

**ELECTRONIC REPORT TO GEORGES RIVER LOCAL PLANNING PANEL
FOLLOWING DEFERRAL AT 15 NOVEMBER 2018**

LPP Report No	LPP052-18	Development Application No	DA2017/0655
Site Address & Ward Locality	198-200 Princes Highway, Kogarah Bay Kogarah Bay Ward		
Proposed Development	Demolition of existing structures and construction of a 6 storey residential flat building containing twenty-two (22) apartments basement car parking for forty (40) vehicles and associated landscaping and site works.		
Owner	Mr and Mrs Maggos and Mr and Mrs Ping		
Applicant	Shinecorp Kogarah		
Planner/ Architect	Planner: Rod Logan Planning Architect: Geoform and Charles Tang Design		
Date of Lodgement	22/12/2017		
Submissions	Two (2) submissions were received		
Cost of Works	\$6,334,536		
Local Planning Panel Criteria	Residential Flat Building subject to State Environmental Planning Policy No.65		
List of all relevant 4.15(1)(a) matters	Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment State Environmental Planning Policy No 55 - Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Draft State Environmental Planning Policy (Environment) Kogarah Local Environmental Plan 2012 Kogarah Development Control Plan 2013		
List all documents submitted with this report for the Panel's consideration	Amended Architectural Plans Statement of Environmental Effects Aboricultural Assessment Acoustic Assessment Report		
Report prepared by	Senior Development Assessment Officer		
Recommendation	Approval subject to conditions of the consent.		

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
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<p>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 Summary of the assessment report?</p>	<p>Yes</p>
<p>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?</p>	<p>Yes – Clause 4.6 request to vary the Height control (Clause 4.3 of the KLEP)</p>
<p>Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<p>Not Applicable</p>
<p>Conditions Have draft conditions been provided to the applicant for comment?</p>	<p>No, standard conditions have been attached.</p>

EXECUTIVE SUMMARY

This report has been prepared following the deferral of development application (DA2017/0655) for the demolition of existing structures and construction of a new a 6 storey residential flat building containing twenty-two (22) apartments, basement car parking for forty (40) vehicles and associated landscaping and site works at 198-200 Princes Highway, Kogarah by the Georges River Local Planning Panel (Panel) on 15 November 2018.

The Panel resolved to defer consideration of the application to enable the applicant to submit amended plans to ensure that adequate sight distances can be achieved for vehicles leaving the development in accordance with Australian Standards and RMS requirements. The Panel also requested details regarding the location and design of the mechanical ventilation system as part of the development and for the floor plans to be updated to accurately reflect window and opening details as shown on the elevations (for bedroom No.2 in Apartments 4.02 and 4.03)..

On 13 December 2018 the applicant submitted amended plans and details in response to the Panel's previous consideration of this application.

This report has undertaken an assessment of the amended plans provided by the applicant to address the reasons for deferral identified in the Panel's previous consideration. It is considered that the proposal, as amended, has satisfied the Panels requirements, and that the proposal is now satisfactory. The proposal is recommended for approval subject to conditions.

REPORT IN FULL

A. BACKGROUND

At its meeting on 15 November 2018, the Local Planning Panel (LPP) considered the subject development application and resolved the following:

Deferral

The determination of Development Application No.DA2017/0655 for the demolition of existing structures and construction of a 6 storey residential flat building containing 22 apartments, basement car parking for 40 vehicles and associated landscaping and site works at 198-200 Princes Highway, Kogarah Bay, is **deferred** for the applicant to submit the following:

1. Further information from a qualified traffic expert to confirm the sight distances available for vehicle drivers when entering and exiting the basement car park and confirmation that those sight distances are in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distances and AS2890'. This relates to sight lines to and from the vehicular crossings to pedestrians, cyclists and general traffic.
2. Details of proposed mechanical ventilation having regard to the recommendations of the noise impact assessment, which requires windows along the Princes Highway, the north-eastern façade and south-western façade to have their windows closed in order to meet acoustic requirements. All mechanical ventilation is to meet the requirements of Australian Standard AS1668.2 – Mechanical ventilation for acceptable indoor air quality. Details should also be provided of how the ventilation is to be accommodated within the floor to ceiling heights as well as the location of plant. A section plan showing the typical details of the ventilation proposed between the floor to ceiling needs to be provided.
3. Consistent floor and elevation plans showing the window proposed for Bedroom 2 and any privacy treatment relating to that window in Units 4.02 and 4.03 are to be provided.

The matter is to be referred back to the Panel for electronic determination within 60 days.

B. AMENDED PLANS

The following is an assessment of the information provided in response to the deferral.

Deferral Reason No.1

Further information from a qualified traffic expert to confirm the sight distances available for vehicle drivers when entering and exiting the basement car park and confirmation that those sight distances are in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distances and AS2890'. This relates to sight lines to and from the vehicular crossings to pedestrians, cyclists and general traffic.

Officer Comment: Given the busy nature of the roadway and the current obstructions i.e fences and vegetation at the front of neighbouring properties to the north-east the Panel wanted to be satisfied that prior to any determination being issued sight lines can be achieved for vehicles exiting the development and to maintain pedestrian safety in accordance with AS2890.

The applicant engaged Michael Logan from Terraffic P/L traffic consultants to provide written advice confirming compliance with the sight distance requirement. Terraffic stated in their updated assessment that "Figure 3.2 in the Australian Standard AS/NZS2890.1:2004 specifies a minimum sight distance of 85m for

vehicles approaching a property at 70km/h. Measurements taken on site reveal there is a sight line of 102m to a car approaching in the kerb side lane. This vehicle on the Highway is located just to the north of Lacey Street.” **Figure 1** below is a photographic extract from the updated Terraffic assessment indicating compliant sight lines can be achieved for vehicles exiting the site.

Figure 1: Photo extract from the updated Terraffic assessment confirming compliance with the minimum 85m sight line distance requirement.



Available sight line to an approaching vehicle in the kerbside lane

In relation to minimum sight lines to ensure pedestrian safety, Australian Standards specify the minimum sight line requirements which include a minimum 2.5m by 2.0m clearance triangles that are required on both sides of a single lane driveway or just the left (exit) side for a dual width driveway as shown in **Figure 2** below.

Figure 2: Minimum sight lines for pedestrian safety

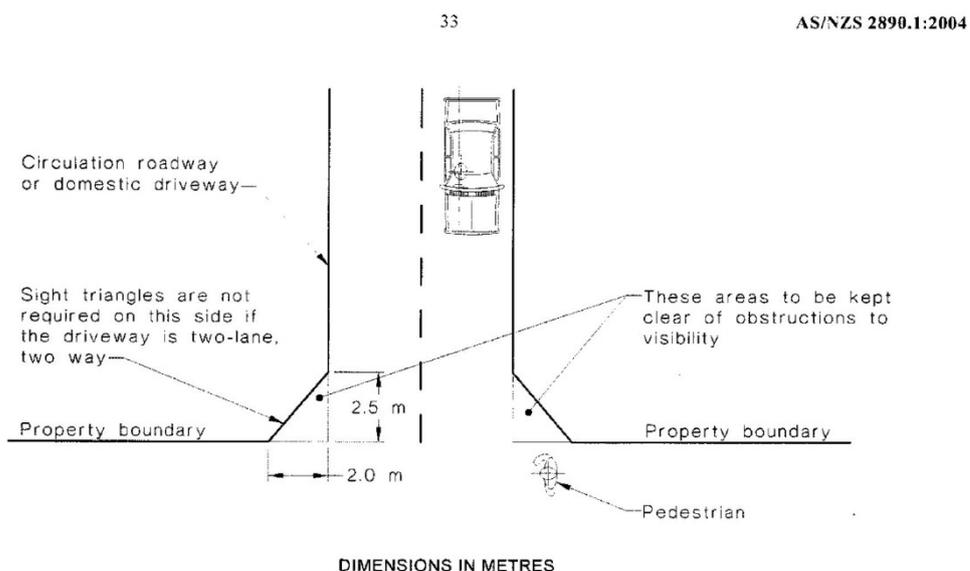


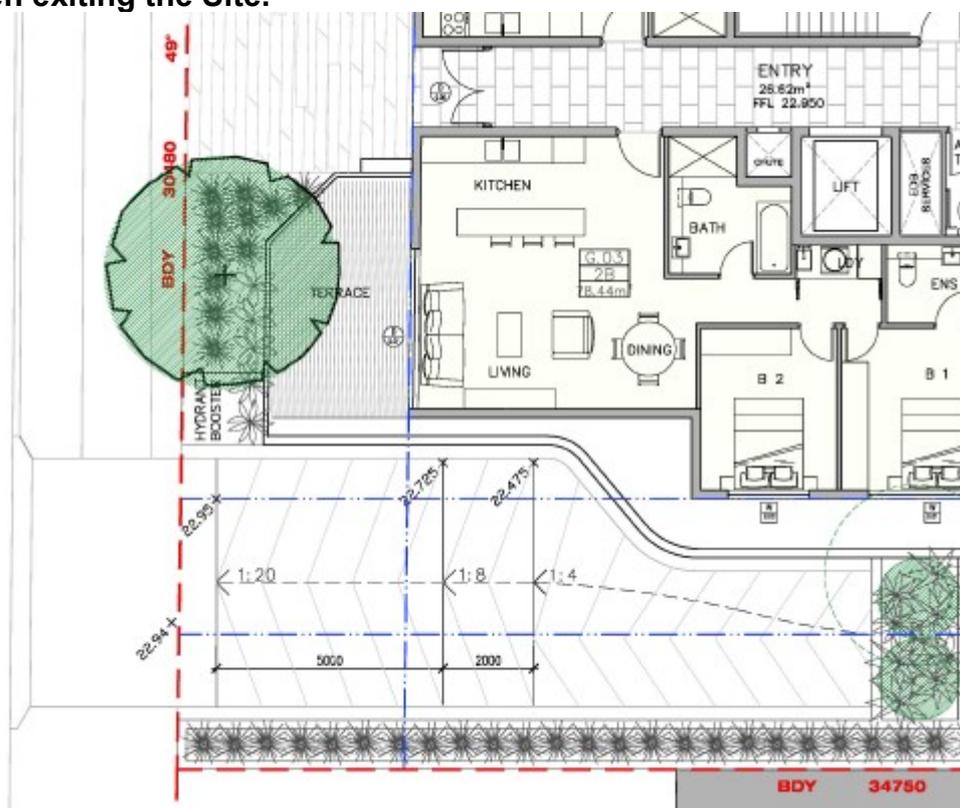
FIGURE 3.3 MINIMUM SIGHT LINES FOR PEDESTRIAN SAFETY

The updated assessment states that a condition could be imposed to ensure that fencing for a length of 2.0m adjoining the entry to the driveway along both sides should have a height of 500mm. The proposed fence adjoining the driveway to the north has a height of 1.2m and has been designed to maintain privacy to the front terrace and acts as an acoustic barrier for this private area (refer to **Figure 3** below). This fence is setback approximately 1.5m from the front boundary which will provide for appropriate site distances. Planting in this area is also low scale so it should not adversely affect safety or view lines.

The following condition has been included;

“To ensure pedestrian safety is maintained, the south-western boundary fence adjoining the driveway shall be reduced in height to have a maximum height of 500mm for a length of 2m when measured from the front of the site.”

Figure 3: The ground floor plan showing the location of the fence to the front terrace area being setback from the front boundary which improves visibility when exiting the Site.



Princes Highway is a classified State Road and the application was referred to RMS for their concurrence in accordance with Clause 101 of the Infrastructure SEPP. RMS provided concurrence on 9 May 2018 and requested a condition be imposed to address sight distances if consent is to be granted.

The condition states;

“Sight distances from the proposed vehicular crossings to vehicles on Princes Highway are to be in accordance with Austroads ‘Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists and general traffic.”

This condition has been retained as part of the consent, despite information provided to ensure its compliance.

Accordingly, the amended plans are now considered to be satisfactory in terms of the reason for deferral by the Panel from its meeting on 15 November 2018.

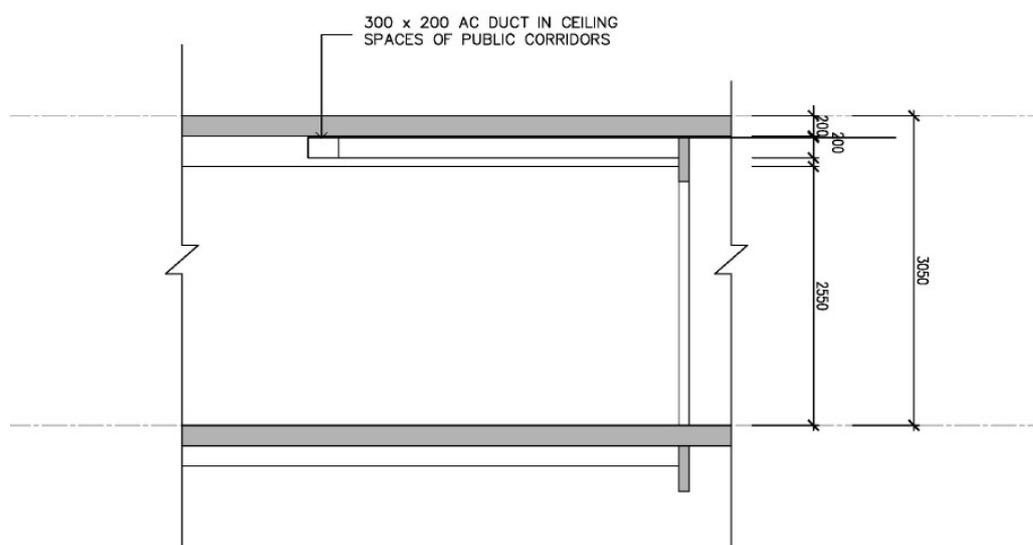
Deferral Reason No.2

Details of proposed mechanical ventilation having regard to the recommendations of the noise impact assessment, which requires windows along the Princes Highway, the north-eastern façade and south-western façade to have their windows closed in order to meet acoustic requirements. All mechanical ventilation is to meet the requirements of Australian Standard AS1668.2 – Mechanical ventilation for acceptable indoor air quality. Details should also be provided of how the ventilation is to be accommodated within the floor to ceiling heights as well as the location of plant. A section plan showing the typical details of the ventilation proposed between the floor to ceiling needs to be provided.

Officer Comment: The Applicant provided additional details and plans prepared by PTC Consulting Engineers which show the location of fire dampers and the location of single and two storey condensers on the roof. The A/C pipe riser on the roof has dimensions of 900 by 400 so well under the other structures on the roof and these units will be below the height limit. The impact of the ducting on the floor to ceiling heights is shown in Section A-A Plan (refer to **Figure 4** below).

The plans also show the ducting arrangement throughout each apartment. Most ducts follow the corridors within each unit and have outlets near the bedroom openings and kitchen areas. These areas will have lower floor to ceiling heights of 2.55m which is acceptable given they are not habitable areas.

Figure 4: Extract from Section A-A showing floor to ceiling heights where ducting is for mechanical ventilation is provided.



The mechanical ventilation that is proposed is considered satisfactory.

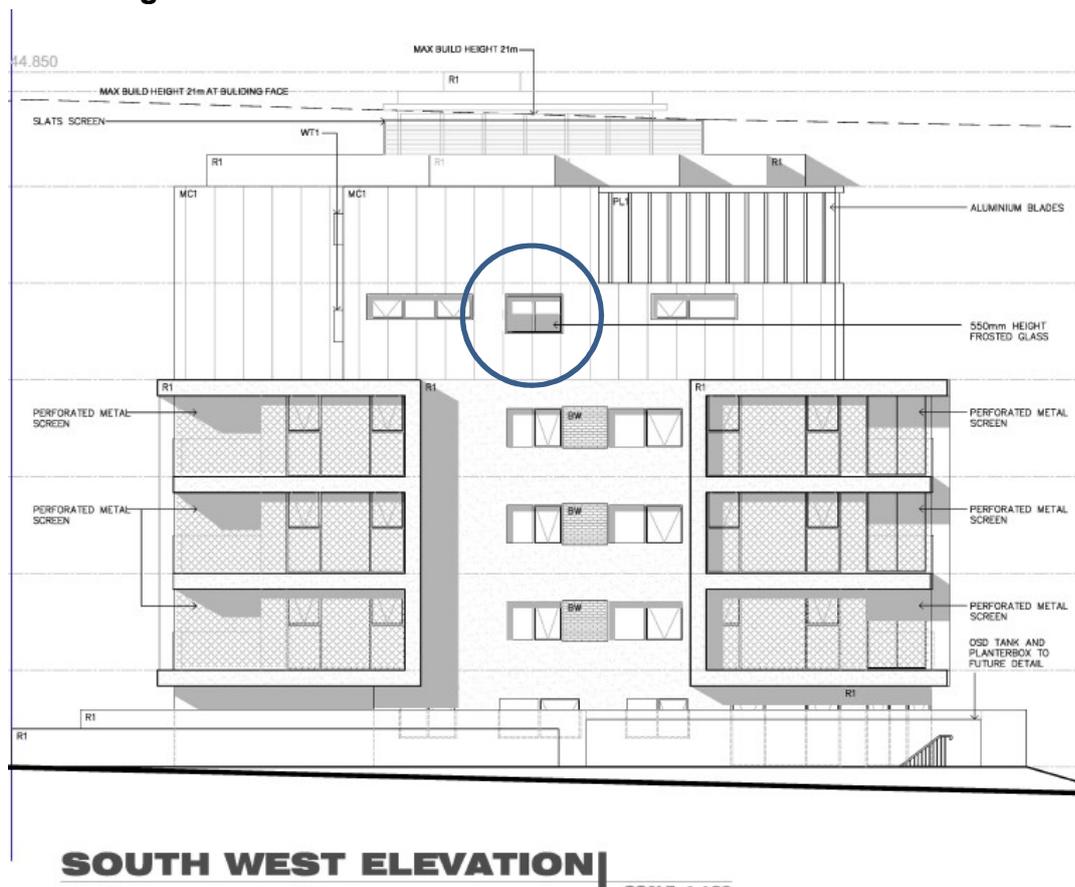
Deferral Reason No.3

Consistent floor and elevation plans showing the window proposed for Bedroom 2 and any privacy treatment relating to that window in Units 4.02 and 4.03 are to be provided.

Officer Comment: The Applicant has amended and updated the plans so that the elevations are consistent and reflect the floor plans. The design of the original window opening to bedroom No.2 in Units 4.02 and 4.03 was not consistent with the elevations and the Panel requested that this detail be formalised and updated to be consistent on both the elevation and floor plans.

A new set of updated architectural plans have been submitted and Condition No.1 has been updated to reflect these current plans. The plans show on the south-west elevation and north-east elevation that bedroom No.2 to Units 4.02 and 4.03 is a standard window but the bottom 500mm of the window will be constructed of frosted glass (refer to **Figure 5**). This is considered to be an acceptable design solution as a highlight window to a bedroom represents a poor amenity outcome particularly if it is the only opening in the space. A standard sized window will improve the solar access to this space and the frosted element will reduce the potential for any overlooking.

Figure 5: South-east elevation showing the amended window opening detail. The design is the same on the north-eastern elevation



C. NEIGHBOUR NOTIFICATION

The amended plans are not considered to have required the need for re-notification to neighbours, because the proposal would result in similar or reduced impacts for neighbouring properties compared to the original proposal.

D. CONCLUSION

The documents submitted responding to the deferral issued by the Local Planning Panel of 15 November 2018 have been reviewed and have adequately assessed and addressed the deferral reasons as outlined above.

The proposal as amended is recommended for approval subject to conditions. The list of recommended conditions in the previous report have been updated to reflect the amended plans submitted by the applicant and are provided below.

DETERMINATION

THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979, as amended, the Council grants development consent to Development Application DA2017/0655 for demolition of existing structures and construction of a new 6 storey residential flat building comprising 22 dwellings dwellings at 198-200 Princes Highway, Kogarah be approved subject to the following conditions:

Section A Development Details

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

Description	Reference No.	Date	Revision	Prepared By
Cover Sheet	DA0.01	16/04/18	B	Geoform Architects and Charles Tang Design
Site Analysis	DA0.02	16/04/18	B	Geoform Architects and Charles Tang Design
Basement 02 Floor Plan	DA1.01	16/04/18	B	Geoform Architects and Charles Tang Design
Basement 01 Floor Plan	DA1.02	16/04/18	B	Geoform Architects and Charles Tang Design
Ground Floor Plan	DA1.03	16/04/18	B	Geoform Architects and Charles Tang Design
Level 01 Floor Plan	DA1.04	16/04/18	B	Geoform Architects and Charles Tang Design
Level 02 Floor Plan	DA1.05	16/04/18	B	Geoform Architects and Charles Tang Design
Level 03 Floor Plan	DA1.06	16/04/18	B	Geoform Architects and Charles Tang Design
Level 04 Floor Plan	DA1.07	24/11/18	C	Geoform Architects and Charles Tang Design
Level 05 Floor Plan	DA1.08	16/04/18	B	Geoform Architects and Charles Tang Design
Roof Plan	DA1.09	3/12/18	C	Geoform Architects and Charles Tang Design
South-west/North-east Elevation	DA2.01	3/12/2018	C	Geoform Architects and Charles Tang Design

North-west/South-east Elevation	DA2.02	16/04/18	B	Geoform Architects and Charles Tang Design
Sections AA	DA3.01	3/12/18	C	Geoform Architects and Charles Tang Design
GFA Calculations	DA7.04	16/04/18	B	Geoform Architects and Charles Tang Design
Solar Access June 21	DA4.01	16/04/18	B	Geoform Architects and Charles Tang Design
Solar Access September 21	DA4.03	16/04/18	B	Geoform Architects and Charles Tang Design
Deep Soil Zone	DA7.05	16/04/18	B	Geoform Architects and Charles Tang Design
Natural Ventilation and Solar Access	DA7.03	16/04/18	B	Geoform Architects and Charles Tang Design
Typical Floor Plan	DA7.02	16/04/18	B	Geoform Architects and Charles Tang Design
Typical Unit Layout	DA7.01	16/04/18	B	Geoform Architects and Charles Tang Design
External materials schedule	DA6.02	16/04/18	B	Geoform Architects and Charles Tang Design
Adaptable Unit layout	DA5.01	16/04/18	A	Geoform Architects and Charles Tang Design
Building Height Plane	DA4.04		A	
Adaptable Housing Audit	N/A	21/12/17	N/A	Building Innovation Australia
Arboricultural Assessment Report prepared by dated	N/A	19/12/17	N/A	TALC
BASIX Report No.891709M_02	-	21/12/17	-	
BCA & Access Report	N/A	20/12/17	N/A	Building Innovations Australia
Geotechnical Report	N/A	15 Dec 17	N/A	Morrow
Statement of Environmental Effects	-	21 December 2017	-	Rod Logan Planning
Thermal Assessment	-	19/12/17	-	Michael Young
Traffic and Parking Assessment	-	21/12/17	-	Terraffic
Waste Management Plan	-	-	-	Charles Tang and Geoform
Sight Distance Assessment	N/A	12/12/18	N/A	Terraffic P/L

Mechanical Ventilation Schematics and mark-ups	N/A	23/11/18	N/A	PTC Engineers
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2. The pergola structure on the roof shall be scaled back and reduced in size so that it does not extend beyond the rear alignment of the lift, staircase and be aligned with the rear of the Ambulant Toilet. The intent of the pergola is to provide cover over a small portion of the roof and not extend beyond the main fixed structures (stair, amenities and lift).

Amended details are to accompany the Construction Certificate plans and documents.

3. To ensure pedestrian safety is maintained, the south-western boundary fence adjoining the driveway shall be reduced in height to have a maximum height of 500mm for a length of 2m when measured from the front of the site.

Section B Fees and Contributions

4. **Fees and contributions to be paid** - Fees referred to in this consent must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

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

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

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

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.

5. **Damage Deposit - Major Works** - In order to insure against damage to Council property the following is required:
 - (i) 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: **\$37,673.28**.
 - (ii) 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: **\$371.00**.

6. **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.
7. **Development Contributions** - The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

The Section 7.11 contribution has been levied on the subject development pursuant to the Kogarah Section 94 Contributions Plans as follows (based on 43 units with credit for five existing dwellings):

Contribution Plan	Description	Section 94 contributions assessed (\$)	No. of existing lots (credit) (\$)	Section 94 contributions payable (\$)
Plan No. 1	Road and traffic management - residential	4,697.73	629.16	4,068.57
Plan No. 5	Open Space - 2006	246,403.48	29,154.62	217,248.86
Plan No. 9	Kogarah libraries - buildings component	5,417.70	707.72	4,709.98
Plan No. 9	Kogarah libraries - books component	3,619.20	504.60	3,114.60
Total Section 94 Contributions Currently Payable				229,142.01

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. The above rates only are current to **1 February 2019**.

Timing of Payment

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

Further Information

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

Section C Separate Approvals Required Under Other Legislation

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

Separate approval is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 for any of the following activities carried out in, on or over a public road (including the footpath) listed below. An application is required to be lodged and approved prior to the commencement of any of the following works or activities:

- (i) Placing or storing materials or equipment;
- (ii) Placing or storing waste containers or skip bins;
- (iii) Erecting a structure or carrying out work;
- (iv) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (v) Pumping concrete from a public road;
- (vi) Pumping water from the site into the public road;
- (vii) Constructing a vehicular crossing or footpath;
- (viii) Establishing a "works zone";
- (ix) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);
- (x) Stormwater and ancillary works in the road reserve;
- (xi) Stormwater and ancillary to public infrastructure on private land.

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 Certifier prior to the issue of the Construction Certificate.

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

7. **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's roadways/footways, an application must be lodged with Council under Section 68 of the *Local Government Act 1993* and the *Roads Act 1993* for approval, prior to commencement of those works.

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

Section D Requirements of other Government Authorities

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

10. **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.

11. **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.
12. **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).
13. **Roads and Maritime** - The following RMS requirements are to be met;
- I. The subject property is affected by a road proposal as shown by the grey colour on the attached Aerial – 'X'. This area should be identified on any plan of development.
 - II. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth) along the Princes Highway boundary.
 - III. The layout of the proposed basement car park area associated with the subject development should be in accordance with AS 2890.1 - 2004 and AS2890.6 2009.
 - IV. Sight distances from the proposed vehicular crossings to vehicles on Princes Highway are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.
 - V. All vehicles are to enter and exit the site in a forward direction and are to be wholly contained on site before being required to stop.

- VI. Bicycle parking associated with the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities). Consideration should also be given to providing end-of trip facilities within the commercial development to support and encourage active transport to the subject development.
- VII. 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. Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Email Suppiah.Thillai@rms.nsw.gov.au.

- VIII. 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.
- IX. 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. The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114

As 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) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- X. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- XI. Construction works zone will not be permitted on Princes Highway.
- XII. A Road Occupancy Licence should be obtained from Transport

Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities.

Section E Prior To Demolition And Prior to Commencement of Work On Site Including Excavation

14. **Tree Removal & Replacement** - The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres)
<i>Phoenix canariensis</i> x 2	Both palms located at back south fence of 198 Princes Hwy	6m

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

Permission is granted for the removal of the trees specified in the Landscape Plans prepared by Ground Ink (refer to ConditionNo.1).

All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).

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

Council shall be appointed to remove all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.

This consent does not approve the removal or pruning (branches or roots) of any trees on Council's public footway, public reserves or on neighbouring properties.

15. **Tree Replacement** - The following replacement trees are to be planted prior to the issue of either an Occupation Certificate or Subdivision Certificate (whichever is first). All replacement trees must be replanted a minimum of 3m away from any driveway, building or structure.

Trees species, quantities, pot/ bag size as per landscape plans and specifications LDA – 01 to LDA-03, provided by Ground Ink Landscape Architects.

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.

16. **Tree Protection Measures** - The tree/s to be protected are listed in the table below;

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres)
<i>Phoenix canariensis</i> x 2	Both palms located at back south fence of 198 Princes Hwy	6m

Trees noted as T3 and T4 (in accordance with (a) above) on the Landscape Plan street are to be retained shall be protected and during demolition, excavation and construction of the site.

Four (4) x “Tristaniopsis ‘Luscious’ are to be planted at the front of the site.

The tree protection measures must be undertaken in accordance AS4970 - 2009 *Protection of trees on development sites*.

Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.

This fence shall be kept in place during demolition, construction and also have a sign displaying ‘Tree Protection Zone’ attached to the fence and must also include the name and contact details of the Project Arborist.

The Tree Protection zone of each tree to be protected shall be watered thoroughly, regularly to minimise the effects of construction works.

No services shall be installed within the TPZ of the tree unless approved by Council.

17. **Tree removal** - Permission is granted for the removal of the following trees:

Tree species	Number of trees	Location
T1 – <i>Citrus</i> spp	1	Back yard of 198 Princes Hwy
T2 – <i>Laurus nobilis</i>	1	Back fence of 198 Princes Hwy
T5 – <i>Dicksonia antarctica</i>	1	Side eastern boundary fence of 198 Princes Hwy
T6 – <i>Phoenix canariensis</i>	1	Side eastern boundary fence of 198 Princes Hwy
T7 – <i>Phoenix canariensis</i>	1	Side eastern boundary fence of 198 Princes Hwy
T8 – <i>Robinia psuedoacacia</i>	1	Front eastern side fence of 198 Princes Hwy
T9 - <i>Robinia</i>	1	Front eastern side fence of 198

<i>psuedoacacia</i>		Princes Hwy
<i>T10 – Dicksonia antartica</i>	1	Front of existing dwelling, 198 Princes Hwy
<i>T11 – Ficus benjamina</i>	1	Front of existing dwelling, 198 Princes Hwy
<i>T12 – Dypsis decaryi</i>	1	Middle of backyard of 200 Princes Hwy

18. **Compliance with submitted Arborist Report** - The recommendations outlined in the Arborist's Report titled Arboricultural Assessment Report prepared by TALC Consultants dated 19 December, 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*.

19. **Pier and Beams** - To preserve the two Phoenix canariensis Palms, T3 and T4 as marked on the landscape Plan prepared by Ground Ink, Landscape Architects, the footings of the proposed back, south structures/ retaining walls shall be isolated pier and beam construction within a five (5) metre radius of the trunk. The piers shall be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam shall be located on or above the existing soil levels.

Details of this construction method 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).

20. **Traffic, Parking and Driveways** - The gradient for the first 6m of the basement ramp should not exceed 5%. Plan DA1.03 prepared by Geoform, are showing that only the first 5m are 1 in 20. This will need to be changed as per AS2890.1 :2004 section 3.3 Gradient of Access driveways.

All shared zone area marked for disabled parking need to have the bollards installed as per the AS2890.6

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

- a) Photographs showing the existing condition of the road pavement fronting the site
- b) Photographs showing the existing condition of the kerb and gutter fronting the site

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

The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Certifier 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.

- 22. **Pre-Construction Dilapidation Report – Private Land** - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining the **four** adjoining properties.
- 23. **Demolition and Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifier prior to the commencement of works.

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

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

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

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

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

25. **Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.
26. **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.
27. **Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to in accordance with the approved Site Management Plan.

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). All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.

All clean water run-off is diverted around cleared or exposed areas.

Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways.

Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway. Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#) is to be met.

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

28. **Site sign – Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

29. **Dial before you dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.

Section F Prior to the Issue of a Construction Certificate

30. **Provision of a Car Wash Bay** - A visitor space must be designated as a car wash bay. The car wash bay must:

- (i) have clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the bay;
- (ii) have a fixed basket trap for floor waste; and
- (iii) includes a 1000 litre general purpose pit.

Details of the disposal of trade waste water are to be indicated on the Construction Certificate drawings. Three options exist for the disposal of trade wastewater from residential car wash bays. They are:

- (i) removal off-site by an authorised liquid waste disposal contractor;
- (ii) reuse of treated wastewater for car washing or irrigation on landscaped areas. An appropriate method should be used to treat grease, oil and silt before reuse or irrigation; or
- (iii) discharge to the sewer via appropriate pre-treatment. If the car wash bay discharges into the sewer, a Permission to Discharge Trade Wastewater issued by Sydney Water must be obtained prior to approval of the development.
- (iv) If the carwash bay is not discharged into the sewer, applicants must provide Council with details and evidence of how wastewater will be removed (eg removal by an authorised liquid waste disposal contractor).
- (v) Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.
- (vi) All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.
- (vii) 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.

31. **Amendments to the Landscape Plan** - The submitted Landscape Plan shall be amended as follows:

- a) The front of the site shall include 4 x “*Tristanopsis ‘Luscious’*”. The plan only notes 3 of these trees are to be planted at the front of the Site.

- b) Planter boxes shall continue along the entire periphery of the roof terrace.
 - c) Planter boxes shall have a minimum depth of 900mm and minimum width of 900mm.
32. **Use of Rooftop open space** - A Plan of Management (POM) for use of rooftop open space must be submitted for approval of Council. The POM must outline the:
- (i) hours of use of the rooftop deck which shall be restricted from 8am until 10pm;
 - (ii) maximum number of users at any one time;
 - (iii) provisions for no amplified music to be played;
 - (iv) and identify other measures to ensure that the amenity of persons within the development and in nearby existing and future development is maintained.
 - (v) The approved POM shall be incorporated into the Owners Corporation by-laws in any future Strata subdivision and a sign in the front entry of the building shall be included to ensure the use of this space is monitored and understood by all occupants.
33. **Road Noise attenuation** - The site is affected by noise from the Princes Highway. The construction certificate plans shall show that the development has been designed in accordance with the measures of acoustic attenuation to meet the internal noise levels specified in Clause 102 of [State Environmental Planning Policy \(Infrastructure\) 2007](#), as recommended in the Noise Impact Assessment prepared by Acoustic Logic, dated 14 December 2017.
34. **Site Management Plan - Major Development** - A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:
- (i) location of protective site fencing;
 - (ii) location of site storage areas/sheds/equipment;
 - (iii) location of building materials for construction, e.g. stockpiles;
 - (iv) provisions for public safety;
 - (v) dust control measures;
 - (vi) method used to provide site access location and materials used;
 - (vii) details of methods of disposal of demolition materials;
 - (viii) method used to provide protective measures for tree preservation;
 - (ix) provisions for temporary sanitary facilities;
 - (x) location and size of waste containers/skip bins;
 - (xi) details of proposed sediment and erosion control measures;
 - (xii) method used to provide construction noise and vibration management;
 - (xiii) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity.

A copy of the Site Management Plan must be kept on site and is to be made available upon request.

35. **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:

- (i) Construct a 1.5m wide footpath for the full length of the frontage of the site in Princes Highway in accordance with Council's Specifications applying at the time construction approval is sought.
- (ii) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- (iii) 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.

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

- 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); and
- 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.

37. **General Tree Protection Measures** - The following tree protection measures shall be adhered to;

- (a) All trees to be retained shall be protected BEFORE and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.

- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly, regularly to minimise the effects of construction works.
- (g) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.

38. **Excavation works near tree/s to be retained** - 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.

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

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

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

39. **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.

All stormwater shall drain by gravity to Council's kerb and gutter in the street as indicated on the approved drainage plan in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

Prior to the commencement of works, the PCA/builder shall ensure that the stormwater discharge pipe across the footpath shall be RHS at an angle and is laid with minimum disturbance at a minimum 1% grade to the kerb and gutter in the street and is made in good working condition.

There shall be no damage to the adjoining driveway crossing. All damages are to be rectified to its original condition at the cost of the applicant.

The stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

40. **Stormwater Systems with Basement** - The underground basement car park must pump to and all other stormwater must drain by gravity to the drainage system within the site via a silt trap pit.

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

41. **Protection of basement from inundation of stormwater waters** - The protection of the underground basement shall be protected from possible inundation by surface waters from the street.

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

42. **On Site Detention** - 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:

- (i) 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;
- (ii) at Annual Recurrence Intervals of 2 years and 100 years;
- (iii) discharge by gravity to the street stormwater system; and
- (iv) ensure the provision of an overland flow bypassing the orifice plate to the street.
- (v) The design and structural adequacy of the OSD tank system shall be certified by a practicing drainage engineer to the satisfaction of the certifier.

43. **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:
- (i) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm;
 - (ii) The pump system shall be regularly maintained and serviced, every six (6) months; and
 - (iii) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.
 - (iv) Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.
44. **Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:
- a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
 - b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
 - c) A longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level.
 - d) The civil/traffic engineer shall provide specific written certification on the plans that:
 - (i) Vehicular access can be obtained using grades of 25% (1 in 4) maximum; and
 - (ii) All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the scraping of the underside of the vehicles.
45. **Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

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

46. **Geotechnical requirements during construction** - The recommendations of the Geotechnical Report *Geotechnical Investigation for Leonard Street Pty Limited* dated December 2017 prepared by STS GeoEnvironmental shall be complied with during construction, including:

(iii) to ensure that buildings or other developments on adjacent properties are not damaged when excavating rock, limiting vibration to 10mm/sec, with vibration monitoring; or using the excavation methods shown in Table 5.1 on page 5;

(iv) adopting the other recommendations in each paragraph on pages 5, 6 and 7 in Section 5.2;

(v) adopting recommendations for foundation design in Section 5.3.

Construction methods must ensure that nuisance from vibration does not occur, which as noted in page 5 of the Geotechnical Report may occur at levels below the threshold for building damage. Vibration monitoring in this regard may be required and on-site guidance by a vibration specialist during the early part of excavation.

As the submitted Geotechnical Report is based on the findings of three boreholes only (due to limited site access) and data has been extrapolated across the site, should actual site conditions differ from those inferred, an updated Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction is to be submitted before the issue of the Construction Certificate.

47. **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).

48. **Construction Traffic Management Plan** - A Construction Traffic Management Plan shall be submitted detailing the following:

- (vi) construction vehicle routes;
- (vii) anticipated number of trucks per day;
- (viii) hours of construction;
- (ix) access arrangements
- (x) proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council's Engineers.
- (xi) Compliance with AS2890
- (xii) Council's Engineers must specify in writing that they are satisfied

with the Traffic Management Plan prior to the issue of the Construction Certificate.

49. **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either the Council or a private Certifier. Such 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.
50. **Access for Persons with a Disability and Adaptable Housing** - Access for persons with disabilities and adaptable housing must be provided to the premises/building in accordance with the requirements of AS4299-1995, the Building Code of Australia, and AS 1428.1 where relevant. The requirements and amendments indicated in Access Report prepared by Vista Access Architects Revision B are to be complied with and are to be shown on the construction certificate drawings.
51. **SEPP 65 Design Verification Statement** - A design verification statement, prepared by the qualified designer, shall 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.
52. **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. 8891709M_02 dated 21 December 2017 must be implemented on the plans lodged with the application for the Construction Certificate.
53. **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) 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.
 - c) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
 - d) The design architect of the project is not to be changed without prior notice and approval of the Council.
54. **Waste Storage** - The number of bins required for this property is 11 X 240L garbage bins and 12 X240L recycling bins. Bins will be collected once a week and need to be taken to the Princes Highway for collection.

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

- i) floor to be sealed;
- ii) walls and floor surface is flat and even;
- iii) all walls painted with light colour and washable paint;
- iv) equipment electric outlets to be installed 1700mm above floor levels;
- v) is mechanically exhausted as required by AS 1668.2;
- vi) must be well lit (sensor lighting recommended); a light switch is installed at height of 1.6m;
- vii) an optional automatic odour and pest control system may be installed to eliminate all pest types and assist with odour reduction;
- viii) all personnel doors are hinged and self-closing; and
- ix) conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensure that the bin movements should be with ease of access.
- x) 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.
- xi) Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.

55. **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 Certifier for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the Certifier.

Section G Prior to Construction

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

The report must include the following:

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

- (f) The full name and signature of the structural engineer.
- (g) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

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

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

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

57. Site Stormwater Discharge Pipe across the Footpath - The site stormwater discharge pipe shall be RHS type connected to the existing kerb and gutter in the street through an outlet from a boundary pit within the subject site. The Principal Certifying Authority shall engage a registered surveyor to ensure that the proposed stormwater connection into Council's stormwater system in the street is satisfactory in location and grade to drain the site by gravity and to the satisfaction of Council's Asset engineer prior to the commencement of works:

- Prior to the commencement of works, the registered surveyor shall ensure to the PCA that the stormwater discharge pipe across the footpath shall be RHS at an angle and is laid with minimum disturbance at a minimum 1% grade to the kerb and gutter in the street and is made in good working condition. Stormwater discharge pipe across the footpath shall not connect against the flow in the street.
- A longitudinal section of the site stormwater discharge pipe across the footpath reserve shall be prepared showing the public utility services particularly those may encroach the above proposed stormwater pipe.
- The RHS galvanised pipe must have a minimum of 50mm of cover along its length through the road reserve. A detailed section of the connection through the road reserve is to be prepared and shown on the drainage plan prior to the commencement of works.
- There shall be no damage to the adjoining driveway crossings. All damages within the footpath road reserve are to be rectified to its original condition at the cost of the applicant.

Section H During Construction

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

- Work Health and Safety Act 2011 (NSW) (as amended);
 - Work Health and Safety Regulation 2011 (as amended);
 - Protection Of the Environment Operations Act 1997 (NSW) (as amended);
and
 - Protection of the Environment Operations (Waste) Regulation 2014 (as amended)
60. **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.
61. **No 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.
62. **Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

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

63. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifier, and Council, where Council is not the Principal Certifier.
64. **Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.
65. **Registered Surveyors Report - During Development Work** - A report must be submitted to the Principal Certifier at each of the following applicable stages of construction:
- (i) Set out before commencing excavation;
 - (ii) Floor slabs or foundation wall, before formwork or commencing brickwork;

- (iii) 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;
- (iv) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey;
- (v) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries;
- (vi) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

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

Section I Prior to the Issue of the Occupation Certificate

- 66. **Acoustic Certification** - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled 198-200 Princes Highway, Kogarah Bay – Noise Impact Assessment prepared by Acoustic Logic and dated 14 December 2017.
- 67. **Acoustic Compliance – General Operation of Premises** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

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

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

- 68. **Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with landscape plans, drawn by Zenith Landscape Design L01- L03 dated 4/9/2018 (as amended by Condition 26) in its entirety.

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

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

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

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

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

71. **SEPP 65 Design Verification Statement** - The Principal Certifier must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless 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 (Schedule 1) of State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development.

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

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

74. **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:

a) **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.

b) **Positive Covenants**

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

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

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

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 b) (iii) above.

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 (c) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (c) 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.

75. **Maintenance Schedule for On-site Stormwater Management** - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.
76. **Works as Executed and certification of stormwater works** - Prior to the issue of an Occupation Certificate, the Principal Certifier 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 Principal Certifier 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 Principal Certifier.

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

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

77. **Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the Principal Certifier prior to the issue of the Occupation Certificate:
- a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

- b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- c) Construct any new vehicle crossings required.
- d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- e) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the Principal certifier prior to the issue of the Occupation Certificate.
- f) The construction of the new footpath shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval

78. **Completion of major road related works** - Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate.

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

79. **Dilapidation Report on Public Land** - Upon completion of works, a follow up dilapidation report must be prepared on 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:

- (i) Photographs showing the condition of the road pavement fronting the site;
- (ii) Photographs showing the condition of the kerb and gutter fronting the site;
- (iii) Photographs showing the condition of the footway including footpath pavement fronting the site;
- (iv) Photographs showing the condition of retaining walls within the footway or road;
- (v) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (vi) The full name and signature of the professional engineer.

The report must be provided to the Principal Certifier 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.

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

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

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

81. **Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000*, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state that:

- (i) the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so; and
- (ii) 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 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.

82. **Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate in accordance with plans drawn by Ground Ink, Landscape Architects, drawing number LDA – 01 to LDA-03.

83. **Allocation of car parking spaces** - Car parking associated with the development is to be allocated as follows and shall be reflected on the strata plan:

- a) Residential dwellings: at least one car space per unit, total 33 spaces including three spaces for persons with a disability allocated to the adaptable units.

- b) Residential visitors: 5 residential visitor spaces (including a car wash bay and loading bay).
 - c) A minimum of 3 accessible spaces.
 - d) Motorbike parking catering for a minimum of 2 motorbikes
84. **Structural Certificate During Construction** - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.
85. **Structural Certificates** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate.
86. **Council as PCA** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:
- Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
 - Provision of natural light to all habitable areas.
 - Fire-fighting services and equipment including hydrant and booster assembly systems, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems and sound & warning systems.
 - Emergency lighting and exit signs throughout, including terrace areas, lobby and basement areas.
 - Construction of all fire (smoke) doors including warning and operational signage to required exit and exit door areas.
 - Egress, travel distance and the discharge from an exit including the swing of exit doors.
 - The protection of openings including spandrel separation.
 - Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
 - Protection of openings including paths of travel from fire isolated exists
 - Re-entry facilities from fire isolated exit stairways.
 - Sound transmission and insulation details.
 - Window schedule is to include the protection of openable windows.

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.

87. **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.
88. **Building - Structural Engineers 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 must be submitted.
89. **Building – Hoarding Application** - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/road reserve, where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

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

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

90. **BASIX Certificate** - All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.
91. **Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:
- (a) If applicable stormwater pipes, pits and connections to public stormwater systems within the road related area;
 - (b) Driveways and vehicular crossings within the road related area;
 - (c) Removal of redundant driveways and vehicular crossings;
 - (d) New footpaths within the road related area;
 - (e) Relocation of existing power/light pole if applicable
 - (f) Relocation/provision of street signs
 - (g) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
 - (h) New or reinstated kerb and guttering within the road related area and new or reinstated road surface pavement within the road where it is applicable.

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

Section J Operational Conditions (Ongoing)

92. **Noise Control** - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended). This includes the use of the rooftop open space.
93. **Compliance with POM for use of rooftop open space** - The approved POM for use of the rooftop open space shall be enforced by the Owners Corporation.
94. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.
95. **Entering & Exiting of vehicles** - All vehicles shall enter and exit the premises in a forward direction.
96. **Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
- a) Within 12 months after the date on which the fire safety certificate was received.

- b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
 - c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
 - d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.
97. **Responsibility of Owners Corporation** - The Owners Corporation shall be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.
- The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.
98. **Maintenance of Landscaping** - All trees and plants forming part of the approved landscaping in must be maintained in perpetuity. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.
99. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.
100. **Waste facilities** - Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored. Cleaners must monitor the bin storage area and all spills need to be attended to immediately by cleaners.

Section K Operational Requirements Under The Environmental Planning & Assessment Act 1979

101. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
102. **Appointment of a Principal Certifier** - The erection of a building must not commence until the applicant has:
- i) appointed a Principal Certifier for the building work; and
 - ii) if relevant, advised the Principal Certifier that the work will be

undertaken as an Owner -Builder.

- b) If the work is not going to be undertaken by an Owner - Builder, the applicant must:
 - i) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
 - ii) notify the Principal Certifier of the details of any such appointment; and
 - iii) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

103. 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.

104. 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.

105. 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.

106. Notice to be given prior to critical stage inspections - The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out. Where Georges River Council has been appointed as the Principal Certifier, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

107. 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

108. Clause 97A - BASIX Commitments - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

109. **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.
110. **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.
111. **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.
112. **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.
113. **Clause 98E - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

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

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

END CONDITIONS

NOTES/ADVICES

114. **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.

115. **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.

116. **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.

117. **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.

118. **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.

119. **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. 2017/DA/****)
- (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.

120. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work. A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).