

**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 03 FEBRUARY 2022**

LPP Report No	LPP003-22	Development Application No	DA2021/0410
Site Address & Ward Locality	50 Thurlow Street Riverwood NSW 2210 Peakhurst Ward		
Proposed Development	Change of use, and alterations and additions to a registered club		
Owners	Riverwood Legion and Community Club Ltd		
Applicant	Boden Projects Pty Ltd		
Planner/Architect	Planner: Andrew Martin Planning / Architect: Altis Architecture		
Date Of Lodgement	7/10/2021		
Submissions	Three (3) submissions		
Cost of Works	\$623,481.00		
Local Planning Panel Criteria	General Manager Delegation: Determination by the Local Planning Panel is in the public interest.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Infrastructure) 2007; State Environmental Planning Policy No 55 - Remediation Of Land; State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Draft Environment State Environmental Planning Policy; Draft Remediation of Land SEPP; Draft Design and Place State Environmental Planning Policy Hurstville Local Environmental Plan 2012; Georges River Local Environmental Plan 2021; Hurstville Development Control Plan No.1; Georges River Development Control Plan 2021.		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Statement of Environmental Effects, Stormwater Plans, Acoustic Report, BCA Report, Access Report, Survey Plan		
Report prepared by	Senior Development Assessment Officer		

Recommendation	That the application be approved in accordance with the conditions included in this report.
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes

<p>Clause 4.6 Exceptions to development standards</p> <p>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>Not Applicable</p>
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<p>No</p>
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p>	<p>No, conditions can be reviewed when the report is published.</p>

Site Plan



Figure 1: Aerial view of site (club) in red, with proposed location of works (Site) in blue (Source: *Intramap 2022*)

Executive Summary
Proposal

1. Development consent is sought for a change of use and alterations and additions to a registered club. Specifically, the proposal is a partial change of use and for a first-floor extension of the club over an adjoining property, 50 Thurlow Street Riverwood (being lots 6 and 7 in DP20020), to accommodate a new alfresco dining area.

2. The proposal reasonably complies with all the applicable environmental planning instruments, and development standards.

Site and Locality

3. The subject site known as 50 Thurlow Street Riverwood and comprises two lots being lots 6 and 7 in DP20020. The site adjoins the main club boundary located directly east. The dual street frontage site is located between Thurlow Street located North, and Littleton Street located South. The site is within the commercial/business precinct of the Riverwood Town centre.
4. The site has a combined area of approximately 378.4sqm with a frontage of 10.39m to Thurlow Street and 9.14m to Littleton Street. The site falls towards Littleton Street. The site currently accommodates a part two, part three storey red brick building on the northern portion fronting Thurlow Street comprising a retail space at ground floor with units above. The southern portion onto Littleton Street is occupied by a ground level hardstand driveway and car parking for the building.
5. The main site containing the registered club known as Club Rivers, is located directly east and is known as 2 Littleton Street Riverwood (lot 101 in DP786150). The site is 2,196sqm in size and contains a large two storey building providing entertainment, dining and event hire spaces serving the local community of Riverwood.
6. The precinct is a combination of low to medium commercial developments in addition to some residential residences. The site is in close proximity to Riverwood Station, St. Joseph's Catholic Church and Primary School, and Riverwood Plaza.

Zoning and Permissibility

7. The site is zoned B2 – Local Centre under the provisions of Hurstville Local Environmental Plan 2012 (HLEP 2012). The proposal is for a change of use and alteration and additions to a registered club. Registered clubs are a permitted use within consent in the zone.

Submissions

8. The application was notified in accordance with Council's neighbour notification policy between 04 November 2021 and 18 November 2021 and three (3) submissions were received raising concerns with regards to the following matters:
 - a. Noise and acoustic impacts,
 - b. Construction and location of a crane,
 - c. Parking and traffic,
 - d. Power outage.

Conclusion

9. Having regard to the matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment, the proposed Development Application (DA2021/0410) is recommended for approval subject to conditions referenced at the end of this report.

Report in Full

Proposal

10. Council is in receipt of an application seeking consent for a 'change of use and alterations and additions to a registered club'. Specifically, the proposal is for a first-floor extension of the club over the ground level car park of 50 Thurlow Street Riverwood (being lots 6 and 7 in DP20020), to accommodate a new 188.2sqm alfresco dining area. The works in detail are described below:

Change of use

- Partial change of use from a commercial use to a registered club. The new use will be accommodated within a new alfresco dining area suspended over a parking/driveway area providing access to the commercial building at 50 Thurlow Street.

Internal Alteration to the Club

- Remove portion of existing finished first floor and high-level slab and stair over the egress stairs between ground and the first floor level.
- Demolish existing internal walls.
- Demolish remainder of existing stage.
- Remove existing airlock.
- Remove existing club signage mounted to façade.
- Demolish parts of external walls to create new openings through to new first floor extension.

Internal Alteration to the Club

- Construction of a new 188.2sqm concrete slab suspended over the existing ground level car park and driveway to the rear of 50 Thurlow Street with new concrete piers below to support.
- Construction of new enclosing walls, including new solid fire-rated brick wall built to the western boundary and new solid fire-rated brick wall built 600mm setback from southern aspect of existing three storey building.
- New metal roof structure over with box gutter and sliding glass roof element (retractable skylight).
- New glazing and sliding automatic doors opening into the existing club area and new landscape planters.
- New awning over proposed semi-open terrace dining designed to align with the approved awning extension under DA2020/0428
- New internal fit out of re-configured section of existing club including new dining space extending from the new terrace and make-good of main stair up from ground level with planters and re-located fire hydrant.
- Fit-out of new alfresco dining extension with tables, chairs and dining booths with landscaped planters and storage space.

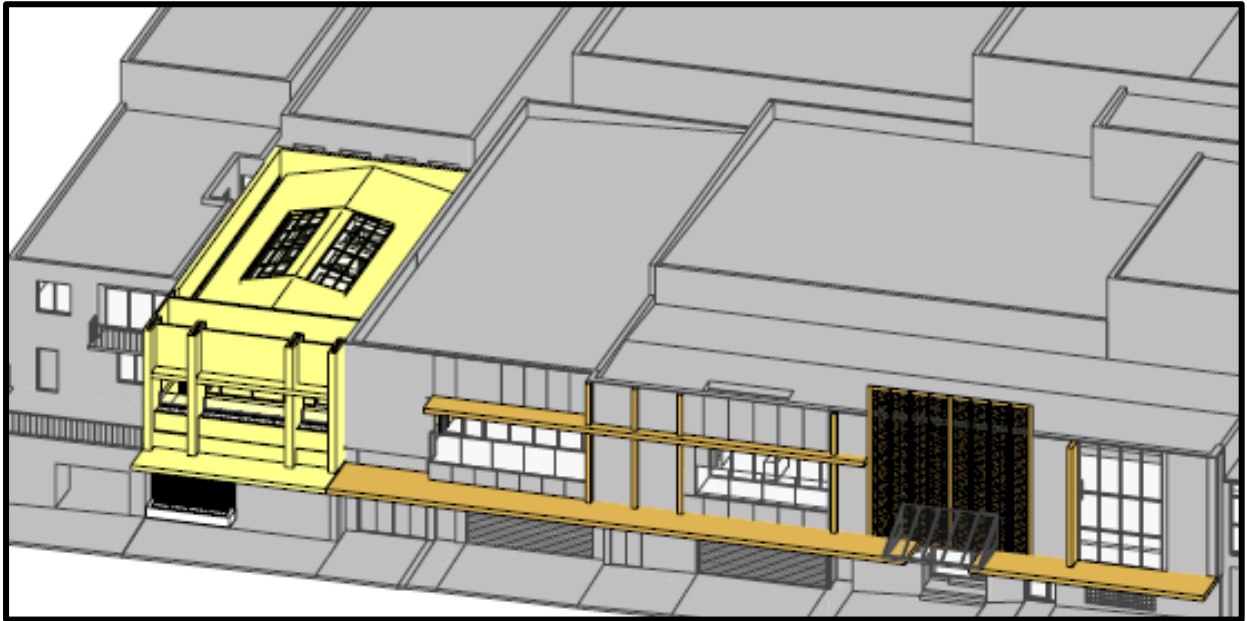


Figure 2: 3D impression of proposed extension (in yellow)

11. Given 50 Thurlow Street Riverwood (lots 6 and 7 in DP20020) will now be used in conjunction with the existing club at 2 Littleton Street, a condition is imposed requiring 50 Thurlow Street Riverwood (lots 6 and 7 in DP20020) and 2 Littleton Street Riverwood (lot 101 in DP786150) be consolidated into one single allotment.
12. The 600mm northern setback proposed is considered to be insufficient to allow for adequate light to filter to the existing windows along the southern façade of the commercial building. In order to allow for additional light, a condition is imposed requiring a minimum 1.0m setback be proposed. The FSR has been amended accordingly to take into consideration the reduced area.
13. The front façade includes several elements encroaching onto Council land including the pedestrian awning in addition to several architectural features. A condition is imposed requiring that all elements be within the property boundary with the exception of the pedestrian awning.

Use and Operational Details

14. This application has been lodged primarily for the change of use to a registered club and alterations and additions to the existing registered club to create a new alfresco dining area in conjunction with the existing services of the club.
 - **Operating hours:** The area shall operate in accordance with the approved hours of operation of the registered club being Monday to Sunday inclusive from 9:00am to 4:00am (the following day). The area shall be closed to patrons between 12:00am and close of trading (as per recommendations of Acoustic Report).
 - **Staff:** Staff number will remain as existing.
 - **Clients:** Clientele will be those visiting the club (approximately 118 seating spaces proposed).
 - **Parking:** Parking is provided within the available Club Rivers car parking facility at 5 Littleton Street, opposite the site across Littleton Street. The parking arrangement was supported by Council's Traffic Engineer.
 - **Accessibility:** The building will be refurbished to comply with the requirements of the Building Code of Australia (BCA) / National Construction Code (NCC) 2019. Conditions imposed.

- **Acoustics:** An acoustic report accompanies the application. The report was supported by Council's Environmental Health Officer subject to conditions.
- **Waste Management:** A satisfactory waste management plan accompanies the application.
- **Security:** The proposed alfresco includes a glazed street facade which will increase surveillance of the street. The space will be staffed at all times, in addition to the installation of CCTV cameras to assist with surveillance.
- **Loading and Delivery:** The additional alfresco area will not require specific loading/unloading services. Loading will be through the existing loading dock within the ground floor accessed via Littleton Street.

Site and Locality

15. The subject site known as 50 Thurlow Street Riverwood straddles two lots being lots 6 and 7 in DP20020. The site adjoins the main club boundary located directly east. The dual street frontage site is located between Thurlow Street located North, and Littleton Street located South. The site is within the commercial/business precinct of Riverwood Town centre.
16. The site has a combined area of approximately 378.4sqm with a frontage of 10.39m to Thurlow Street and 9.14m to Littleton Street. The site falls towards Littleton Street. The site currently accommodates a part two, part three storey red brick building on the northern portion fronting Thurlow Street accommodating a retail space at ground floor with units above. The southern portion onto Littleton Street is occupied by a ground level hardstand driveway and car parking for the building.
17. The main site containing the registered club known as Club Rivers, is located directly west and is known as 2 Littleton Street Riverwood (lot 101 in DP786150). The site is 2,196sqm in size and contains a large two storey building providing entertainment, dining and event hire spaces serving the local community of Riverwood.
18. The precinct is a combination of low to medium commercial developments in addition to some residential residences. The site is in close proximity to Riverwood Station, St. Joseph's Catholic Church and Primary School, and Riverwood Plaza



Figure 3: View of club site from Thurlow Street



Figure 4: View of club site from Littleton Street



Figure 5: View of location of proposed extension (Littleton Street)

Background

19. DA2014/0968 was approved under delegated authority on 29 August 2014 for use of unit 2 of Lot 6 DP 20020 as a massage parlour. The tenancy is within Lot 6 DP 20020 along the second floor.
20. DA2015/0437 was approved by the Georges River IHAP on 8 September 2016 for demolition of existing parking structures and construction of a five storey building with basement comprising six levels of car parking, two levels of commercial offices on upper floors, and a retail tenancy and lobby on ground floor at 5-7 Littleton Street (car parking for Club Rivers).
21. DA2020/0188 was approved under delegated authority on 02 November 2020 for use of tenancy (unit 1) as an educational facility (tutoring). The tenancy is within Lot 6 DP 20020 along the first floor (over garage).
22. DA2020/0428 was approved under delegated authority on 15 June 2021 for upgrades to the Littleton Street and Thurlow Street Facades of the Club and new signage.
23. For reference, the adjoining site at 54 Thurlow Street is approved for use as an Asian grocery store with a food preparation area (Applications DA262/2011, MOD2014/0142 and MOD2018/0135).

Compliance and Assessment

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

STATE ENVIRONMENTAL PLANNING INSTRUMENTS

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

State Environmental Planning Policy Title	Complies
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes
State Environmental Planning Policy (Infrastructure) 2007	Yes
State Environmental Planning Policy No 55 - Remediation of Land	Yes
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes

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

26. The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.
27. The Vegetation State Environmental Planning Policy applies to clearing of:
- Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
 - Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).
28. The objectives of the State Environmental Planning Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 5(1) of the State Environmental Planning Policy as the site is within both Georges River Council and the B2 Local Centre zone.
29. Pursuant to Clause 8(1) of the State Environmental Planning Policy, clearing does not require authority under the policy as it is a type of clearing that is authorised under Section 60O of the Local Land Services Act 2013 (specifically, that associated with a development consent issued under Part 4 of the Environmental Planning and Assessment Act 1979).
30. No trees or vegetation will be impacted by this proposal.

State Environmental Planning Policy No 55 – Remediation of Land

31. State Environmental Planning Policy 55 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment. Clause 7 requires contamination and remediation to be considered in determining a development application. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.
32. The proposed works relate to a change of use and alteration and additions to the existing club and commercial/residential site. Given earthworks are only limited to supporting

columns to the proposed alfresco, soil disturbance is not considered excessive and thus in this regard, no further assessment is warranted with regards to site contamination.

State Environmental Planning Policy (Infrastructure) 2007

33. The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:
- (a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
 - (b) *providing greater flexibility in the location of infrastructure and service facilities, and*
 - (c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
 - (d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
 - (e) *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
 - (f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
 - (g) *providing opportunities for infrastructure to demonstrate good design outcomes.*
34. The application was referred to Ausgrid as per clause 45. No comments or objections were received by Ausgrid.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

35. The proposal is not inconsistent with the aims, objectives and controls of the policy. The proposal was accompanied by stormwater plans which were assessed and supported by Council's Development Engineer subject to conditions.

Draft Environment State Environmental Planning Policy

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

Draft Remediation of Land State Environmental Planning Policy

38. The Draft Remediation of Land State Environmental Planning Policy was exhibited from 31 January 2018 to 13 April 2018. The proposed remediation of land State Environmental Planning Policy will:
- Provide a state-wide planning framework for the remediation of land;
 - Maintain the objectives and reinforce those aspects of the existing framework that have worked well;
 - Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
 - Clearly list the remediation works that require development consent;
 - Introduce certification and operational requirements for remediation works that can be undertaken without development consent.
39. The proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Design and Place State Environmental Planning Policy

40. Consideration is given to the provisions of the Draft Design and Place State Environmental Planning Policy in the assessment of this application.
41. The New South Wales Department of Planning, Industry and Environment exhibited an Explanation of Intended Effect between 26 February 2021 and 28 April 2021 for the proposed Design and Place State Environmental Planning Policy.
42. The Design and Place State Environmental Planning Policy will:
- Establish principles for the design and assessment of places in urban and regional NSW;
 - Establish matters for consideration and application requirements that collectively respond to each of the principles;
 - Provide a single point of reference for design-related considerations and performance criteria in the planning system;
 - Define scales of development – precincts and significant development, and all other development;
 - Introduce a robust and consistent design process through requirements for design skills, design evaluation and review, and design excellence;
 - Integrate a design-led, place-based approach, which includes embedding the draft Connecting with Country Framework;
 - Be supported by existing, revised and new guidance, including a revised Apartment Design Guide (ADG), a new Urban Design Guide (UDG), and revisions to the Building Sustainability Index (BASIX);
 - Repeal and replace State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX State Environmental Planning Policy)
 - Consolidate design and place requirements in other State Environmental Planning Policies in the future.
43. The proposal is not considered to be inconsistent with the provisions of the Draft State Environmental Planning Policy.

LOCAL ENVIRONMENTAL PLAN

Hurstville Local Environmental Plan 2012 (HLEP 2012)

- 44. The site is zoned B2 – Local Centre and ‘registered club’ is listed as permissible with consent. The proposal for the change of use is considered permissible in the zone and thus acceptable. The alteration and addition to the club is considered ancillary to the primary use and thus also permitted with consent.
- 45. The extent to which the proposed development complies with the Hurstville Local Environmental Plan 2012 (HLEP 2012) is detailed and discussed in the table below.

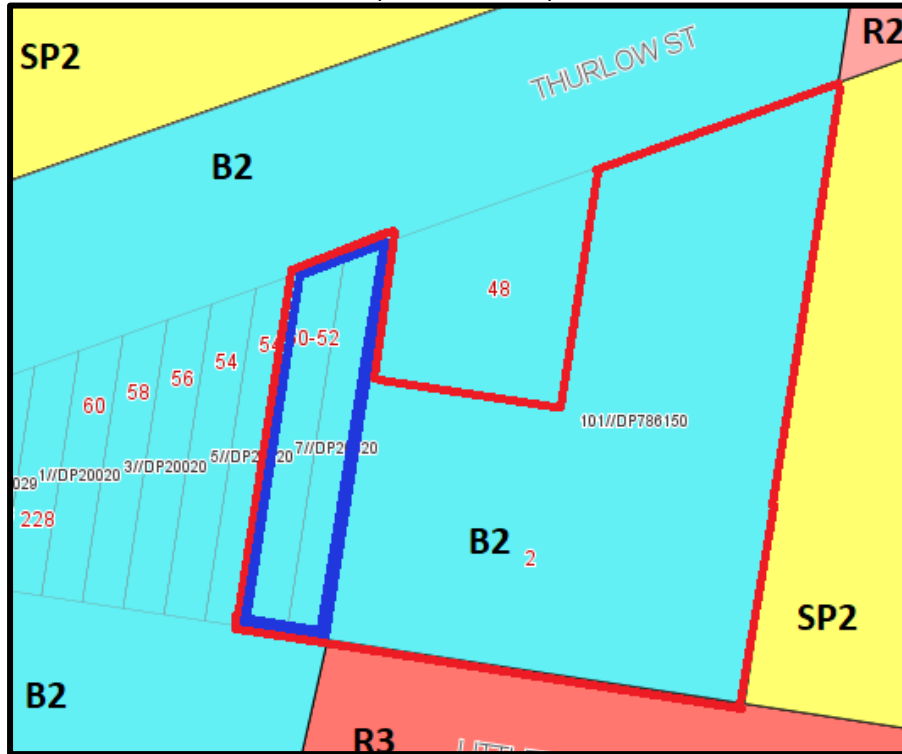


Figure 6 Zoning map as per Hurstville Local Environmental Plan 2012 of site (club) in red, with proposed location of works (Site) in blue (Source: *Intramap 2022*)

Clause	Standard	Proposed	Complies
Part 1 Preliminary			
1.2 – Aims of the Plan	In accordance with Clause 1.2 (2).	The development is consistent with the aims of the plan.	Yes
1.4 – Definitions	<i>registered club means a club that holds a club licence under the Liquor Act 2007.</i>	The proposed development is consistent with the relevant definitions. A condition is imposed with regard to the requirements to amend the liquor license to cover the new alfresco area.	Yes
Part 2 Permitted or prohibited development			
2.3 – Zone objectives and Land Use Table	Meets objectives of B2-Local Centre Zone: <ul style="list-style-type: none"> • <i>To provide a range of retail, business, entertainment and community uses that serve the needs of</i> 	The proposal satisfies the objectives of the zone.	Yes

	<p><i>people who live in, work in and visit the local area.</i></p> <ul style="list-style-type: none"> • <i>To encourage employment opportunities in accessible locations.</i> • <i>To maximise public transport patronage and encourage walking and cycling.</i> • <i>To maintain a commercial and retail focus for larger scale commercial precincts.</i> 		
Part 4 Principal development standards			
4.3 – Height of Buildings	28m as identified on Height of Buildings Map	9.5m	Yes
4.4 – Floor space ratio	<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p><u>50 Thurlow Street:</u></p> <p>3:1 or 1,135.2sqm</p> <p><u>Entire club site:</u></p> <p>3:1 or 7,723.2sqm</p>	<p><u>50 Thurlow Street:</u></p> <p>Site area: 378.4sqm</p> <p>New extension: 188.2sqm (184.5sqm with increased northern setback)</p> <p>FSR: in the absence of floor plans to the existing building at 50 Thurlow, scaled calculations show that the roof area is approximately 195sqm. Given it is a three-storey building, the FSR is assumed to be 585sqm (195 x 3).</p> <p>2.03:1 or 769.5sqm (585sqm + 184.5sqm)</p> <p><u>Entire club site:</u></p> <p>Site area: 2,574.4sqm</p> <p>FSR: 1.57:1 or 4,059.4sqm*</p> <p>*:4,059.4= 3,474.4 (including reduced setback-3.7sqm) + 585 (existing building)</p>	Yes

4.4A – Non-residential floor space ratios	(1) Despite clause 4.4, development consent must not be granted for development on land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre unless the non-residential floor space ratio is at least 0.3:1.	Non-residential floor space exceeds 0.3:1.	Yes
Part 5 Miscellaneous provisions			
5.10 – Heritage conservation	(2) Requirement for consent Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area,	Site is not a heritage item and it is not located within the vicinity of any heritage items.	Yes
5.21 – Flood planning	As per clause 5.21	The Site is flood affected. The application was referred to Council's Development Engineer and the proposal was supported subject to conditions.	Yes
Part 6 Additional local provisions			
6.1 – Acid sulfate soils	(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The site has not been identified as located in an area containing Acid Sulfate soils as per Hurstville Local Environmental Plan 2012 Acid Sulfate Soils Map.	Yes
6.4 – Foreshore scenic protection area	(2) This clause applies to land identified as "Foreshore scenic protection area" on the Foreshore Scenic Protection Area Map.	The Site is not within the identified Foreshore Scenic Protection Area.	N/A
6.6 – Active street	(2) This clause applies to land identified as "Active	The Thurlow Street boundary of the site is	Yes

frontages	street frontage” on the Active Street Frontages Map.	affected by this clause. No works are proposed along the Thurlow Street façade.	
6.7 Essential services	– Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road and vehicular access.	All utility (essential) services on site (water, sewerage, power, telecommunications) are available. The application was accompanied by a stormwater plan which proposed drainage to the Littleton Street. Suitable vehicular access to the commercial units along 50 Thurlow Street is maintained.	Yes

Georges River Local Environmental Plan 2021

- 46. Consideration is given to the provisions of the Georges River Local Environmental Plan 2021 in the assessment this application.
- 47. In this regard, the provisions have no determining weight as a result of the operation of Clause “1.8A Savings provisions relating to development applications” of the Plan which provides “If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”

DEVELOPMENT CONTROL PLANS

- 48. The proposal has been assessed under the relevant sections of the Hurstville Development Control Plan No.1 as follows.

Control	Standard	Proposed	Complies
3.0 General Planning Considerations			
3.1 Vehicle Access, Parking & Manoeuvring	Registered clubs (excluding residential) and nightclubs- 1 space per 18.5m2	Under DA2015/0437, the car parking approved for the club was 122 spaces within the car parking building opposite the site across Littleton Street. The same building also contains 61 public car parking spaces owned by	Acceptable

		<p>Council.</p> <p>At the time of the approval of DA2015/0437, the rate of 1 space per 18.5sqm was not applied, rather the parking provided was based on a traffic and parking assessment considering the 85th percentile for demand for car parking on a Friday night, which is the busiest night for the club.</p> <p>Under this proposal, an additional 10 car spaces are needed based on the size of the new alfresco area.</p> <p>Following comment from Council's traffic engineer, the additional car parking requirements will be able to be serviced by the approved car parking building, taking into consideration the available public car parking spaces within the same building and the operational hours of the club.</p>	
3.3 Access & Mobility	One space per 20 spaces or part thereof, where parking areas have more than 20 spaces but less than 50 spaces. 2% of parking spaces where 50 or more parking spaces provided in accordance with AS 2890.	<p>The car parking arrangement will remain as existing.</p> <p>The proposal was accompanied by an access report that concludes that compliance with the NCC and access standards can be achieved.</p>	As existing
3.4 Crime Prevention Through Environmental	As per section 3.4	The proposed alfresco includes a glazed street facade front which will increase	Yes

Design		surveillance of the street. The space will be staffed at all times, in addition to the installation of CCTV cameras to assist with surveillance.	
3.7 Stormwater	As per section 3.7	The proposal is accompanied by stormwater plans that have been supported by Council's Development Engineer subject to conditions.	Yes
5.0 Controls for Specific Non-Residential Development Types			
5.5 Signage	As per section 5.5	No signage proposed under this application.	N/A
6.0 Controls for Specific Sites and Localities			
6.2 Riverwood			
Part B – Belmore Road and Mixed Use Development Controls			
PC2. Amalgamating Existing lots	DS2.1. Maximum street frontage for individual commercial sites along Belmore Road is 25m.	The Site does not front Belmore Road.	N/A
PC5 Setbacks	DS5.1. Development along Belmore Road that has dual access to rear laneway is required to provide a 1m setback to the laneway. This 1m setback is required to be dedicated to Council to allow for lane widening to improve pedestrian amenity and traffic management.	The building does not front a laneway, it has access to two road frontages.	N/A
PC8 Building Design	DS8.1. A balance of horizontal and vertical façade elements is to be provided.	The building is adequately designed to present as a contemporary addition to the club. The addition contains multiple architectural elements to soften the façade and add visual interest and is consistent with the façade treatment of the club. Given several	Yes, condition imposed

		elements encroach onto Council land, a condition has been imposed requiring all elements be within the property boundary except for the pedestrian awning.	
PC10 Acoustic Privacy	DS10.4. Restaurants and cafes should be designed to minimise the impact of noise associated with late night operation, on nearby residents.	The proposal is accompanied by an acoustic report which was assessed and supported by Council's Environmental Health Officer subject to conditions.	Yes
PC12 Awnings	DS12.1. Each building is to provide an awning	The building provides an awning that will connect to the existing awning and is of similar colours and finishes.	Yes,
PC17 Landscaping and Open Space	DS17.1. Lower level rooftop areas and courtyards in the centre of blocks are to be landscaped	Although the site is void of landscaping, the ground floor parking entrance below the awning will have a 4sqm planter box. There is also a planter bed across the frontage of the proposal adjacent to the dining terrace.	Yes
Part C – General Controls			
PC3 Visual and Acoustic Privacy	DS3.5. Council may require an applicant to provide a Noise Impact Assessment Report by a qualified acoustic engineer where external noise is identified as a likely problem, such as: <ul style="list-style-type: none"> • adjoining a railway line • fronting arterial or state roads • under the airport flight path; or • near major industry or noise generating plant or equipment 	The proposal is accompanied by an acoustic report which was assessed and supported by Council's Environmental Health Officer subject to conditions.	Yes

49. The Georges River Development Control Plan became effective on 8 October 2021 upon the gazettal of the Georges River Local Environmental Plan 2021. However, given the date the application was lodged the Hurstville Local Environmental Plan 2012 and the Georges River Development Control Plan remain the instruments for assessment of this proposal.

IMPACTS

Natural Environment

50. The development will not result in unreasonable significant adverse impacts on the natural environment. The proposal was referred to Council's consultant arborist who supported the application with no recommended conditions.

Built Environment

51. The proposed development is of a scale and character that is in keeping with other buildings being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the built environment of the locality. The bulk and scale of the proposed built form is not dissimilar to other developments within the locality.
52. The expectation of the business zones is that space be maximized for business and commercial activities, hence boundary to boundary construction is acceptable. Although the building will partially block some windows located along the eastern side of 54 Thurlow Street, and at the rear of the building to the north of the alfresco addition, a lightwell to both has been maintained to allow for partial ventilation and light to reach those spaces. Following a search through Council records, the windows related primarily to commercial uses rather than residential uses.
53. In order to maximise light towards the northern lightwell, the 600mm northern setback is to be increased to 1.0m. A condition has been imposed in this regard.
54. A further condition has been imposed requiring the existing electrical services along the eastern façade of 54 Thurlow Street be replaced with the agreement of the owners/tenants of 54 Thurlow Street Riverwood prior to the work being undertaken.
55. The front façade includes several elements encroaching onto Council land including the pedestrian awning in addition to several architectural features. A condition is imposed requiring that all elements be within the property boundary except for the pedestrian awning.
56. Given 50 Thurlow Street Riverwood (lots 6 and 7 in DP20020) will now be used in conjunction with the existing club at 2 Littleton Street, a condition is imposed requiring 50 Thurlow Street Riverwood (lots 6 and 7 in DP20020) and 2 Littleton Street Riverwood (lot 101 in DP786150) be consolidated into one single allotment.

Social and Economic Impact

57. The environmental impacts on the social environment are considered to be reasonable and the application is supported. There is no apparent adverse economic impact that is likely to result within the locality due to the construction of the proposed development. The proposal is not considered to result in unreasonable material economic impact.

Suitability of the Site

58. It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography and relationship to adjoining developments.

SUBMISSIONS AND THE PUBLIC INTEREST

59. The application was notified to surrounding neighbours for a period of fourteen (14) days between 04 November 2021 and 18 November 2021 and three (3) submissions were received raising concerns with regards to the following matters:

Concern	Officer comment
Noise and acoustic impacts	The proposal was accompanied by an acoustic report which was assessed and supported by Council's Environmental Health Officer subject to conditions relating to compliance with the acoustic report, and general conditions relating to noise and ongoing amenity.
Construction and location of crane	Given the relatively minor scale of the addition, it is not anticipated that the works will adversely disrupt amenity. The use of a crane although unlikely, will require relevant approval, and will be subject to a future application. Relevant conditions have been imposed to ensure traffic management is considered prior to construction.
Parking and traffic	The proposal was assessed by Council's Traffic Engineer and it was considered that the additional car parking demand will be able to be catered for by the car parking available at 5 Littleton Street Riverwood. The proposal was supported by Council's Traffic Engineer.
Power outage	Power outage as a result of the construction works, and ongoing use is unlikely, however should a power outage be scheduled due to unforeseen circumstances related to the development, the matter will be handled by the contractor and the relevant electricity provider. A condition has been imposed requiring the existing electrical services along the eastern façade of 54 Thurlow Street be replaced with the agreement of the owners/tenants of 54 Thurlow Street Riverwood prior to the work being undertaken.

REFERRALS**Council Referrals**Consultant Arborist

60. The application has been assessed and endorsed by Council's Consultant Arborist with no conditions being recommended.

Drainage Engineering

61. The application has been assessed and endorsed by Council's Drainage Engineer. Stormwater related conditions of consent have been imposed.

Environmental Health

62. The application has been referred to Council's Environmental Health team. The proposal was assessed and supported subject to conditions.

Traffic Engineering

63. The application has been referred to Council's Traffic Engineer. The proposal was assessed and supported subject to conditions.

External Referrals

Ausgrid

64. The application was referred to Ausgrid as per Clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007. Ausgrid did not object to the development.

Local Infrastructure Contributions

65. Section 7.12 levies are applicable given the cost of works exceed \$100,000. A condition has been imposed in this regard.

Conclusion

66. The application seeks approval for a change of use and alterations and additions to a registered club at 50 Thurlow Street Riverwood NSW 2210.

67. The proposal has been assessed in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act, 1979. As discussed throughout this report, the proposal satisfies the B2 Local Centre zone objectives, in addition to reasonably complying with the relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plan. Where a variation was present, it has been assessed on merit and against the objectives of the control and found to be acceptable in the circumstances of this development.

68. The proposal will not result in unreasonable impacts to the amenity of adjoining properties subject to the conditions of consent recommended below.

69. The application is recommended for approval subject to conditions.

STATEMENT OF REASONS AND DETERMINATION

Statement of Reasons

70. The statement of reasons are as following:

- The proposed development is consistent in the zone with development consent;
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality;
- The proposed development is well considered and sensitively designed so that it will not result in unreasonable impact on the natural and built environment.
- The building will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, acoustic impacts, visual impacts, traffic, overshadowing or view loss;
- The proposed development is a suitable and planned use of the site and its approval is in the public interest.

Determination

71. THAT pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) the Georges River Local Planning Panel approves DA2021/0410 for change of use and alterations and additions to a registered club at 50 Thurlow Street Riverwood NSW 2210, subject to the conditions listed below.

Development Conditions

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DA0002	02/09/2021	C	Altis Architecture
Demolition Plan- Ground floor	DA1000	31/08/2021	B	Altis Architecture
Demolition Plan- First floor	DA1001	31/08/2021	A	Altis Architecture
Ground floor Plan	DA1101	31/08/2021	B	Altis Architecture
First floor Plan	DA1102	31/08/2021	B	Altis Architecture
Roof Plan	DA1103	02/09/2021	C	Altis Architecture
Elevations Plan	DA2001	31/08/2021	B	Altis Architecture
Sections Plan 1	DA3001	02/09/2021	C	Altis Architecture
Sections Plan 2	DA3002	31/08/2021	A	Altis Architecture
3D view	DA0010	02/09/2021	C	Altis Architecture
Erosion & Sediment Control Plan	Job No 20210138, Sheet SW400	08/09/2021	P1	JCO Consultants Pty Ltd
Stormwater Concept Design	Job No 20210138, Sheet SW200	08/09/2021	P1	JCO Consultants Pty Ltd
Building Code of Australia Compliance Capability Report	M210025	30/09/2021	01	Mondan Consulting Pty Ltd
Access Report	50-52 Thurlow Street Riverwood	14/09/2021	B	Ergon Consulting
Acoustic Report	7302-1.1R	15/09/2021	Final	Day Design Pty Ltd

2. **Tree Removal & Replacement** - No trees are to be removed under this consent.

Separate Approvals Required Under Other Legislation

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

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

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

- (a) Placing or storing materials or equipment;

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

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

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

4. **Trade Waste Agreements** A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.
5. **Liquor Licence** - If alcohol is proposed to be served/consumed within the premise, an application is required to be made to NSW Office of Liquor and Gaming for a Liquor Licence under the Liquor Act 2007. If liquor is to be served within the new alfresco area, no occupation of the alfresco is to commence until such a time that a liquor licence has been obtained for that space.
6. **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.

Requirements of other Concurrence, Integrated & other Government Authorities

7. **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.
8. **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.
9. **Notice of Requirements for a Section 73 Certificate**- A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.
Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.
The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

Prior to the Issue of a Construction Certificate

10. **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.
11. **Compliance with submitted Acoustic Report**- The Construction Certificate plans must demonstrate compliance with the recommendations of the Acoustic Assessment submitted to Council, titled "*Environmental Noise Assessment Report. Proposed Alterations & Additions to Club Rivers, 50-52 Thurlow St Riverwood, NSW. Report Number 7302-1.1R dated 15 September 2021*", prepared by Day Design Pty Ltd.

This means that a review of glazing design, other construction materials and mechanical plant must be undertaken to ensure that acoustic objectives will be met. Written verification from a suitably qualified acoustic consultant must be submitted to Council validating that the acoustic objectives contained within the aforementioned report will be met.

12. **Access for Persons with a Disability** - Access for persons with disabilities must be

provided direct to the site, including to all common areas, foyers, retail areas, carpark and required sanitary facilities in accordance with the Premises Standards, the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application.

In regard to the above, pedestrian access throughout basement levels shall be highlighted and sign posted to safeguard access and egress.

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

- 13. **Slip Resistance** - All pedestrian surfaces in areas such as foyers, public corridors, common areas, stairs and ramps as well as floor surfaces in all wet rooms including in any residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.
- 14. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council’s adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$168.00
Section 7.12 contributions	\$6,244.81

General Fees

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

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 *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.

- 15. Site Management Plan** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
- 16. Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
- (a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$1,900.00
 - (b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: \$168.00
 - (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise, the amount will be either forfeited or partly refunded according to the amount of damage.

- 17. Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- (a) Compliance with the approved Erosion & Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) All clean water runoff is diverted around cleared or exposed areas
 - (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar

- (h) Compliance with [Managing Urban Stormwater - Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

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

- 18. Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

- 19. Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

- 20. Stormwater System**- The submitted stormwater plan has been assessed as a concept plan only (Stormwater Concept Design Site Plan, Prepared By JCO Consultants Pty Ltd, Job No 20210138, Sheet SW200, Rev P1, Dated 08/09/2021). Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- (a) All stormwater shall be drained in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- (b) 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.

- 21. Require Design Changes**- The following changes are required to be shown on the construction certificate plans to the satisfaction of the principal certifier:

- (a) The 0.6m northern setback between the extension and the existing building at 50 Thurlow Street Riverwood is to be increased to 1.0m. The northern external wall is to observe a clean finish and be painted with a light colour to avoid adverse visual impacts to the existing built form.
- (b) The external western wall facing the light well at 54 Thurlow Street Riverwood must observe a clean finish and be painted with a light colour to avoid adverse visual impacts to the existing built form.
- (c) The existing electrical services along the eastern façade of 54 Thurlow Street shall be replaced with the agreement of the owners/tenants of 54 Thurlow Street Riverwood prior to any work being undertaken.
- (d) All elements along the southern façade onto Littleton Street must not encroach over the property boundary, with the exception of the pedestrian awning only.

- 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 premises including but not limited to:

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

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

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

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

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

24. Construction Traffic Management Plan- A Construction Traffic Management Plan detailing:

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;
- (c) hours of construction;
- (d) Access arrangements;
- (e) How the occupants of the carpark are going to be notified of the inability to access the carpark when works commence;
- (f) How the occupants on the club are to remain staff and notified of the construction works; and
- (g) Proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council's Engineers. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

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

- 25. Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

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

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

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

- 26. 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](#).
- 27. Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

During Construction

- 28. 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, water mains, gas mains, connecting of stormwater to the kerb and telecommunication. This is for any work that involves excavation through or within a public road, kerb and gutter, and or the public footway between the road and the property boundary. The permit is to be lodged prior to the commencement of works. Additional approval is required from Roads and Maritime Services for works on a State Road.
- 29. Hours of construction for demolition and building work** - Unless authorised by Council:
- Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
 - Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.

- 30. Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
- 31. Registered Surveyors Report - During Development Work** - A report must be submitted to the PCA at each of the following applicable stages of construction:
- Set out before commencing excavation.
 - Floor slabs or foundation wall, before formwork or commencing brickwork.
 - 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.
 - Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
 - Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

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

- 32. 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.
- 33. 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.
- 34. Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

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

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

Prior to the issue of the Occupation Certificate

36. **Section 73 Compliance-** Certificate- A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation Certificate.
37. **Site consolidation-** Prior to the release of the occupation certificate, 50 Thurlow Street Riverwood (lots 6 and 7 in DP20020) and 2 Littleton Street Riverwood (lot 101 in DP786150) shall be consolidated in one single allotment.
38. **Requirements prior to the issue of the Occupation Certificate - Stormwater Works-** The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:
- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
39. **Minor Development** - Internal driveways and parking spaces along the ground level are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.
40. **Slip Resistance** - At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.
41. **Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:
- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by applicable law.

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.

- 42. Compliance with submitted Acoustic Report-** Prior to the release of the occupation certificate, a certificate shall be prepared by the engaged acoustic engineer certifying that the recommendations of the Acoustic Assessment submitted to Council, titled "*Environmental Noise Assessment Report. Proposed Alterations & Additions to Club Rivers, 50-52 Thurlow St Riverwood, NSW. Report Number 7302-1.1R dated 15 September 2021*", prepared by Day Design Pty Ltd" have been incorporated and will achieve the intended acoustic requirements.
- 43. Post Construction Dilapidation Report – Private Land -** At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:
The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.
Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.
- 44. Building - Structural Certificates -** The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried out in accordance with the structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate.

Operational Conditions (On-Going)

- 45. Ongoing Waste conditions-**
- (a) Waste bins are to remain within the private property at all times ahead of and post collection.
 - (b) Waste management to be in accordance to the approved waste management plan.
- 46. No Structures on Street-Facing Roof Plane or Awning-** No solar hot water heater storage tanks, solar panels, ventilators, air conditioning units, satellite dishes and antennae or the like are to be placed on roof planes, parapets or street awnings of the building along Littleton Street.
- 47. 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).

- 48. Final Acoustic Report – Verification of Noise report-** Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the [EPA's Noise Policy for Industry](#) and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures undertaken are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the [Protection of the Environment Operation Act 1997](#) (as amended).
- 49. Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.
- Flashing, moving or intermittent lights or signs are prohibited.
- 50. Activities and storage of goods outside buildings** - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
- 51. Food premises - Garbage Odour** - A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the [Protection of the Environment Operations Act, 1997](#) (as amended).
- 52. 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.
- 53. Operational details** - The alfresco area shall operate in accordance with the following:
- (a) Hours of operation: The area shall operate in accordance with the approved hours of operation of the registered club being Monday to Sunday inclusive from 9:00am to 4:00am (the following day). The alfresco dining area and associated terrace shall be closed to patrons between 12:00midnight and 4am daily.
- 54. Compliance with Acoustic Report-** The premise shall at all times comply with the recommendations of the acoustic report submitted and approved by Council, titled "*Environmental Noise Assessment Report. Proposed Alterations & Additions to Club Rivers, 50-52 Thurlow St Riverwood, NSW. Report Number 7302-1.1R dated 15 September 2021*", prepared by Day Design Pty Ltd.

- 55. 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.
- 56. 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.
- 57. Smoking Area - Smoke Free Compliance-** The subject development consent issued by Council does not imply or otherwise verify compliance with the [Smoke-Free Environment Act 2000](#) and/or the [Smoke-Free Environment Regulation 2016](#). The applicant and/or owner of the premises should seek their own legal advice as to compliance with Act and/or Regulation if proprietors of the premises intend allowing smoking in any area of the premises, including that area subject of this consent.
- 58. Licensed Premises – Noise Levels (7.00am to 12midnight)-** The LA_{10} noise level emitted from the premises, measured between the hours of 7am and 12 midnight, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive) by more than 5 dB, when measured at the boundary of any affected residence.
- 59. Licensed Premises – Noise Levels (12 midnight to 7.00am)-** The LA_{10} noise level emitted from the premises, measured between the hours of midnight and 7am, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive), when measured at the boundary of any affected residence.
- 60. Outdoor areas - Prohibition of live bands, amplified music or speakers-** Live bands, amplified music or speakers are not permitted in the outdoor areas at any time.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

- 61. Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
- 62. Appointment of a PCA** - The erection of a building must not commence until the applicant has:
- (a) appointed a PCA for the building work; and
 - (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

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

- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (b) notify the PCA of the details of any such appointment; and

- (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

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

- 63. Notification Requirements of PCA** - No later than two days before the building work commences, the PCA must notify:
- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
- 64. Notice of Commencement** - The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building. A Notice of Commencement Form is attached for your convenience.
- 65. Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).
- 66. Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

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

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

Only the PCA appointed for the building work can issue the Occupation Certificate.

An Occupation Certificate Application Form is attached for your convenience.

Prescribed Conditions

- 68. 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.
- 69. Clause 98A - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

- 70. 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.

END CONDITIONS

NOTES/ADVICES

- 71. 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.

- 72. 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.
- 73. 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.
- 74. Council Appointed as the PCA** - Should the Council be appointed as the Principal Certifier in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the Building Code of Australia. However, if an alternative solution is proposed it must comply with the performance requirements of the Building Code of Australia, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justify the non-compliances with a detailed report, suitable evidence and expert judgement.
In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the Building Code of Australia, including in relation to the provision of egress and the protection of openings etc. must be submitted with the Construction Certificate Application.
- 75. FR NSW comments** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation 2000 to seek written comment from FR NSW about any Fire Engineered Solution developed to meet the performance requirements under Category 2 Fire Safety Provisions.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility, the location and installation of the sites Fire Indicator/Mimic Panels and the location, use and installation of Hydrant/Sprinkler Booster facilities.

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

Useful links relating to Noise:

- (a) Community Justice Centres - free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
 - (b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
 - (c) New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000 (www.legislation.nsw.gov.au).
 - (d) Australian Acoustical Society - professional society of noise-related professionals (www.acoustics.asn.au/index.php).
 - (e) Association of Australian Acoustical Consultants - professional society of noise related professionals (www.aaac.org.au).
 - (f) Department of Gaming and Racing - (www.dgr.nsw.gov.au).
- 78. Acoustical Engineer Contacts & Reference Material**- Further information including lists of Acoustic Engineers can be obtained from:
- (a) Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au)
 - (b) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au)
 - (c) NSW Industrial Noise Policy – Office of Environment & Heritage (www.environment.nsw.gov.au)
- 79. Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation

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

- 80. Security deposit administration & compliance fee** - Under Section 97 (5) of the [Local Government Act 1993](#), a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

- 81. Council as PCA - Deemed to Satisfy Provisions of Building Code of Australia** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the Building Code of Australia . However, if an alternative fire solution is proposed it must comply with the performance requirements of the Building Code of Australia , in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

- 82. 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).

- 83. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993-** To apply for approval under Section 138 of the [Roads Act 1993](#) and/or Section 68 [Local Government Act 1993](#):
- Complete the 'Stormwater Drainage Application Form' which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.
 - In the Application Form, quote the Development Consent No. (e.g. DA2021/****) and reference this condition number (e.g. Condition 23)

- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

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

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new 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.

ATTACHMENTS

Attachment 1 Plans- DA2021/0410