Panel Reference	**2019SSH004**
DA Number	DA2018/0580
LGA	Georges River Council
Proposed Development	Site amalgamation and construction of a four storey multi-unit housing development comprising a total of seventy-two (72) apartments in two separate buildings with an affordable housing component including twelve (12) dedicated social housing units and seventeen (17) affordable housing units, basement car parking for eighty-three (83) vehicles, communal open space and associated site works.
Street Address	824-834 Forest Road, Peakhurst
Applicant/Owner	Applicant: Mono Constructions Owner: Land and Housing Corporation (Crown)
Date of DA lodgement	20 December 2018
Number of Submissions	Two (2) submissions objecting to the proposal and one (1) submission in support.
Recommendation	Approval subject to the conditions.
Regional Development Criteria (Schedule 7)	Regionally significant development is defined in Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. The proposed development is classified as "Regional" development as it has a Capital Investment Value (CIV) of over $5 million and is lodged by or on behalf of the Crown (State of NSW). The CIV of the social housing component of the development is $7,182,975 and the total CIV of the project is $15,262,105.
List of all relevant s79C(1)(a) matters	• Environmental Planning and Assessment Act 1979. • Environmental Planning and Assessment Regulation 2000. • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy No 55 – Remediation of Land. • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.

	• State Environmental Planning Policy (Building and Sustainability Index: 2004). • State Environmental Planning Policy – Affordable Rental Housing 2009. • State Environmental Planning Policy (Infrastructure) 2007. • State Regional Environmental Plan No 2 – Georges River Catchment. • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. • Draft Environment State Environmental Planning Policy. • Draft State Environmental Planning Policy –Remediation of Land. • Hurstville Local Environmental Plan 2012. • Hurstville Development Control Plan No.1 (Amendment 6).
List all documents submitted with this report for the Panel's consideration	• Statement of Environmental Effects. • Registered survey. • Architectural plans. • Landscape Plan. • Traffic Impact Assessment report. • Stormwater Details and Plans • Clause 4.6 Exception to Development Standard – Height. • SEPP 65 Design Verification Statement.
Report prepared by	Larissa Ozog Senior Development Assessment Officer
Report date	21 July 2019

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 recommendations summarised, in the Executive	**Yes**

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?	**Yes - height**
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?	**Yes – Crown Development** **Draft conditions were provided to the Applicant for review on 15 July 2019 and also on 29 July 2019**

Executive Summary

Proposal

Council received a development application (DA2018/0580) seeking planning permission for site consolidation and the construction of a four (4) storey multi-unit development, designed as two separate built forms comprising of seventy-two (72) apartments including twelve (12) apartments dedicated as Social Housing units and seventeen (17) affordable rental housing units.

The proposal includes basement car parking for a total of eighty-three (83) vehicles including a loading bay and bin storage room, together with communal areas of open space on the ground floor and associated site works.

The development has been designed as two separate buildings over a common basement identified as Block A and Block B on the plans and referenced as Building A and B in this report. The buildings are separated by an area of common open space. Vehicular access to the site is provided via a driveway located along the western side of the site with each building having independent formal pedestrian access from Forest Road.

In response to issues raised by the Design Review Panel (DRP), the design has been modified on two occasions to improve the internal amenity of apartments, address the

Apartment Design Guide standards, increased deep soil areas and the amount of communal open space at the rear of the development and satisfy design concerns. The amendments do not alter the overall built form composition but improve the relationship of the development with its neighbours. This assessment is based on the latest updated plans known as Issue B.

Figure 1: Photomontage of the proposed development when viewed from Forest Road.

This project is part of the NSW Government's Communities Plus programme which is a private/public sector partnership with the Land and Housing Corporation to assist in the provision of much needed new social housing and affordable housing developments in the State. This proposal aims to satisfy the objectives of the programme by delivering a variety of housing options replacing the existing vacant and outdated social housing properties on the development site, with new and improved housing stock. The affordable housing component comprises of 38% of the total development.

Demolition does not form part of this application as an activity approval has been granted under Part 5 of the Environmental Planning and Assessment Act, 1979 on 28 June 2019 for demolition of the existing structures on site.

Site and locality

The subject site comprises of six (6) individual allotments containing six (6) detached dwelling houses which are currently vacant (refer to Figure 2 below). In combination, the site is a regular shaped allotment with a frontage of some 97m to Forest Road, a depth of some 42m with a total site area of 4,072.13sqm.

Figure 2: Aerial photo showing the site location and site boundaries in red (courtesy of SEE by Think Planners, 2018)

The site is located within an area that is transitioning from a low scale residential environment to an area accommodating medium density developments. The construction of three to four storey Residential Flat Buildings (RFB's) in the immediate locality is the current development form.

The site adjoins a Petrol Station to the west and a small neighbourhood shopping precinct and Council carpark to the east. The site is well located within close proximity to Peakhurst Park and other general amenities.

Zoning and Hurstville LEP 2012 (HLEP) Compliance

The site is identified as R3 Medium Density Residential pursuant to the provisions of the Hurstville Local Environmental Plan 2012.

The proposal meets the definition of a "residential flat building" (RFB) which is *"a building containing 3 or more dwellings, but does not include an attached dwelling or*

multi dwelling housing". An RFB is permissible within the zone. The proposal also satisfies the objectives of the R3 zone.

The site has a height limit of 12m in accordance with the provisions of Clause 4.3 of the HLEP. Both buildings slightly exceed the 12m height limit and the application is accompanied by a Clause 4.6 Statement which seeks to justify the exceedance of the control. The variation to the height control comprises of the lift overrun and small sections of the roof parapet. A detailed assessment of the Clause 4.6 Statement is provided later in this report. In summary, the variation is considered to be acceptable in this case and the Clause 4.6 is considered to be well founded given that the exceedance is minor and maintains compliance with the objectives of the standard and the zone.

The floor space ratio (FSR) for the site is 1:1 in accordance with Clause 4.4 of the HLEP. Given that 38% of the gross floor area proposed is dedicated for "affordable" housing units, a bonus of 0.38:1 in FSR is provided in accordance with Clause 13 (2)(a)(i) of the Affordable Rental Housing SEPP. The development provides for an FSR of 1.38:1 which complies with the floor space standard allowable for this development.

State Environmental Planning Policy

The proposal has been considered to be satisfactory in regards to the following policies which have been considered in respect to the application:

- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.
- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.
- State Environmental Planning Policy (Building and Sustainability Index: 2004).
- State Environmental Planning Policy (Infrastructure) 2007.
- State Regional Environmental Plan No 2 – Georges River Catchment.
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- State Environmental Planning Policy (Affordable Rental Housing) 2009.

A detailed assessment of the proposal against the provisions of these policies is provided in the body of this report.

Draft Environment SEPP

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

Draft State Environmental Planning Policy – Remediation of Land

The Department of Planning and Environment ('**DPE**') has announced a Draft Remediation of Land SEPP ('**Draft SEPP**') which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land ('**SEPP 55**').

The main changes proposed include the expansion of categories of remediation work which requires development consent, a greater involvement of principal certifying authorities particularly in relation to remediation works that can be carried out without development consent, more comprehensive guidelines for Councils and certifiers and the clarification of the contamination information to be included on Section 149 Planning Certificates.

Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land.

The subject site has a history of residential use and as such, site contamination is not suspected. The application is accompanied by a Stage 2 Environmental Investigation which confirmed that there is no evidence of potential contamination. A detailed assessment against SEPP 55 is provided later in this report.

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- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

There are a series of thirty-two (32) trees and shrubs that are scattered across the development site that will be affected by the proposal. The existing vegetation is categorised as a mix of exotic and native vegetation. A total of thirty (30) trees are proposed to be removed as part of the development, in the most part this is due to their siting being affected by the proposed building footprint.

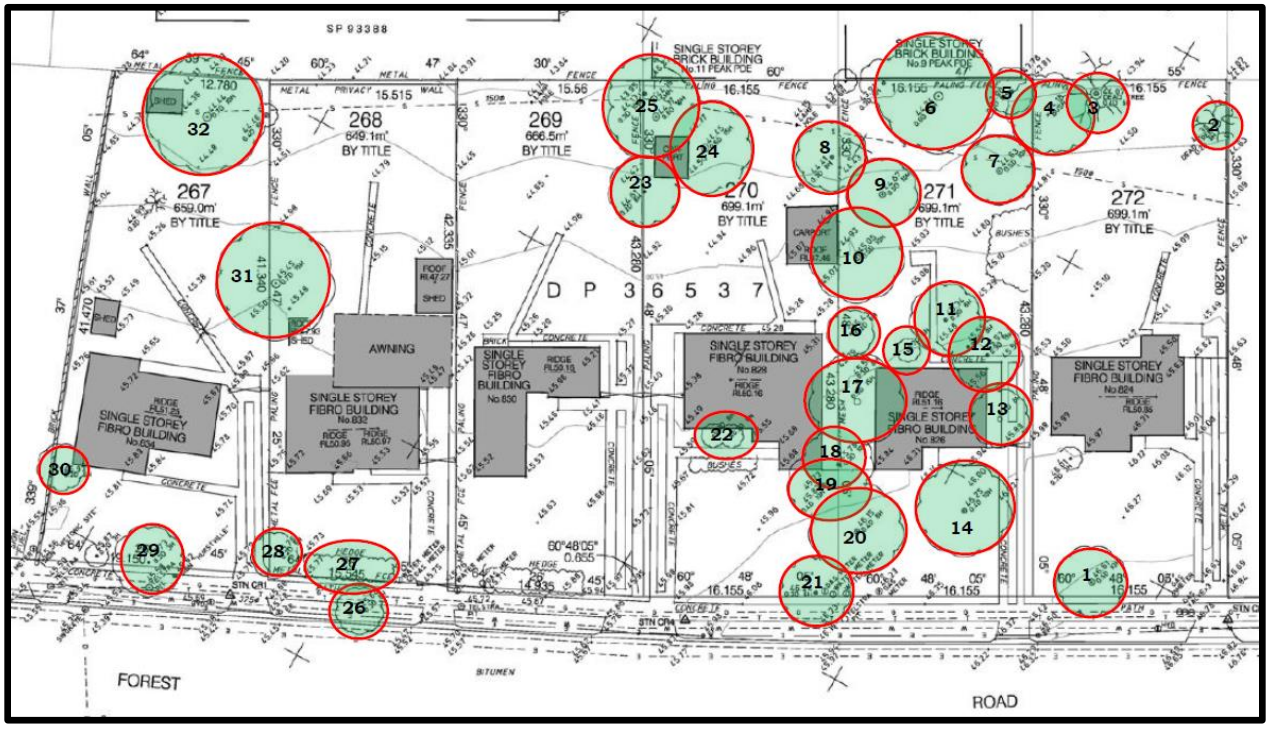

Figure 3: Trees within the site (courtesy of the Aboricultural Report, 2018)

An Arboricultural Impact Assessment and Tree Management Plan prepared by Horticultural Management Services and dated 25 September 2018 accompanied the application. This report assessed the significance of each existing tree within its landscape and considers its sustainability (retention value) and longevity.

The majority of the trees designated for removal are smaller shrubs (varying in height from between 2.5m - 6m) which are exempt from requiring approval for removal. The larger trees have been generally rated as having nil to low ecological significance and nil to low landscape and visual significance. The two trees to be retained are a Watergum which is a street tree (noted as Tree No.26) and the Broad Leafed Paperbark (which is noted as Tree No.24 and the basement car park has been designed around this tree in order to be able to retain it). The basement has been reconfigured to allow for a sizable TPZ around this tree.

Given the quality of the trees and shrubs within the site, the random nature of their plantings and their general condition, their removal is supported. The proposed landscape plan is detailed and includes the provision of significant vegetation which is planned and appropriately designed around the development.

The large area of communal open space which provides for generous areas of deep soil will accommodate in excess of thirty (30) new trees and shrubs, and is considered to be an acceptable landscaping outcome given there will be increased planting and replacement planting provided (refer to Figure 4 below). The loss of vegetation will be compensated by the provision of more formal vegetation and plantings across the Site.

Photo 1: The existing Paperbark Tree to be retained

Council's Landscape Officer has reviewed all the relevant documentation and plans and has concurred with the proposed landscaping outcome. Conditions are included to ensure protection of the existing tree onsite and the street tree and ensure that the landscaping is implemented during construction in accordance with the proposed plans.

Figure 4: Reduced Landscape Plan showing the proposed new trees along the rear, front and periphery of the site (courtesy Paul Scrivener Landscape Architects).

Hurstville Development Control Plan No.1 (Amendment No 6)

The provisions of Part 4 (Specific Controls for Residential Development) specifically Part 4.1 (RFB's) is applicable to the proposed development. A detailed assessment of the proposal against these standards is provided later in this report.

The proposal is considered to be an acceptable urban design and planning outcome for the Site and generally satisfies the applicable provisions contained within the Hurstville Development Control Plan.

Crown Development Application

In accordance with Division 4.6 of the Environmental Planning and Assessment Act, 1979 (as amended), the application is a Crown Development Application and in accordance with subclause 4.33 a consent authority (other than the Minister*) "must not refuse its consent to a Crown development application, except with the approval of the Minister, or impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister."*

In accordance with the provisions of the Act, Draft conditions of consent were issued to the Land and Housing Corporation on 15 July 2019. Comments in response were provided to Council and these included in the final conditions. Schedule of conditions was updated to include waste and engineering comments and a final set of updated conditions was sent to the Applicant on 29 July 2019. To date no response has been received.

Submissions

The application was notified to owners and occupiers in the immediate locality in accordance with the provisions of the Hurstville Development Control Plan. In response, two (3) submissions were received. Two (2) submissions raised concerns with the proposal whilst one (1) submission supported the proposal “in principle”. The relevant concerns relate to the scale, bulk and intensity of the development, overshadowing impacts and the removal of trees and existing vegetation.

The submission that supported the development is satisfied that the new development will be replacing the old outdated residences that are no longer functional.

These issues have been addressed in greater detail later in this report.

Level of Determination

The proposal has a CIV of $15,262,105. The development application is to be determined by the South Sydney Planning Panel due to the Capital Investment Value (CIV) exceeding $5 million for Crown development pursuant to the definition of regionally significant development contained within Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011

The CIV has been confirmed and is outlined in the Registered Quantity Surveyors Detailed Cost Report which accompanies the DA.

Conclusion

Having regards to the matters for consideration Section 4.15 and Section 4.16(1)(a) of the Environmental Planning and Assessment Act and following a detailed assessment of the proposed application DA2018/0580 is recommended for approval subject to the conditions referenced as the end of this report.

Full Report

Site and Locality

The subject site comprises of six (6) lots which are legally identified as follows;

- 824 Forest Road – Lot 272 DP 36537
  This site has an area of 699sqm and contains a single storey detached fibro cottage with a driveway along the eastern side of the site. This dwelling is currently vacant.

- 826 Forest Road – Lot 271 DP 36537
  The site has an area of 699sqm and contains a single storey detached fibro cottage with a driveway along the eastern side. The dwelling is currently vacant. The site contains some dense, established vegetation.

- 828 Forest Road – Lot 270 DP 36537

The site has an area of 699sqm and contains a single storey detached fibro cottage with a driveway located along the western side of the site and includes two detached single storey carport structures at the rear.

- 830 Forest Road – Lot 269 DP 36537
  This site has an area of 666.5sqm and contains a single storey detached dwelling house in an L-shape formation with a driveway along the eastern side of the site. This property is currently vacant.

- 832 Forest Road – Lot 268 DP 36537
  This site has an area of 649sqm and contains a single storey fibro cottage that has been modified to include a rear awning and ancillary shed. The site has a driveway located along the eastern side.

- 834 Forest Road – Lot 267 DP 36537
  This site has an area of 659sqm and unlike its adjoining eastern neighbours which are generally regular, rectangular shaped allotments, this property is irregular in shape and contains a single storey fibro cottage with some small scale ancillary structures at the rear and a driveway located along the eastern side of the site.

Refer to the survey plan at Figure 5 below which shows the siting and location of the existing structures on the development site. The properties were for social housing purposes and are currently vacant as they are outdated and run down. They are not recognised as having any heritage significance.

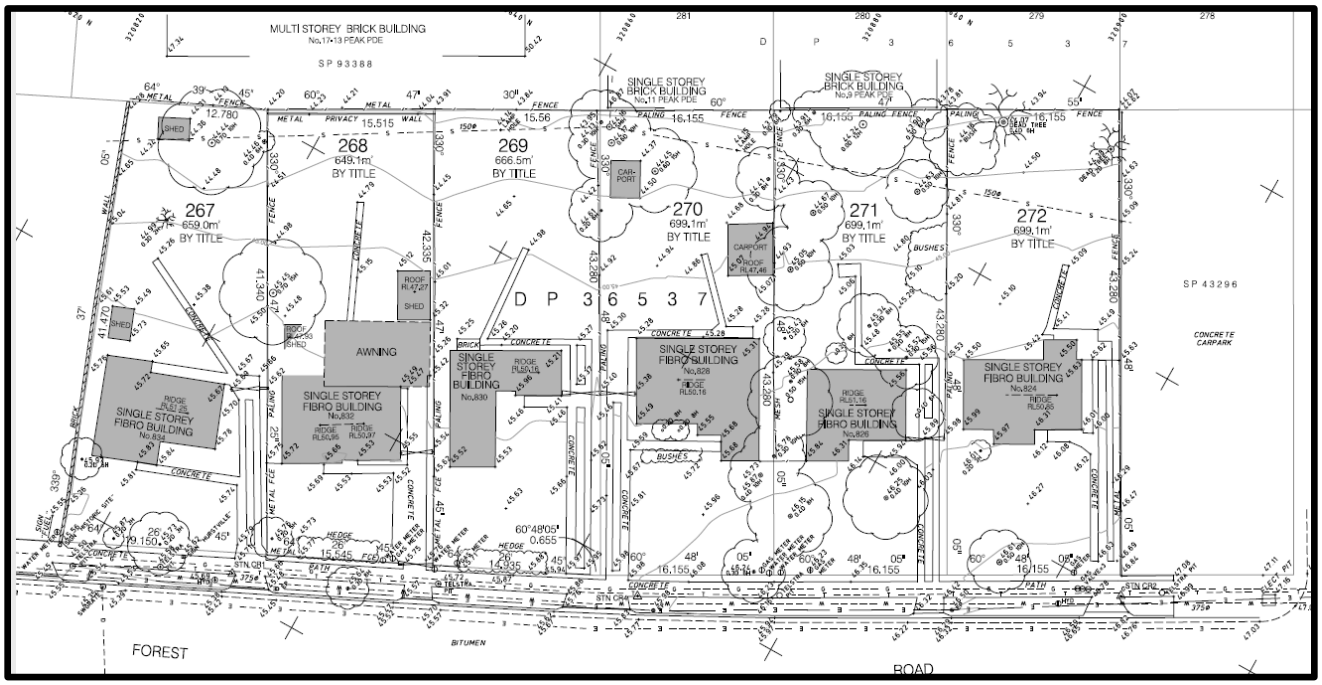

Figure 5: Extract from the Survey Plan of the subject site showing the configuration of properties, structures and existing vegetation (courtesy Public Works Advisory, 2017)

The allotments combined have a frontage exceeding 97m to Forest Road and varying depths of 43.28m and 41.470m with a combined site area of 4,072.13sqm.

There is an existing sewer line extends across the rear of the property. The proposed buildings and basement level have been designed to be clear of this sewer line.

Photo 2: The subject site, one of the six existing houses (No.824 Forest Road)

Photo 3: The subject site, two of the six existing houses (No.826 and 828 Forest Road)

<u>To the east</u>

- Immediately to the east of the site is a Council owned carpark which services the small neighbourhood commercial shops located further to the east.
- Adjoining the carpark is Bristow Lane which is a roadway providing rear lane access to the row of shops located on the corner of Forest Road and Hugh Avenue.
- Further to the east is St Mary and St Joseph's Coptic Orthodox Church.

Photo 4: The small shopping strip to the east and bus stop

Photo 5: Peakhurst shopping precinct located towards the south-east of the site

To the west

- Immediately to the west is a Metro Petroleum Petrol Station which is located on the corner of Forest Road and Pearce Avenue.
- Further west are a series of newly completed three to four storey RFB's located along Forest Road (i.e. 3 Peace Avenue) and Lawrence Street.

Photo 6: Service station located immediately to the west of the Site and the newly completed RFB on the corner of Pearce Avenue and Forest Road

To the north

- Properties immediately to the north comprise a series of newly completed three to four storey RFB's and others that are currently under construction located along Peake Parade (13-17 Peake Parade, 9-11 Peake Parade and 5-7 Peake Parade).

Photo 6: Medium density RFB developments at the rear of the site under construction (No.s 5-7, 9-11 and 13-15 Peake Parade)

To the south

- To the south-east of the site are a series of Industrial properties with Mitre 10 and the Peakhurst IGA located with access off Forest Road and associated car parking at the front of these sites. Peakhurst Inflatable World a children's indoor fun park is also located across the road to the south.
- To the south-west are a series of smaller scale residential dwelling houses.

Photo 7: Industrial Estate located to the south of the site (across the road)

Photo 8: Industrial area located to the south (across the road)

Proposal

The proposed development seeks approval for the amalgamation of the existing sites and construction of a four (4) storey residential flat building designed as two separate built forms comprising of seventy-two (72) apartments with one level of basement car parking accommodating eighty-three (83) vehicles, associated landscaping and site works at the property known as 824-834 Forest Road, Peakhurst.

The proposal has been amended and its design and layout improved. More specific details of the current design and layout are provided below;

Basement Floor

- A total of eighty-three (83) car parking spaces allocated in the following way;
  - Eleven (11) visitor spaces
  - Seventy-two (72) residential spaces including eight (8) accessible spaces.
- Eight (8) bicycle parking spaces
- Two (2) lifts
- Bulk storage room and residential waste room
- Individual storage areas
- Bin Room, electrical and plant/pump rooms
- Fire stairs

Ground Floor

- Vehicular access off the western side of the site.
- Central area of communal open space and a designated area along the north-east of the site for communal open space.

- Two buildings designated as Building A (western wing) and Building B (eastern wing)
- Main pedestrian entry from Forest Road to both buildings with two separate lobbies.
- Building A
  - 5 x 1 bedroom apartments
  - 5 x 2 bedroom apartments
- Building B
  - 3 x 1 bedroom apartments
  - 4 x 2 bedroom apartments
  - 2 x 3 bedroom apartments
- Areas of private open space in the form of terraces and courtyards to the ground floor units.

First Floor

- Building A
  - 3 x 1 bedroom apartments
  - 6 x 2 bedroom apartments
  - 1 x 3 bedroom apartments
- Building B
  - 4 x 1 bedroom apartments
  - 6 x 2 bedroom apartments

Second Floor

- Building A
  - 3 x 1 bedroom apartments
  - 6 x 2 bedroom apartments
  - 1 x 3 bedroom apartment
- Building B
  - 4 x 1 bedroom apartments
  - 6 x 2 bedroom apartments

Third Floor

- Building A
  - 2 x 1 bedroom apartments
  - 4 x 2 bedroom apartments
  - 1 x 3 bedroom apartments
- Building B
  - 5 x 2 bedroom apartments
  - 1 x 3 bedroom apartments

The proposal has been amended to address some concerns raised by Council Officers and the Design Review Panel (DRP) in respect to compliance with solar access

provisions and cross ventilation standards, providing adequate and high quality areas of communal open space in accordance with the Apartment Design Guide and to improve the internal amenity of some apartments.

The proposed seventy-two (72) residential apartments comprise the following mix:

- 24 x 1 bedrooms (33%);
- 42 x 2 bedrooms (58%) and;
- 6 x 3 bedrooms (9%)

Affordable component

Affordable component of the development comprises of twelve (12) social housing units and seventeen (17) affordable units. The breakdown of the affordable component is provided in the table below.

SOCIAL			
Name	Area	Unit Type	Comments
A01	54.3 m²	1 Bed	SOCIAL
A02	61.0 m²	1 Bed	SOCIAL
A04	56.8 m²	1 Bed	SOCIAL
A07	59.5 m²	1 Bed	SOCIAL
A10	55.8 m²	1 Bed	SOCIAL
A12	58.1 m²	1 Bed	SOCIAL
A18	53.4 m²	1 Bed	SOCIAL
A22	58.1 m²	1 Bed	SOCIAL
A28	53.4 m²	1 Bed	SOCIAL
1 Bed: 9	510.3 m²		
A15	77.7 m²	2 Bed	SOCIAL
A16	79.0 m²	2 Bed	SOCIAL
A20	79.3 m²	2 Bed	SOCIAL
2 Bed: 3	236.0 m²		
Grand total: 12	746.3 m²		

AFFORDABLE			
Name	Area	Unit Type	Comments
A14	51.9 m²	1 Bed	AFFORDABLE
1 Bed: 1	51.9 m²		
A03	79.7 m²	2 Bed	AFFORDABLE
A05	77.6 m²	2 Bed	AFFORDABLE
A06	78.4 m²	2 Bed	AFFORDABLE
A09	87.7 m²	2 Bed	AFFORDABLE
A11	77.1 m²	2 Bed	AFFORDABLE
A17	82.4 m²	2 Bed	AFFORDABLE
A21	77.1 m²	2 Bed	AFFORDABLE
A25	77.7 m²	2 Bed	AFFORDABLE
A26	79.0 m²	2 Bed	AFFORDABLE
A27	82.4 m²	2 Bed	AFFORDABLE
A30	79.3 m²	2 Bed	AFFORDABLE
B10	77.9 m²	2 Bed	AFFORDABLE
B20	77.9 m²	2 Bed	AFFORDABLE
2 Bed: 13	1034.0 m²		
A19	103.5 m²	3 Bed	AFFORDABLE
A29	103.5 m²	3 Bed	AFFORDABLE
B08	97.5 m²	3 Bed	AFFORDABLE
3 Bed: 3	304.4 m²		
Grand total: 17	1390.4 m²		

Figure 6: Table providing a breakdown of the affordable and social housing component of the development

The existing six (6) vacant dwellings on the development site have a minimum of 3 bedrooms in each dwelling and were previously used for social housing. The new replacement dwellings will be smaller comprising of 1 and 2 bedroom dwellings (as outlined in Figure 6) but there will be twelve (12) apartments in total dedicated for social housing. The Applicant was asked to justify why no three (3) bedroom apartments were

dedicated for social housing. The Land and Housing Corporation responded by saying "*Future Direction for Social Housing in NSW is the key strategy guiding the redevelopment of land owned by the Land and Housing Corporation through Communities Plus. A key action of the strategy is to build smaller, fit-for-purpose dwellings to match the needs of new and future tenants. Over the last 50 years the age and household structure of the NSW social housing tenant profile has changed, there are now more elderly and single person households. This has led to under-occupancy rate currently at 14%. The development has responded to this change and is providing a greater proportion of 1 and 2 bedroom social and affordable apartments, which responds to the local demand".*

This provides an adequate response to this concern and given that there will be a further mix of seventeen (17) affordable apartments which comprise of 1 bedroom, 2 bedroom and 3 bedroom units this reasonably fulfils the objective of providing a diverse range and mix of affordable housing in the market.

Communal open space

The main area of communal open space is provided along the north and north-eastern side of the site. The area has a setback (depth) of between 6m - 9m from the rear boundary to Building A and B and total area of 980sqm is provided at the rear. The central courtyard has a width of 8.4m and area of 235sqm. In total this amounts to 30% of communal open space (without the inclusion of the area provided at the front of the site which amounts to some 288sqm). The area located at the front of the site has been excluded from the calculation as it is unlikely this space will be utilised given its siting and location. The size and proposed design of the rear area of common open space will be functional and well considered. It offers a large space with a diversity of finishes and allows for a variety of uses (passive and recreational activities).

Background

Pre-lodgement application

The proposed development was the subject of a Pre-lodgement Application (PRE2018/0040) which was also referred to the DRP for comment. The design of the proposal was similar to the current application.

The pre-lodgement advice provided by Council raised the following issues;

- *Height* – Council is unlikely to support a variation to the height limit especially if it is over a 10% variation to the control.
- *Affordable Rental Housing SEPP* - Compliance with the Affordable Housing SEPP is required in respect to the landscaped area and floor space.
- *Contamination* – a detailed assessment will be required given the sensitive location of the site and the fact it adjoins a petrol station.
- *Tree removal* – A detailed arborist report is required assessing the removal of any proposed trees on site.

- *RMS* – the application will require RMS concurrence.
- *ADG compliance* – The DRP considered the design and indicated that the proposed layout and design intent was considered to be generally satisfactory in terms of the context, scale, built form, density and aesthetics. The DRP did suggest some amendments and further resolution to the design of the development including relocating the driveway from the western to the eastern side, to ensure compliance with solar access and cross ventilation provisions of the ADG, improving landscaping and the provision of larger trees.

The design of the development was modified to address these issues and was lodged with the DA. The application was referred to the DRP on two occasions whilst the application has been under assessment. A detailed discussion of the DRP comments on both occasions is discussed in more detail later in this report.

Sydney South Planning Panel

The Sydney South Planning Panel was briefed of this matter at their meeting held on 7 May 2019, during which the following key issues had been discussed and required further resolution:

- Outline full design development process;
- Assessment of final design by Design Review Panel;
- SEPP 65 compliance and ADG compliance;
- Discuss potential isolation of adjoining car park site (see below);
- Address view of buildings over carpark and lack of landscaping;
- Effects of non-compliance with DCP three storey requirement; and
- Ensure the Clause 4.6 height variation justification is well founded.

Site isolation

The redevelopment of the subject site creates the potential isolation of two adjoining sites, as these formally complete the block. Immediately to the east is a public carpark located on the corner of Forest Road and Bristow Lane which adjoins the commercial/retail development. This site, although separated by the laneway forms part of the larger commercial development as combined these sites are known as No.802-820 Forest Road (refer to Figure 7 below). On its own the site is constrained however is zoned SP2 – Infrastructure and the objectives of this zone are *"to provide for infrastructure and related uses and to prevent development that is not compatible with or that may detract from the provision of infrastructure."* The zoning prohibits the redeveloped for residential purposes and the intention through the zoning is to retain the use as a public car park.

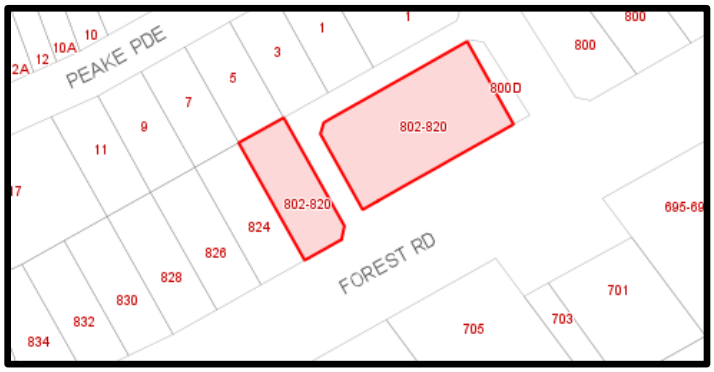

Figure 7: The integrated nature of the carpark to the east which forms part of the commercial development.

In respect to the site to the west which is currently occupied by an existing use, a Petrol Station this site is larger and integrated as it is a double block. It is zoned R3 and is large enough to cater for a medium density redevelopment as the frontage of the site is over 27m (see Figure 8 below) and compliant with the Council's general requirements for an RFB (minimum frontage width required is 24m).

Figure 8: The frontage width and general nature of the Petrol Station site (836 Forest Road)

The other issues raised by the Panel were considered by the Applicant and have been addressed in detail within the framework of this report.

Statutory framework

Environmental Planning and Assessment Act 1979 (EP&A) Act 1979

The proposal has been assessed and considered against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the objects of the EP&A Act, and the principles of ecologically sustainable development as follows:

Objects of the EP&A Act

Consent authority is required to consider the objects in Section 1.3 of the EP&A Act when making decisions under the Act. Council has considered the object of the EP&A Act in the Table below and is satisfied that the proposal complies with all objects.

Objects of the EP&A Act	**Proposal**	**Compliance**
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal results in the urban infill development of a residential flat building within this residential precinct that is currently in a process of transition to medium density housing. The provision of additional housing in the locality which includes an affordable housing mix is desirable.	Yes
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment	The design considers the principles of ESD. The building has been designed to comply with all BASIX commitments. Some of the affordable housing apartments will be constructed to a "silver standard" level.	Yes
(c) to promote the orderly and economic use and development of land	The development has been designed to satisfy the key planning controls for this site and the built form as proposed is considered to reflect the desired future character for development within the locality and for this precinct.	Yes
(d) to promote the delivery and maintenance of affordable housing	The proposal provides affordable rental housing by designating a total of seventeen (17) apartments as "affordable" and twelve (12) apartments are dedicated for social housing. These twenty-nine (29) units comprise of 38% of the total development catering and servicing the "affordable" housing market which is delivering a substantial amount	Yes

	of accommodation of this type in the LGA.	
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The site is located within a residential area that is transitioning to medium density development due to its location and accessibility to a range of services and amenities. The proposal is not considered to result in adverse impacts to any threatened and other species of native animals and plants, ecological communities and their habitats. There are no significant species mapped within the Site or its immediate vicinity.	Yes
(f) to promote the sustainable management of built and cultural heritage	The Site is not a designated Heritage Item nor is it located within a Heritage Conservation Area.	Yes
(g) to promote good design and amenity of the built environment	This report assesses the proposal's design and amenity against SEPP 65, the ADG Guidelines and HDCP. The amended design is considered to satisfactorily address the key development and design controls. Despite the development not satisfying the 3 storey maximum height control in the HDCP the development generally satisfies the 12m height limit within the LEP which permits a 4 storey development. The nature of new RFB developments that have been approved and constructed in the vicinity of the site reflect a 3-4 storey character and the	Yes

	development will be sympathetic with this character.	
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposal will achieve this object by complying with Council's recommended consent conditions relating to the construction phase of the development.	Yes
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The proposal is a regionally significant development and therefore the Sydney South Planning Panel is the consent authority.	Yes
(j) to provide increased opportunity for community participation in environmental planning and assessment	The submissions section of this report outlines Council's public exhibition of the proposal, including public submissions. The submission section also sets out details of Council's consideration of the key issues raised in public submissions.	Yes

Section 4.15 Assessment

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:
(i) any environmental planning instrument

The proposal has been considered under the relevant statutory provisions as per below:

- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.
- State Environmental Planning Policy (State and Regional Development) 2011.
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment
- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.

- State Environmental Planning Policy (Building and Sustainability Index: 2004).
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy (Affordable Rental Housing) 2009.
- State Regional Environmental Plan No 2 – Georges River Catchment.
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- Draft Environment State Environmental Planning Policy.
- Hurstville Local Environmental Plan 2012.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

The site is within the area affected by the Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment. The proposal, including the disposal of stormwater, is considered to be consistent with the Council's requirements for the disposal of stormwater in the catchment.

All stormwater from the development will be managed by the proposed stormwater system and will be treated in accordance with Council's Water Management Policy and would therefore satisfy the relevant provisions of the Deemed State Environmental Planning Policy – Georges River Catchment. Stormwater is to be gravity feed to the rear roadway (Peake Parade). The Applicant has provided evidence to show that a 1m wide easement across the rear property 5-7 Peake Parade (Lot 279 DP36537) has been negotiated to allow for stormwater to drain through to Peake Parade at the rear.

Council's Development Engineers have not raised any issues with the proposed method of stormwater disposal subject to the imposition of standard conditions.

State Environmental Planning Policy no. 55 – Contamination of Land (SEPP 55)

SEPP 55 applies to the land and Clause 7 stipulates that a consent authority must not consent to the carrying out of any development on land unless it has considered matters for consideration contained in Clause 7.

The application is accompanied by a Stage 2 Environmental Investigation prepared by Dirt Doctors and dated November 2018. The site is sensitively located as it adjoins a Petrol Station and historically there could be some contamination as such a detailed investigation is important to ensure the site is suitable for the redevelopment and residential uses. The scope of work included a documentary review, site investigation and a chemical investigation of fifteen (15) soil samples across the site. Eleven boreholes were also investigated.

The study found there were a number of areas of potential environmental concern which included the following;

- *Potential importation of uncontrolled fill that may contain various contaminants;*

- *Carpark and driveway areas where leaks and spills from vehicles may have occurred;*
- *Potential contamination migration from adjacent car park and petrol station;*
- *Lead paint and Asbestos used to construct the residential dwellings.*

According to historical records and a desktop review the site has been used for residential purposes for some time and prior to that was vacant. Concern was expressed around the potential fill that was present across the site and potential spills.

After the intensive and detailed investigations it was concluded that "*The results of the chemical analyses for the soils on site have indicated no contamination is present"* and *"Based on the scope of works undertaken, Dirt Doctors are of the opinion that the contaminants identified at the site pose no risk to human health and/or the environment for the exposure setting; 'standard residential with garden/accessible soil' ('A') which is considered suitable for Residential properties with garden/accessible soil (home grown produce <10% fruit and vegetable intake (no poultry), also includes childcare centres, preschools and primary schools. DD recommends an inspection and clearance certificate post demolition to confirm the absence of ACM contamination."*

A standard condition is imposed regarding any unexpected finds during the excavation and construction phase.

State Environmental Planning Policy – Building Sustainability Index BASIX– 2004 (SEPP BASIX) 2004

The objectives of this Policy ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

A BASIX (Building Sustainability Index) certificate No.0003496700 was prepared on 18 December 2018 and assessed the proposal against the provisions of BASIX and found the proposal to be compliant. The original BASIX certificate was updated to reflect some design changes and the current updated and amended plans successfully achieved the BASIX targets and a new BASIX certificate was issued on 7 June 2019.

State Environmental Planning Policy – Infrastructure 2007 (SEPP) Infrastructure 2007

The aim of the Policy is to facilitate the effective delivery of infrastructure across the State.

Division 17, Subdivision 2 of the Infrastructure SEPP relates to Development that is in or adjacent to road corridors and road reservations. Forest Road is a Classified Road and in accordance with Clause 101 (development with frontage to a Classified Road) concurrence from the Roads and Maritime Services Authority (RMS) is required. RMS

provided formal concurrence on 21 February 2019 subject to the imposition of standard conditions.

A Traffic and Parking Assessment report was prepared by Varga Traffic Planning and dated November 2018. The report considers the proposed traffic generation created by the development and the parking that is required to cater for the development.

The proposal relies on a Left in, left out arrangement when leaving and entering the site which is considered to be a generally a safer option in terms of accessing the site as there is limited potential for conflicts (no potential for u-turns or right turns).

The Petrol Station which adjoins the Site to the west includes a sign along the eastern side of the site and concern was raised regarding the possible visual obstruction for vehicles exiting the site given the location of the sign. The Applicant was requested to provide evidence which justified that compliant sight distances can be achieved. Australian Standard 2890.1:2004 in relation to sight distance at access driveway exits (Section 3.2.4) states that;

Access driveways need to be located and constructed so that there is adequate entering and sight distance to traffic on the frontage road and site distance to pedestrians on the frontage road footpath for traffic entering the frontage road, as follows:

(a) Entering sight distance Unsignalised access driveways shall be located so that the intersection sight distance along the frontage road available to drivers leaving the car park or domestic driveway is at least that shown in Figure 3.2

(b) Sight distance to pedestrians Clear sight lines as shown in Figure 3.3 shall be provided at the property line to ensure adequate visibility between vehicles leaving the carpark and pedestrians on the road frontage footpath.

Subsection (a) is relevant in this case and a minimum sight distance of 83m needs to be achieved. A sight distance diagram has been submitted to show that visibility is maintained and compliant (greater than 83m) when exiting the site and the large sign adjoining the eastern boundary of the Petrol Station is not obstructing view lines (refer to Figure 7 below).

Figure 9: Diagram showing compliant sight distances when exiting the site (courtesy Varga Traffic Planning, 2019)

In terms of traffic generation based on RMS guidelines, the development will generate 14 vehicle trips per hour in the morning peak and 11 vehicular trips in the afternoon peak. This is offset by the existing traffic generated by the existing dwellings which create 6 vehicle movements per hour in the morning and afternoon peak so once this is discounted then the actual new movements will be an additional 8 in the morning and 5 in the afternoon. The total traffic movements and generation created by the development is considered to be satisfactory and a minimal increase.

The parking numbers provided are considered to be compliant and these numerical provisions are outlined in more detail later in this assessment (refer to the Affordable Housing SEPP assessment and DCP). In terms of parking it should also be noted that currently there are six (6) driveways of which five (5) will become redundant and will become on street car parking spaces when restrictions are not in place. There is a clearway along Forest Road and parking restrictions apply between 6am to 10am and between 3pm to 7pm weekdays (Monday to Friday). When parking along this roadway is permitted (outside clearway restriction times and on weekends) the development will increase the available on street parking as the redundant driveways will be removed.

Clause 102 relates to impact of road noise or vibration on non-road development. This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration on residential accommodation. Forest Road generates similar traffic volumes to what the policy anticipates and as such the development has been designed to consider these acoustic impacts.

A Noise Impact Assessment was prepared by Rodney Stevens Acoustics and dated 28 November 2018. The main acoustic standards that need to be met by the development are replicated in both the HDCP and the Infrastructure SEPP. Clause 102(3) of the Infrastructure SEPP states the following;

> *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
>
> *(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
>
> *(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

In order for the proposal to comply with the required standards, some additional construction treatments and finishes will be required to reduce acoustic impacts and these include double glazing, carpet and underlay in bedrooms and other floor surfaces and finishes in other rooms, window frame design and finish (not timber as these have a low acoustic performance).

In terms of mechanical ventilation the report recommends that "*Block A will require mechanical or alternate for all facades. Block B will require mechanical or alternate ventilation for habitable areas on the southern, eastern and western facades. Where mechanical ventilation is needed, it must be approved by Council and in accordance with the relevant regulations such as the National Construction Code (NCC Vol.1, Part*

4.5 Ventilation of rooms) and AS1668.2-2002 The use of ventilation and air conditioning."

The DRP raised concerns regarding the useability of the central area of communal open space and given its close proximity to the roadway and associated noise impacts may not be functional. In response to this concern the design was amended to incorporate two (2), 2.1m high Acoustic screens along the front of the central courtyard space which aim to ameliorate and reduce acoustic impacts from Forest Road through to this central portion of the development. An updated Acoustic report was prepared in April 2019 which considers the impact of these screens. The report concluded that "*It must be noted that due to the distance from the road and mitigation measures such as; a series of overlapping solid screen walls at 2.1m high with landscaping that have been introduced to the front of the site between Block A and Block B buildings. Any road noise to the open central communal area will have been shielded and dissipated to a level well below the 55Leq (15-min) SEPP noise criteria reserved for open spaces. In regards to glazing recommendations provided they are more than sufficient in providing amenity to all residents."* It is considered that this design solution improves the space and its functionality, it provides for a more private area that will not be adversely affected by the roadway and the screening should improve the quality of this space and will serve its purpose as a communal area for occupants and visitors to use.

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)

The aim of this Policy is;

- *to provide a consistent planning regime for the provision of affordable rental housing,*
- *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- *to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- *to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*

The proposal incorporates an affordable housing component and dedicates 29 apartments as "affordable" (17 affordable and 12 social housing apartments). Therefore this Policy applies to the development.

Accessibility

Clause 4 of the SEPP requires the site to be "accessible" which means the property needs to satisfy the following provisions;

(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or

(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or

(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

The proposal satisfies subsection (c) as the closest bus stop is in front of the adjoining shops some 150m away to the east and there is another bus stop about 100m to the west on Forest Road. The Metrobus M91 which operates between Parramatta and Hurstville services these stops on a regular basis with buses arriving every 15min in peak times and every 20min on weekends which satisfies the SEPP. The 944 bus service is also located within 400m of the site with a bus stop located on Trafalgar Street approximately 280m from the Site. The site is considered to be “accessible” in accordance with the SEPP provisions.

The provisions of Part 2 New Affordable rental housing are applicable to this development. Division 5 of the SEPP relates to RFB’s for social housing providers, public authorities and joint ventures. The provisions of this section of the SEPP are only applicable if the proposed development is prohibited under the environmental planning instrument applicable to the Site. Although this development is a joint venture the standards are not applicable as the proposed RFB is a permissible use within the zone pursuant to HLEP.

Division 6 of the Policy relates to residential development to be carried out by the Land and Housing Corporation. Although the owner of the site is the Land and Housing Corporation and some social housing is to be provided the development is a joint venture and therefore does not satisfy this provision.

The provisions of Division 1 (In-fill affordable housing) are relevant to this development. The provisions of Clause 13 (floor space ratio) and Clause 14 (standards that cannot be used to refuse consent) are considered in the table below.

Table 1: Compliance Table (Clause 13 and 14, ARH SEPP)

Control	Numerical Requirement	Proposed Development	Complies
Floor Space	HLEP, Clause 4.4 stipulates an FSR of 1:1 37.8% of the total gross floor area (GFA) comprises	Social Housing units GFA = 746.3sqm Affordable housing units GFA = 1390.4sqm	Yes

	of affordable housing and in accordance with Clause 13(2) of the ARH SEPP permits a bonus FSR of 0.38:1 On this basis the maximum FSR that is permissible is 1.38:1	Total GFA for affordable component = 2136.7sqm (38%) Total GFA = 5617sqm	
Site Area	450sqm	4,072.1sqm	Yes
Landscaped Area	30% of the site area	1,215sqm (not including the area at the front of the site) 30% of the site	Yes
Deep Soil Zones	15% of the site area	964.79sqm 24% of the site area	Yes
Solar Access	70% of dwellings receive 3 hours of solar access between 9am and 3pm	52 apartments receive 3 hours or more in midwinter between 9am and 3pm. This amounts to 72% of the development	Yes
Parking	(i) in the case of a social housing provider the following provisions apply; 0.4 parking spaces are provided for every 1 bedroom unit 0.5 parking spaces provided for every 1 bedroom unit 1 parking space to be provided for every 3 bedroom apartment. <u>Required;</u> 0.4 x 24 (1 bedroom) = 10 spaces 0.5 x 42 (2 bedroom) = 21	Technically the development is on behalf of a social housing provider which would require only 37 car parking spaces to be provided although only part of the development will be managed by the social housing provider. The majority of the development is “affordable” or will be privately managed so compliance with subsection (ii) of Clause 14 (2) is more appropriate in this case. Residents parking = 72 car parking spaces (including 8 accessible spaces)	Yes

	spaces 1 x 6 (3 bedroom) = 6 spaces Total = 37 spaces (ii) in any other case the following provisions apply; 0.5 parking spaces for every 1 bedroom apartment 1 parking space for every 2 bedroom apartment 1.5 car parking space for every 3 bedroom apartment <u>Required:</u> 0.5 x 24 (1 bedroom) = 12 spaces 1 x 42 (2 bedroom) = 42 spaces 1.5 x 6 (3 bedroom) = 9 spaces Total = 63 car parking spaces	Visitor spaces = 11 spaces Total spaces provided 83 car parking spaces The development exceeds the minimum requirement by 20 spaces.	
Dwelling Size	1 bedroom apartments = 50sqm 2 bedroom apartments = 70sqm 3 bedroom apartments = 95sqm	Every 1 bedroom apartment designated for social housing or affordable housing has a minimum internal area of 51sqm to 61sqm Every 2 bedroom apartment designated for social housing or affordable housing has a minimum internal area of 77sqm to 87sqm Every 3 bedroom apartment designated for social	Yes

		housing or affordable housing has a minimum internal area of 97sqm to 103sqm	

In accordance with Clause 14 of the ARH SEPP, the development cannot be refused even if the development does not comply with the minimum requirements relating to site area, landscaped area, deep soil zones, solar access, parking and dwelling size in accordance with the ARH SEPP. In this case the development satisfies these provisions. The solar access diagrams submitted by the Applicant indicate that 72% of apartments will receive a minimum of 3 hours of solar access between 9am to 3pm in midwinter which satisfies the minimum requirement.

Character assessment

Clause 16 of the ARH SEPP requires consideration against the provisions of SEPP 65 which apply to this development. A detailed assessment of the development against the provisions of SEPP 65 is provided below.

Under clause 16A of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, a consent authority must not consent to a development if the design is incompatible with the *character of the local area*. There are no guidelines developed to inform how to apply this compatibility test. A number of court cases have provided some guidance as to how to assess the "character" of a local area and what to consider to ensure an affordable housing development is suitable.

In considering compatibility with neighbouring character, in *Sterling Projects v The Hills Shire Council* [2011] the Commissioner said that *"Character is not limited to a consideration of streetscape but includes the wider context of the site, in particular the characteristics of the properties which adjoin the site".*

In the recent decision of *Louden Pty Ltd v Canterbury-Bankstown Council* [2018] clause 16A played a prominent role in Commissioner Gray's judgement. Commissioner Gray stated that all buildings of all typologies must be incorporated into the assessment of the local area character. This assessment concurs with Commissioner Roseth SC who in *Project Venture Developments v Pittwater Council* [2005] stated that *"**Compatibility** is thus different from **sameness**. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.*" Therefore in order to establish a local character in a mixed, diverse area the plans should reasonably match other structures in the vicinity and should consider such aspects as building forms, setbacks and scale.

The subject site is located within a precinct that is undergoing change and transition from a lower scale residential environment to a medium density landscape. This

transition is evident to the north and west of the site where land is zoned R3 and 3-4 storey RFB developments are under construction or have been finalised. The locality can be described as diverse in its character as it comprises of retail, commercial uses, industrial uses and smaller scale residential developments in the form of detached dwelling houses. The proposed development is considered to be consistent with the character of the locality and will be compatible with the streetscape. The scale and form of the development is consistent with newly constructed RFB's within the immediate context of the site. The development also satisfies the objectives of the R3 zone which include;

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To provide for a range of home business activities, where such activities are not likely to adversely affect the surrounding residential amenity.*

The proposal is well located and adjoins convenient amenities including the Peakhurst shopping precinct. The proposed built form is considered to be a sympathetic and desirable response for this site in terms of its scale and design intent and will be in keeping with the anticipated development outcome for the area. As such the proposal satisfies the objectives and intent of Clause 16A.

Given that the existing dwelling houses on site, despite being vacant were used as low cost accommodation, the provisions of Part 3 (Retention of existing affordable rental housing) need to be considered. These properties have been vacant for over two years and as they are owned by and under the care of a social housing provider (Land and Housing Corporation) therefore the provisions of Part 3 are not applicable in this case (Clause 49(2)).

State Environmental Planning Policy – State and Regional Development 2011 (SRD SEPP)

The proposal is a regionally significant development pursuant to Clause 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as it is a Crown development that has a Capital Investment Value (CIV) of more than $5 million in accordance with the SEPP. As such, the Sydney South Planning Panel is the consent authority for the subject development application.

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

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces Clause 5.9 of HLEP 2012 (Preservation of Trees and Vegetation).

The intent of this SEPP is "*to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation*".

In this instance, the development is consistent with the provisions of the SEPP and the site is free of any vegetation that exemplifies any botanical significance apart from the large, mature Watergum that is intended on being retained as part of the proposal.

State Environmental Planning Policy no. 65 – Design Quality of Residential Flat Buildings (SEPP 65)

SEPP 65 is applicable to the proposed development and the extent to which the proposal complies with the controls and principles of the SEPP and the Apartment Design Guide are outlined in the Tables below.

Table 1: Compliance with Part 1 - Application of SEPP 65

Clause	Standard	Proposal	Complies
3. Definitions	Complies with definition of "Residential Apartment Development" (RAD)	The proposed development complies with the definition.	Yes
4. Application of Policy	Development involves the erection of a new RFB (at least 3 storey's and contains more than 4 dwellings),	The proposal is the erection of a new residential flat building which satisfies the definition of the policy as it is 4 storey's in height with a total of 72 apartments.	Yes
5. Development Applications	Design verification statement provided by qualified designer Registered Architect Name and Registration No.	A Design Verification Statement has been provided by Registered Architect Ian Conry (Nominated Architect No.8317).	Yes

The Pre-lodgment application lodged with Council was for a similar development form and was referred to Council's Design Review Panel (DRP) for comment. Subject to compliance with provisions of the ADG the Panel felt the built form and scale was acceptable.

The DRP reviewed the Development Application plans at its meeting held on 14 March 2019 however some members of this Panel raised concerns regarding the design and built form. Given the locational constraints and the noise and acoustic impacts

generated from Forest Road the Panel felt that one building is a more appropriate design response as they felt the central courtyard will not be functional or well utilised given its size and aspect.

Other issues that were raised included the treatment of the building to address acoustic impacts and the location and orientation of spaces, the internal amenity and the layout of some apartments was considered to be poor and could be improved, it was unlikely compliance with the cross ventilation requirements of the ADG could be achieved and the amount of communal open space at the rear should be increased.

The Applicant considered the matters raised by the Panel and in response increased the amount of common open space at the rear and furnished some additional information to address the concerns.

Urban Design
In relation to the proposed built form the Applicant submitted further Urban Design advice to support their proposed built form comprising of two separate buildings rather than one longer building. Smith Tzannes assessed the design intent of the proposal and stated that;

"The division of the development into two forms is consistent with the pattern of development within the area…The gap between the buildings provides an opportunity for landscape and a view corridor from Forest Road through to Peake Parade. The development to the north of the site has a similar footprint.

By breaking the built form where is it currently proposed the gaps between the buildings align and provide a continues band of vegetation from Forest Road through to Peake Parade. The built form is broken down into smaller parts through the expression of the building form. The building presents the classic proportion creating a 'bottom, middle and top. The lower floor is recessive and allows views to the landscape, the mid levels are well composed and provide a contrasting language of framed balconies and 'double storey windows. 'The top floor is setback from the main façade, and with increased glazing and a roof form divided into three elements successfully fragments the skyline. It provides for a polite additional to the Forest Road streetscape. The colour palette is 'earthy' with enough contrast of mid, light and dark colours to provide visual balance.

A consolidated built form would provide a significantly larger footprint and street wall to Forest Road compared to other development in the area, interrupting the pattern of development on the site. Although it would create more 'northern frontage' it would also likely result in a greater quantity of the façade facing south to Forest Road. Given the development potential on the site, a consolidated footprint would likely result in less façade area – providing a reduced level of amenity for the apartments with access to daylight reduced.

To further support the justification of breaking up the built form a comparison of developments in the vicinity of the site was conducted (refer to Figure 10).

Figure 10: Analysis of the existing building footprints, building depths and widths for approved and constructed developments in comparison with the proposed development (courtesy Smith Tzannes, 2019)

Breaking up the form of the building is considered a more desirable planning and design outcome as it provides physical separation and will reduce the visual bulk of the building when viewed from or when travelling down Forest Road. The development will maintain an integrated form but will be more consistent with the character and design of newer approved and constructed medium density developments adjoining the site. The urban design argument in this case is considered to be acceptable and it is agreed that "*Although other permeations are available– such as a long block and short block, the longer block would still have a greater street wall length than other approved development in the area and would not be consistent with the establishing character. The longer block would also likely result in a greater number of single orientated apartments, resulting in a reduced amenity outcome*".

This additional information was provided to the DRP in their May meeting and the Panel was satisfied this design response is acceptable.

Cross-ventilation

In response to the Panels concerns regarding compliance with the cross ventilation requirements within the ADG, the Applicant has amended the design and provided technical information that justifies the scheme now complies with Part 4B-3 of the ADG which stipulates that "*At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building*". The Panel raised concerns that a number of apartments were designed in a way that relied on deep slots to achieve the cross ventilation requirements of the ADG. SLR Consultants were engaged to prepare a

Natural Ventilation Assessment to ensure the development complied with the cross ventilation requirements.

The design of the development has introduced many treatments and elements which seek to maximise cross ventilation to all apartments and include the following design features;

- The proposed development has been provided with openings on multiple sides of the apartments for the majority of the proposed floor plans, allowing it to make use of wind-induced natural ventilation throughout the year and thereby minimising energy costs. The building includes 32 dual aspect units.
- The overall depth of cross-over or cross-through units does not exceed 18 m as per the Design Criteria of Objective 4B-3.
- Natural cross ventilation to many single aspect apartments is achieved via building articulation (recesses, indentations, etc) which generates variable pressure zones across each façade. This is anticipated within ADG Section 4B which states in its opening paragraph that *"Natural cross ventilation is achieved by apartments having more than one aspect with direct exposure to the prevailing winds, **or** windows located in significant different pressure regions, rather than relying on purely wind driven air"*.

SRL conducted a qualitative review of the floor plans and defined *"Natural cross ventilation is achieved by apartments having more than one aspect with direct exposure to the prevailing winds **or** windows located in significantly different pressure regions, rather than relying on purely wind driven air. Apartment layout and building depth have a close relationship with the ability of an apartment to be naturally ventilated. Generally as the building gets deeper, effective airflow reduces."*

The following aspects from the design guide were noted in preparing the report:

- Overall depth of a cross-over or cross-through apartment should not exceed 18m, measured glass line to glass line.
- Natural ventilation to single aspect apartments is achieved with a light well or stack effect ventilation (or similar) or courtyards or building indentations which have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.
- In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) should be approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side).

SLR conducted 3D modelling and also considered wind speeds and directions in the assessment of all apartments and their layout. The results and conclusions of the report confirm that the development satisfies the cross ventilation requirements of the ADG with the table in Figure 11 confirming compliance. *The report concluded that "By*

combining the CFD modelling and the qualitative analysis, it can be seen that 62.5% of the apartments will be naturally cross ventilated meeting the ADG requirements. The number of naturally cross ventilation units can be increased to 47 units if operable skylights are added to units A34 and B32."

A condition has been included to require operable skylights to be included within the roof space to units A34 and B32 in accordance with the recommendation of this report.

Table 6 Apartments with Openings to Support Natural Ventilation – Combined Results

Level	Number of Apartments	Number of Apartments with Openings to Support Cross Ventilation (as per ADG)	Additional Apartment with (more than) Adequate Natural Ventilation (via CFD Modelling)	Combined Total	Percentage
G	19	8	0	8	42.1%
L1	20	8	5	13	65.0%
L2	20	8	5	13	65%
L3	13	8	3	11	84.6
Total	**72**	**32**	**13**	**45**	**62.5%**

Figure 11: Table prepared by SLR showing the apartments and compliance with the cross ventilation requirements of the ADG.

The ADG (Part 4J-1) specifies that;

"Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:
- *solar and daylight access*
- *private open space and balconies*
- *natural cross ventilation"*

When considering the provisions of the ADG, in this case, the building has been designed to comply with the minimum natural ventilation requirements in accordance with Part 4B of the ADG, however, when considering external factors (road noise) which is a factor beyond the control of the Architect, compliance may not be achieved in reality. In this case satisfying the design criteria (natural ventilation) will conflict with the achievement of acoustic compliance. Given these conflicts, the buildings have been designed to technically comply with both provisions.

Noise impacts

As previously discussed the proposal was amended to include two, 2.1m high acoustic screens along the front of the site to reduce the noise impacts generated from Forest

Road. An updated Acoustic assessment was provided and in addition to this treatment a series of construction measures are to be implemented to improve the acoustic environment within apartments. The acoustic reports prepared did not consider that the design methods that need to be employed to satisfy the provisions of the ADG will impact on the compliance with natural/cross ventilation requirements.

Due to the busy nature of Forest Road, the acoustic assessment requires windows and openings along Forest Road to be closed when occupied to satisfy the noise provisions of the Infrastructure SEPP. Mechanical ventilation is then relied upon to ventilate these spaces. This goes against the natural ventilation requirements of the ADG and when mechanical ventilation is activated the development will not comply with the natural ventilation requirements of the ADG. Non-compliance in this case is considered acceptable for the following reasons;

- Most spaces at the front are bedrooms which are secondary spaces and windows could be opened during the day when these spaces are not utilised.
- The buildings and apartments have been designed and orientated to satisfy the cross ventilation requirements.
- Cross ventilation may not be achieved only during certain parts of the day when the rooms are in use so it's not that the development fails to comply with this provision all the time.
- The variation is considered acceptable given that the noise implications are an external factor, unable to be controlled and unavoidable.
- The ADG accepts that compliance may not be able to be achieved in some cases particularly if noise and pollution are a factor.

The amendments to the design included the following;

- Increasing the area of communal open space at the rear and increasing the separation at the rear to 9m along the north-eastern side,
- providing some acoustic screening to ameliorate noise impacts from Forest Road by the provision of screening,
- Providing additional information in regard to cross ventilation compliance and the built form intent (urban design support for the scheme).
- Increase in the TPZ around the existing Paperbark tree to be retained by modifying the layout of the basement.
- Additional fire exit from the basement included.
- Apartments A07, A17, A27, A35 reconfigured so that living spaces are better orientated to face north or north-east.
- Other minor internal changes have occurred which aim to improve the overall layout of apartments.

The amended plans were sent to the DRP for comment at their meeting on 13 June 2019.

The Panel reviewed these changes and additional documentation. Table 2 below summarises the combined comments from the DRP across three meetings. The pre-lodgement comments are noted in italics, first DRP comments in relation to the DA are in standard font with the most recent comments highlighted in blue.

Table 2: Compliance with Part 2 - Design Quality Principles under SEPP 65

Principle	Comments
Context and Neighbourhood character *Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.* *Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.* *Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*	*This area has significant amounts of recent new unit development to the north and some along Forest Road to the west, much of it is on land owned by the Department of Land and Housing. These units are generally three (3) - four (4) storeys.* *This proposal appears to fit well into this framework. Forest Road is a very busy thoroughfare with no kerb side parking or stopping. The site has a service station to the west and a retail car park to the east. Major redevelopment is taking place immediately to the north.* The issue of traffic noise has not been addressed. This poses serious amenity issues, particularly because many of the units face directly towards Forest Road. The impacts of traffic noise on the communal open space and street facing dwellings requires significant attention. **The applicant has submitted an acoustic report by Rodney Stevens Acoustics. Because of the traffic noise this recommends that the units facing Forest Road could only achieve acceptable acoustic conditions during times of heavy traffic by windows being closed and mechanical ventilation provided. This would be unfortunate and would mean the application would not satisfy the ADG requirements in relation to the percentage of cross ventilation.** **This is an outstanding concern and current strategies are insufficient in addressing amenity**

	issues. Measures such as the following should be accommodated:- • **Increased landscaping to the front setback** • **Reorienting and amalgamating units on the front portion of the ground floor** • **Reorienting corner balconies** • **Reorienting service facilities to minimise impact on deep soil landscape (i.e. reorienting hydrant booster, integrating substation to building footprint clear of deep soil zones).**
Built Form and Scale *Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.* *Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.* *The appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*	*The site comprises six (6) residential allotments. The applicant is to be commended for creating two (2) buildings with reasonable separation to avoid a continuous street wall.* While the Panel supports the intent to break down the street wall into two (2) built forms, the buildings themselves are very bulky, reducing the size of the protected rear garden and creating a 12m wide open space between that cannot function as an amenable communal open space protected from traffic noise. It could be an attractive pathway/building entry, as a communal open space it is highly compromised with many units face immediately onto this space, thereby making it inappropriate for communal activities. In addition the bulk of the resulting buildings does not allow for cross through units with north facing living rooms. It is therefore recommended that the built form is modified with one (1) wing made significantly longer and narrower, so as to allow for a significant number of cross through units with more living spaces facing the northern garden and a much wider communal space relocated to the north. This might also resolve the concern about potential non compliance with ADG cross ventilation requirements. *There is an issue in terms of non compliance with the 12m height control. In the immediate context the exceedance created by the upper part of the fourth floor of each block is acceptable. Further support for the breach of the development standard is drawn from*

	the proposal's supply of affordable and social housing which would allow a FSR up to 1.5:1. The applicant has chosen to go to FSR 1.3:1 - generally in response to height and setback controls. The outcome would not cause any adverse amenity impacts. The upper floor is distinguished by a lighter built form and setbacks from the floors below. Because the proposal exceeds the height controls for the site the Panel cannot support further exceedance. Therefore communal open space needs to be resolved at ground floor level. **See comments below regarding communal open space under 'Housing Diversity'.** *The current vehicle access to the site is adjacent to the exit from the corner service station and could be problematic. It is suggested that the entrance might be relocated possibly to the other end the site (east end).* All loading has now been relocated to basement levels. **Minor changes have been made to increase the landscape area behind the eastern wing of the building to 9m and to reconfigure the space between buildings. Detailed design has been undertaken on the basis that this would be the communal space for the development. However while this could be a visually attractive space it would not be acceptable as the only communal open space for the development. This is due to the limited area for gathering and the unacceptable interface to private units. It should be kept in mind that there are likely to be 150 or more residents in the development.** **Communal open space at roof top should be provided for each of the two (2) blocks on Level 3 which would not impact on the height controls. This should be on the northern side opposite the lift lobby for each of the two (2) blocks, by deleting at least one (1) unit in each block. It should be designed to accommodate gathering spaces, bbqs, a small kitchenette, shade and planters.**

Density *Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.* Appropriate *densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*	*The current density control permits a FSR of 1:1, the proposal could qualify for a floor space bonus up to FSR 0.5:1. The applicant has elected to go to FSR 1.3:1 which is appropriate in the context of the site.* The FSR is now proposed to be 1.37:1 which is compliant with the floor space bonus as noted above. Provided that a communal open space (as noted above) and full compliance with solar access, cross ventilation, and all other ADG requirements are met the Panel supports the proposed density. **No further comment.**
Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	*This will be developed with the DA drawings. It appears from the PRE-DA drawings the development is capable of meeting ADG guidelines for solar access and cross ventilation.* As noted above the current proposal appears to rely on non compliant slots to achieve cross ventilation requirements. Furthermore the impact of road noise on capacity for good solar access and cross ventilation as proposed in the current scheme is of concern. Therefore the Panel recommends the proposed built form is amended as suggested above. **Natural ventilation remains a concern, particularly in regard to the south facing units.**
Landscape *Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the*	*No detailed information has been provided at this stage. An arborist report and landscape plans are necessary with the DA. This should include:* • *Review of existing trees and capacity to be retained* • *Potential deep soil planting in the context of sewer easement* • *Street planting to Forest Road (in consultation with Council)*

landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. *Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.*	• *Detailed design of central communal open space area including facilities and amenities (WC and storage and possible community room)* • *Opportunities for medium and large canopy trees* The landscape drawings are unclear in regards to trees to be retained and trees to be removed. This requires further clarification. Soil depth over easement has not been illustrated in landscape drawings. As noted above the communal open space at the rear of the site is narrow and long, limited facilities and would pose significant privacy issues for adjacent units. Communal open space in the central area would function primarily as a circulation space and again poses privacy issues with adjacent private open space. Redesign of the communal open space (with revision of built form) needs to be undertaken. The Panel is aware this communal open space will have to support a range of users of varying physical abilities and needs to be carefully configured as a high quality place for gathering and respite. Whilst tree planting is proposed on the Forest Road interface the proposed species would not be of an appropriate scale. It is recommended that tall trees such as gums are integrated into the front setback along the full length of the frontage on Forest Road. This would further supplement existing native tree planting on the opposite side of the road. Services (OSD tanks, substations, hydrant boosters) should be carefully configured to minimise their impact on the landscape frontage. **The applicant has provided detailed landscape drawings which indicate increased tree planting along the Forest Road frontage. Items that require further review are as follows:** • **Privacy and interface of ground level communal open space to adjacent units (refer comments**

	above under 'Built Form'). As noted above the provision of communal open space on Level 3 could significantly improve amenity outcomes thereby simplifying the ground level landscape. This could be predominately a planted space with large trees and some discrete seating areas oriented away from adjacent ground level units. • **Location of substation and hydrant boosters on the street frontage (refer comments above)** • **Narrow planter interface to the western boundary (adjacent to the petrol station). This should be increased in width to provide an increased space for shrub and tree planting.** • **Narrow landscape zone on the north western corner adjacent to Unit A04 and A05 caused by the building footprint and stair egress from the basement car park. Consideration should be given to relocating this stair egress.** • **Reliance on the 2.1m noise walls in the central courtyard space. These could impact on views.**
Amenity *Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.* *Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.*	*The two (2) entrances to the unit blocks should be made more welcoming. Consideration should be given to providing a forecourt and place for people to meet.* As noted above the Panel believe that the built form should be amended for various reasons. As part of this amendment an additional core should be provided to provide more opportunities for cross through units. This would create an additional entry which would be a positive contribution to the proposal. *The private open space of Units A10 and B09 are not well positioned in relation to the building entrances.* No information is provided as to how this issue is to be addressed. **Now acceptable** *The configuration of several units appears to be highly problematic eg A19, A29, B17 and B27, and should be reviewed in detailed planning. It would be desirable to locate all disabled persons car spaces in closer proximity to the lifts.* All these units are still awkwardly planned and require

	review. *The means of garbage collection requires further consideration due to RMS prohibition of collection from the street and limited basement head room as it currently stands.* This matter has now been resolved. See comments above regarding:- • Impacts of traffic noise • Poorly configured communal open space due to proposed built form • Cross ventilation **See comments above under 'Context' and 'Built Form'.** Provide roof lights/vents to internal service rooms on top floor units. **Some now provided but all internal service rooms could readily be provided with roof lights.** **The ground floor entrances and lift lobbies are unwelcoming hallways. Spaces in front of the lifts should be wider and an entry space or forecourt should be provided at the entries with facilities that could promote social interaction.** **The layout still includes a number of L shaped awkwardly shaped units. Reorienting and amalgamating units on the front portion of the ground floor would improve amenity, particularly for units exposed to traffic noise.**
Safety *Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance*	*See comments about location of disabled persons parking, access to parking basement.* For Council to assess. **The addition of the 2.1m acoustic walls reduces visibility and could present safety issues. Security gate must be provided, not clear on drawings as to whether this is included.**

of public and communal areas promote safety. *A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.*	**The ground floor entries are deeply recessed and could provide places of concealment. The doors should be moved forward.**
Housing Diversity and Social Interaction *Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.* *Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.* *Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.*	*A mix of one (1) bedroom and two (2) bedroom adaptable units should be provided. A mix of social affordable and private is proposed which is to be commended.* The unit mix is acceptable. However the communal space is unacceptable as proposed and this issue needs to be resolved by reconsidering the building form. **See comments under 'Built Form' regarding communal spaces.**
Aesthetics *Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.* *The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*	*The design as it currently stands shows considerable promise. The building massing is modulated well by expression of the entries breaking the building form, placement of balconies, and the recessed and lighter weight upper floor. There is a great scope for a generous landscape setting to the development.* Acceptable **No further comment.**

The Panel still raised some concerns regarding compliance with cross ventilation, acoustics and provision of landscaping. These concerns were addressed by the Applicant with the provision of more technical advice in relation to cross ventilation and acoustics. These issues have been addressed in more detail earlier in this report and are now considered to be satisfactory.

In respect to the provision of landscaped area, communal area and deep soil area, although the Panel still raised issues with the resolution of these areas, from the Council's perspective the proposal provides for compliant areas and provides for a generous amount of deep soil areas at the front and rear of the site. The development provides two areas of communal open space which creates for greater interest and variety for the occupants and allows for more "break out" areas. The communal area at the rear has a width of up to 9m along the north-eastern side on the ground floor which is a large and spacious area and with the retention of the large Paperbark tree and the provision of additional trees along the rear boundary will assist in creating a barrier and additional screening.

Apartment layout

One of issues that Council originally raised with the Applicant was in respect to the layout and planning of some units which were considered to be poor. The internal amenity of some apartments was not ideal. There are units with long corridor spaces to bedrooms isolated some distance from the ensuite for this room. Apartment A02 being L-shaped and wrapping around unit A01 is not ideal and some slots to bedrooms and living spaces are quite long and this comprises amenity to these spaces. Given this arrangement is only on the ground floor level these apartments should be amalgamated into one larger 3 bedroom apartment and the internal amenity would be greatly improved. These two apartments are to be dedicated as Social Housing apartments and by amalgamating them into one apartment there will be a cumulative loss in the amount of social housing to be provided which also isn't a good planning outcome. Some apartments have bedrooms which are located adjacent to living spaces. This layout goes against the general design guidance of the ADG (objective 4D-3). The amended plans did not make any significant changes to the layout of some apartments. Conditions have been imposed in an attempt to improve the internal layout and functionality of some spaces. The following conditions have been included;

- *Where possible the applicant is to redesign the internal layout of apartments within each floor to minimise the number of bedrooms sharing a common wall with the living areas of adjoining units. In the event that a redesign of any particular unit is not practicable then the applicant is to submit a construction methodology statement demonstrating how noise transfer from living area to the bedroom/s is to be controlled.*
- *The internal layout of Apartment B06 shall be redesigned so that the living area will face east and adjoin the larger area of ground floor private open space.*

Despite some concerns still being raised by the Panel, numerically the development generally complies with the key ADG provisions. The development is considered to be an acceptable and a reasonable planning and design response for this site. It will improve the visual appearance of development in the streetscape and should provide a positive contribution to the area.

Consideration of Apartment Design Guide (ADG) under Clause 30 of SEPP 65

Table 3: Compliance with Design Provisions in Part 3 and Part 4 of the ADG

Clause	Standard	Proposal	Complies
3D-1 **Communal and public open space**	1. Communal open space has a minimum area equal to 25% of the site. -Where it cannot be provided on ground level it should be provided on a podium or roof -Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide	There are two areas of communal open space within the development; i) Central Courtyard – this area acts as a main entry but has also been designed to facilitate passive recreational activities. The space amounts to an area of 235sqm. The space has been designed to be functional and includes landscaping in the form of planter boxes, a pergola and the two acoustic screens which privatise the area for the occupants and improve the overall amenity and quality of the area. A condition will require some seating to be included within this space. ii) Rear northern area of open space – This area includes the retention of the large and scenic Watergum tree which provides privacy, screening and is a visually attractive element to this	**Yes**

	contributions to public open space 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	space. The area at the rear amounts to some 980sqm. This area contains areas of deep soil and lawn area with trees proposed around the boundaries to provide additional screening and greenery. The space includes pergolas and seating for both passive and active recreation. The main area along the north-eastern side has a width of 9m which provides for a large integrated area. The total area of communal open space is 1,215sqm which amounts to 30%. This area does not include the area at the front of the development which is also technically communal in area and amounts to some 288sqm (the area in front of the private terraces). However it is not considered that this space is conducive to any passive or active recreational activities due to its location and is therefore excluded in the calculation. The central courtyard will receive solar access to approximately 50% of the space in midwinter and the main area of open space is located to the north and north-east and whilst it will to some degree be overshadowed by the RFB's to the north this is	

		the optimal location for this area of communal open space as the separation distance between the apartment blocks to the north will allow for more sunlight to filter through to this space.	
3E-1 **Deep Soil Zones**	1. Deep soil zones are to meet the following minimum requirements: Where the site is more than 1500sqm = 6m minimum dimension Deep soil = 7% Achieving the design criteria may not be possible on some sites including where: • the location and building typology have limited or no space for deep soil at ground level (eg central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and	The proposal requires a minimum of 7% of the site comprising of deep soil area. This amounts to 285sqm, and the area requires a minimum 6m dimension. The ADG encourages dedicated deep soil areas for larger, integrated developments. In this case the development has allowed for a good proportion of the basement car park to be setback 6m or more to cater for deep soil areas. Along the northern side of the site there is an area of 566sqm. This amounts to 14% of the site which is a generous amount. This area is all deep soil with a minimum dimension of 6m in width. Even though not included in the calculation of deep soil area, the site provides for a 4m wide strip of deep soil at the front of the site which also offers a generous amount of planting and permits larger trees to be incorporated at the front of the site. This amounts to an additional area of some 280sqm.	**Yes**

	alternative forms of planting provided such as on structure.		
3F-1 **Visual Privacy**	1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: -Up to 12m (4 storeys) Habitable rooms and balconies = 6m Non-habitable rooms = 3m	**East** – Block B is setback 6m from the boundary in accordance with the minimum separation distance required. There are no encroachments on this setback. On Level 4 the building wall is setback 2.4m from the edge of the building and the building wall is recessed which reduces the visual bulk of the building and creates greater articulation. The adjoining development is a council owned public car park which also adjoins the lane and small shopping precinct. The development complies with the minimum setback requirements and will also provide for some natural surveillance of these spaces which also assist in achieving general CPTD objectives of maintaining safe environments. **West** – Along this side the site adjoins a Petrol Station. The ground floor is setback 7.6m which exceeds the 6m minimum separation distance. The upper levels cantilever the ground floor by a small amount to maintain compliance with the control. There are two very minor encroachments on the 6m separation along this side by a small section of the north-western corner of the rear balcony to units A13 and A23.	**Yes** **Yes** – small encroachments at Level 1 and 2 which is considered to be acceptable

		A small section of the building wall to the bedroom of these units also encroaches on the 6m setback. The non-compliance is considered to be minor and a condition will require the installation of a privacy screen along the western side of the balcony to Units A13 and A23 along the western side. The encroachment is considered to be a result of the irregular shaped boundary line along the western side. The building complies at the top level and again the building wall is further recessed from the edge of the building by 2m to over 4m. The upper level building wall is staggered which will create articulation and visual interest to this elevation at the upper level. The balconies are setback 6m from the western boundary which complies. **North** – Block A at the ground floor is staggered but the building wall is setback 6m to up to 12m. At the upper levels the building is setback 6m to up to 9.6m. Again the building wall at Level 3 is setback further and recessed further than the lower levels. Block B is setback 6m to 9m at all levels with central parts of the building setback further up to 11m. The separation distances along this northern side are generous and largely	**No** – but considered acceptable

		greater than required. The central courtyard area has a separation distance of 12m between Block A and B (between building walls). The ADG recommends a minimum separation distance of 12m between buildings but given this development is an integrated development it has been designed so that balconies facing the central courtyard are offset adjoining balconies and windows are mainly to bedrooms and secondary windows to living areas as most living spaces are designed to have a dual orientation. The separation distance is considered to be acceptable and will not create any direct overlooking.	
3J-1 **Bicycle and car parking**	1. For development in the following locations: - On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; - The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is	This section of the ADG is not applicable to this development. The proposal is an affordable housing development and parking is calculated in accordance with the provisions of the Affordable Rental Housing SEPP. The calculations and compliance has been discussed earlier in this report and the development is compliant with expected traffic movements generated by the density of the development and car parking is compliant with the required numerical provisions.	N/A – refer to SEPP (Affordable Rental Housing) Table for compliance.

	less		
4A-1 **Solar and daylight access**	1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	The solar access diagrams were requested to be updated and to provide a breakdown of the exact number of hours of solar access each apartment will received. The updated plans indicate that 72% (52 apartments) of the total number of apartments receive a minimum of 2 hours of solar access. Ten (10) apartments receive no solar access which amounts to 14% of the development. There are a few units that only receive half an hour of solar access however given the orientation of the site to the south and the fact the development has been designed to try to optimise a dual orientation for most apartments those that don't receive ample solar access will benefit from other advantages the development site offers, such as convenient access to a wide range of amenities, a generous amount of communal open space at ground floor level and good daylight even from the southern orientation due to the wide roadway and separation of properties at the front.	Yes
4B-3 **Natural Ventilation**	1. At least 60% of apartments are naturally cross ventilated in the first	A detailed assessment of the proposed design, layout and orientation of apartments in respect to the compliance with	**Yes**

	nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	minimum cross ventilation requirements has been addressed above. A total of 45 apartments (62%) of the development allows for cross-ventilation. A condition will require apartments A34 and B32 to have operable skylights installed which will make these apartments compliant and increase the amount of compliance for the development (47 apartments achieving a minimum of 65%). The built form is broken up into two distinct building elements creating more opportunity to design corner apartments which have dual aspects and orientation allowing for improved opportunities to maximise cross ventilation across the development. Maximum depth of apartments does not exceed 18m and the apartments have been designed to have dual orientation where possible. This increases the potential for cross ventilation to be achieved. There are very few single aspect apartments.	
4C-1 **Ceiling heights**	1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms = 2.7m	The floor to floor heights are 3.05m which is slightly lower than the 3.1m suggested by the ADG however this is only a small non-compliance and the development will still be able to achieve a minimum floor to ceiling height of 2.7m.	**Yes**

	Non-habitable rooms = 2.4m		
4D-1 **Apartment size and layout**	1. Apartments are required to have the following minimum internal areas: 1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	The design and internal size of each apartment has been designed to comply with the minimum provisions of the ADG as noted below. 1 bedroom = 50 - 57sqm 2 bedroom = 75 - 78sqm 3 bedroom = 95sqm and over The one-bedroom apartments have one bathroom. Two-bedroom apartments include ensuites, this clarifies why these apartments are 5qsm larger than the minimum required. This also applies for the three-bedroom apartments At least one window is provided to each room. There are areas within the development where some additional openings in the form of highlight windows can be included and have been conditioned.	**Yes** **Yes** **Yes**
4D-2	Habitable room depths are limited to a maximum of 2.5m x the ceiling height In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Within range. Open plan layouts are 8m or less from window or balcony The depth of all kitchens does not exceed 8m from a window, balcony or opening.	Yes **Yes**

	Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space)	Every master bedroom has a minimum area of 10sqm.	**Yes**
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Bedrooms are well proportioned and sized, having minimum dimensions of 3m.	**Yes**
	Living rooms or combined living/dining rooms have a minimum width of: -3.6m for studio and 1 bedroom	The width of living/dining spaces for one-bedroom apartments have a minimum width of 3.6m.	**Yes**
	- 4m for 2 and 3 bedroom apartments	The width of living/dining rooms for the two and three-bedroom apartments is a minimum of 4m	**Yes**
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	There are no cross-over or cross-through apartments within the development.	**Yes**
4E-1 **Private Open space and balconies**	All apartments are required to have primary balconies as follows:	All balcony areas are at or greater than the minimum specified and the minimum dimensions are observed for primary balconies as required.	
	- one-bedroom = 8sqm/2m depth	All one-bedroom apartments comply with the minimum 8sqm balcony size.	**Yes**
	- two-bedroom = 10sqm/2m depth	All two-bedroom apartments have balconies with minimum	**Yes**

	-3+ bedroom = 12sqm/2.4m depth The minimum balcony depth to be counted as contributing to the balcony area is 1m For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m	areas of 10sqm. The three-bedroom apartments have minimum balcony sizes of 12sqm There are no balconies with depths of 1m or less. The ground floor apartments have large, private courtyards and balconies with minimum areas of 16sqm for apartment A02. All other private terraces on the ground floor are generous in area varying from 18sqm to 73sqm. Minimum depths for most are 3m apart from apartment A02 which achieves a depth of some 2.8m this is a minor non-compliance and given it is a one-bedroom apartment the regular shape of the front terrace is capable of utilisation and its overall size and area is compliant.	**Yes** **Yes**
4F-1 **Common circulation spaces**	The maximum number of apartments off a circulation core on a single level is eight	There are two lift cores, one in each building. Block A has a maximum of nine (9) apartments accessing the lift core on the ground floor. Levels 1 and 2 has a maximum of ten (10) apartments accessing the main core and Level 3 has seven (7) apartments. At the ground level there are two main entries into this building, directly off Forest Road into the building or via the central courtyard between the two buildings. The main corridor is designed in an L-shaped	**No –** considered acceptable. Conditioned to ensure no part of the corridor is less than 1m in width.

		configuration so it is not one long monotonous accessway. This breaks up the length of the area and the main entries at all levels are off set and separated for privacy. This arrangement is considered to be satisfactory. The corridor is a minimum of 900mm in width only for a very small section where services intervene, whilst the main width of the space is 1.5m increasing to 2.4m in the main entry section off Forest Road. Building B has a similar configuration to Block A. The main corridor is 1.5m in width with a small punctuation of a service duct creating a width of 900mm but this is minor with sections with it being 2m or greater in width. The main entry lobby off Forest Road has a width of 3.6m which makes it a more inviting and attractive entry space. Again the ground floor has nine (9) apartments accessing the main lobby, Levels 1 and 2 have ten (10) apartments accessing the corridor with Level 3 containing six (6) apartments. Like Building A this block has been designed so that the corridor is not continuous its L-shaped design breaks up the extent of the space and apartment entries are separated and off-set which enhances privacy.	
4G-1	In addition to storage in kitchens, bathrooms	All apartments have storage cupboards that comply with the	Yes

Storage	and bedrooms, the following storage is provided: 1 bedroom = 6m³ 2 bedroom – 8m³ 3 bedroom – 10m³	requirements with dedicated storage areas within the basement levels along the periphery of the car parking areas with a space of 1m dedicated for storage. In addition there are separate storage cubicles. A condition will require storage cages to be constructed within the tandem spaces which will provide some additional storage for some items.	
4H **Acoustic Privacy**	Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas	The development has been sensitively designed to respect the context of the area. As previously mentioned the central courtyard area which contributes to a communal area of open space includes two acoustic screens at the front of this area to reduce acoustic impacts from the roadway. The main area of communal open space at the rear is well located and substantial in size and setback from the main noise sources. Although there are some internal corridors to units abutting/adjoining units these are to non-habitable spaces like bathrooms or living spaces adjoining corridors that link up to bedrooms. The acoustic report suggested the implementation of construction methods such as double glazed windows, carpets in some spaces and materials	**Yes**

		that will acoustically attenuate the buildings will mitigate the noise source.	
4J **Noise and Pollution**	Design solutions to mitigate noise include: limiting the number and size of openings facing noise sources providing seals to prevent noise transfer through gaps using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits	This has been discussed above and is considered to be acceptable from a design perspective.	**Yes**
4K **Apartment Mix**	A range of apartment types and sizes is provided to cater for different household types now and into the future	The development provides a variety and mix of apartment types. • 24 x 1 bedrooms (33%); • 42 x 2 bedrooms (58%) and; • 6 x 3 bedrooms (9%) This development offers twelve (12) social housing apartments and seventeen (17) affordable units. In addition to this Apartments A07, A09, A12, A22, B11 and B21 have been designed to be adaptable apartments. There are no other new	

		affordable housing developments in the vicinity of the site and therefore this development will make an important contribution to the area by providing a mix of affordable accommodation.	
4L **Ground Floor Apartments**	Direct street access should be provided to ground floor apartments Privacy and safety should be provided without obstructing casual surveillance.	Direct access from the street to the ground floor apartments could be created and was part of the initial design however given the busy nature of the roadway living spaces have been relocated to the sides or rear of the development so that acoustic impacts to these main habitable areas are minimised and most apartments have bedrooms facing the street. Where living rooms face the street for apartments A02, A01, A10, A09, B01, B09, B08 access from the street through the front courtyard is provided. The development has a number of main access points to both buildings, via the basement, central courtyard or directly from Forest Road.	**Yes**
4M **Facades**	Facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.	The façades of the buildings have been designed to create a residential feel and character. The built forms have been broken up by varying materials and finishes with recessive elements, timber privacy screens and colourful window features which add visual interest and articulation. Contemporary materials and finishes have been employed	Yes

		and the colour palette is consistent with the character of modern developments in the street and immediate locality. The development relies on a number of architectural elements which enhance its visual appearance and break up the mass and form of the buildings. The building is defined by the ground floor (base) middle and a top which is setback and recessed behind the lower levels. The roof form has skillion qualities to enhance its visual appearance The buildings are well composed with horizontal and vertical design elements.	
4N **Roof**	Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for residential accommodation and open space are maximised. Incorporates sustainability features.	The proposed roof is a standard flat roof form with two smaller skillion components along the front which create more variety and interest to the roof. There are no opportunities to cater for any habitable space within the roof space however there are skylights which are not visible from the street and a condition will require the installation of photovoltaic panels which will enhance the long term environmental sustainability of the development and provide improved energy efficient measures for the future.	Yes
4O **Landscape**	Landscape design is viable and sustainable,	A detailed Landscape design has been prepared which	Yes

Design	contributes to the streetscape and amenity	compliments the natural and cultural features of the area and streetscape. The proposed landscaping includes fixed planter box elements as well as attractive ground floor vegetation. The integrated nature of the proposed landscape design will be beneficial and provide a coherent landscape response for this consolidated site. The basement car park has been setback 4m from the front boundary which provides the opportunity for the provision of a generous deep soil area at the front. In this area are proposed some larger trees. It will create an avenue of green trees which aim to screen the buildings and also act as a buffer. The benefit of the scheme is to also improve the streetscape character by removing the six redundant driveway crossings and consolidate the public verge and plant additional trees along this part of the street. The landscape design will substantially improve the visual quality of the site and the streetscape.	
4P **Planting on structures**	Planting on structures – appropriate soil profiles are provided, plant growth is optimised with appropriate selection and maintenance, contributes to the	Landscaping includes planter boxes in areas where deep soil can not be achieved and where there is a podium. There are planter boxes proposed along the front of the site which borders terraces	**Yes**

	quality and amenity of communal and public open spaces	and helps delineate public and private spaces. They also break up the extent of landscaped area. Larger planter boxes are proposed within the central courtyard. The planter boxes are wide and will be able to cater for smaller to medium sized trees. Planter boxes at the rear provide some separation between the basement podium which protrudes above ground (largely due to the 3.5m high clearance that is required in the basement to cater for smaller SVU vans and garbage trucks that will be able to access the basement to remove waste). The rear planter boxes are located on the perimeter of the ground floor balconies/terraces located at the rear. They also assist in defining the private spaces and the communal area which is at a lower level. The planter boxes add interest, greenery and are attractive built elements that will enhance the appearance of the ground floor structures and will formalise spaces. A condition has been included to ensure an irrigation system is implemented to ensure vegetation survives and is maintained within the planter boxes.	
4Q **Universal**	Universal design – design of apartments allow for flexible	The various sizes and designs of apartments allows for use by	**Yes**

Design	housing, adaptable designs, accommodate a range of lifestyle needs	differing lifestyles. The design of apartments is flexible and considered to be appropriate. There are six (6) adaptable units proposed which adds to the flexibility of the design.	
4R **Adaptive Reuse**	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not applicable to this development	**N/A**
4S **Mixed Use**	Mixed use developments are provided in appropriate locations, provide active street frontages, residential levels of the building are integrated within the development and safety and amenity is maximised for residents	The development comprises of a medium density residential development. Mixed use developments are not permissible in the zone so these provisions are not applicable in this case.	**N/A**
4T **Awnings and signage**	Awnings and signage – awnings are well located and compliment and integrate with the building design, signage responds to the context and desired streetscape character	No awnings or signage are proposed as parts of the building have recessed areas that provide overhangs and shade to lower levels. No signage is also proposed other than basic street numbering and the name of the building.	**N/A**
4U **Energy Efficiency**	Development incorporates passive environmental design, passive solar design to optimise heat storage	The development incorporates BASIX commitments in the design to provide appropriate energy efficiency features. A compliant BASIX certificate	**Yes**

	in winter and reduce heat transfer in summer, natural ventilation minimises need for mechanical ventilation	accompanies this application. The top floor level includes operable skylights where possible to increase natural and cross through ventilation.	
4V **Water management and conservation**	Water management and conservation – potable water use is minimised, stormwater is treated on site before being discharged, flood management systems are integrated inti site design	Development incorporates appropriate stormwater measures and Council's Development Engineers are satisfied with the design. Rainwater tanks are included and space for water storage is also catered for in the basement.	Yes
4W **Waste Management**	Waste management – storage facilities are appropriately designed, domestic waste is minimised by convenient source separation and recycling	Waste facilities are provided in the Basement. The designated garbage room is located along the western side of the basement and includes a large waste storage room which aims to store the bins prior to collection and includes a loading bay which is adjacent to this space. The loading bay is designed for small scale SUV's so they can directly access the basement and remove the waste. A Private contractor would be engaged to perform this role.	**Yes**
4X **Building maintenance**	Building maintenance – building design provides protection form weathering, enables ease of maintenance, material selection reduces	Design incorporates a mix of external finishes that require minimal maintenance. The proposed finishes and materials are considered to be durable and the inclusion of brick finishes and simple	**Yes**

	ongoing maintenance cost	materials will require less maintenance in the longer term.	

Hurstville Local Environmental Plan 2012

Zoning

The subject site is zoned R3 Medium Density Residential under the provisions of the Hurstville Local Environmental Plan (HLEP) 2012. Refer to Figure 12 below.

The proposal generally satisfies the objectives of the zone which include;

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To provide for a range of home business activities, where such activities are not likely to adversely affect the surrounding residential amenity.*

The proposed development is consistent with the objectives of the R3 zone as follows:

- The proposed design enables the development to provide for the housing needs of the locality in a manner that is consistent with that typically found within the R3 zone.
- A variety and mix of housing types are proposed, in that one, two and three bedroom apartments are proposed with a variety of internal configurations.
- The proposal would not prevent surrounding sites from providing facilities or services that could meet the needs of local residents.
- A high level of residential amenity would be achieved and maintained, both for residents on the subject site and those within surrounding sites.
- While facilities have not been provided to accommodate home businesses, the configurations of the apartments could allow for some home business activities to occur (i.e. a home office) without disturbing surrounding residential amenity. The proposal does not prevent surrounding properties from accommodating home businesses.
- The development is providing for much needed social housing and affordable housing in the area.

The site is located within a mixed use zone despite the residential zoning for the site. It adjoins a commercial B1 zoning to the north-east and east, Industrial zoning immediately to the south, R2 zoning to the south-west and R3 zoning to the west. There

is wide diversity and variety of land uses of varying scales and forms immediately adjoining the Site.

The site is not flood prone and does not contain any features of significance. The vegetation on site is classified as "*urban/exotic*" and not considered important in terms of its biodiversity.

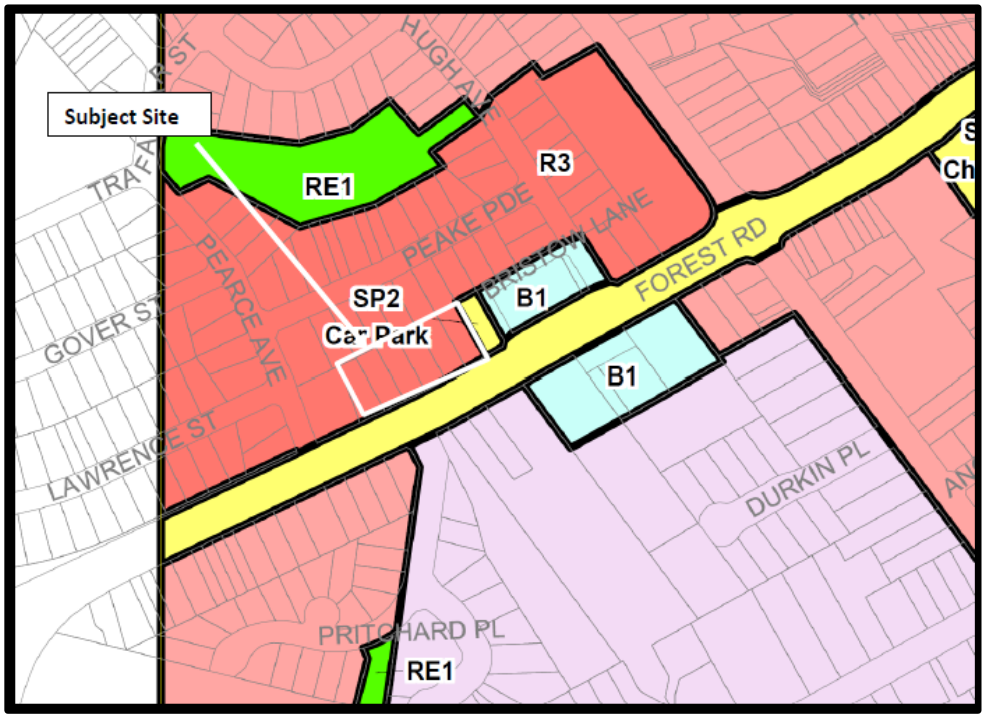

Figure 12: Zoning map extract taken from the HLEP 2012 (Map_005).

Heritage

The subject site is not located within a Heritage Conservation Area and as depicted in the extract of the Heritage map shown below (Figure 13). The closest heritage item is (I98) known as the Wesleyan Chapel (800 Forest Road) which dates back to circa 1910. It is an item of local significance. The building is a good representative example of a Victorian Rustic Gothic Church and has been the focus for the Wesleyan local community. Its establishment and longevity is integral to the historic development of this part of Hurstville. The item is removed from the subject site by some 100m and is not within the visual catchment of the site. The development will not adversely affect the visual quality or historic significance of the heritage item.

Figure 13: Heritage map extract taken from the HLEP 2012 (Map_005).

The extent to which the proposal complies with the relevant standards of the HLEP 2012 is outlined in the table below;

Table 4: HLEP Compliance Table

Clause	Standard	Proposal	Complies
2.3 Zone objectives and land use table	R3 Medium Density Residential Residential Flat Buildings (RFB) are permissible.	Two, four storey Residential Flat Buildings (RFB's) Forty percent (40%) of the apartments proposed constitute social and affordable housing.	**Yes**
4.1 Minimum subdivision lot size	450sqm	No subdivision is proposed. Site consolidation is proposed.	**Yes**
4.3 Height of Buildings	Maximum 12m height limit	Maximum height of 13.76m to the top of the lift overrun.	**No – see Clause 4.6 Assessment below**

4.4 Floor Space Ratio	"N" designates a maximum FSR of 1:1 Clause 13 (Part 2) of the ARH SEPP permits a bonus of 0.38:1 in floor space permitted at the Site	1.38:1 (additional floor space is permitted by the ARHS.	**Yes**
4.5 Calculations of Floor space and Site area	Maximum of 5,618sqm of Gross Floor Area is permitted (including the bonus permitted in accordance with the ARH SEPP)	Maximum of 5,617sqm in GFA is proposed.	**Yes**
4.6 Exceptions to Development Standards	Applicable as the development exceeds the Height control (Clause 4.6)	Exceedance is considered to be reasonable. Refer to detailed Clause 4.6 assessment below.	**Yes**
5.10 Heritage Conservation	Not an item and not located within a Conservation Area – refer to discussion above.	Satisfactory no adverse impact on any existing local heritage items within the vicinity of the Site	**Yes**
6.1 Acid Sulphate Soils (ASS)	Mapping does not identify the Site being affected by ASS	N/A	**N/A**
6.2 Riparian land and watercourses	The site is not mapped as "sensitive" or containing any riparian land or trees of any biodiversity.	N/A	**N/A**
6.9 Airspace Operations	Not applicable to this site and the development as it is medium density, lower scale development.	N/A	**N/A**

Clause 4.6 Exceptions to development standards

Detailed assessment of variation to Clause 4.3 Height of Buildings

The objectives of Clause 4.6 are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The proposed development seeks a variation to the development standard relating to height (Clause 4.3). The LEP identifies a maximum height of 12m for the Site (refer to Figure 14 below) and the proposed development will exceed the height by 1.76m which comprises of a small section of the roof parapet and lift overrun. This amounts to a 15% variation to the control. The main area of exceedance relates to the lift overrun and the roof parapet exceeding the control by some 650-850mm with the lift overrun exceeding the control by 1.36m. Any variation to a statutory control can only be considered under Clause 4.6 – Exceptions to Development Standards of the HLEP. An assessment against the proposed height and the survey plan was conducted to indicate the Applicants calculations are generally accurate.

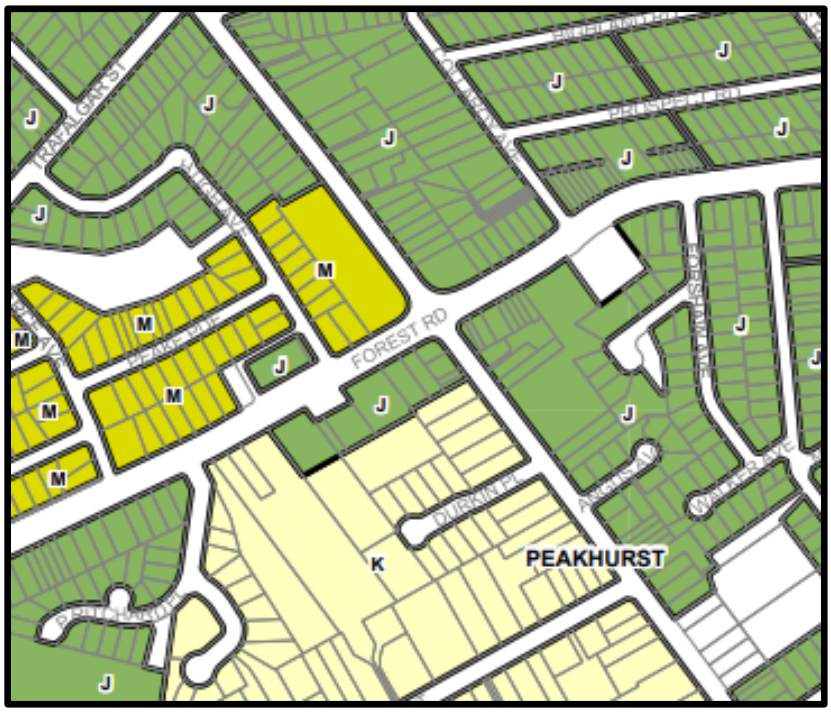

Figure 14: Extract taken from the HLEP 2012 (Map_005) showing the permissible heights.

Is the planning control in question a development standard?

Height of Buildings control under Clause 4.3 of the HLEP 2012 is a development standard.

In more detail, Block B has a flat roof with two small skillion sections at the front. The rear portion of the roof reaches RL57.85 and the lowest RL at ground level is approximately RL45.6 and as a result the height at the rear to the top of the roof is 12.65m (creating an exceedance of some 650mm). The central area where the lift overrun is located the exceedance is approximately 1.36m. The height of the building at the front generally complies apart from a small non-compliance of approximately 400mm. Most of the roof form at the front of the site complies with the height. The

non-compliance is therefore partially a result of the natural topography of the site and the raised skillion addition which aims to create greater variety to the roof level. These elements could be removed and the building become more compliant with the height however the features add interest and articulation without adversely affecting the character of the streetscape or amenity of adjoining properties.

Block A is similar in design to Block B apart from some differences in the fenestration and detailing along the front façade. The height of the lift overrun and roof form is generally the same. The height exceedance at the rear is some 550mm and approximately 850mm at the front where the skillion roof form is located. If the skillon section was removed and the roof lowered it would comply with the 12m height limit. The skillion form adds visual interest, defines the roof and provides additional natural light into the habitable spaces at this level. Refer to Figure 15, 16 and 17 which show the areas of non-compliance.

Clause 4.6(3) states that:

"Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

- *that there are sufficient environmental planning grounds to justify contravening the development standard"*

To support the non-compliance, the applicant has provided a request for a variation to Clause 4.3 in accordance with Clause 4.6 of HLEP 2012. The Clause 4.6 request for variation is assessed as follows:

What are the underlying objectives of the development standard?

The objectives of Height of Buildings standard under Clause 4.3 of HLEP 2012 are:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and public domain, including parks, streets and lanes,

(c) to minimise the adverse impact of development on heritage items,

(d) to nominate heights that will provide a transition in built form and land use intensity,

(e) to establish maximum building heights that achieve appropriate urban form consistent with the major centre status of the Hurstville City Centre,

(f) to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing, and are not likely to undergo, a substantial transformation,

(g) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.

Compliance is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a))

There have been several Court cases that have established provisions in which to assess Clause 4.6 statements to ensure they are well founded and address the provisions of Clause 4.6.

In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

The judgement goes on to state that:

"*The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."*

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone."

The statement was prepared in consideration of the recent court cases and their judgements.

Applicants comment*: The non-compliance stems from the provision of 29 affordable dwellings that allows the development to exceed the FSR of 1:1 for the site contained in HLEP 2012. Council's Building envelope controls of height, FSR and setbacks are designed to accommodate a residential flat building with an FSR of 1:1. This development has an allowable FSR of 1.5:1 under the ARHSEPP, with the development proposing an FSR of 1.378 and the additional floor space is most appropriately accommodated by breaching the building envelope controls in terms of height rather than encroaching to side boundaries which will generate impacts in terms of visual and acoustic privacy.*

The current development proposal exceeds the maximum building height due to design measures to accommodate the bonus floor space provided by the ARHSEPP. However, despite the non-compliance with the numerical control the proposal remains consistent with the objectives based on the following:

a) The proposed non-compliance is contained in a recessed upper level that will not impact on the adjoining residential properties to the north.

b) The fourth level that exceeds the height control will not further disrupt views from adjoining properties;

c) The orientation of the site ensures that it does not result in any additional unacceptable overshadowing of adjoining properties;

d) The additional storey faces a place of worship. Given that this is not a sensitive interface and noting that the development complies with Council's setback controls the additional level does not unduly reduce the level of privacy on the adjoining site to the east. Adequate separation is also afforded in the event that the Church site is redeveloped;

e) The partial fourth level will add architectural interest to the proposed building and contributes towards the articulation of the built form;

f) The non-compliance to the height control has no impact on the setting of any items of environmental heritage or view corridors;

g) The proposal is not located within a low-density area and the proposal represents an appropriate built form on the site.

h) The proposed development complies with other key planning controls applying to the proposal including, landscape, deep soil zones and communal open space.

i) The non-compliance appropriately accommodates the provision of additional FSR on the site and assists with achieving the objectives of the ARHSEPP 2009.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control."

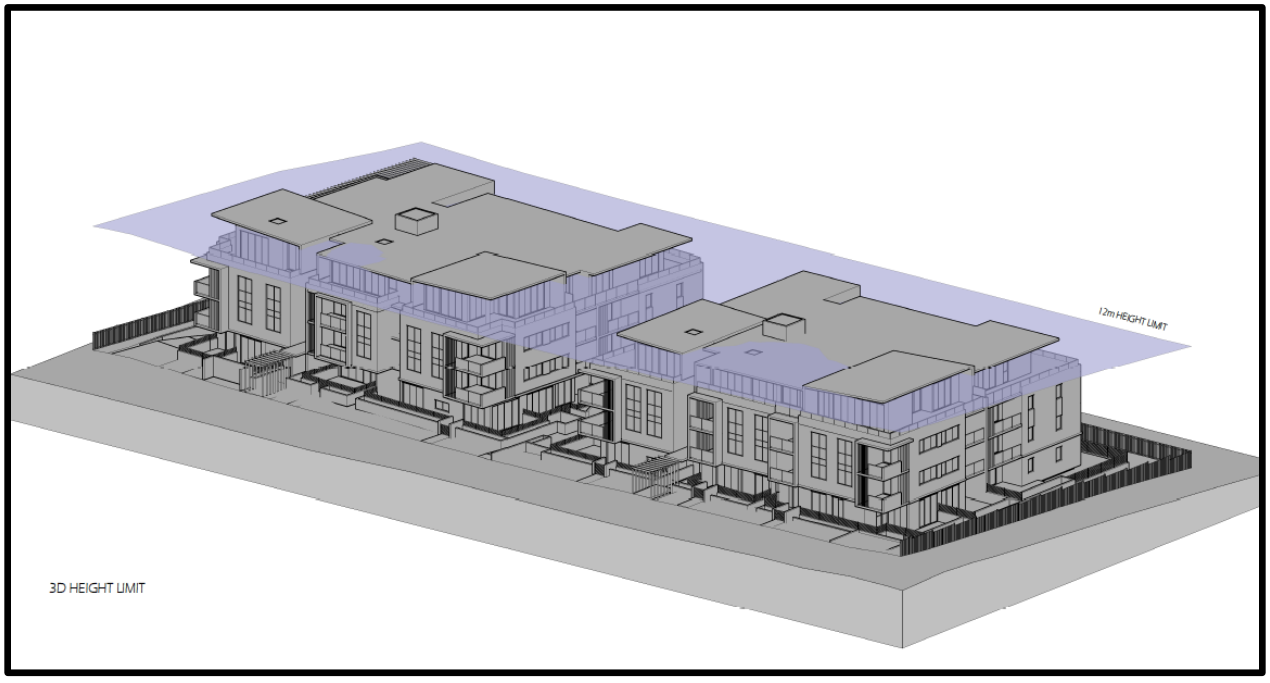

Figure 15: 3D Height diagram showing the sections of the building roof that exceed the height control (courtesy Zhinar Architects, 2018).

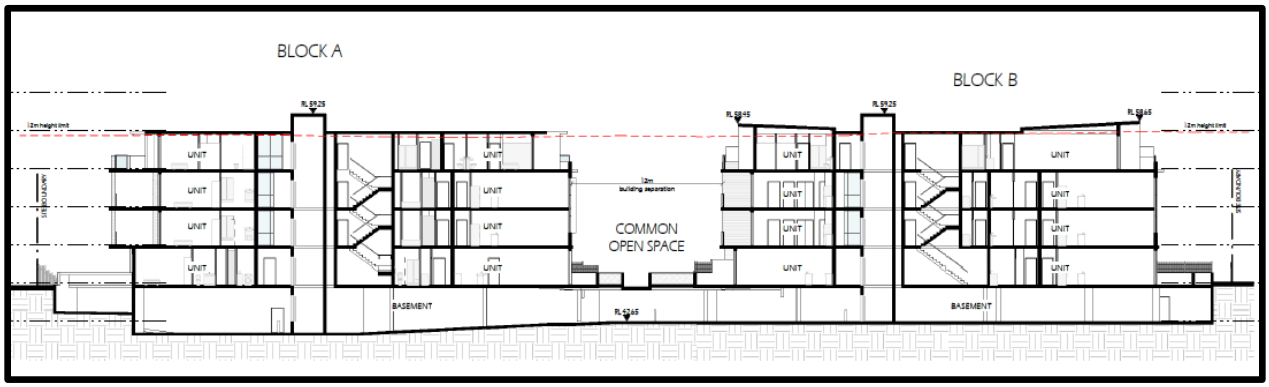

Figure 16: Section 1 of the buildings showing those parts of the roof that exceed the height limit (courtesy Zhinar Architects)

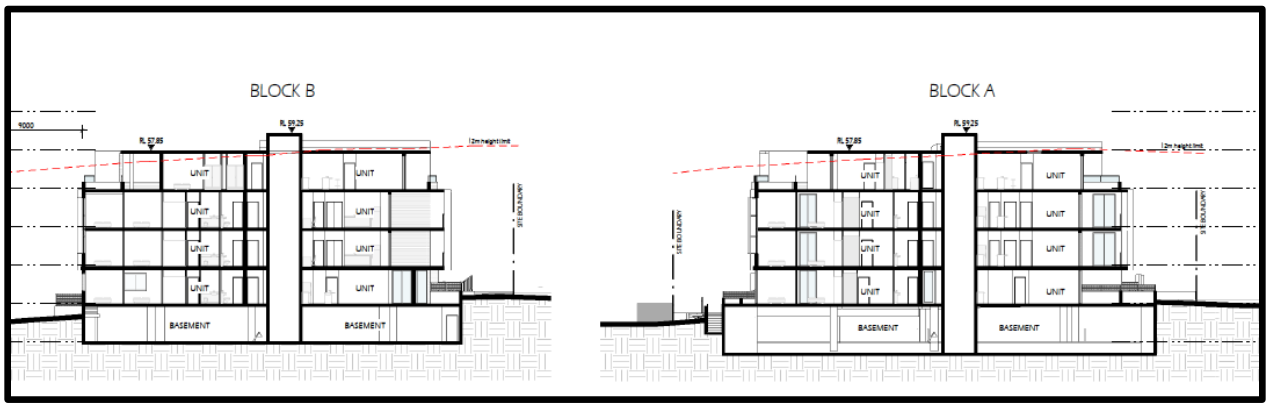

Figure 17: Section 2 of the buildings showing those parts of the buildings exceeding the height limit (courtesy Zhinar Architects)

Officer Comment: The proposed development has been designed to ensure all habitable areas are located within the height limit and the only protrusions are in relation to the parapet and lift overrun which are generally small in nature. The area affects a small portion of the ceiling. The proposal satisfies the objectives of the development standard in the following ways;

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

The existing R3 zone covers the existing development site and sites to the west, north and north-east. The anticipated form of medium density development is a three to four storey scale. The new RFB's under construction or nearly completed are largely three storey in form with many including a roof top area for communal open space with ancillary structures (pergolas, WC and lift and stair access) on the upper level. New RFB's to the north of the site along streets like Peake Parade, Lawrence Street and Trafalgar Street create a four storey form at street level with three levels at the rear as the land naturally slopes steeply from the rear to the front of the site. Even with the use of the roof as communal open space and the fact the structures on these levels are light

weight (pergolas) and centralised they are visible from adjoining streets (this can be seen by the development located on the corner of Forest Road and Pearce Avenue). This building reads as a three storey RFB and the rooftop terrace is visible from Forest Road which could be construed as an additional level). Other recently approved developments are shown in Figures 18, 19, 20. The scale, form and bulk of these approved developments is similar to the proposed built forms. The fourth floor is largely contained within the 12m height limit and is designed to be recessed further from the edge of the building's to reduce its visibility and to reduce the overall bulk of the building.

Despite the non-compliance the buildings are considered to be in keeping with the established built form, character in the street and adjoining streetscapes it is also considered to be consistent with the desired future character for development in this precinct.

Figure 18: Font (north) elevation of the approved building at 13-17 Peake Parade (DA2014/0086)

The lift overrun on each building is centralised and not visible from the street and immediately adjoining properties. The skillion roof forms which increase the height of the buildings at the front are features that could be removed and then the buildings would be largely compliant with the 12m height limit, however, this would adversely affect the visual appearance and articulation of the building. The elements are architectural features which add interest and break up the form and define this upper level. This is an important part of the overall expression of the building, their removal would have an adverse impact on the appearance of the development.

Immediately adjoining properties have similar heights of 12m with the Industrial zoned land across the road (to the south) having a maximum height of 10m and the R2 zone and B1 zoned land having a maximum heights of 9m as this commercial area is considered to be smaller in scale and a secondary centre.

The four storey height at this site also creates some verticality to the buildings. A consistent 3 storey scale would create a very long, horizontal form.

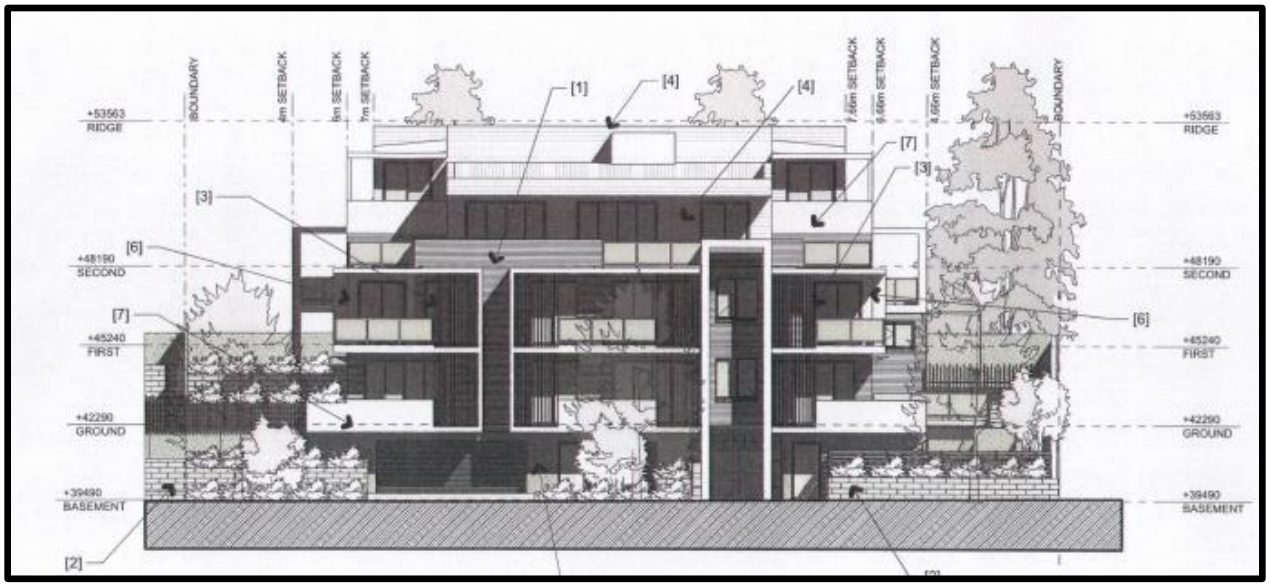

Figure 19: Font (north) elevation of the approved building at 9-11 Peake Parade (DA2013/0406)

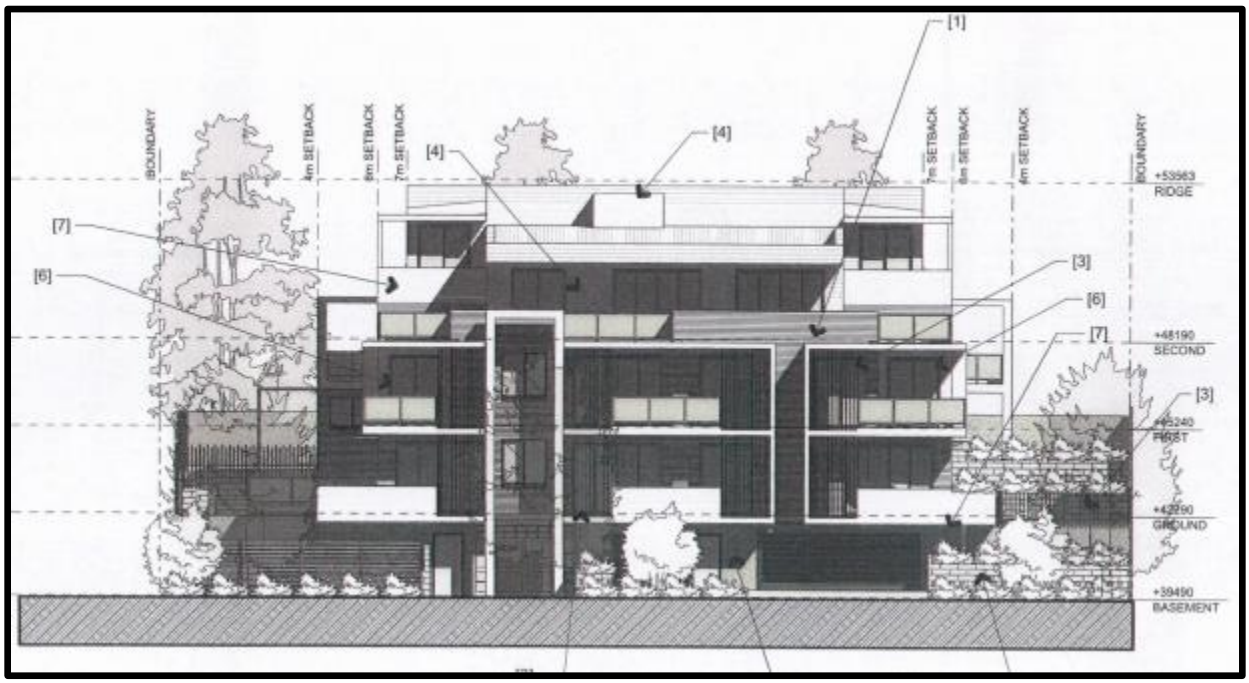

Figure 20: Font (north) elevation of the approved building at 5-7 Peake Parade (DA2013/0404)

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and public domain, including parks, streets and lanes

This objective relates to the amenity impacts generated by the exceedance in the height control. The minor non-compliance will not result in any overlooking, overshadowing (lift core is centralised so the lift overrun will overshadow the building itself) and given that the building is orientated to the south there will be no overshadowing to the residential properties located to the north and north-east of the site. There will be no view loss generated by the variation and it will not adversely affect the public domain.

(c) to minimise the adverse impact of development on heritage items,

The closest heritage item is the Wesleyan Church located on the corner of Forest Road known as the St Mary and St Joseph Coptic Orthodox Church which is over 100m away and is not within the visual catchment of the subject site and as such the development will not adversely affect the integrity and significance of this item.

(d) to nominate heights that will provide a transition in built form and land use intensity,

The exceedance in the height still maintains a consistent scale when compared to recently approved developments and will allow a transition in built form as the commercial area to the east has a height limit of 9m whilst across the road the industrial zone permits a maximum height of 10m so the development is higher than adjoining heights that are permissible but through the design will maintain a transition in the precinct.

The variation in the height is at its highest point 1.36m (to the top of the lift overrun) which is not a level in itself. The habitable areas within the development are situated within the height limit and are compliant it is the design of the roof and its associated parapet features that exceed the height. This will maintain a transition in the built form along the street and given this is a larger, integrated development its design resolution is important as it takes up a large amount of the street frontage.

(e) to establish maximum building heights that achieve appropriate urban form consistent with the major centre status of the Hurstville City Centre,

The site is not located within the Hurstville City Centre so this objective is not considered to be applicable in this case.

(f) to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing, and are not likely to undergo, a substantial transformation,

The development at a four storey scale is considered to be an acceptable transition from the two storey scale to the east, two-three storey scale to the south and the three-four storey scale to the west and north.

(g) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.

The proposed increase in the overall height of the building's which only relates to certain sections of the roof form can be catered for in this location given the siting, orientation and the fact the buildings comply with the anticipated building envelope which is largely compliant with the ADG and HDCP in terms of the separation distances,

landscaped area requirements, front setback control etc. The development will improve the visual appearance of the existing site when viewed from Forest Road and should improve the public domain.

The proposed development is considered to satisfy the objectives of the development standard.

Clause 4.6(3)(b) are there sufficient environmental planning grounds to justify contravening the standard

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, it is considered that there is an absence of any negative impacts of the proposed non-compliance on the environmental quality of the locality and amenity of adjoining properties in terms of overshadowing, overlooking or view loss.

Clause 4.6(4) states that:
"Development consent must not be granted for development that contravenes a development standard unless:
(a) the consent authority is satisfied that:

(i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and"*

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,

Applicant comment*: "As addressed the proposed development is in the public interest, as it remains consistent with the objectives of the building height control. In addition the proposal is consistent with the objectives of the R3 zone, being:*

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To provide for a range of home business activities, where such activities are not likely to adversely affect the surrounding residential amenity*

The proposal is in the public interest contributes to the housing needs of the community within a high density residential environment in a location that is close to a major transport node and services and employment opportunities in the Peakhurst Precinct.

The development also increases the mix of housing in an accessible location. The proposal also ensures that the medium density nature of the zone is realised."

Officers comment: The exceedance in the control satisfies the objectives of the zone which include the following;

- *To provide for the housing needs of the community within a medium density residential environment.*

The development is providing for the housing needs within a medium density residential environment.

- *To provide a variety of housing types within a medium density residential environment.*

The development incorporates a diversity of apartment types (offering 1, 2 and 3 bedroom units) and includes a social housing component and an affordable housing component in a very convenient location. This is a very desirable housing solution and provides for much needed housing demand.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The development is residential in nature and do not include any additional land uses. This objective is offering some greater flexibility in the provision of land uses within this zone and is not a mandatory requirement.

- *To ensure that a high level of residential amenity is achieved and maintained.*

The layout and design of the development seeks to provide an intensity of development that is separated and contained within two built forms and the quality and provision of accommodation provided aims to comply with the provisions of the ADG. Amenity internally within units and externally has been planned to be of a high quality and improve the existing nature of social housing that is outdated and not functional or up to modern day requirements and standards.

- *To provide for a range of home business activities, where such activities are not likely to adversely affect the surrounding residential amenity*

This development does not include any additional business activities or land uses. Again this objective is not considered to be a mandatory requirement.

It is considered that the Clause 4.6 Statement lodged with the application addresses all the information required pursuant to Clause 4.6 and the statement is considered to be well founded as there are sufficient environmental planning grounds to justify contravening the standard given that in this case the proposal satisfies the objectives of the zone and development standard (Clause 4.3, building height control).

Whether contravention of the development standard raises any matter of significance for State or regional environmental planning (Clause 4.6(5)(a))

Contravention of the maximum height development standard proposed by this application does not raise any matter of significance for State or regional environmental planning.

The public benefit in maintaining the development standard (Clause 4.6(5)(b))

The Applicant states that "*Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.*

The proposal will not have any adverse effect on the surrounding locality, which is emerging to be characterised by residential development of comparable character. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The public benefit of the variation is that it will appropriately facilitate the provision of medium density housing on a R3 zoned site and provide for a range of dwelling stock and different pricing points to be provided to future residents of this precinct in an accessible location and in proximity to employment opportunities."

It is noted that in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "*better*" planning outcome resulting from the non-compliance.

Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development. In this case the area of non-compliance does not create any adverse impacts due to the siting and orientation of the buildings and given that the non-compliance does not affect "habitable area" but rather a small proportion of the ceiling within some parts of the upper level and the lift overrun.

The second matter was in cl 4.6(3)(b), where the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.

Again the development could be conditioned or amended to comply with the height control by adopting one or more of the following;

- Reducing the floor to ceiling heights within the development.
- Reducing the clearance height within the basement which is 3.5m (given that it needs to accommodate an SVU that can access the basement and remove waste and garbage). The Applicant has confirmed that this could be achieved as Private Garbage contractors are able to access the site with smaller vehicles and a lower clearance could be achieved.
- The skillion roof forms could be removed and the overall height reduced and this would be largely compliant.

One or a culmination of these methods could be adopted to achieve a compliant height however this would create an adverse impact on the overall design of the development in the following ways;

- Reducing the clearance height within the basement would submerge some of the front private courtyard spaces to be located below street level. Some spaces are already slightly below existing ground and a further decrease would adversely affect the amenity of these apartments.
- The proposed floor to ceiling heights will comply with the 2.7m required by the ADG reducing these heights to be more aligned with BCA requirements (2.4m or 2.5m as a minimum) will adversely affect the internal amenity of habitable spaces and will further reduce the provision of light into spaces.
- Removing the skillion roof forms will adversely affect the visual appearance of the buildings to create a more horizontal and “long” built form. The skillion elements will increase solar access into the upper level apartments and articulate the built form and break up its mass and general proportions.

In this case the proposal seeks to establish the preferred and appropriate design and built form outcome for this site with the building complying in large with the height standard. There will be no adverse amenity or visual impacts generated by the variation and the proposal satisfies the objectives of the zone and the development standard. In this case the justification to vary the height control is considered to be a reasonable and well founded request.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent

Council has implemented the Georges River Interim Policy DCP. The aim of the Interim Policy is to address current inconsistencies in development controls. The Interim Policy will give certainty to the community that Development Applications are being assessed on a more consistent basis. The Interim Policy came into effect on 22 July 2019 and shall be considered in the assessment of all applications from this date.

The Policy establishes some more generic and consistent controls for dwelling houses, dual occupancies and residential flat buildings. In respect to this proposal there is no change to the currently applied controls (24m frontage width, ADG provisions and statutory height and FSR control) and therefore the proposal satisfies the Interim guidelines.

(iii) any development control plan, and

The applicable Development Control Plan relating to the proposed development is:

- **Hurstville Development Control Plan No.1**

A detailed assessment of the development against the relevant sections of HDCP is contained in the DCP compliance table below. This assessment identifies a number of areas of non-compliance which are discussed below the table.

Compliance Table – Hurstville Development Control Plan No. 1

Performance Criteria	Design Solution	Proposal	Complies
3.1 Vehicle Access, Parking & Manoeuvring			
Car parking and service vehicle areas are: a. sufficient, safe and convenient and meets user requirements including pedestrians, cyclists and vehicles b. safe, easily accessible, does not obstruct the passage of vehicles or create traffic conflicts, impact pedestrians or cyclists and does not result in detrimental effects to	DS1.1 In determining the prescriptive parking requirements for each type of land use, Council has been informed by a range of technical studies and documents	Satisfactory	N/A
	DA1.2 In calculating the number of car spaces required, Council takes	Provisions of the DCP are not applicable to this	Proposal complies with the

adjoining or nearby properties c. provided according to projected needs and provide pleasant areas in which to park	into consideration: a. the type of development (or land use) proposed b. the size and scale of the development c. the intensity of the development d. street hierarchy and existing traffic situation	development as it is “affordable” and satisfies the “accessible” housing provisions of the ARH SEPP and the car parking requirements in accordance with this SEPP need to be satisfied.	numerical provisions of the ARH SEPP
	DS1.3 Required: 1-2 bedrooms: 1 space per dwelling 3 bedrooms and over: 2 spaces per dwelling Visitor spaces:” 1 space per 4 dwellings	24 x 1 bedrooms = 24 spaces 42 x 2 bedrooms = 42 spaces 6 x 3 bedrooms = 12 spaces Visitor spaces = 18 spaces Total required = 96 spaces (calculated as a guide)	Not applicable as car parking provisions of the ARH SEPP apply
	DS1.5 Refer to AS 2890 for the design and layout of parking facilities.	Complies	Yes
	DS1.6 Stacked parking not encouraged; permitted where: a. No more than 2 cars in stacked arrangement b. Likely to maintain a	There are a number of tandem spaces proposed along the eastern side of the basement. Although this	Yes

low turnover c. Able to function easily in management of future operations	arrangement is not preferred it is satisfactory as these spaces can be designated to the three bedrooms and some two bedroom apartments and will be exclusive to these units. The functionality of the car park will be maintained.	
DS1.7 All driveways to be finished in plain concrete	Complies	Yes
DS1.8 In streets which have brick paved surfaces, driveways are constructed to Council's Engineering Specification including a concrete base with matching brick paving surface.	The street does not have a brick paved surface. The driveway will be constructed to Council and Australian Standards.	Yes
DS1.9 Alignment levels for all points of vehicular access must be obtained prior to submission of a development application. These levels will be made	If consent is granted then alignment levels will be provided by the Council and included in the CC.	Yes

	available by Council's Engineering Department following the payment of the appropriate fee.		
	DS10.10 The AS/NZS 2890.1 2004 Ground Clearance Template is to be used as follows: a. prepare a longitudinal section of the grade change or irregularity to natural scale, and to the same scale as the template – scale to be 1:20	Diagrams provided and the developments gradients into and out of the basement are compliant.	Yes
	DS1.11 Basement car parks to be concentrated under building footprints to maximise deep soil landscaping.	The basement has been designed to be minimised in area and there is a setback of over 4m along the southern side to allow for more deep soil area at the front and a setback of 3m to about 9m along the northern side to cater for a generous amount of deep soil area along the rear boundary.	Yes
	DS1.12		

	Design of basement car parks to minimise visual impact and maximise pedestrian safety.	The majority of the basement is located below existing ground level. At the rear due to the lower ground level part of Block A at the rear protrudes above the ground. This is also due in part to the above average clearance height in the basement of some 3.5m (aimed to cater for smaller SUV's to collect garbage from the basement). The clearance height may be able to be lowered which will in turn reduce the basement podium however this will create areas of private open space at the front being lowered and located below the existing ground line which is not a desirable design outcome.	Yes
	DS1.13 Access to basement	Block A has been	Acceptable

car parks to be located away from doors and windows of habitable rooms.	designed so that corner apartments have dual aspects and apartment A02 faces the front with one window to the bedroom facing the driveway which is considered acceptable given that its to a bedroom (secondary habitable area). The apartments above are raised above the driveway and the physical separation between these spaces is considered to be acceptable.	
DS1.14 Basement car parks preferred for commercial and residential flat buildings.	Basement provided for in this RFB development	Yes
DS1.15 All basement carparking to have security doors. Where mechanical ventilation proposed, details are to be shown.	The development will include a panel lift door to the basement which is recessed and is setback well beyond the	Yes

		front alignment of the building so it is not visually dominating.	
	DS1.16 Parking complies with AS 1428 & AS 2890	Complies - every car space has dimensions of 2.4m by 5.4m which complies with Australian Standards and also includes a storage space at the end of each space.	Yes
	DS1.17 Parking for people with disabilities beyond minimum standards encouraged.	The amount of accessible spaces complies with the minimum provisions.	Yes
	DS1.19 A designated car washing area (which may also be a designated visitor car space) is required for residential developments of four or more dwellings.	No specific car wash bay is provided or designated. A condition will require a visitor space to double up as a car wash bay which is considered acceptable and in accordance with the DCP.	Satisfied by way of a condition
	DS1.20 Car wash bays which collect waste-water must be covered and	A condition will require this provision to be	Satisfied by way of a

	discharge the water to the sewer in accordance with the requirements of Sydney Water	satisfied.	condition
Car parking areas are designed to: a. prevent crime through environmental design b. reduce conflict between vehicles and pedestrians c. include features which suggest to both residents and potential offenders that car parking areas are owned, cared for and not amenable to crime d. include features that minimise vehicular and pedestrian conflict e. be illuminated and provide users with a feeling of security and safety f. allow for drive by surveillance	DS3.1 Onsite parking to be in areas clearly visible from habitable and public spaces	Satisfied	Acceptable
	DS3.2 Onsite driveways to provide an unobstructed view of passing vehicles and pedestrians.	The driveway has a width of 6.1m at its entrance allowing two cars to pass each other. The driveway width is reduced internally to 5.8m but this will still allow two vehicles to pass and movements within the basement are not considered to be excessive. There are no visual obstructions for motorists or pedestrians.	Yes
	DS3.3 Sloping ramps from car parks, garages and other communal areas are to have at least one full car length of level driveway before they intersect	Designed to comply	Yes

	pavements and carriageways.		
	DS3.4 Entry to basement car parks, including pedestrian routes, are to be available only to residents through security access/egress routes via main buildings.	There are two main lift cores (one from Block A and one from Block B) to allow visitors and occupants direct access to the apartments or main lobby areas on the ground floor.	Yes
	D3.5 Visitor parking shall be provided in open unrestricted areas. If visitor parking is provided within a secure parking area (basement or otherwise) suitable access provisions shall be made such as a security intercom	Visitors will be able to access the visitor spaces via an intercom system. Spaces are grouped together near the entrance for easy access to the lift of Block A and a few spaces are located near the lift lobby to Block B.	Yes
	DS3.7 The intensity of lighting in the entranceway to covered or underground car parks is to be graded from the most bright (at the entrance proper), to minimum levels of	A standard condition is imposed to ensure lighting around the development does not cause any nuisance or	Yes

	accepted illumination (away from entrances), to allow for the gradual adjustment of driver/pedestrian “light” vision.	adverse environmental impacts.	
	DS3.8 To minimise pedestrian and vehicular conflict: a. parking design to prevent or manage through traffic. b. Pedestrian exits are to be separated. c. Where large volumes of pedestrian movements are proposed, clear and convenient pathways are to be provided.	The volume of traffic generated by the development is not considered to be extensive or excessive to create any adverse conflicts between vehicles and pedestrians. The design segregates the pedestrian access and the driveway access to prevent and minimise any conflicts. These spaces are clearly delineated and separated.	Yes
3.2 Subdivision Section is not applicable; subdivision of the site/development is not proposed.			
3.3 Access & Mobility			
PC1. Development is designed for access and mobility and to: a. provide information, awareness and	DS1.1 Development is to comply with Table 1 – Assessment Criteria; relevant criteria is outlined as follows:	In accordance with the Australian Standards the development generates the	Yes

understanding of access and mobility issues b. create appropriate levels of access and mobility for new developments, alterations and additions to existing buildings, public buildings and open space c. assist in providing a continuous path of travel throughout the City of Hurstville d. ensure compliance with the Disability Discrimination Act, 1992 (Commonwealth), as well as the relevant Australian Standards e. provide controls for adaptable housing which recognise the diverse accommodation needs of the community, particularly older persons and people with a disability	**Adaptable housing** In developments containing five or more dwellings, a minimum of one adaptable dwelling, designed in accordance with relevant Australian Standards must be provided for every ten dwellings or part thereof. **General access requirements** Access for all persons through the principal entrance and access to any common laundry, kitchen, sanitary or other common facilities in accordance with relevant Australian Standards.	need to provide 8 dwellings which are adaptable. The following units have been designed to be adaptable; B21, A22, B10, B11, A12, A19, A07, A09. An Access report prepared by Vista Access Architects reference No. 18231has been submitted with the application. The report assessed the proposal against the provisions of the BCA and Australian Standards in respect to disabled access and design of apartments. The proposal provides for 8 adaptable apartments designed in accordance with the HDCP (A07, A09, A12, A22, B10, B20, B11 and B21) The development	

		also designates 15 apartments as Liveable Units which comply with Objective 4Q1 of the ADG and 20% of the units have been designed to satisfy the silver level requirements of the Liveable Housing Guidelines (Apartments A02, A04, A05, A06, A14, A15, A16, A17, A18, A20, A24, A25, A26, A27 and A28) The Access report concludes and confirms that the apartments have been designed to satisfy all the general access provisions including all common areas and minor changes and adjustments to the design can be made to ensure compliance is achieved. A condition will require the recommendations	

	Parking One accessible parking space for every adaptable dwelling designed in accordance with Australian Standards.	of this report to be included and adopted when detailing the design at the Construction Certificate stage. Eight (8) accessible car parking spaces are provided in accordance with the provisions.	
3.4 Crime Prevention Through Environmental Design Note – this section of the DCP states that it applies to residential flat buildings and therefore an assessment has been undertaken in relation to the proposed development as follows:			
Site and building layout: a. ensures that the way in which the site, and the buildings within the site, are laid out enhance security and feelings of safety. b. ensures that private and public spaces are clearly delineated c. ensures that the design of the development allows for natural surveillance to and from the street and between individual dwellings or commercial units within the site d. provides entries that are clearly visible and avoid confusion	DS1.1 Avoid blank walls fronting the street.	The building is well articulated and includes terraces, window and door openings to the street to activate the street front.	Yes
	DS1.2 Offset windows, doors and balconies to allow for observation while protecting privacy.	All openings have been offset between buildings (Block A and Block B are separated by 12m) and from immediately adjoining properties. Where windows and openings face	Yes

e. avoids blind corners in pathways, stairwells, hallways and car parks f. provides natural surveillance for communal and public areas g. ensures that design for natural surveillance also provides for a suitable streetscape appearance h. where permitted, provides appropriate mixed uses within buildings to increase opportunities for natural surveillance, while protecting amenity i. locates public services (ATMs, telephones, help points, bicycle storage etc) in areas of high activity j. designs car parks to allow for natural surveillance and ensure clear sight lines, ease of access and safety		boundaries they are setback between 6-9m which complies with the ADG provisions. Minor non-compliances have been discussed earlier in this report.	
	DS1.4 Entrances to be located in prominent positions and be easily recognisable.	There are several entrances to make access to the site legible.	Yes
	DS1.5 Pathways within and to the development should be direct and all barriers along the pathways should be permeable including landscaping and fencing.	Pathways are designed to be direct and landscaping assists in delineating spaces and areas through the use of raised planter beds and also through the integration of furniture and other elements such as pergolas. The proposed acoustic screens at the front of the main entry will act as barriers but will be largely permeable structures.	Yes

DS1.7 Locate active uses and habitable rooms adjacent to communal or public areas.	Achieved through the design and orientation of living spaces.	Yes
DS1.8 Communal areas and utilities to be seen and well lit.	The main area of communal open space centrally located and at the rear will be well lit and will have openings onto these spaces so that natural and passive surveillance of these spaces occurs.	Yes
DS1.10 Waiting areas should be visible from the building entry.	Designed to comply	Yes
DS1.11 Seating to be located in active use areas.	Provided in the areas of common open space	Yes
Multi-dwelling houses and Residential Flat Buildings.		
DS1.12 Building is to address the street.	Both buildings address Forest Road.	Yes
DS1.13 Habitable rooms to be located at the front of	The buildings have been	Yes

the dwelling.	designed to try and facilitate dual access so that spaces can achieve cross ventilation and that living spaces are orientated away from the busy main road.	
DS1.14 Parking structures should not dominate the streetscape.	The driveway takes up a very small proportion of the frontage (6.1m in length amounting to some 6% of the frontage as the length of the site is some 97m). The driveway also includes deep soil area of some 1.5m in depth along the western side so that some shrubs and smaller trees can be planted to further screen the driveway and lower levels of the development.	Yes
DS1.27 Minimise the number of entry and exit points to car parks	One vehicular access point is provided and will remove 5 existing driveway	Yes

		crossings.	
	DS1.28 Access to lifts, stairwells and pedestrian pathways should be clearly visible within the car parks.	The basement is large and regular in shape and size and all access to lifts and stairwells will be clearly visible and easy to access.	Yes
	DS1.29 Car park design should avoid hidden recesses.	Achieved through the design.	Yes
	DS1.32 Locate disabled parking spaces in highly visible and convenient areas.	Accessible spaces are located with convenient access to the main lobby areas.	Yes
Site and building layout: k. ensures that the way in which the site, and the buildings within the site, are laid out enhance security and feelings of safety. l. ensures that private and public spaces are clearly delineated m. ensures that the design of the development allows for natural surveillance to and from the street and between individual dwellings or commercial units	Open Space		
	DS1.34 Open spaces should be clearly designated and situated at locations easily observed by people. Parks and playgrounds should be located in front of buildings; shopping centres etc and should face the street rather than back lanes.	The development caters for a generous amount of open space around the development which is at the rear and centrally located. It is safe, functional and will allow for passive and active recreation.	Yes
	DS1.35		

within the site n. provides entries that are clearly visible and avoid confusion o. avoids blind corners in pathways, stairwells, hallways and car parks p. provides natural surveillance for communal and public areas q. ensures that design for natural surveillance also provides for a suitable streetscape appearance r. where permitted, provides appropriate mixed uses within buildings to increase opportunities for natural surveillance, while protecting amenity s. locates public services (ATMs, telephones, help points, bicycle storage etc) in areas of high activity t. designs car parks to allow for natural surveillance and ensure clear sight lines, ease of access and safety	Seating, play equipment, BBQ areas etc should be provided to encourage the use of open spaces	Catered for in the design at the rear of the site and centrally between the two buildings.	Yes
	DS1.36 Seating should be conveniently located and easily seen.	Seating is well located. A condition will require the provision of some seating in the central courtyard space as well as at the rear.	Yes
	D1.38 Pathways should be direct, follow pedestrian desire lines and avoid blind corners.	Accessways are clear and avoid spaces that would allow people to hide, there are no blind corners.	Yes
	Lighting		
	DS1.8 Communal areas and utilities to be seen and well lit.	Designed to comply	Yes
	DS1.10 Waiting areas should be visible from the building entry.	Satisfactory	Yes
	DS1.11 Seating to be located in active use areas.	Seating provided	Yes

	D1.25 Avoid large expanses of car parks. Where large expanses of car parks are proposed, surveillance such as security cameras should be provided.	The car parking area is not extensive and is below ground, is security accessed and will not be visible.	Yes
	DS1.26 Where possible, locate entry/exit points in close proximity and close to the car park operator or shops, cafes etc.	N/A	N/A
	DS1.27 Minimise the number of entry and exit points to car parks	Only one point of access	Yes
	DS1.28 Access to lifts, stairwells and pedestrian pathways should be clearly visible within the car parks.	All access points within the basement are clearly visible.	Yes
	DS1.29 Car park design should avoid hidden recesses.	Satisfactory	Yes
	DS1.32 Locate disabled parking spaces in highly visible and convenient areas.	All accessible parking spaces are visible and conveniently	Yes

		located	
	DS1.33 Where staff car parking is provided it should be separate and secured from the public car park.	N/A for this development	Yes
Lighting			
a. enhances the amenity and safety of a site after dark by increasing opportunities for casual surveillance, deterring unauthorised access and reducing feelings of fear and vulnerability of legitimate site user b. enhances the amenity and safety of a site after dark by increasing opportunities for casual surveillance, deterring unauthorised access and reducing feelings of fear and vulnerability of legitimate site users c. is provided to enable natural surveillance, particularly in entrances/exits, service areas, pathways and car parks d. be clearly identifies all exist and entries after dark e. ensures service areas such as garbage areas	DS1.2 Dwelling and commercial unit main entries should be well lit at night.	There is no commercial component as part of this development but all residential entries will be well lit.	Yes
	DS2.2 Use diffused lights and/or movement sensitive lights	Not proposed	Yes
	DS2.3 All lighting must be vandal resistant and easy to maintain.	Designed to comply	Yes
	DS2.4 Direct lights towards access/egress routes and possible hiding places to illuminate potential offenders, rather than towards buildings or resident observation points.	No lighting plan provided but public spaces will be well lit.	Yes
	DS2.5		

and loading bays are well lit is designed so it doesn't produce areas of glare and shadow	Illuminate possible places for intruders to hide	Lighting in common areas will be integrated and focus on creating a safe and secure environment.	Yes
	DS2.6 Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed, thereby avoiding dark shadows	Condition included to ensure compliance is achieved.	Yes
	DS2.8 Avoid light spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural surveillance	Designed to comply	Yes
	DS2.9 Use energy efficient lamps/fittings/switches to save Energy.	Sustainability measures included in the design and would be included in the construction of the development.	Yes
Lighting and fencing: a. does not reduce the security of a site b. where used to delineate private space, is used in a	DS2.19 Avoid medium height vegetation with concentrated top to bottom foliage. Plants such as low hedges	The landscape design aims to create an attractive and green	Yes

way which enhances safety c. does not obstruct casual surveillance and allows intruders to hide d. uses vegetation as barriers to deter unauthorised access avoids large trees/shrubs and buildings works that could enable an intruder to gain access	and shrubs, creepers, ground covers and high canopied vegetation are good for natural surveillance.	environment. The provision of trees and shrubs are focused around the periphery of the site.	
	DS2.20 Trees with dense low growth foliage should be spaced or crown raised to avoid a continuous barrier.	Larger trees are provided at the rear to screen the development Lower plants are proposed at the base of the trees,	Yes
	DS2.21 Use low ground cover or high canopied trees, clean trunks, to a height of 2m around children's play areas, car parks and along pedestrian pathways.	Designed to be included in the Landscape Plan	Yes
	DS2.22 Avoid vegetation, which conceals the building entrance from the street.	Satisfactory	Yes
	DS2.23 Select planting species having regard to their type and location to minimise possible places for intruders to hide.	The Landscape design satisfies this provision.	Yes
	DS2.24 When planting is provided within 5m of a	Satisfied through the design.	Yes

	pedestrian pathway, it should be lower than 1 metre or thin trunked with high canopy.		
Fencing			
Fencing a. does not restrict casual surveillance between the site and the street due to its height, location and design b. where on the front boundary, should be designed to maximise opportunities for casual surveillance between the site and the street and minimise opportunities for concealment	DS4.1 Front fences are to be predominantly open in design to allow sight through the fences eg picket fences, wrought iron.	Satisfactory. A condition will ensure front fences have a maximum height of 1.2m with 50% of the opening transparent	Yes
	DS4.2 If noise insulation is required, install double-glazing at the front of the building rather than a high solid fence (greater than 1 metre).	The acoustic report will require all openings within the frontage being double glazed and also will need to be closed to achieve the required 35db as required by the Infrastructure SEPP.	Yes
	DS4.3 Fences are not to inhibit surveillance of the communal areas, pathways, and footpath by occupants of the building. Both the height of the fence in relation to the building as well as the nature of the construction	Fences proposed and as conditioned satisfy this provision.	Yes

	materials need to be considered.		
Security and Operational Management			
Security and Operational Management a. ensures an appropriate level of security is achieved b. provides an appropriate level of security for individual buildings and communal areas to reduce opportunity for unauthorised access c. ensures individual dwellings are equipped with appropriate security devices d. ensures an appropriate level of security is achieved in communal areas c. provides adequate security to commercial premises with extended hours of operation	DS5.1 Locks are to be fitted on all doors and windows to the Australian Standard.	Will be constructed to comply	Yes
	DS5.3 Install viewers on entry doors to allow building occupants to see who is at the door before it is opened.	This may be provided at the construction stage	Achieved via a condition
	DS5.4 Install intercom, code or card locks or similar for main entries to residential flat buildings and commercial premises including car parks.	Provided in the design to ensure safety and security for occupants and visitors	Yes
	DS5.5 Entry doors are to be self-closing and signs displayed requesting building occupants not to leave doors wedged open.	Requirement at the CC stage	Yes
	DS5.7 Pedestrian entry to basement parking must be through secured access via the main	Designed to comply. Occupants and visitors can only access the	Yes

	building.	basement through the building's main foyer.	
	DS5.9 If security grilles are used on windows they must be operable from inside in case of emergencies	Not provided in the design of the building. Grilles are not encouraged in this development as they will adversely affect the visual appearance of the building and the amenity of the apartments that would include this design feature.	N/A or desirable for this development
	DS5.13 Use security devices, such as an intercom or remote lock facility in multi-level car parks where appropriate	Will be provided in the basement and main entries	Yes
Building Identification			
	DS6.3 Street numbers are to be at least 7cm high, and positioned between 1m and 1.5m above ground level on the street frontage.	Not included in this stage of the design but the frontage allows for many opportunities to provide a space for the address and letterboxes etc.	Satisfactory

	DS6.4 Street numbers should be made of durable materials preferably reflective or luminous, and should be unobstructed (e.g. by foliage).	Will be provided at the Construction Certificate Stage	Satisfactory
	DS6.6 Both directional and behavioural signage should be provided at entrances to open space areas and parks.	N/A to this residential development	N/A
Building Ownership			
Building Ownership: Development is: a. designed to promote a sense of site ownership and to encourage responsibility in making sure the site is well looked after and cared for b. designed to promotes pride and sense of place and ownership and reduce illegitimate use/entry.	DS7.1 Use barriers such as fences, gardens, lawn strips, varied textured surfaces to define different spaces within a development	Private and public spaces are delineated by landscaping features, raised planter beds and screening.	Yes
	DS7.3 Ensure the speedy repair or cleaning of damaged or vandalised property and the swift removal of graffiti.	Responsibility of the Building Manager	Satisfactory
	Open Space		
	DS7.5 Provide features that reflect the community's needs and that will consequently be well utilised (e.g. play equipment, seating	Appropriate seating provided and catered for in the areas of common open	Yes

	areas etc).	space	
Building Maintenance			
Building Maintenance: Development is: a. creates the impression that the site is well looked after and well cared for b. uses materials that reduce the opportunity for vandalism.			
	DS9.3 Strong, wear resistant laminate, impervious glazed ceramics, treated masonry products, stainless steel materials, anti-graffiti paints and clear over sprays will reduce the opportunity for vandalism. Flat or porous finishes should be avoided in areas where graffiti is likely to be a problem.	Building materials and finishes that have been selected are considered to cater for long term wear and tear of the development and practical finishes such as the use of face brickwork has been incorporated which minimises longer term maintenance.	Yes
	DS9.5 External lighting should be vandal resistant. High mounted and/or protected lights are less susceptible to vandalism.	Will be considered when selecting these details during construction.	Satisfactory
	DS9.6 Communal/street furniture should be made of hardwearing vandal resistant materials and secured by sturdy anchor points or removed after hours.	Will be considered when selecting materials during the construction phase.	Yes
3.5 Landscaping			

Street and Neighbourhood Landscaped Character Development contributes to the creation of a distinct, attractive landscape character for streets and neighbourhoods	DS1.1 Where the surrounding area has an existing desired landscape character, similar species are to be planted except where undesirable under DCP Appendix 1.	Careful consideration was given to the selection of appropriate native planting species. The arborist report and Landscape Plan addresses this point and the design is considered to be sensitive and well thought through.	Yes
	DS1.2 Where there is no existing desired character, a range of species are to be proposed that are consistent with DCP Appendix 1.	The immediate environment is mixed and there are no common landscaping features or plants within the immediate locality. The retention of a significant tree on site will enhance the existing site and its features and the landscape plan creates a coordinated vision for the site and its redevelopment.	Yes
Landscaping Area and Dimensions	DS2.1 No design proposal is	Satisfactory and	

The size and dimensions of landscaping areas are adequate to minimise the visual impact of buildings and structures and provides areas of a high level of utility and amenity	provided and each proposal is assessed on its own merits.	an acceptable design response for the site and its development.	Yes
Significant Trees and Vegetation Development protects existing significant trees and vegetation:	DS3.1 Site layout and design is to ensure long term retention and health of existing trees and vegetation.	A detailed Arborist report accompanies this application and supports the removal of a majority of trees and shrubs across the site and retains one central tree which is significant and attractive. The development has been designed to retain and protect this tree. Conditions are included that ensure this occurs.	Yes
	DS3.2 Where significant trees or vegetation are removed to permit development, they are to be replaced with species capable of attaining similar size, coverage and maturity.	The development includes the planting of a large amount of larger trees at the rear and front of the site and along the street. The development over compensates for	Yes

		the loss in vegetation.	
Front, Side and Rear Boundaries Landscaping in front setbacks: a. integrates the public and private domain b. is co-ordinated with the street planting pattern and species c. reduces the visual impact of buildings, structures and hardstand	DS4.1 Landscaping in front setbacks consists of: • Areas with sufficient to accommodate planting. • Shade trees that grow to an equal or greater height than that of the building. • Screening shrubs where required to reduce impacts of blank walls. • Low shrubs and ground overs to complete coverage.	The Landscape Plan is detailed and provides for an integrated and interesting landscape design across the site.	Yes
Landscaping alongside boundaries reduces the visual impact of buildings on adjoining premises	DS5.1 Landscaping is provided along the entire length of rear boundaries where buildings are located and consists of: a. an area of sufficient dimensions to accommodate planting **Note:** this area must be a minimum of 2m b. shade trees that grow to a height consistent with or greater than that of the building c. screening shrubs where required to mitigate the visual impact of blank walls	Satisfied through the design. There are significant areas of deep soil around the periphery of the site with generous plantings within these areas.	Yes

	d. low shrubs and ground covers to ensure complete coverage of planting area.		
Communal and private open space areas Landscaping in communal open space and private open space contributes to the their useability and amenity	DS6.1 A minimum of one shade tree is planted in each area of private open space.	Catered for in the design.	Yes
	DS6.2 Trees in communal open areas are to provide shade to 25% of that area at maturity.	The proposed trees will shade at least 25% of the communal areas of open space.	Yes
	DS6.3 Minimum of 50% of the communal open area shall be covered in turf/planting area.	Complies	Yes
	DS6.4 Tree planting in communal and private open space areas will: • Enable penetration of winter sun and mitigate penetration of afternoon summer sun. • Enable penetration of desirable cooling winds in summer and mitigate penetration of undesirable cold winter winds.	Designed to comply	Yes
Landscaping Plans	DS8.1		

Development applications are supported by sufficient detail to demonstrate achievement of the objectives of this chapter	Required documentation: • Survey plans • Concept level landscaped plan • Detailed landscape plan	Documentation provided	Yes
Landscaping Near Areas of Ecological Significance Landscaping that is located adjacent to areas of ecological significance protects and strengths the ecological values of the area	DS9.1 Landscaping comprises species that are consistent with the dominant species in the adjoining area of ecological significance	The Landscape Plans include native species endemic to the area.	Yes
Stormwater Management Landscaping facilitates on site stormwater infiltration and does not result in significant adverse water quality impacts	DS11.1 Opportunities for onsite stormwater infiltration are provided through • Turf/raised planting beds • Minimising impervious areas	Satisfactory and compliant	Yes
Safety Landscaping provides for personal and property safety	DS13.1 Landscaping is in accordance with CTPED principles.	Refer to assessment above.	Yes
	DS13.2 Landscaping enables clear sight lines along pathways and	Yes - provided	Yes

	minimises concealment.		
	DS13.1 Front setbacks do not contain dense screening vegetation.	The front setback contains larger trees to enhance the development and screen the lower levels of the buildings, there are also a series of lower level plantings to create a green space at the pedestrian level.	Yes
Utilities Landscaping does not interfere with the effective functioning of utilities	DS14.1 Landscaping does not interfere with the function of overhead or underground utilities.	Designed not to affect these services	Yes
3.6 Public Domain			
General Development contributes to the creation of attractive, comfortable and safe streets that comprise consistent and high quality paving, street furniture and street tree plantings	DS1.1 Works in the public contain to obtain all necessary council and statutory approvals prior to commencement of works.	Conditioned to ensure that the nature strip is upgraded and all redundant crossings removed and additional street planting provided.	Yes
	DS1.3 Construction activity that damages council assets in the public domain such as kerb	Appropriate conditions in the form of the requirement of a	Yes

	and gutter is to replace the damaged asset to the same or an equivalent standard.	damage deposit is included if consent is granted	
	DS1.5 Footpath pavement width is to allow for comfortable walking, unimpeded by obstacles.	Conditioned to ensure that the upgraded footpaths are constructed in accordance with Council's requirements	Yes
	DS1.8 Street trees are to be provided on all streets to achieve the following outcomes: a. coordinated palette of climatically responsive species b. reinforce the street hierarchy and create distinct places c. be robust and low-maintenance d. be planted in a coordinated, regularly spaced and formalised manner e. increase the comfort of the public domain for pedestrians f. enhance the environmental performance of the precinct by	Yes – the Landscape plan proposes a number of additional street trees. A condition will ensure this is satisfied and provided in accordance with Council's requirements.	Yes

	increasing opportunities for energy efficiency, reducing the heat island effect and proving habitat for wildlife		
3.7 Stormwater			
Part A – Residential Flat Buildings, Multi Dwelling Housing and Boarding Houses			
General Stormwater management is provided on site: a. to not increase the existing level of hazard to persons or property b. to ensure rainwater run-off and overland flow is directed into an approved stormwater drainage system c. to reduce and control rainwater run-off in order to minimise overland flows, soil erosion and siltation in streams and water ways. d. to encourage an environmentally sustainable regime of stormwater management that achieves a balance between collecting and re-using rainwater, maintaining acceptable environmental flows in streams and allowing for on-site surface infiltration via landscaping	DS1.1 Stormwater flows are managed within the drainage sub-catchment the site is located.	Compliant	Yes
	DS1.2 Existing flow patterns are formalised and not significantly altered.	Satisfactory	Yes
	DS1.3 Development does not concentrate, divert or increase overland flows onto adjoining properties. Where overland flows are an issue, post-development flood analysis is to be provided.	The stormwater and drainage plan was assessed by Council's engineers and is considered to be satisfactory subject to the imposition of conditions. The OSD may require to be enlarged which can be accommodated on the site as there is generous permeable area to accommodate	Yes

	this change.	
DS1.4 Measures are implemented during construction to reduce soil erosion from development sites.	Standard conditions are imposed to ensure this doesn't occur.	Yes
DS1.5 A concept stormwater management plan is to be provided showing how waters are to be discharged.	The concept stormwater plan was submitted and includes the provision of an easement across the rear of the site for stormwater to connect to the north. The Applicant has provided title deeds to show that the easement has been negotiated across the rear property.	Yes
DS1.6 Onsite retention and roof runoff using detention tanks and storage/reuse must be provided.	Rainwater tanks included as part of the BASIX assessment.	Yes
DS1.7 Runoff is discharged to the road kerb, easement or downstream, property.	Yes easement has been negotiated to ensure	

	compliance.	
DS1.8 Onsite infiltration is maximised.	Yes onsite detention is included in the design	Yes
DS1.9 Overland flow paths are designed for the 100-year ARI event.	Compliant	Yes
DS1.10 Onsite stormwater and drainage is to be designed for the 20-year ARI event.	Compliant	Yes
DS1.11 Where the property falls to the street, the drainage system is to be gravity-fed.	Due to the natural fall of the land to the north the stormwater drainage can not be connected to Forest Road and an easement has been negotiated along the rear Peake Street so that stormwater can drain via gravity to this rear street.	Yes
DS1.12 Discharge point to the gutter must not exceed 25L/sec.	Calculations were provided which show compliance	Yes
DS1.13		

	Development on sites more than 700m^2 must discharge into Council's drainage system. A gully pit with a 2400 lintel is to be constructed; a new pipe is required if no pipe exists.	As previously mentioned discharge will be to the rear.	Yes
	DS1.14 All other impervious surface runoff is to drain by gravity to Council's drainage system.	Designed to comply	Yes
	DS1.20 OSD facilities shall be designed in accordance with Council's Drainage and OSD Policy.	OSD system compliant	Yes
	DS1.21 Pump-out systems are only allowed to drain basements and driveway ramps.	Engineers have included a standard condition regarding this matter.	Yes
4 Specific Controls for Residential Development			
4.1 Residential Flat Buildings			
Neighbourhood Character Development is sited and designed to respect existing or desired future neighbourhood and	DS1.1 The development application is supported by a Statement of Environmental Effects	All relevant specialist documentation accompanies the	Yes

streetscape character, including: a. the pattern of development of the neighbourhood, including elements that shape the streetscape such as the relationship and interface between the public and private domain b. the built form, scale and character of surrounding development including height, setbacks, front fencing, roofs and the location and proportions of private open space c. notable natural features of the site, including topography and vegetation	(SEE) that: a. includes a satisfactory neighbourhood and site description, including identification of key features of the site and neighbourhood. b. shows how the siting and design response derives from and responds to the key features identified in the neighbourhood and site description. c. demonstrates that the residential development proposal respects the existing or desired neighbourhood character and satisfies objectives of the zone in the LEP	application. The site analysis plan shows the character of the area which is mixed and includes a variety of land uses, commercial, industrial, lower scale residential and medium density developments. It is a varied and mixed locality.	
Site Frontage Site frontage enables: a. siting of a building and structures b. provision of adequate setbacks c. provision of adequate landscaped open space d. efficient vehicle access, parking and manoeuvring e. creation of high quality built form	DS1.2 The minimum street frontage is 24m **Note:** minimum street frontage may be reduced where development is proposed on an isolated site.	97.8m The site is not isolated	Yes
Isolated Sites	DS3.1		

Development: a. enables suitable development of existing isolated sites in a manner which responds to the site context and constraints and maintains a high level of amenity for future occupants and neighbours. b. avoids the creation of isolated sites as a result of the development of adjoining lots	Where a site is isolated, Council will consider on merit an application for an RFB which does not meet minimum frontage requirements.	Not considered to be an isolated site as the development consolidates six (6) allotments.	Yes
	DS3.2 Where an application for a Residential Flat Building will result in the creation of an isolated site, the applicant must show that reasonable efforts have been made to amalgamate the site. Where this has not been achieved, it must be shown that the isolated site is capable of accommodating a suitable development in the future. In order to satisfy this requirement the applicant must provide: a. evidence of offers made to acquire the site to be isolated (e.g. correspondence including responses to offers) based on at least two independent valuations. These valuations must be based on the site to be isolated forming part of the development site.	The development potentially isolates two corner allotments to Council car park to the east and the Petrol Station to the west. These are two unique sites as the Council carpark is a well utilised facility and unlikely to be redeveloped in the immediate future and the Petrol Station is an existing commercial use that has recently been renovated and also provides an important local service that is in operation which is unlikely to be abandoned or not utilised. The site can be redeveloped similar to the townhouses that have been built at No.23 Peake Parade.	Yes

	b. a schematic design which demonstrates how the isolated site may be developed		
Building height: a. is compatible with the existing or desired future character of the area b. creates human scale streetscapes c. creates functional and high amenity internal spaces d. enables adequate solar access to the main living areas and principal private open space e. facilitates penetration of desirable natural breezes f. facilitates view sharing	DS4.1 Maximum building height is in accordance with Hurstville LEP 2012 and three storeys.	The development is four storey's in scale which is not incompatible with other RFB developments in the immediate area. The height of the buildings slightly exceed the 12m statutory height limit. A Clause 4.6 Statement accompanies the application and is considered to be well founded in this case. A detailed discussion was provided earlier in this report.	No but fourth storey is considered to be an acceptable design solution
Excavation Excavation minimises disturbance of the existing landform and facilitates engagement between the public and private domains, including providing opportunities for direct overlooking of the street from the main living areas	DS5.1 Natural ground level is not to be excavated more than 500mm for the finished ground floor level.	The basement requires excavation greater than 500mm but that is considered satisfactory as it is hidden and will not be a visible element.	No but satisfactory
	DS5.2		

	Maximum excavation for a finished floor level facing a public street is 500mm below natural ground level.	No excavation is proposed at the street level. Apartments that face the street (Block A) are located at street level. As the land slopes up from the west to the east by approximately 1m the apartments facing the street in Block B are located lower than street level as the finished ground floor level of both buildings is the same. The amount of excavation is about 1m and only affects units facing the street for Block B.	No but considered acceptable.
Setbacks: a. are compatible with predominant patterns of buildings and gardens that define the existing and desired character of the neighbourhood b. engage with and activate the street c. reduce the appearance of building bulk d. enable adequate solar access to the main	DS6.1 The minimum setback to a primary or secondary street is 6m. **Note:** Setbacks to the side and rear boundary and building separations are to be provided in accordance with the design criteria in the Visual Privacy.	Minimum 6m front setback is proposed some parts of the building is setback further as the built form is staggered and articulated.	Yes

living areas and principal private open space e. facilitate penetration of desirable natural breezes f. facilitate view sharing g. minimise noise transmission	D6.2 An articulation zone allowing for lightweight elements (eaves, sunhoods, blade walls, battens, etc.) may intrude up to 1m within a road boundary setback for a maximum of 25% of the horizontal distance of the total façade.	There are no architectural features that protrude within the front boundary setback. The only areas located within this area are terraces at the ground floor level and a small encroachment by balconies at the upper levels. They are within the stipulated "articulation zone".	Yes
Vehicle access, parking and manoeuvring is provided on site and: a. caters for the needs of residents and visitors b. minimises visual impact on scenic quality or streetscapes c. ensures the safe movement of vehicles and pedestrians	DS7.1 Carparking is to be provided as follows: • 1 space per 1 or two bedroom dwelling • 2 spaces per 3 or more bedroom dwelling • For developments with more than 4 dwellings, 1 visitor space per 4 dwellings or part thereof. Required: 1 x 66 = 66 car parking spaces 2 x 6 = 12 spaces Visitor = 18 spaces Total = 96 spaces are	The proposal complies with the car parking provisions of the ARH SEPP which are applicable to this development. The DCP parking provisions are not applicable. As a guide the DCP would require the provision of 96 car parking spaces whilst the development provides for 83 spaces. The non-compliance is	N/A

	required.	considered satisfactory given the very convenient and accessible location of the site and the development exceeds the parking requirements of the ARH SEPP and ADG which override the DCP standards.	
	DS7.2 Car parking is provided in basement form or provided behind the main building face and is not visually prominent from the street.	Complies	Yes
	DS7.3 Vehicle access and manoeuvring space must not occupy more than: • 40% of the frontage where street frontage is 20m or less • 33% of the frontage where street frontage is more than 20m	The development has been designed to comply. The driveway takes up 8% of the site frontage which is well within the maximum 33%	Yes
	DS7.4 Maximum height of a basement above natural ground level: 1m	The basement protrudes no more than 1m above ground	Complies - Yes

		level.	
	DS7.5 Large exposed foundations, voids and walls facing street frontages are not created as part of basements.	No high walls exposed foundations, protrusions of the basement above ground at street level.	Yes
	DS7.6 Basement parking is adequately ventilated.	The basement car park opening will allow for ventilation through the panel lift door that is proposed.	Yes
Landscaped Open Space Landscaped open space is provided on site and: a. is useable for a range of passive recreation purposes b. is consistent with and enhances the existing landscape character of the area c. mitigates the visual impact on buildings and infrastructure d. achieves appropriate levels of amenity and safety for new dwellings e. facilitates activation of the street	DS8.1 At least 20% of the site area is to consist of landscaped open space.	Approximately 33% (1,358sqm) of the site is landscaped (this calculation only includes areas which have a width greater than 2m).	Yes
	DS8.2 Minimum dimensions of landscaped open space is 2m in any direction.		
	DS8.3 Landscaping between the street boundary and the front of the building shall maintain a balance between visual impact of the development and maintaining causal	Landscaping within the front setback is well planned as part of the area comprises of terraces for individual	Yes

	surveillance.	apartments with the first 4m of the space comprising of deep soil area which will allow for dense and attractive planting and vegetation.	
	DS8.4 A landscape plan is to be provided by a qualified person which addresses design solutions.	Application is accompanied by a detailed Landscape Plan prepared by a qualified Landscape Architect	Yes
Solar Access Development ensures an appropriate amount of solar access to main living areas and areas of principal private open space of adjoining sites	DS9.1 Development must permit at least 3 hours of sunlight to the windows of living areas and adjoining principal private open space of adjacent dwellings between 9:00am and 3:00pm on June 21.	Complies – the main overshadowing that is generated by the development is onto Forest Road which is located to the south. There is minimal overshadowing to the east and west. Adjoining properties will all receive a minimum of 3hours of solar access during midwinter	Yes
Noise Development is sited,	D10.1 Windows of adjacent	Windows are	Yes

designed and constructed to: a. minimise the intrusion of noise from external sources into habitable rooms, in particular bedrooms b. minimise noise transmission between dwellings within the development and from the development to adjoining dwelling houses	dwellings are separated by at least 3m	designed to be offset and will be located a minimum of 6m from any adjoining property	
	D10.2 Site layout separates active recreation areas, parking areas, accessways and service equipment areas from bedroom areas.	These services are all sensitively located and will not affect key habitable areas.	Yes
	D10.3 Dwellings are designed so that the internal noise level from outside sources does not exceed the parameters established by the NSW Environment Protection Authority (EPA).	Satisfactory. The Acoustic report which accompanies the application provides a series of construction methods to be included so that external noise sources are mitigated (impact of Forest Road) such as double gazing to windows, finishes to windows and openings and floor covering which will absorb noise. A condition will require the implementation of the recommendations	Yes

		in the report during construction.	
Streetscape Development creates a high quality interface between the public and private domain that contributes to the creation of streetscapes that: a. are compatible with the existing or desired future scale and form of adjoining and surrounding development b. respond to dominant architectural elements of existing housing that contributes to neighbourhood character, including roofs, windows, colours, materials and other details c. are compatible with the existing or desired future street rhythm established by elements such as topography, building width and building separation d. contribute to the creation of a public domain that is attractive, comfortable, safe and active	DS11.1 Development on corner sites addresses both street frontages and provides opportunities for passive casual surveillance of the public domain from main living areas and principal private open space through the use of large transparent windows and other openings. **Note:** Large expanses of blank, unarticulated walls on any street frontage is not supported.	The subject site is not located on a corner. The development has been designed to encourage natural surveillance of spaces and areas within and around the development.	Yes
	DS11.2 In more urban streetscapes, development emphasises corners by increased scale or massing treatments compared to the remainder of the building. **Note:** compliance with maximum building height under the LEP must be achieved in	N/A as the site is not on a corner	N/A

these situations.		
DS11.3 Roofs: a. Have a pitch of 35^{o} r up to 45^{o} where an attic is involved. b. Provide a varied shape with hips, gables or other forms c. Mark the entrance to a building by the use of a porch, portico or similar element	The proposed flat roof does include some varying architectural features to provide some greater interest to this upper level i.e small skillion forms at the edges. Entrances include small portico elements to emphasis main entries.	Yes
DS11.5 To reduce building bulk and increase visual interest through articulation, maximum wall lengths on one plane shall be 6m. Note: Lengths greater than this may be acceptable where the elevation incorporates visually significant changes in massing and form and the use of articulation such as recesses, projections, balconies, blade walls and similar	The buildings are well modulated and articulated. Materials and finishes are consistent and proportions are the same just varying features are integrated into the design to provide visual interest and break up the form and bulk. Bays are created in both buildings to provide verticality and then the use	Yes

		of slightly different architectural elements in the facades creates variety and divides the built form up into vertical and horizontal elements which satisfies the design intent of this control. The fourth level being recessed further reduces the visual mass.	
Stormwater Stormwater management is provided on site and: a. provides for the efficient and functional mitigation of stormwater impacts b. does not adversely affect other properties c. promotes on-site infiltration d. causes minimal change to existing ground levels e. does not detract from streetscape quality	DS12.1 Stormwater management is in accordance with Section 3.7 of this DCP.	Compliant and conditioned appropriately.	Yes
Fencing Front fencing: a. provides appropriate levels of privacy, security and noise attenuation b. activates the street	DS13.1 Fencing is in accordance with Appendix 2.	Condition will require all fencing to be a max of 1.2m in height with 50%	Yes

and provides opportunities for passive casual surveillance of the street c. contributes to a high level of visual streetscape quality		transparent.	
Site Facilities Building services are provided on site that: a. cater for the needs of residents b. are integrated with the balance of the development c. do not detract from streetscape quality	DA14.1 Electricity and phone lines are provided underground, unless there the connection of electricity and telephone lines directly from the service pole to the fascia of the front dwelling.	Compliant	Yes – conditioned.
	DS14.2 Mail and garbage collection areas are integrated into the overall design of the development.	Compliant and sensitively located in the basement for waste. There is an area designated for letterboxes along the main central entry which has easy access for mail delivery and collection by occupants.	Yes
	DS14.3 Development provides space for the storage of recyclable goods within each dwelling or in a central storage area.	Storage provided in the basement for larger goods.	Yes

	DS14.5 Storage is provided in accordance with the ADG	Satisfactory and in accordance with the ADG	Yes
	DS14.6 Communal outdoor clothes dying facilities must be screened from the street.	Laundry facilities provided internally within each unit.	Yes

Building height and number of storeys

Design Solution DS4.1 of the HDCP states that "*the maximum building height is to be in accordance with the Hurstville LEP 2012 and 3 storeys*".

This design and planning provisions requires compliance with two controls;

1. The nominated and established building height pursuant to HLEP 2012 and
2. To have three storey's

In respect to No.1 the development has been designed to generally comply with the 12m height limit with the exception of some variation in the height control which is being justified by way of a Clause 4.6 Statement and has been discussed in greater detail earlier in this report. Despite this the building has been designed to facilitate a four storey built form. In this case it would not comply with the second requirement of the design solution (the three storey limit).

Many new developments in the area are viewed as four storeys at the street level as the sites within this precinct are steep and fall from the rear to the front and so the ground floor level is often technically below ground. However visually become a four storey development with upper levels stepped back. Alternatively on flat sites the fourth storey contains the communal area of open space and associated amenities and structures (pergolas, stairs, lift access and WC) so although not habitable are still considered to be a storey.

The non-compliance is considered satisfactory in this case as the fourth level is largely within the desirable built form and respective intended envelope, the upper level is recessed and well articulated and generally satisfies the objectives of the height control in the HDCP which include;

- *is compatible with the existing or desired future character of the area*

- *creates human scale streetscapes c. creates functional and high amenity internal spaces*
- *enables adequate solar access to the main living areas and principal private open space*
- *facilitates penetration of desirable natural breezes*
- *facilitates view sharing*

The development in its four storey form will not adversely affect the amenity of adjoining properties and will not be out of scale, form or character in this mixed use precinct.

For the reasons outlined above, the non-compliance is considered to be acceptable on merit.

(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and,

Comment: there are no planning agreements that pertain to this site.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

Comment: There are no further prescribed matters under the Regulations apart from compliance with the National Building Code of Australia (BCA) and meeting the Australian Standards for parts of the design.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Natural Environment

The proposed development is unlikely to result in adverse impacts to the natural environment. The site contains largely exotic, introduced vegetation. One large and more significant Watergum will be preserved as part of the development. There is one street tree located on the nature strip at the front of the site that will be retained, protected and enhanced by the removal of existing driveway crossings and provision of more trees and grass to create a consistent street, landscaped verge.

The proposed landscape solution for this larger, integrated development aims to create a coherent and formal landscaping design that aims to improve the visual quality of the immediate environment, the streetscape and the site itself.

Built Environment

The proposed development is unlikely to result in adverse impacts to the built environment. In fact the architectural design, use of high quality materials and finishes will create an interesting and vibrant built form. The development will create a positive contribution to the streetscape and will enhance the public domain.

Social Impact

The proposed development will have no adverse social impact in fact it will fulfil a much needed housing requirement in the area by providing more social housing and affordable accommodation in this accessible and convenient location.

Economic Impact

The proposed development will have no adverse economic impact in fact it will benefit the longer term viability and the sustainability of the adjoining small neighbourhood commercial centre of Peakhurst. Also through the construction process the development will ensure employment in this industry in the short term if this development is approved.

(c) the suitability of the site for the development,

Comment: The site has no impediments that would preclude it from being suitable for the proposed development. The site is zoned to permit medium density residential development. Affordable housing is encouraged and this is an ideal location.

(d) any submissions made in accordance with this Act or the regulations,

Comment: The proposal has been notified and all submissions received have been considered in detail below.

(e) the public interest.

Comment: The proposal satisfies the applicable EPI's and object of the Act and accordingly is considered to be within the Public interest. The development will not adversely affect the amenity of immediately adjoining properties and will not negatively affect the character and nature of the neighbourhood.

Having regard to its size, shape, topography, vegetation and relationship to adjoining developments, the subject site does not contain any impediments that would preclude it or compromise its suitability for the intended land use as proposed.

Environmental Planning and Assessment Regulations 2000 (EP&A) Regs 2000

The proposed development satisfies the relevant matters for consideration for development under the Regulations.

Development Contributions

The proposed development requires payment of **$471,906.18** in accordance with Section 7.11 (Contributions towards the provisions or improvement of amenities or

services) based on the provisions of additional dwellings on the subject site. The contribution amount is based on the following:

Contribution Type	**Contribution Amount**
Hurstville Section 94 Development Contributions Plan 2012 - Residential (Community Facilities)	$58,472.59
Hurstville Section 94 Development Contributions Plan 2012 - Residential (Open Space, Recreation, Public Domain)	$413,433.59
Total Contributions:	**$471,906.18**

SUBMISSIONS AND THE PUBLIC INTEREST

The application was notified to immediately adjoining properties and they were given a 14 day period in which to comment (between the period of 16 January to 6 February 2019). Notification procedures were conducted in accordance with Council's requirements. Two (2) submissions were received raising concerns with the scheme with one (1) submission was received in support of the proposal. The following issues were raised by the submitters.

- **The density of the development comprising of 72 units is too large and the proposal is considered an overdevelopment of the site.**

Officer Comment: As detailed earlier in this report the proposal complies with the maximum Floor Space Ratio (FSR) which is permitted and as the proposal is including a social housing and an affordable housing component a bonus in floor space is provided in accordance with the ARH SEPP.

The general building footprint and envelope complies with the ADG provisions and HDCP provisions and the front, side and rear setback of the building complies, a greater amount of open space and deep soil/landscaped area is provided and the car parking provisions comply. The building satisfies the anticipated and desired future development outcome for this site.

The permissible gross floor area (GFA) dictates the bulk and form of the building to a large degree. The development is compliant with the anticipated GFA so the bulk and scale is within expected levels. The buildings have been designed to respect the amenity of adjoining developments and the rear area comprises of landscaped area and screen planting. The density is considered to be reasonable given the large, integrated and consolidated nature of the site.

- **Overshadowing**

Officer Comment: The only immediately adjoining property that will be overshadowed by the development in midwinter is the Petrol Station to the west. It will be overshadowed from 9am until 12noon. In the afternoon there is no affectation and therefore this property will receive a minimum of 3hours of solar access during the day in midwinter.

It should also be considered that this is a commercial property and so the overshadowing will not affect any habitable areas or areas of open space. Most of the shadowing is towards the eastern side and affects the existing roof.

The concern regarding overshadowing was raised by two residents that reside at No.23 Pearce Street, to the north-west of the site. The development does not overshadow this property.

- **Insufficient rear Boundary setback**

Officer comment: Originally the development was setback 6m from the rear and this was later increased to 9m along the north-eastern side and the area of communal open space enlarged. The ADG requirement is a minimum 6m separation distance along the sides and rear of the site. This is achieved at all levels with the building being setback further along the north and north-eastern side.

- **Four storey scale is inappropriate**

Council comment: The issue of the four storey scale and form of the buildings has been addressed in much detail throughout this report. It is considered that the buildings can be accommodated within a four storey form as the development generally complies with the statutory height limit. Small elements of the roof form and the lift overrun exceed the 12m height control but these are considered to be minor and satisfactory in this case. The site is located on a wide and busy roadway which can handle and accommodate a taller and higher scale as the development will not result in any adverse amenity impacts and is considered to be an appropriate design and planning solution for this site.

- **Improvement in the current environment and visual appearance of the properties which are derelict**

Officer comment: The one submission in support of the application has come from the immediately adjoining neighbour to the west, the Service Station. They acknowledge the need for the redevelopment of this site as it currently lies idle and derelict which adversely affects the visual appearance of the street and reflects poorly on the precinct. Sites like these need attention and redevelopment more urgently than sites that are still functional.

The Service Station is keen to see any modern and contemporary redevelopment of this site but requests that if the development is approved and built that occupants can not object to the operations of the service station.

This objection is a reasonable and an understandable request however the consent authority has no way in ensuring this will not occur in the future. One can only hope that if the service station operates in accordance with its consent and the fact it is an existing use that has been operating at the site before the development the new tenants and occupants respect the nature of the land use and its daily operation and there will be no conflicts.

REFERRALS

Council Internal Referrals

Senior Building Officer (Major Projects)

Council's Senior Building Officer has raised no objection subject to conditions of consent being attached to any consent granted.

Development Engineer

Council's Development Engineer has raised no objection subject to conditions of consent being attached to any consent granted. The OSD basin may require to be enlarged in accordance with Council's requirements and this can be achieved given the area where the OSD is proposed at the rear and the fact there remains space to accommodate a bigger basin. As previously mentioned the Applicant has also negotiated an easement across the rear as the site as the site drains down to the north.

Traffic Engineer

Council's Traffic Engineer has examined the application and has raised no objection to the development in principle subject to conditions of consent requiring the car spaces to comply with the Australian Standards. The only comment that was raised was that they calculated the need for 12 visitor spaces whilst only 11 have been provided.

In response to Council's Traffic Engineering comment, the development is governed by the provisions of the ARH SEPP which outlines minimum car parking provisions for "affordable" housing developments. These rates are less than Council's DCP requirements as the development is located within an "accessible" area with convenient access to public transport to main commercial centres (Hurstville and Parramatta) and also within walking distance to the Peakhurst shopping precinct. The ARH SEPP parking provisions do not stipulate a need for visitor spaces however the development has included visitor spaces and exceeds the minimum numerical requirement for parking (63 spaces required whilst 83 spaces are provided).

Environmental Health Officer

Council's Environmental Health Officer has raised no objection subject to conditions of consent being attached to any consent granted.

Coordinator of Environment Sustainability and Waste

Council's Coordinator of Environment Sustainability and Waste reviewed the proposal and has raised no objection "in principle" subject to conditions of consent being attached to any consent. The waste arrangement has been designed to cater for on-site removal of waste twice a week by a private contractor. The arrangement is in accordance with the Waste Management Plan that was lodged with the application and prepared by Dickson Solutions and dated December 2018. Council's Waste Services Section is satisfied with this Plan however have conditioned the development appropriately.

The arrangement requires an SUV to access the basement. The clearance height for the basement is 3.5m which caters for this type of vehicle and the Traffic report submitted with the application shows that the swept path distances comply for an SUV to enter the site and access the loading area.

A condition has also been included to remove two car parking spaces and provide a bulky waste store room for larger articles and furniture that may require removal. The purpose of this room is to potentially avoid illegal dumping on the roadway of larger items. The development exceeds the car parking requirements and the ARH SEPP doesn't require the provision of visitor spaces so the reduction in car spaces in this instance is considered satisfactory.

Council's Landscape Management Officer

Council's Consultant Arborist has raised no objection subject to conditions of consent being attached to any consent granted.

External Referrals

Roads and Maritime Services (RMS)

The application was referred to RMS in accordance with the provisions of Clause 102 of the Infrastructure SEPP. RMS provided formal concurrence on 21 February 2018 and raised no objection to the application subject to conditions of consent being attached if consent is granted.

CONCLUSION

The application has been assessed having regard to the Heads of Consideration under Clause 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans.

The application seeks approval for the consolidation of six (6) allotments, demolition of all dwellings and associated structures and the construction of two (2) x four (4) storey RFB's comprising seventy-two (72) residential units, over one (1) basement car parking level catering for eighty-three (83) car parking spaces. The development includes twelve

(12) social housing units and seventeen (17) affordable housing units associated landscaping and site works.

The proposed development application was lodged on the 20th December 2018 with a capital investment value of $15,262,105 (the affordable component amounting to $7,182,975) which classifies the development as Regionally significant. Therefore, the Sydney South Regional Planning Panel is the consent authority.

The subject site occupies one Street frontage with a total site area of 4,072 m².

The site is Zoned R3 – Medium Density and the proposed residential land use is permissible with an applicable FSR of 1.38:1 for this development (relying on the bonus FSR of 0.38:1 due to the affordable housing component) and maximum height control of 12m.

The immediate area is experiencing an urban renewal transition from low to medium density development whereby Council is in receipt of numerous applications for new RFB's some of which relate to adjoining sites simultaneously such as the subject application.

As such, the proposal has also been assessed in context of its surrounding and adjoining current proposals. It is generally located within a mixed use precinct with a variety and diversity of land uses immediately adjoining the site (commercial, industrial and residential).

The proposal has been reviewed (and amended) on several occasions by the DRP.The development has been designed to satisfy the key provisions of the ADG and it is considered that the built form and design is considered to be satisfactory.

The proposal seeks to depart from Clause 4.3 (Building Height control) with the variation considered to be minor and a Clause 4.6 Statement was submitted and assessed on the basis of minimal environmental impacts and the limitation of the height breach to the lift over run and associated roof parapet. The departure has been assessed in consideration of the five part test guided by previous judgments of the Land and Environment Court proceedings and is considered acceptable in this circumstance.

Notwithstanding, The development has been assessed against the requirements of the relevant planning instruments and development control plans and is consistent with those requirements except in the height of the development relating to the lift overrun and in part the roof parapet element (skillion form). Following detailed assessment it is considered that Development Application No DA2018/0580 should be approved subject to conditions.

DETERMINATION AND STATEMENT OF REASONS

The reasons for this recommendation are:

- The proposed development complies with the requirements of the relevant environmental planning instruments and development control plan except in the height of the development which is considered acceptable having regard to the justification provided in the report above.
- In this case the Clause 4.6 Statement is considered to be well founded and the non-compliance with the height control is reasonable in the circumstances of the case.
- The proposal has been designed to generally satisfy the key provisions of the apartment design guide (ADG) in terms of meeting separation distances, the provision of landscaping and area of communal open space. The design will fail to fully comply and satisfy with the cross ventilation requirements when the openings to habitable areas facing Forest Road need to be closed and mechanically ventilated however this may not occur all day only when these spaces are in use as most are bedrooms. Despite this the development has been designed to comply.
- The development satisfies the provisions of the ARH SEPP and will provide much needed social housing and affordable housing in the area as 38% of the development is dedicated as affordable.
- The proposed design has been sensitively considered to be consistent with the anticipated, desired future character for development in this area.
- The proposal aims to provide a high-quality building that will establish a positive urban design, architectural and planning precedent in the area.

THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979, as amended, the South Sydney Planning Panel, grants development consent to Development Application DA2018/0580 for site consolidation and construction of two (2), four (4) storey Residential Flat Building development comprising of seventy-two (72) residential units (comprising of seventeen (17) “affordable” units and twelve (12) social housing units) basement car parking and landscaping on Lots 267 to 271, DP 36537, and known as 824-834 Forest Road, Peakhurst subject to the following conditions of consent:

Section A GENERAL CONDITIONS

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

Description	**Reference No.**	**Date**	**Revision**	**Prepared by**
Site Context	DA01	13/5/19	B	Zhinarchitects

Site Analysis	DA02	13/5/19	B	Zhinarchitects
Site Plan	DA03	13/5/19	B	Zhinarchitects
Basement Plan	DA04	13/5/19	B	Zhinarchitects
Ground Level Plan	DA05	13/5/19	B	Zhinarchitects
Level 1 Plan	DA06	13/5/19	B	Zhinarchitects
Level 2 Plan	DA07	13/5/19	B	Zhinarchitects
Level 3 Plan	DA08	13/5/19	B	Zhinarchitects
Roof Plan	DA09	13/5/19	B	Zhinarchitects
Elevation	DA10	13/5/19	B	Zhinarchitects
Section	DA11	13/5/19	B	Zhinarchitects
Shadow Diagrams	DA12	13/5/19	B	Zhinarchitects
Height Study	DA13	13/5/19	B	Zhinarchitects
Material Schedule	DA14	30/10/18	A	Zhinarchitects
Photomontage	DA18	30/10/18	A	Zhinarchitects
Landscape Plans	Sheets 1 - 4	11/4/19	F	Paul Scrivener
Survey Plan	Sheet 1	undated	N/A	Public Works Advisory

Section B – Separate Approvals Required by Other Legislation

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

Separate approval is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 for any of the following activities carried out in, on or over a public road (including the footpath) listed below. This approval is to be obtained from RMS.

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

(a) Placing or storing materials or equipment;

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

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

The relevant Application Forms for these activities can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6222.

3. **Below ground anchors - Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993** - In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council or RMS roadways/footways, an application must be lodged with Council or RMS under Section 68 of the *Local Government Act 1993* and the *Roads Act 1993* for approval, prior to commencement of those works.

The following details must be submitted:

(i) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council;

(ii) The applicant has indemnified council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council.

(iii) Documentary evidence of such insurance cover to the value of $20 million;

(iv) The applicant must register a non-terminating bank guarantee in favour of Council. An amount will be determined when the application is lodged;

(v) The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.

(vi) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

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

(a) Construct a 1.2m wide footpath for the full length of the frontage of the site on Forest Road in accordance with Council's Specifications applying at the time construction approval is sought.
(b) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
(c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.

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

5. **Road Opening Permit -** A Road Opening Permit must be obtained from Council and/or RMS for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

6. **Above ground power lines –** Where practicable, all existing overhead power lines within or adjacent to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power line underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilised at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.

Section C - Requirements of other Government Authorities

7. **Roads and Maritime Services (RMS)** – RMS has reviewed the submitted application and provide concurrence under Section 138 of the Roads Act 1993 subject to the following conditions;

i) Roads and Maritime Services has previously vested a strip of land as road along the Forest Road frontage of the subject property, as shown by grey colour on the attached Aerial, marked “X”.

All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Forest Road boundary.

ii) The redundant driveways along Forest Road shall be removed and replaced with kerb and gutter to match existing.

The design and construction of the access and kerb and gutter crossing on Forest Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

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

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

iv) Roads and Maritime is currently undertaking a program to implement “Clearways” on State roads within Sydney. If not already in place, “Clearway” restrictions will be implemented along the full Forest Road frontage of the development site.

v) A “No U Turn” sign is to be installed on the back of the existing sign in the median opening for right turn into Pritchard Place at no cost to Roads and Maritime.

vi) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

vii) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

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

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

viii) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

ix) All vehicles are to enter and leave the site in a forward direction.

x) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclist travelling along the footpath.

xi) All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime. This includes the large Roads and Maritime owned structure holding a guide sign situated on the frontage of 834 Forest Road.

xii) The proposed development should be designed such that road traffic noise from Forest Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under *Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007*.

xiii) All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Forest Road.

xiv) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Forest Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf

8. **Sydney Water – Tap in TM** - The approved plans must be submitted to a Sydney Water Tap inTM to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au

then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap inTM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

9. **Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

   Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

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

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

10. **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 issuing the Construction Certificate

11. **Fees to be paid** - The fees listed in the table below will 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 will be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

    Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of $500,000 or over. Council will 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	$119,892.00 (calculation based on $1,236.00 per metre of each street frontage (97m frontage))
Driveway and Restoration Works Design Inspection Fee (Multi-unit Development)	$742.00 per inspection
DEVELOPMENT CONTRIBUTIONS	
Hurstville Section 94 Development Contributions Plan 2012 - Residential (Community Facilities)	$58,472.59
Hurstville Section 94 Development Contributions Plan 2012 - Residential (Open Space, Recreation, Public Domain)	$413,433.59
TOTAL CONTRIBUTIONS PAYABLE	**$471,906.18**

General Fees

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

Development Contributions

Indexation

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

Timing of Payment

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

Further Information

A copy of all current Development Contributions Plans may be inspected at Council's offices or viewed on Council's website www.georgesriver.nsw.gov.au.

12. **Building services** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of hydrant/booster pump and valve rooms, and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

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

13. **Damage Deposit - Major Works -** In order to insure against damage to Council property the following is required:

    (a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **$119,892.00**

    (b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee (for two inspections) to enable assessment of any damage and repairs where required: **$310.00**.

    (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.

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

    (a) Where possible the applicant is to redesign the internal layout of apartments within each floor to minimise the number of bedrooms sharing a common wall with the living areas of adjoining units. In the event that a redesign of any particular unit is not practicable then the applicant is to submit a construction methodology statement demonstrating how noise transfer from living area to the bedroom/s is to be controlled.

(b) The internal layout of Apartment B06 shall be redesigned so that the living area will face east and adjoin the larger area of ground floor private open space.

(c) Storage cages shall be integrated along the eastern wall of the basement above the tandem car parking spaces.

(d) Additional storage shall also be provided along the north-western wall (central location) where the proposed cut out is located.

(e) An updated basement plan shall be provided numbering all parking spaces with all one and two bedroom units having a minimum of one (1) dedicated car parking space with the three (3) bedroom apartments having two spaces dedicated to each apartment. This may require the reduction in the provision of visitor car parking and if this is the case the centrally located visitor spaces are to be utilised. Each tandem car parking space is to be allocated to a unit.

(f) Any remaining visitor car parking spaces shall be located along the western side of the basement and shall be line marked or sign posted accordingly.

(g) One (1) visitor car parking space shall be designated as a car wash bay. Details shall be included with the Construction Certificate Plans.

(h) An obscure glazed, fixed horizontal highlight window shall be included to the living/kitchen areas to apartment A03 on the ground floor.

(i) The master bedrooms to apartments A05 and B04 shall be redesigned so that the bedrooms have direct access to the private open space or at least include a window to this space.

(j) An obscure glazed horizontal highlight window shall be included to the master bedroom to apartments A15, B13, A24 and B23 along the north-eastern side.

(k) The secondary bedrooms to apartments B13, B14, B23, B24 shall include window openings to face each unit's balcony.

(l) A window opening shall be included along the north-eastern side of the bedroom to apartments A11 and A24.

(m) Operable skylights shall be integrated into every apartment located on Level 3 to further improve natural and cross ventilation.

(n) Any fencing proposed around the areas of private open space at the ground floor level shall have a maximum height of 1.2m with 50% of the fence being translucent.

(o) Seating shall be integrated into the central area of communal open space to be located under the pergola feature in the form of wooden benches.

(p) Timber privacy screens shall be integrated along the rear to the raised private terraces of apartments A03, A04, A05 and A06. The screens shall have a minimum width of 1m and height of 1.6m and shall be located in front

of the planter boxes.

(q) The main balconies to every apartment shall have a minimum area of 8sqm for a one-bedroom unit, 10sqm for a two-bedroom unit and 12sqm for the three-bedroom units.

(r) The Landscape Plan shall be updated to show the type, location and number of street trees to be planted along the Forest Road frontage of the Site. The development shall include an irrigation system that ensures planter boxes and associated landscaping can be easily maintained. Rainwater tanks are also to be included and screened from view.

(s) Where possible all ancillary services such as the hydrant booster, sprinkler system, electrical substation and any additional utilities that are required shall be sensitively located and screened where possible.

(t) A roller door to the basement car parking level shall be installed for security but shall be recessed and located at the end of the ramp to the north.

(u) Front fencing along Forest Road shall have a maximum height of 1m,

(v) The rear boundary fence shall have a height of 1.8m and shall include a 300mm timber lattice section on the top of the fence to provide some transparency but also ensure privacy is maintained.

(w) Corridors that intervene with services ducts shall not be any less than 1m in width.

(x) Storage cages are to be included behind the tandem spaces to allow for some additional storage capacity.

(y) The Applicant shall install solar (photovoltaic) panels on the roof of Block A and Block B to improve and enhance environmental performance and sustainability of the development. The panels shall be sensitively designed so they are not visible from the streetscape.

(z) Install viewers on entry doors to allow building occupants to see who is at the door before it is opened.

Amended plans detailing compliance with the above specifications shall be submitted to Council and shall be to the satisfaction of the **Manager of Development and Building.**

15. **Traffic** – The development shall comply with the following requirements;

- The layout of the proposed car parking and loading areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.

- All vehicles are to enter and exit the basement in a forward direction.

- All vehicles are to be wholly contained on site before being required to stop.
- Bicycle parking associated with the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities).
- All RMS requirements as per their advice to Council are to be adhered to as Forest Road is a State Road under their jurisdiction.
- Parking spaces shall be clearly designated (sign posted and marked on ground) and line marked prior to the issuing of an Occupation Certificate. Signage, pavement symbols and line marking shall comply with *Australian Standards, AS1742, Manual of Uniform Traffic Control Devices* and *NSW Road Transport (Safety and Traffic Management) Regulations 1999*.
- Driveway access to comply with figure 3.3-Minimum Sight Lines for Pedestrian Safety as per AS 2890.1:2004 of the Australian Standard for off-street car parking. Figure 3.3 specifies the minimum sight lines for pedestrian safety along a circulation driveway or domestic driveway.
- Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distance requirements stipulated in the *Australian Standards AS2890.1*.
- The maximum size of truck/service vehicle using the proposed development shall be restricted to Medium Rigid Vehicle with a maximum length of 7.2 metres.
- All vehicles shall enter and exit the premises in a forward direction.
- No deliveries to the premises shall be made direct from a public place or street inclusive of footpaths, nature strip, roadway and car parks.
- All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within the dedicated loading/unloading areas, which is wholly within the site.

16. **Signage -** A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

17. **Low reflectivity roof** - Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

18. **Crown Building Work** - Crown building and incidental work cannot be commenced to be carried out unless the Crown building and other development work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws except, as provided by Section 109R of the Environmental Planning and Assessment Act 1979.

19. **Construction Traffic Management Plan** - 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.

    The Construction Traffic Management Plan may require approval from RMS.

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

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

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

    Residential Waste

    The development will require the provision of the following waste and recycling facilities:

    If collection will occur **once a week** the waste room will be required to be enlarged as it is inadequate in size to cater for the number of bins. An amended plan would have to be submitted to the satisfaction of Council prior to the Construction Certificate being issued to ensure this arrangement satisfies Council's requirements.

    The bin room as proposed is large enough to cater for **twice weekly** bin collection and on this basis the following requirements will need to be implemented;

    (a) The waste arrangement and design shall be in accordance with the Waste Management Plan that was prepared by Dickens Solutions and dated

December 2018.

(b) An additional 1 x 240 litre mobile is required for Green Waste.

(c) Collection will occur solely on site by a Private Contractor.

The waste arrangement and confirmation of collection shall be provided to the satisfaction of the Certifier prior to issuing the Construction Certificate.

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

- waste room floor to be sealed;
- waste room walls and floor surface is flat and even;
- all walls painted with light colour and washable paint;
- equipment electric outlets to be installed 1700mm above floor levels;
- The bin storage rooms will be mechanically exhausted as required by AS 1668.2;
- light switch installed at height of 1.6m;
- waste rooms must be well lit (sensor lighting recommended);
- optional automatic odour and pest control system installed to eliminate all pest
- types and assist with odour reduction - this process generally takes place at
- building handover - building management make the decision to install;
- all personnel doors are hinged and self-closing;
- waste collection area must hold all bins - bin movements should be with ease of access;
- conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensured.
- Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
- Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.

This information shall be reflected on construction drawings submitted to the certifying authority.

22. **Bulky Goods Waste Room** – Two (2) visitor car parking spaces adjoining the designated waste room shall be converted into a bulky goods waste room. This room is to cater for larger goods such as furniture that is to be disposed of and can be stored in this space until collection occurs.

23. **Dial before your dig** – The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate.

The sequence number obtained from “Dial Before You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

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

25. **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 Certifier for approval prior to construction of the specified works.

    A copy will be forwarded to Council where Council is not the Principal Certifier.

26. **Access for Persons with Disabilities -** Access for persons with disabilities must be provided to the site, including to all foyer areas, basement carpark, required sanitary and kitchen facilities and allocated balconies in accordance with the requirements of the Premises Standards, the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application.

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

    In the event that full compliance cannot be achieved the services of an accredited access consultant is to be obtained to determine alternative methods of compliance, such a report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

27. **Commonwealth Disability (Access to Premises) Standard** - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (including a Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

28. **Access** - The recommendations of the Access Report prepared by Vista Access Architects Reference No. 182231 shall be implemented in the Construction Certificate Plans.

29. **Acoustic Report** - The recommendations of the Acoustic Report prepared by Rodney Stevens Acoustics and dated 11 April 2019 shall be included as part of the Construction Certificate Plans.

30. **Cross – ventilation requirements** - The recommendations of the Natural Ventilation Assessment prepared by SLR Consultants and dated May 2019 shall be integrated into the Construction Certificate Plans.

31. **BCA Report** - The recommendations within the BCA Report prepared by Steve Watson Partners and dated April 2018 shall be incorporated within the Construction Certificate Plans.

32. **Stage 2 Environmental Investigation** - The recommendations of the Stage 2 Environmental Investigation prepared by Dirt Doctors and dated 1 November 2018 shall be included within the Construction Certificate Plans.

33. **Traffic** – The recommendations included within the Traffic and parking assessment report prepared by Varga Traffic Planning and dated 29 November 2018 shall be included as part of the Construction Certificate Plans.

34. **Geotechnical** – The recommendations included within the Geotechnical report prepared by Morrow Consultants and dated 14 December 2018 shall be included as part of the Construction Certificate Plans.

35. **Vibration Damage -** To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

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

36. **Slip Resistance -** All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units will have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, will comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and will be detailed on the plans lodged with the application for the Construction Certificate.

37. **Advice from Fire and Rescue NSW -** Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of hydrant facilities and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire

Safety Provisions.

38. **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 any materials off site;
(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) traffic management details during construction.

The site management measures are to be implemented prior to the commencement of construction works. 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 will be kept on site and is to be made available upon request.

39. **Driveway Construction Plan Details** 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.

40. **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).

41. **Construction Traffic Management Plan** - 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 and/or RMS.

RMS and/or Council's Engineers will specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

42. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, during construction must be submitted to the Certifier prior to the issue of any Construction Certificate.

43. **Car Wash Bays** – Plans and specifications of the car washing system approved by Sydney Water must be submitted with the application for the Construction Certificate.

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

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

44. **Design Quality Excellence** - In order to ensure the design quality excellence of the development is retained:
(a) The design architect is to have direct involvement in the design documentation, contract documentation and construct stages of the project;
(b) Evidence of the design architect's commission is to be provided to the Council prior to the issue of the Construction Certificate.

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

46. **Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering will detail how Council's property will be supported at all times. RMS approval may also be required.

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

47. **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate must be implemented on the plans lodged with the application for the Construction Certificate in accordance with the BASIX Certificate No.0003923270 and dated 7 June 2019.

48. **Acoustic requirements for timber flooring** - If timber flooring is installed within the development, then appropriate insulation between floors shall achieve a minimum sound attenuation of (50Rw).

49. **Acoustic attenuation for apartments adjoining lift core** – Where bedrooms:

(a) Within apartments that adjoin the internal lift core;

then appropriate noise attenuation measures are to be applied to prevent transmission of noise in accordance with the Building Code of Australia (BCA)

50. **Vibration Damage -** To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

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

51. **Landscape Plans** - All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by Paul Scrivener, reference numbers – Dwg 1- 4/4, Issue E. The landscaping shall be maintained in accordance with the approved plans in perpetuity,

General Landscape Requirements

a) The proposed tree and plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives.

b) All thirty (30) trees proposed upon the approved landscape plan shall comply with *NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)* and AS2303 – 2018, *Tree Stock for landscape use* and be planted and maintained in accordance with Councils standard specification.
c) If the planted trees and plants are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.
d) A certificate of compliance for the planting of all trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.

52. **Compliance with submitted Arborist Report** - The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment prepared by Horticultural Management Services, dated 25th September 2018, must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites.*

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

Tree Species	**Location of Tree / Tree No.**	**Tree Protection Zone (metres) Fencing distance from trunk**
T24 – *Melaleuca quinquenervia*	Middle of site, to the rear	5.85 metres
T26 – Tristaniopsis laurina	Councils street tree	Fencing provided without blocking Councils footpath and roadway

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

Tree Species	**Location of Tree / Tree No.**	**Tree Protection Zone (metres) Fencing distance from trunk**
T24 – *Melaleuca quinquenervia*	Middle of site, to the rear	5.85 metres
T26 – Tristaniopsis laurina	Councils street tree	Fencing provided without blocking Councils footpath or

		roadway

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

- *The client shall engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current financial member of Arboriculture Australia – AA and or Institute of Australian Consulting Arboriculturists – IACA*
- *A certificate of compliance for tree protection measures shall be completed and forwarded to the PCA – Principal Certifying Authority, before works, during works and once all building works have been completed, that tree protection measures have been installed and maintained during the building process.*

General Tree Protection Measures

(a) All trees to be retained shall be protected before and maintained during excavation and construction.
(b) The tree protection measures must be in 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 who holds an AQF Level 5 or above in Arboriculture and who is a current financial member of Arboriculture Australia – AA and or Institute of Australian Consulting Arboriculturists – IACA.
(d) The Project Arborist must be present on-site during the stages of excavation and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
(e) Unless otherwise specified in AS 4970-2009 Protection of trees on development sites, a protective fence consisting of 2.4 x 1.8 metres high, fully supported chainmesh fence shall be used. The distance of the fence 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) To preserve the *Tristaniopsis laurina* – Councils street tree, no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until the trunk/ branches are protected, in accordance with AS4970 - 2009, Protection of trees on development sites, by the placement of two metre long lengths of 50mm x 100mm timber battens vertically arranged around the trunk, with 100mm spacing's and over geo woven fabric padding material. The timber battens shall be secured by wire/ hoop straps but not secured into the tree itself. The trunk/ branch protection shall be maintained intact until the completion of all works upon the site.
(g) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.
(h) No building products/ materials or services shall be installed within the TPZ

of the tree/s unless approved by Council. This fence shall be kept in place during excavation and construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.

Excavation works near tree to be retained – **T24 – *Melaleuca quinquenervia***

(i) 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.
(j) 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 construction works taking place.
(k) Tree Protection Zone around the trees to be retained are not to have soil level changes, building product / materials stored or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

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).

54. **Tree Removal & Replacement** - Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
T1 – Chamaecyparis obtusa "Cripsii"	X1	Fronting Forest Road
T2 – Acer negundo	X1	Towards the rear north east corner of the site
T3/4 – Prunus x blireana	X2	Towards the rear north east corner of the site
T5 /6 – Ligustrum lucidum	X2	Back north fence line
T7 – Lagerstroemia indica	X1	Middle of site
T8 – Morus nigra	X1	Towards back fence middle of site

T9 – Photinia glabra rubens		Towards back fence middle of site
T10 /11 – Ligustrum lucidum	X2	Middle of site
T12 – Syagrus romanzoffiana	X1	Middle of site, east side
T13 – Schefflera actinophylla	X1	Middle of site, east side
T14 – Jacaranda mimosifolia	X1	Towards Forest Road, east
T15 – Ligustrum lucidum	X1	Middle of site
T16 – Cinnamomum camphora	X1	Middle of site
T17 – Eucalyptus nicholii	X1	Middle of site
T18 / 19 – Ligustrum lucidum	X2	Middle of site
T20 – Pittosporum undulatum	X1	Towards Forest Road, east
T21 – Ligustrum lucidum	X1	Front boundary of Forest Road
T22 – Nerium oleander	X1	Middle of site
T23 / 25 - Ligustrum lucidum	X2	Middle of site
T27 – Cupressus x leylandii	X1	Front boundary of Forest Road
T28 – Corymbia ficifolia	X1	Front boundary of Forest Road
T29 – Photinia glabra rubens	X1	Front boundary of Forest Road
T30 - Tibouchina "Alstonville"	X1	Western boundary fence
T31 – Pinus radiata	X1	Middle of site, west end
T32 – Lophostemon confertus	X1	Back fence west end

General Tree Removal Requirements

(a) All tree removal shall be carried out by a minimum certificate Level 3,

Licenced and insured Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - *Pruning of Amenity Trees* and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).

(b) No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.

Street Tree Removal / Replacement by Council –

(a) Four (4) street trees of species to be determined and pot/ bag sizes minimum 75 litre, must be provided in the road reserve fronting the site, Forest Rd.
(b) Council shall be appointed to plant all trees on public land. All costs associated with the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.
(c) The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.
(d) The fees payable will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant conditions set out in this consent.

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

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

56. **Pre-Constructing Dilapidation Report –** A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises that shall be affected by the excavation as determined by the consulting engineer. The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

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

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to

Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

57. **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 easement to drain water in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
(b) Stormwater Systems with Basement - The underground basement car park must pump to and all other stormwater must drain by gravity to:
    i. the easement to drain water.
(c) The design of the proposed drainage system must be prepared by a professional engineer who specialises in hydraulic engineering and be submitted for approval with the Construction Certificate application.
(d) Protection of basement from inundation of stormwater waters.
(e) The construction of the building shall be designed to conform to the recommendations and conclusions of [Insert author and date] in regards to the protection of the underground basement from possible inundation by surface waters.

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

58. **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.

59. **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.

Note that the submitted stormwater concept plan does not comply with this requirement and this requirement must be adhered to and OSD volume must be increased to comply with this requirement and stormwater drainage concept plan must be amended accordingly.

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

(a) The pump stormwater pit shown in the Civil Engineering Plan prepared by WSP is acceptable to Council. The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 100 year storm.
(b) The pump system shall be regularly maintained and serviced, every six (6) months; and
(c) The drainage disposal shall be discharged to the OSD system. Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

61. **Stormwater Plans** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's stormwater drainage guidelines.

62. **Intensity of carpark lighting –** Prior to occupation, the intensity of lighting at the entrance to the basement carpark is to be designed to allow for progressive adjustment of light.

63. **Erosion & Sedimentation Control** - Erosion and sediment controls must be in place prior to commencement of any work on the site. These measures include:

(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 excavation and construction 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 excavation) and will remain until works are completed and all exposed surfaces are landscaped/sealed.

Section E – Prior to Commencement of Work

64. **Site Safety Fencing** - Site fencing will be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the construction work, except in the case of alterations to an occupied dwelling. The fencing will be erected before the commencement of any work and maintained throughout all construction work.

A high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

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

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

site,
(b) Photographs showing the existing condition of the kerb and gutter fronting the site,
(c) Photographs showing the existing condition of the footpath pavement fronting the site,
(d) Photographs showing the existing condition of any retaining walls within the footway or road, and
(e) The full name and signature of the structural engineer.

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

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

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

66. **Registered Surveyor's Report - During Development Work** - A report will be submitted to the Certifier 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 will be provided at each subsequent storey.
(e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
(f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey will indicate the reduced level of the main ridge.

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

67. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant’s expense.

68. **Structural Engineer's Details - Supporting Council road/footway** - Prior to the commencement of work in connection with the excavation of the site associated with the basement carpark, structural engineer's details relating to the method of supporting Council's roadways/footways will be submitted to the satisfaction of Council.

69. **Notification Requirements** - The following notification requirements apply to this consent:

(a) The developer/builder will notify adjoining residents five (5) working days prior to excavation. Such notification is to be a clearly written note giving the date works will commence, contact details of the developer/builder 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 site.
(b) Five (5) working days prior to excavation, the developer/builder is to provide written notification to Council advising of the commencement date, and details of the list of residents advised of the works.

70. **Structural Engineer's Details - Supporting excavations and adjoining land** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation will be submitted to Council and/or RMS if it will affect or extend beyond the common boundary.

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

72. **Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the Principal Certifier 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.

73. **Structural Engineer's Details - Supporting excavations and adjoining land** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation will be submitted.

74. **Development Engineering – Physical connection of Stormwater to site -** No work is permitted to proceed above the ground floor slab level of the building until

there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's drainage network in Lawrence Road.

Stormwater drainage connection to Council's infrastructure shall be carried out to the satisfaction of the Council's engineering services unit.

75. **Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the Principal Certifier 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.

76. **Stage 2 Environmental Investigation (Detailed Site Investigation Assessment) –** Excavation and building works shall demonstrate compliance with the recommendations submitted and approved by Council; titled Stage 2 Environmental Investigation (Detailed Site Investigation Assessment – 824-834 Forest Road Peakhurst – Job No. DDE-344_1 – Dated 1 November 2018.

77. **Hazardous or Intractable Waste – Removal and Disposal -** Hazardous or intractable waste arising from the excavation or construction process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and with the provision of:

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

78. **Site Contamination – Additional Information -** Any new information that comes to light during construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.

Section F – During Construction

79. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifier. 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.

80. **Site sign** - A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:

a) The builder's name, builder's telephone contact number both during work hours and after hours.
b) That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
c) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
d) That no skip bins or materials are to be stored on Council's Road Reserve.
e) That the contact number for Northern Beaches Council for permits is 9970 1111.

81. **Soil & Erosion Control Measures** - Prior to the commencement of works (including excavation), a durable site sign, issued by Council in conjunction with this consent, will 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 will remain in a prominent location on site up until the completion of all site and building works.

82. **Cost of work to be borne by the applicant** – The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends.

This construction shall be maintained in a state of good repair and condition throughout the course of construction.

83. **Obstruction of Road or Footpath** – The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

84. **Hours of Construction 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 must 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.

85. **Hazardous or Intractable Waste – Removal and Disposal** – Hazardous or intractable waste arising from the excavation or construction process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and all applicable legislation.

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

87. **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 public drainage system.

88. **Stormwater to Kerb** - Any stormwater connections to the kerb and gutter are to be in accordance with Council's *'Specification for Construction by Private Contractors'*.

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

89. **Redundant Driveway -** All existing vehicular crossings adjacent to the subject premises that have become redundant will be removed and the footway and kerb and gutter reinstated at the developer/applicant's expense.

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

91. **Public Utility & Telecommunication Assets** - The owner will bear the cost of

any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

92. **Works Zone** - The installation of a "Works Zone" for the site will require the approval from the Traffic Advisory Committee and/or RMS. As a result, the applicant will provide a formal request to Council's Traffic Section with the duration and exact location of the required "Works Zone" at least 6 weeks prior to its required installation date. All costs associated with the installation of a “Works Zone” will be at the applicant’s expense.

93. **Waste Management Facility** - All materials removed from the site as a result of site clearing, site preparation and, or excavation will be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like will be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials will be submitted to the Principal Certifier and Council, where Council is not the Principal Certifier.

94. **Site Safety Fencing** - Site fencing will be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the excavation and construction work, except in the case of alterations to an occupied dwelling. The fencing will be erected before the commencement of any work and maintained throughout any building work.

95. **Design Quality Excellence (Major Development)** -

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

i. The design architect, Ian Conry is to have direct involvement in the design documentation, contract documentation and construct stages of the project;

ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project;

iii. Evidence of the design architect’s commission is to be provided to the Council prior to release of the Construction Certificate.

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

Section G – Prior to Issue of Occupation Certificate

96. **Restriction on use of land –** Clause 17(1) SE*PP (Affordable Rental Housing)* - Infill Affordable Housing

For ten (10) years from the date of the issue of the Occupation Certificate:

The dwellings proposed to be used for the purposes of affordable housing, identified on the approved plans as **Units A14, A03, A05, A06, A09, A11, A17, A21, A25, A26, A27, A30, B10, B20, A19, A29, B08, A01, A02, A04, A07, A10, A12, A18, A22, A28, A15, A16 and A20.**

(a) will be used for the purpose of affordable housing, and

(b) All accommodation that is used for affordable housing will be managed by a registered community housing provider and/or a social housing provider.

A Restriction of Use of the Land is to be created using Section 88E of the Conveyancing Act 1919 over the subject property. This Restriction shall ensure that the requirements of Clause 17(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 are met and shall be worded as follows:

For a continuous period of ten (10) years from the date of issue of any occupation certificate (being an Interim or Final Occupation Certificate) the following Restrictions on the Use of the Land will apply:

(i) The dwellings proposed to be used for the purposes of affordable housing, identified on the approved plans as Units [insert number], [insert number], [insert number] will be used for the purpose of affordable housing, and

(ii) All accommodation that is used for affordable housing will be managed by a registered community housing provider.

This Restriction shall benefit Council and Council is to be nominated as the Authority to release, vary or modify this Restriction.

This Restriction on Use of Land shall be registered on the title of the land, prior to of the issue of any Occupation Certificate. Documentary evidence of the registration of this Restriction on title is to be supplied to the PCA with the application for any Occupation Certificate.

97. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

98. **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. Only the Principal Certifier appointed for the building work can issue the Occupation Certificate.

99. **SEPP 65 Design Verification Statement** - The Principal Certifier will not issue an Occupation Certificate to authorise a person to commence occupation of the

residential flat development unless the he/she has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65 Design Quality of Residential Flat Development*.

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

Restrictions on Use of Land

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

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

Positive Covenants

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
   - *(a) keep the system clean and free from silt, rubbish and debris*
   - *(b) maintain and repair at the sole expense of the registered proprietors the whole of the system so that if functions in a safe and efficient manner*
   - *(c) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
   - *(d) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*

2. *Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*
   (a) in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above
   (b) the Council may recover from the registered proprietor in a Court of competent jurisdiction:
      (i.) any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.
      (ii.) legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.

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

102. **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 will outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works

103. **Consolidation of Site** - The site will be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan will be registered at the NSW Land and Property Information prior to the issue of a final occupation certificate and will include any easements and covenants applicable to the land.

104. **Requirements prior to the issue of the Occupation Certificate** - The following

will be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

(a) All the stormwater/drainage works will be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
(b) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete will be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

105. **Development Engineering - Conditions relating to future Strata Subdivision of Buildings -** No approval is expressed or implied for the subdivision of the subject building(s). For any future Strata subdivision, a separate Development Application or Complying Development Certificate shall be approved by Council or an Accredited Certifier.

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

(a) Unit Numbering
Apartment type numbers shall be installed adjacent or to the front door of each unit.

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

(b) Car Parking Space Marking and Numbering
Each basement car space shall be line marked with paint and numbered in accordance with the strata plan lot numbering.

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

(c) Designation of Visitor Car Spaces on any Strata Plan
Any Visitor car spaces shall be designated on the final strata plan as "Visitor Parking - Common Property".

(d) Allocation of Car Parking Spaces, Storage Areas and Common Property on any Strata Plan.
i. All car parking spaces shall be created as a part lot of the individual strata’s unit lot in any Strata Plan of the subject building.
ii. All storage areas shall be created as a part lot of the individual strata’s unit lot or a separate Utility Lot (if practical) in any Strata Plan of the subject building.
iii. The minimum number of parking spaces required to be allocated as a part lot to each individual strata’s unit lot shall be in accordance with the car parking requirements of Council's Development Control Plan and as

required by the relative development consent for the building construction.

iv. No parking spaces shall be created as an individual strata allotment on any Strata Plan of the subject building unless these spaces are surplus to the minimum number of parking spaces required.

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

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

(e) On Site Detention Requirements - The location any on-site detention facility shall be shown on the strata plan and suitably denoted.

(f) Creation of Positive Covenant

A Positive Covenant shall be created over any on-site detention facility by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

"It is the responsibility of the Owner's Corporation to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The on-site detention facilities shall not be modified in any way without the prior approval of Georges River Council."

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

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

(a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;

(b) Driveways and vehicular crossings within the road related area;

(c) Removal of redundant driveways and vehicular crossings;

(d) New footpaths within the road related area;

(e) Relocation of existing power/light pole where required;

(f) Relocation/provision of street signs where required;

(g) New or replacement street trees where required;

(h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development will be turfed. The grass verge will be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.

(i) New or reinstated kerb and guttering within the road related area; and

(j) New or reinstated road surface pavement within the road.

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

107. **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;

A Works As Executed plan of Council's Stormwater system extension as constructed including all levels will be submitted and approved by Council.

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

108. **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 will cause the issue of a Final Fire Safety Certificate in accordance

with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate will 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.

109. **Acoustic Certification** - Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant will certify that the operation of the premises and plant equipment will not give rise to a sound pressure level at any affected premises that exceeds the relevant acoustic criteria. The development will at all times comply with these noise levels post occupation.

110. **BASIX Certificate** - All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, will be implemented before issue of any Occupation Certificate. A Compliance Certificate will be provided to the Principal Certifier regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

111. **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*.

Payment of the required Long Service Levy payment must be made and proof of payment provided to the Principal Certifier prior to the issue of an Occupation Certificate.

112. **Allocation of Car Parking Spaces** – A total of eighty-three (83) car parking spaces, and a minimum of eight (8) bicycle parking spaces associated with the development is to be allocated as follows, sign posted and/or linemarked accordingly:

- Seventy-six (76) residential spaces, including eight (8) accessible spaces.
- Five (5) dedicated visitor spaces.
    - One (1) of the five (5) visitor spaces is to also be a shared as a wash

bay.
- Eight (8) bicycle spaces.
- One Loading bay marked and signposted accordingly

The number of visitor spaces has been reduced given a Bulky Goods waste room is to be catered for. Also if the waste room will be increased further at the expense of any further car parking spaces then this condition may need to be modified in accordance with the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended).

113. **Electricity Supply** - Evidence will be provided demonstrating that the development has been connected to the electricity network.

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

115. **Stormwater & Ancillary Works** - Applications under Section 138 of the *Roads Act* and/or Section 68 *Local Government Act 1993*, the applicant must obtain all necessary approvals. 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 will 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 if applicable) 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.

116. **Completion of Landscape Works** – All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with approved landscape plans noted in Condition No.1.

117. **Allocation of street addresses** – In order to comply with AS/NZS 4819:2011

Rural and Urban Addressing, the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council's requirements, the street address for the subject development is allocated as follows:

Primary Address

824 Forest Road, Peakhurst NSW 2210

Unit Addresses

Refer to the attached list of unit addresses for the subject development

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

Additional comments

Please note that the allocated unit addresses are different to what was on the plan.

To ensure consistency of unit numbering within the western building (allocated as No. 830) each level will be starting with the unit 11 for e.g. 111, 211.

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

118. **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:

(a) The location of any detention basin/s with finished surface levels;
(b) Volume of storage available in any detention areas;
(c) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
(d) The orifice size/s

119. **Vehicular Crossing and 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 footpath for the full length of the frontage of the site in accordance with Council's Specifications for footpaths.
(b) Construct the vehicular crossing in accordance with Council's Specifications for vehicular crossings.
(c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering.
(d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

The above works shall be carried out 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.

120. **Dilapidation Report on Public Land for Major Development Only** – Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site.

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

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

The report must be provided to the PCA and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

NOTE: Council will use this report to determine whether or not to refund the damage deposit.

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

121. **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; and
d. Pipe inverts levels and surface levels to Australian Height Datum.

Section H – Operational Conditions (Ongoing)

122. **Lighting** - Any outdoor/security lighting must be located, designed, oriented and shielded in a manner that does not cause disturbance to surrounding premises and/or passing vehicular traffic. This requirement also applies to external lighting within the rooftop communal open space area.

123. **Activities and Storage of Goods Outside Buildings** - There will 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.

124. **Boundary fencing** - Any new boundary fencing erected along the side and rear boundaries shall not exceed a height of 1.8m unless specified by any other conditions.

125. **Disability Discrimination Act** – The applicant is responsible to ensure compliance with this and other anti-discrimination legislation.

126. **Electrical connection** - Any new electrical and telecommunication connections to the site are to be carried out using underground cabling.

127. **Finishes** - Any materials or surfaces addressing the public domain on the ground and first floor (where accessible by members of the public) shall utilise graffiti-resistant materials.

128. **Safety** - All communal entrances for the building will be capable of being secured. Entry doors are to be self-closing and signs are to be displayed requesting that building occupants not wedge doors open.

129. **Security** - If any security screens/grilles are installed, they are to be openable

from within the building.

130. **Building identification** numbering that presents to public areas (ie the adjoining road reserve) are to be at least 7cm high and are to be situated 1-1.5m above ground level on the street frontage. The numbering is to be constructed from durable materials and shall not be obscured by vegetation.

131. **Noise Control** - The use of the premises will 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.*

132. **Amenity of the Neighbourhood** - The implementation of this development will 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.

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

    The maintenance of the landscaping shall be undertaken in perpetuity. Should any plants or trees die, then they shall be replaced with the same species (i.e. like for like).

134. **Annual Fire Safety Statement** - The owner of the building premises will 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 will 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.

135. **Responsibility of Owners Corporation** - The Owners Corporation will be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the waste collection room, as soon as practicable after they have been serviced.

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

136. **Management of Waste Facilities** – The ongoing management of onsite waste facilities shall be undertaken in accordance with the following requirements:

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

137. **Waste** - The ongoing operation of recycling and waste management services is to be undertaken in accordance with the Waste Management Plan.

138. **Air conditioning** - Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property. Any proposed air conditioning systems or mechanical ventilation shall be appropriately screened from view and not located so that it can be seen from the street.

139. **Graffiti** - Any graffiti on the site is to be removed within forty-eight (48) hours.

Section I – Operational Requirements under the Environmental Planning & Assessment Act 1979

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

Should Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA, must be submitted to the Principal Certifying Authority with the Construction Certificate Application.
Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.
In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of

compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

141. **Appointment of a PCA -** The erection of a building must not commence until the applicant has:

(a) appointed a PCA for the building work; and

(b) if relevant, advised the PCA that the work will be undertaken as an Owner - Builder.

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

(c) 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

(d) notify the PCA of the details of any such appointment; and

(e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

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

142. **Notification Requirements of Principal Certifier -** No later than two days before the building work commences, the Principal Certifier must notify:

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

143. **Notice of Commencement -** The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection of a building.

144. **Critical Stage Inspections -** The last critical stage inspection must be undertaken by the Principal Certifier. 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.

145. **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 Certifier appointed for

the building work can issue the Occupation Certificate.

Section J Prescribed Conditions

146. **Clause 97A - BASIX Commitments -** This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

147. **Clause 98 – Building Code of Australia & Home Building Act 1989 -** Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

148. **Clause 98A – Erection of Signs -** Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.

149. **Clause 98B – Home Building Act 1989 -** If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.

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

151. **Clause 98E - Site Excavation -** Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

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

    All excavations associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

    If the soil conditions require it, retaining walls associated with the erection of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

END CONDITIONS

NOTES/ADVICES

Review of Determination - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

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

Appeal Rights - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

Lapsing of Consent - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

Long Service Levy - A Long Service Levy shall be paid in respect to this development. Details are provided below;

a) 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.

b) 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.

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.

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

a) Council must cover administration and other costs incurred in the investment of these monies. The current charge is $50.00 plus 2% of the bond amount per annum.
b) The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.
c) All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

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:

(i) 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
(ii) In the Application Form, quote the Development Consent No. (eg. DA2018/0580)
(iii) 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 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.

Site Safety Fencing - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the 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 the construction work.

Council as PCA - Compliance with the BCA - Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

Energy Efficiency Provisions - Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.

Compliance with Access, Mobility and AS4299 - Adaptable Housing - Should the Council be appointment as the PCA, the Construction Certificate Application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Council's DCP and AS 4299 Adaptable Housing.

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

Useful links relating to Noise:

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