the works known at this time.

Clarification sought as to the water way identified below ground

62. Comment: The location of the water pipe below ground was incorrectly identified by Sydney Water prior to excavation, and as such, upon excavation the exact location and zone of influence of the asset was confirmed. Any discrepancies between documentation and site conditions have been resolved throughout the construction phase of the development.

Proposed modifications have already been constructed on the site

63. Comment: The proposal is seeking retrospective approval for the modifications as they have been carried out on the site. It is noted that the field remains available for use by cricket and other sporting codes, but the removal of the mechanical wicket is to reduce the annual costs for maintenance.

Grandstand seating

64. Comment: The original DDA report lodged with the original application was superseded by an updated DDA report whereby the approved seating was reduced to 265 seats. The changes to the seating that have been carried out have been included in this modification application to ensure compliance with current standards.

REFERRALS

Council Referrals

Development Engineer

65. Council's Development Engineer have reviewed the proposed modifications and do not require any further engineering requirements to be imposed as a condition of consent.

External Referrals

Ausgrid

66. The application was referred to Ausgrid who provided consent to the modifications subject to conditions detailed below.

RMS

67. The application was referred to RMS who provided consent to the modifications subject to conditions detailed below.

Transport for NSW

68. The application was referred to TfNSW who raised no objection to the modifications and reiterated the previous conditions imposed under the original development application. No further conditions of consent were recommended.

NSW Police

69. The application was referred to NSW Police. In response, Local Area Command advised there are no issues with the proposed modifications.

Sydney Water

70. The application was referred to Sydney Water who provide the following comments:

Water Servicing

- *Potable water servicing should be available via a 100mm watermain (laid in 1965) on King Georges Road.*
- *Amplifications, adjustments, and/or minor extensions may be required.*

Wastewater Servicing

- *Wastewater servicing should be available via a 150mm VC wastewater main (laid in 1987) on King Georges Road.*
- *Amplifications, adjustments, and/or minor extensions may be required.*

Stormwater

Sydney Water's guidelines for building over or adjacent to stormwater assets outline the process and design requirements for such activities. As per the guidelines, the applicant is advised of the following:

- *No building or permanent structure is to be proposed over the stormwater channel / pipe or within **1m** from the outside wall of the channel / pipe or within Sydney Water easement whichever is larger. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes, elevated driveway, basement access or similar structures. This clearance requirement would apply for unlimited depth and height.*
- ***The applicant is required to submit the elevation drawings with the stormwater channel/ pipe, to ensure that the proposed buildings and permanent structures are 1m away from the outside face of the stormwater channel and away from the Sydney Water easement.***

Based on the above comments, conditions of consent have been applied to ensure the Sydney Water easement on the site is not affected by the proposal.

CONCLUSION

71. This Section 4.55(2) Modification Application (MOD2021/0113) seeks to modify the development consent plans under DA2017/354 including modifications to the location of the buildings, stormwater disposal amendments, the field changing from a cricket pitch to a soccer field, deletion of the playground, grandstand reconfiguration, modification of the internal layouts of the grandstand and youth centre.
72. The application has been assessed in accordance with the provisions of Section 4.15(1) and the applicable assessment criteria under Section 4.55 of the Environmental Planning and Assessment Act 1979, relevant State Environmental Planning Policies, the provisions of the Hurstville Local Environmental Plan 2012 and Hurstville Development Control Plan 2012.

73. It is considered that the proposal and resultant modified development will be substantially the same as that originally approved, and accordingly the modifications can be supported, and the consent modified as follows:
74. Following a detailed assessment contained within this report, it is considered that MOD2021/0113 should be approved subject to modified and additional conditions detailed below.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

75. The reasons for this recommendation are:

- The proposed modification to the approved Stage 2 & 3 of the Penshurst Park Masterplan development is considered to represent substantially the same development as originally approved.
- The modification remains consistent with the objectives of the zone and does not otherwise contravene the provisions or development standards of the Hurstville LEP 2012.
- The proposed modifications will not result in any significant change to the approved built form on the site and the proposed change to the sport field – cricket pitch to soccer field is considered acceptable.

Determination

76. THAT pursuant to Section 4.55 of the Environmental Planning and Assessment Act, 1979, the Georges River Local Planning Panel grant consent to modification application MOD 2021/0113 seeking modifications to the development consent plans under DA2017/354 including modifications to the location of the buildings, stormwater disposal amendments, the field changing from a cricket pitch to a soccer field, deletion of the playground, grandstand reconfiguration, modification of the internal layouts of the grandstand and youth centre.

The following additional conditions are proposed to be added to the condition list prior to the issue of an Occupation Certificate and be numbered as follows:

74A. Sydney Water Requirements

The proposed development is to comply with the following requirements of Sydney Water with respect to water servicing, wastewater servicing, and stormwater:

Water Servicing

- *Potable water servicing should be available via a 100mm watermain (laid in 1965) on King Georges Road.*
- *Amplifications, adjustments, and/or minor extensions may be required.*

Wastewater Servicing

- *Wastewater servicing should be available via a 150mm VC wastewater main (laid in 1987) on King Georges Road.*
- *Amplifications, adjustments, and/or minor extensions may be required.*

Stormwater

Sydney Water's guidelines for building over or adjacent to stormwater assets outline the process and design requirements for such activities. As per the guidelines, the applicant is advised of the following:

- *No building or permanent structure is to be proposed over the stormwater channel / pipe or within **1m** from the outside wall of the channel / pipe or within Sydney Water easement whichever is larger. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes, elevated driveway, basement access or similar structures. This clearance requirement would apply for unlimited depth and height.*
- ***The applicant is required to submit the elevation drawings with the stormwater channel/ pipe, to ensure that the proposed buildings and permanent structures are 1m away from the outside face of the stormwater channel and away from the Sydney Water easement.***

Plans/details demonstrating compliance with the above requirements are to be provided to Council prior to the issue of a Construction Certificate.

74B. Ausgrid Requirements

Proximity to Existing Network Assets

Underground Cables

There are existing underground electricity network assets within 643 KING GEORGES. 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.

For Activities Within or Near to the Electricity Easement:

Purpose Of Easement

This easement was acquired for the 33,000 volt transmission assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the transmission assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities over or near the transmission cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

The Following Conditions Apply for any Activities Within the Electricity Easement:

1. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.
2. No buildings/structures or parts thereof constructed may encroach the easement.
3. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
4. Bulk solids (e.g. sand and gravels) are not to be stored within the easement area.

74C. RMS Requirements

1. Roads and Maritime has previously resumed & dedicated a strip of land as road along the King Georges Road and Forest Road frontage of the subject property, as shown by grey colour on the attached Aerial — "X". It should be noted that Roads and Maritime has no other approved proposal that requires any part of the subject property for road purposes.

Therefore, there are no objections to the development proposal on property grounds provided all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the King Georges Road and Forest Road boundaries.

2. Sight distances from the proposed vehicular crossings to vehicles on Forest Road are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.
3. Bicycle parking associated with the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities).
4. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
5. Construction works zone will not be permitted on King Georges Road and/or Forest Road.
6. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on King Georges Road and/or Forest Road during construction activities.

The following conditions of the original development consent have been modified:

Condition 1 to be updated to reflect the new plan numbers as follows, the remaining plans and documents that are unamended will be retained in condition 1.

1. **Approved Plans**

The development must be implemented in accordance with the originally approved plans and supporting documentation unless otherwise modified by the modification plans listed below which have been endorsed by Council's approved stamp:

Reference No.	Date	Description	Revision	Prepared by
DA-001	07/04/2021	Site Ground Floor Plan	A	BJA Architecture
DA-002	07/04/2021	Site First Floor Plan	A	BJA Architecture
DA-100	07/04/2021	Ground Floor Plan Grandstand	A	BJA Architecture
DA-101	07/04/2021	Ground Floor Plan Youth Centre	A	BJA Architecture

DA-102	07/04/2021	First Floor Plan Grandstand	A	BKA Architecture
DA-103	07/04/2021	First Floor Plan Youth Centre	A	BKA Architecture
DA-202	07/04/2021	Elevations	A	BKA Architecture
DA-200	07/04/2021	Southern Elevation	A	BKA Architecture
DA-201	07/04/2021	Northern Elevation	A	BKA Architecture
DA-300	07/04/2021	Sections	A	BKA Architecture

The current conditions of consent are as follows:

SPECIFIC DEVELOPMENT CONDITIONS

Section A Development Details

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

Reference No.	Date	Description	Revision	Prepared by
DA 002	22/08/2017	Site Plan – Demolition	A	BKA Architecture
DA 003	22/08/2017	Site Plan – Proposed	A	BKA Architecture
DA 100	22/08/2017	Ground Floor Overall Plan	A	BKA Architecture
DA 101	22/08/2017	First Floor Overall Plan	A	BKA Architecture
DA 102	22/08/2017	Roof Plan	A	BKA Architecture
DA 150	22/08/2017	Stage 2 – Floor Plans	A	BKA Architecture
DA 151	22/08/2017	Car Park Plan	A	BKA Architecture
DA 152	22/08/2017	Stage 3- Floor Plan	A	BKA Architecture
DA 200	22/08/2017	Stage 2 – Sections & Elevations	A	BKA Architecture
DA 201	22/08/2017	Stage 3 – Sections	A	BKA Architecture
DA 202	22/08/2017	Stage 3 – Elevations	A	BKA Architecture
DA 1588-01	28/07/2017	Landscape Plan	B	Sturt Noble Associates

DA 1588-02	28/07/2017	Detailed Landscape Plan 01	B	Sturt Noble Associates
DA 1588-03	28/07/2017	Detailed Landscape Plan 02	B	Sturt Noble Associates
DA 1588-04	28/07/2017	Detailed Landscape Plan 03	B	Sturt Noble Associates
DA 1588-05	28/07/2017	Sections	B	Sturt Noble Associates
DA 1588-06	28/07/2017	Indicative Planting	B	Sturt Noble Associates

Section B 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:

- The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering, applying at the time construction approval is sought.
- 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 site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- Hoarding plan and details that are certified by an appropriately qualified engineer; and
- The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at

www.georgesriver.nsw.gov.au) before the commencement of work; and

- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

4. **Engineering - Section 138 Roads Act and Section 68 Local Government Act 1993 -** Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve; and
- (k) Stormwater and ancillary to public infrastructure on private land

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 Georges River Council's website at: www.georgesriver.nsw.gov.au

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

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.

Section C Requirements of Concurrence, Integrated & Other Government Authorities

6. **Sight distances - RMS condition** - Sight distances from the proposed vehicular crossings to vehicles on Forest Road are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists and general traffic.
7. **Bicycle parking - RMS condition** - Bicycle parking associated with the subject development should be in accordance with AS2890.3 (Bicycle Parking Facilities).
8. **Construction Pedestrian Traffic Management Plan - RMS condition** - A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
9. **Construction Works Zone - RMS condition** - Construction works zone will not be permitted on King Georges Road and/or Forest Road.
10. **Road Occupancy Licence - RMS condition** - A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on King Georges Road and/or Forest Road during construction activities.
11. **Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.
12. **Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

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

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

13. **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).

Section D Prior to the Issue of a Construction Certificate

14. The landscape plan shall be amended to accurately reflect the location of the car parking spaces adjacent to the entry/exit points on Cambridge Street. The amended landscape plan is to be provided with the Construction Certificate.
15. The development shall be amended as follows:
 - a. Portions of the proposed building along the King Georges Road frontage are to be redesigned such that it is setback further from the King Georges Road to provide an additional landscaping buffer between the road and the building and to retain as much natural landscape on the site as possible. This setback is not to hinder the functioning of the cricket field, but is to provide modulation in the long expanse of the King Georges Road elevation. The resultant setback is to be suitably landscaped to provide a vegetative screen to that building and preserve some of the existing natural character of the site fronting King Georges Road. The proposed changes are to be shown on amended architectural plans and an amended landscape plan and submitted with the Construction Certificate.
16. **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 94 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$150.00
Driveway Design and Inspection Fee (Dwelling)	\$ TBA

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.

17. **Damage Deposit** - 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: **\$1,900.00**

(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: **\$150.00**

(c) Submit to Council, before the commencement of work, a photographic record 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 inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

18. **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.

19. **Stormwater System** - 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) All stormwater shall drain by gravity to the existing drainage system in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

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.

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

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

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

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.

21. **Detailed Stormwater Drainage Design** - The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) must be submitted with the Construction Certificate application.
22. **Driveway Surface Waters** - For driveways on private property sloping to the street and greater than 10 metres in length, drainage control devices such as humps or grated surface inlet pits shall be installed at the front boundary in order to control excess stormwater flowing across Council's footpath.
23. **Support for Easement Pipes**
- (a) All footings within 2.0 metres of the drainage easement shall be designed in such a manner that they are supported by foundations set at a minimum of 300mm below pipe invert levels or founded on sound rock.
 - (b) Alternatively, the footings of the building or any structure shall be designed not to affect the zone of influence taken from the invert of any pipe.
 - (c) The walls of any dwelling, pool or structure adjoining the easement shall be designed to withstand all forces should the easement be excavated to existing pipe invert levels.
 - (d) No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

Evidence from an appropriately qualified person that this design requirement has been met shall accompany the application for the Construction Certificate.

24. **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 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.
25. **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.
26. **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.
27. **Access for Persons with a Disability** - 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.
28. **Geotechnical report** - Geotechnical Reports: 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 (address) and (address) 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.

29. **Total conformity with the BCA - Clause 93 and 94 EP& A Regulation 2000** - Pursuant to Clause of the Environmental Planning and Assessment Regulation 2000, the existing building must be brought into total conformity with the Building Code of Australia. In this regard, construction plans that demonstrate compliance with the Building Code of Australia must be submitted to the Certifying Authority with the Construction Certificate application for approval.

Should there be any non-compliance, and an alternative method of fire protection and structural capacity is proposed, a detailed report, plans and supporting documents prepared by an appropriately accredited and qualified fire consultant having specialist qualifications in fire engineering must be submitted, justifying the non-compliances.

30. **Construction Traffic Management Plan [Large Developments only]** - A Construction Traffic Management Plan detailing:

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

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

31. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
32. **Approval by Council Asset and Infrastructure Directorate** - Prior to the issue of a Construction Certificate detailed plans of the stormwater drainage kerb inlet pit to be constructed in Cambridge Street are to be approved by Council's Assets and Infrastructure Directorate.
33. **Acoustic Requirements - Compliance with submitted Acoustic Report** – The Construction Certificate plans shall demonstrate compliance with the Acoustic Report

submitted and approved by Council.

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

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

34. **Food Premises** - The following information shall be provided and shown on the Construction Certificate Plans:

(a) Plans and Specifications

Details of the construction and fit out of food premises must be submitted to Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:

- i. Food Act 2003 (as amended)
- ii. Food Regulation 2015 (as amended)
- iii. Food Standards Code as published by Food Standards Australia
- iv. New Zealand and Australian Standard AS4674:2004 Design, Construction and fit out of food premises (as amended)
- v. Sydney Water - trade Waste Section.

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

(b) Waste Facility

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.

35. **Acoustic Report** - All recommendations outlined in the Acoustic report Project No. 29144 - SYD - N Dated 29 June 2016 and prepared by Wood & Grieve engineers are to be complied with, Details are to be submitted with the Construction Certificate Application to

the Principle Certifying Authority.

36. ~~**Tree Removal prohibited** – This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.~~

(This condition is deleted as part of MOD2020/0048 (DA2017/0354))

37. **Landscape Plans** - All landscape works shall be carried out in accordance with the approved landscape plans drawn by Sturt Noble and Associates, Reference Number DA – 1588-04, 1-6. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

38. **Tree Protection and Retention** - The following trees shall be retained and protected:

- (a) All trees nominated to be protected upon landscape plans – DA-1588-06.

Details of the trees to be retained must be included on the Construction Certificate plans.

General Tree Protection Measures

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

Excavation works near tree to be retained

- (h) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become

compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

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

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

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).

- 39. **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.
- 40. **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.

- 41. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
- 42. **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.

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

43. Prior to commencement of any work, other than demolition and excavation, in association with the remediation of the site, a Site Audit Report and Site Audit Statement are to be submitted to Council. The Site Audit Statement must comply with the conditions of consent for DA2017/0253 which relates to the remediation of the site.
44. **Existing drainage easement, drainage reserve or stormwater drainage system benefiting Council** - Council drainage easement(s) drainage reserve(s) or stormwater system either pass through or are adjacent to the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

The applicant must determine the exact location, size and level details of the potentially affected stormwater drainage systems and without causing any damage to the public system ensure its protection. The owner, principal contractor or owner builder must not obstruct or otherwise remove, disconnect or render inoperable the Stormwater Drainage System.

Works such as fences must not obstruct the natural stormwater flowpath or alter the flowpath in such a way as to direct or concentrate stormwater on to neighbouring properties.

Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on Council's assets will revert to the ownership, care, control or management of Council. Therefore, upon handover to Council, the asset must comply with Council's Construction of drainage and associated works specification.

The applicant must meet all costs associated with such works.

Note: This condition does not set aside the need to obtain relevant approvals under the Roads Act 1993 or Local Government Act 1993 for works within Roads and other public places.

45. **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.

46. **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.
47. **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.
48. **Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.
49. **Building - Structural Engineers Details - Supporting Council road/footway** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting Council's roadways/footways must be submitted to the satisfaction of Council's Building Control Department.
50. **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 Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

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

Section F During Construction

- 51. **Physical connection of Stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's in.
- 52. **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.
- 53. **Building - Structural Engineer's Certification during construction** - The proposed structure/building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of construction or prior issue of the Occupation Certificate.
- 54. **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.
- 55. **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.

56. **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.
57. **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.

58. **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.

Section G Prior to the issue of the Occupation Certificate

59. A Plan of Maintenance for the sportsground, including the artificial turf, shall be prepared and submitted with an Occupation Certificate application.
60. **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.
61. **Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
62. **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 relevant works shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval.

63. **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.

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

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

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

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

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

- (a) Construct the vehicular crossing in accordance with Council's Specifications for vehicular crossings.
- (b) Any existing vehicular crossing and/or laybacks which are redundant must be removed.

The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

(c) New kerb inlet pit in Cambridge Street

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

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

66. **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.

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

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

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

68. **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.

69. **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.
70. **Acoustic Certification** - Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant shall certify that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the acoustic criteria established by the Acoustic Report required by a condition of this consent. The development shall at all times comply with these noise levels post occupation.
71. **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 Project No. 29144 - SYD - N Dated 29 June 2016 and prepared by Wood & Grieve engineers.
72. **Certification - Air handling systems (including water-cooling system, hot-water systems and warm-water systems)** - 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
73. **Food Premises - Inspection & Registration** - Prior to the issue of any Occupation Certificate or occupation or use of any food premises:
- (a) An inspection of the fit out of the Food Premises must be arranged with Council's Environmental Health Officer;
 - (b) A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
 - (c) The Food Premises must notify and register its business details with Georges River Council as required under section 100 of the Food Act 2003.

74. **Building** - A sign shall be displayed at the main entry foyer area, stating the maximum number of persons permitted within the sporting and gymnasium stadium. Details must be submitted with the Construction Certificate Application.

Section H Operational Conditions (Ongoing)

75. **Hours of operation** - The approved hours of operation shall be restricted to 7am – 10pm Monday to Sunday.
76. **Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.
77. **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).
78. **Maintenance of Sound Attenuation** - Sound attenuation must be maintained in accordance with the Acoustic Report submitted titled Project No. 29144 - SYD - N Dated 29 June 2016 and prepared by Wood & Grieve engineers.
79. **Final Acoustic Report - Verification of Noise report** - Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the EPA's Noise Policy for Industry and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report Project No. 29144 - SYD - N Dated 29 June 2016 and prepared by Wood & Grieve engineers are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the Protection of the Environment Operation Act 1997 (as amended).
80. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.
81. **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.
82. **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.
83. **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.

84. **Food premises - Maintenance of food premises** - The food premises must be maintained in accordance with the Food Act 2003 (as amended), Food Regulation 2015 (as amended); the Food Standards Code as published by Food Standards Australia & New Zealand and Australian Standard AS 4674-2004: Construction and fit out of food premises (as amended).
85. **Food premises - Garbage Odour** - A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the Protection of the Environment Operations Act, 1997 (as amended).
86. **Food premises - Storage of waste - used cooking oil** - Used oil shall be contained in a leak proof container and stored in a covered and bunded area prior to off-site disposal. Copies of receipts for the disposal of used cooking oil shall be kept on-site and made available to Council Officers upon request.
87. **No of Patrons in Licensed Premises** - A sign shall be displayed in a prominent position in the building specifying the maximum number of persons permitted in the building.
88. **Health** - The premises must comply with the Smoke Free Environment Act 2000 (as amended).
89. **Health - Prohibition of live bands, amplified music or speakers** - There shall be no live bands permitted to perform on the park and associate facilities, unless approved by Georges River Council.
90. **Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
- (a) Within 12 months after the date on which the fire safety certificate was received.
 - (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
 - (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
 - (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

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

91. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

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

92. **Appointment of a Principal Certifying Authority** - The erection of a building must not

commence until the beneficiary of the development consent has:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section J Prescribed Conditions

98. **BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
99. **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.
100. **Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifying Authority and the Principal Contractor.
101. **Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
102. **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.

END CONDITIONS

NOTES/ADVICES

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

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.
104. **Appeal Rights** - Division 8 (Appeals and Related matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
105. **Lapsing of Consent** – This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.
106. **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.

107. **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.
108. **Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the Roads Act 1993:

- (a) Complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. 2012/DA) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

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

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

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

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

109. **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.

110. **Access for persons with disabilities** - Should the Council be appointed as the PCA, an Access report prepared by an Accredited Access Consultant may be required to be submitted with the Construction Certificate Application, detailing the existing level of compliance in the building with the above requirements, and to provide details of proposed upgrading work necessary to bring the building into conformity with the Premises Standards and the BCA. All recommendations of the accredited access consultant must be incorporated in the plans to be submitted with the Construction Certificate application.
111. **Energy Efficiency Provisions** - Should Council be appointed as the PCA, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the PCA.

Energy efficiency provisions relate only to new building work or the installation of new measure. Existing building fabric and measures may not be upgraded.

112. **Food Premises** - Information on Australian Standards can be obtained from www.standards.com.au.

Guidelines and Food Safety Standards may be obtained by contacting the Food Standards Australia New Zealand Authority at foodstandards.gov.au or the NSW Food Authority on 1300 552 406, email: contact@foodauthority.nsw.gov.au or by visiting the website www.foodauthority.nsw.gov.au.

Notification of Food Business under Section 100 of the Food Act 2003 requires the proprietor of a food business to give written notice, in the approved form, before conducting a food business. Penalties apply for failure to comply.

113. **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/nlg.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).

114. **Acoustical 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)

115. **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).