

**GEORGES RIVER COUNCIL INDEPENDENT HEARING &
ASSESSMENT PANEL (IHAP)**

Minutes of a Meeting of the Georges River Independent Hearing and Assessment Panel held on Tuesday, 21 June 2016 at Council Chambers, Civic Centre, Kogarah

Commencing at 4.00 pm

ATTENDANCE:

Panel Members

Adam Seton	Chairperson
Gabrielle Morrish	Panel Member
Juliet Grant	Panel Member
Paul Vergotis	Community Representative

Others

Rod Logan	Director – Planning & Environmental Services
George Andonoski	Manager Planning & Development
Tina Christie	Manager Development Assessment
Rita Vella	Coordinator Strategic Planning
Ben Latta	Senior Planner
Lynne Denham	IHAP Coordinator (Minutes)
Cassandra McFarlane	
Catherine Mercer	

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received.

There were no declarations of Pecuniary Interest.

2.0 PUBLIC SPEAKERS

The meeting commenced at 4.05 pm and at the invitation of the Chair, registered speakers were invited to address the panel on the items listed below.

The public speakers concluded at 5.25 pm and the IHAP Panel proceeded into Closed Session to deliberate the items listed below.

3.0 GEORGES RIVER INDEPENDENT HEARING & ASSESSMENT PANEL REPORTS

3.1 801 KING GEORGES ROAD, SOUTH HURSTVILLE – DA2012/0094

Speaker:

- Mr Graeme Young (Resident).

Voting of the Panel Members:

The decision of the panel was unanimous.

DECISION OF THE PANEL

The Georges River Council IHAP as the delegate of the Georges River Council determines that the modification Development Application No. 2012/0094/0004 to alter the hours of the hotel known as 'Kings Head Tavern' at No. 801 King Georges Road, South Hurstville be refused for the following reasons:

1. The proposed extension of the hours of operation would result in an unacceptable adverse impact on the amenity of the surrounding residential area from the behaviour of patrons arriving at and departing from the premises (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
2. The proposed extension of the hours of operation would have potential to create unacceptable noise disturbance to the surrounding residential properties (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
3. The proposed extension of the hours of operation is likely to result in an increase in crime and anti-social behaviour that creates a significant burden on the community and would be contrary to the public interest (Sections 79C(1)(b) & 79C(1)(e) of the Environmental Planning and Assessment Act).

3.2 25 OLD FOREST ROAD, LUGARNO – DA2015/0082

Speakers:

- Ms Cathy Tsolakki (Neighbour)
- Ms Doreen Teasel on behalf of Ms Trish Gerathy (Neighbour)
- Mr George Antoniou (Applicant)

Voting of the Panel Members:

The decision of the panel was unanimous.

DECISION OF THE PANEL

The Georges River Council IHAP as the delegate of the Georges River Council defers determination of this Development Application DA2015/0082 for alterations and additions to existing dwelling for the use as a child care centre for nineteen (19) children on Lot 3 DP 15582 and known as 25 Old Forest Road, Lugarno and invites the applicant to submit the following within 14 days;

- Amended plans showing the carpark being redesigned to relocate the pedestrian pathway from behind the vehicle parking spaces whilst providing a minimum of four (4) parking spaces as required by the Development Control Plan.
- A Plan of Management that includes details in relation to the use and times of the outdoor play areas, the use and types of equipment (play equipment), drop off/pick-up arrangements, Complaint Handling Procedure and servicing of the site (deliveries and collections of items).

3.3 4-6 BARSBYS AVENUE, ALLAWAH – DA2015/0095

Speakers:

- Stuart Gordon (Town Planner)
- Angelo Candalepas (Project Architect)

Voting of the Panel Members:

The decision of the panel was unanimous.

DECISION OF THE PANEL

The Georges River Council IHAP as the delegate of the Georges River Council defers determination of Development Application No. 95/2015 for the demolition of the existing dwellings and the construction of a five storey residential flat building comprising of fourteen units and basement parking at No.'s 4-6 Barsbys Avenue Allawah and invites the applicant to submit amended plans addressing the following within 14 days;

- Building separation on the north eastern side upper floor to be increased to comply with the Residential Flat Design Code.
- Demonstration of compliance with Residential Flat Design Code requirements for solar access to living rooms and private open space.

- Demonstration of compliance with Residential Flat Design Code requirements for internal amenity to the setback bedrooms, generally to inset bedrooms which currently do not benefit from adequate outlook, light and ventilation.
- Adverse impacts on neighbouring properties due to the position and lack of setback from the side boundary for the vehicle ramp, the lack of landscaping along the north eastern side boundary and the position and height of the OSD tank.
- Lack of passive surveillance offered to the front elevation to Barsbys Avenue, Allawah.

3.4 10 LAWRENCE STREET, PEAKHURST – DA2014/1197

Speakers

- Jenny Yang (Neighbour)
- Tarek Ibrahim (Applicant)

Voting of the Panel Members:

The decision of the panel was by majority.

In Favour:

Adam Seton (Chairperson)
Gabrielle Morrish (Panel Member)
Paul Vergotis (Community Representative)

Against:

Juliet Grant (Panel Member)

IHAP Decision

The Georges River Council IHAP as the delegate of the Georges River Council defers determination of Development Application No. 2014/1197 for the construction of three storey child care centre for 48 children with basement car parking at 10 Lawrence Street, Peakhurst and invites the applicant to submit amended plans and details addressing the following within 14 days;

- Increase the side setbacks of the outdoor terrace on level 1 so that they are a minimum of 1.5 metres on each side and increase the rear setback of the terrace so that it is a minimum of 10 metres.
- Increase the side setbacks of the outdoor terrace on level 2 so that they are a minimum of 3 metres on each side and reduce the depth of the terrace so that it is no more than of 3.5 metres.
- Provide full details of the privacy and acoustic screen on level 1 and 2 outdoor terraces.
- Internalise the fire stairs that are presently shown on the northern elevation.
- A Plan of Management that includes details in relation to the use and times of the outdoor play areas, the use and types of equipment (play equipment), drop off/pick-up arrangements, Complaint Handling Procedure and servicing of the site (deliveries and collections of items).

3.5 27 BEAUMARIS CRESCENT, MORTDALE – DA2015/0301

Speakers:

- Emma Brunton (Neighbour)
- John Zivkovic (Owner)

Voting of the Panel Members:

The decision of the panel was unanimous.

DECISION OF THE PANEL

IHAP Decision

The Georges River Council IHAP as the delegate of the Georges River Council determines Development Application No. 2015/0301 for the demolition of existing and construction of a new two-three storey dwelling with swimming pool and deck to rear at 27 Beaumaris Crescent, Mortdale, by granting consent to the application subject to the following conditions:

Schedule A – Site Specific Conditions

GENERAL CONDITIONS

These conditions have been imposed to ensure that the development is carried out in accordance with the approved plans and to ensure that the appropriate fees and bonds are paid in relation to the development.

1. GEN1001 - **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Reference No.	Date	Description	Revision	Prepared by
A101	19/08/15	Site Analysis	A	Casa Design and Co
A103	19/08/15	Demolition Plan	A	Casa Design and Co
A104	02/12/15	Site Plan	D	Casa Design and Co
A105	09/03/16	Landscape Plan	D	Casa Design and Co
A106	09/03/16	Lower Ground Floor Plan	H	Casa Design and Co
A107	09/03/16	Ground Floor Plan	H	Casa Design and Co
A108	09/03/16	First Floor Plan	F	Casa Design and Co
A109	09/03/16	Roof Plan	F	Casa Design and Co
A110	15/03/16	Elevation-1	F	Casa Design and Co
A111	15/03/16	Elevation-2	F	Casa Design and Co
A112	15/03/16	Elevation-3	G	Casa Design and Co
A113	15/03/16	Elevation-4	G	Casa Design and Co
A114	09/03/16	Section-1	G	Casa Design and Co
A115	09/03/16	Section-2	F	Casa Design and Co
A116	09/03/16	Section-3	E	Casa Design and Co
A117	09/03/16	Section-4	F	Casa Design and Co
C39212	27/02/15	Survey Plan	--	S J Surveying Services Pty Ltd
A120	19/08/15	Finishes Schedule	A	Casa Design and Co
--	Received: 20/08/15	Waste Management Plan	--	Carol Bagdad

2. **GENI002 - Fees to be paid to Council** - 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**.

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

Please contact Council prior to the payment of Section 94 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

- (a) Fees to be paid:

Fee types, bonds and contributions

Fee Type
Long Service Levy (to Long Service Corporation)
Builders Damage Deposit
Inspection Fee for Refund of Damage Deposit

The following fees apply where you appoint Council as your Principal Certifying Authority (PCA). (If you appoint a private PCA, separate fees will apply)

PCA Services Fee	\$1,810.00
Construction Certificate Application Fee	\$1,810.00
Construction Certificate Imaging Fee	\$172.00

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.

3. **GENI014 - Long Service Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to www.lspc.nsw.gov.au or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
4. **GENI015 - Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
- (a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,500.00.**
- (b) Payment to Council of a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$140.00.**

- (c) 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.
- (d) Prior to 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, shall be submitted to Council
- (e) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.
- (f) 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.

SEPARATE APPROVALS UNDER OTHER LEGISLATION

These conditions have been imposed to ensure that the applicant is aware of any separate approvals required under other legislation, for example: approvals required under the Local Government Act 1993 or the Roads Act 1993.

5. APR6001 - Engineering - Section 138 Roads Act and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work

- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve; and
- (k) Stormwater and ancillary to public infrastructure on private land
- (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 Hurstville City Council's website at: www.hurstville.nsw.gov.au

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

6. **APR6002 - Engineering - Vehicular Crossing - Minor Development** - Constructing a vehicular crossing and/or footpath requires a separate approval under *Section 138 of the Roads Act 1993* prior to the issue of the **Construction Certificate**.

To apply for approval, complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Hurstville Council's Website: www.hurstville.nsw.gov.au

Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Vehicular Crossing applications.

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

7. **APR6004 - Engineering - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Maritime Services, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications **before the commencement of work in the road**.

REQUIREMENTS OF OTHER GOVERNMENT AGENCIES

These conditions have been imposed by other NSW Government agencies either through their role as referral bodies, concurrence authorities or by issuing General Terms of Approval under the Integrated provisions of the Environmental Planning and Assessment Act 1979.

8. **GOV1007 - Sydney Water - Quick Check** - The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's website: www.sydneywater.com.au

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

These conditions either require modification to the development proposal or further investigation/information prior to the issue of the Construction Certificate to ensure that there is no adverse impact.

9. CC2013 - Development Assessment - Bushfire Attack Level

- i) New construction on the north eastern elevation(s) shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- ii) New construction, other than the north-eastern (front) elevation, shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. However, any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 'Methods for fire tests on building materials, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack-Large flaming sources' shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.
- iii) Windows shall be completely protected by a non-combustible and non-perforated bushfire shutter that complies with Section 3.7 of AS39592009 excluding parts (e) & (f); and the following:
 - a) Window frames and hardware shall be metal;
 - b) Glazing shall be minimum 6mm thick toughened glass or the window system shall satisfy the performance criteria of AS1530.8.1 'Methods for fire tests on building materials, components and structure - Part 8.1 Tests on elements of construction for buildings exposed to simulated bushfire attack - Radiant heat and small flaming sources' for BAL 40 except that flaming of the specimen is not permitted and there shall be no exposed timber;
 - c) Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index no greater than 5; and,
 - d) The openable portion of the window shall be screened internally or externally with a mesh with a maximum aperture of 2mm, made from corrosion resistant steel or bronze and the frame supporting the mesh shall be metal.
- iv) External doors (excluding garage doors) shall be completely protected by a non-combustible and non-perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) and (f); and shall comply with the following:
 - a) Doors shall be non-combustible;
 - b) Externally fitted hardware that supports the panel in its function of opening and closing shall be metal;
 - c) Where doors incorporate glazing, the glazing shall be toughened glass minimum 6mm or the door system shall satisfy the performance criteria of AS1530.8.1 'Methods for fire tests on building materials, components and structure - Part 8.1 Tests on elements of construction for buildings exposed to simulated bushfire attack - Radiant heat and small flaming sources' for BAL 40 except that flaming of the specimen is not permitted and there shall be no exposed timber;
 - d) Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index of no greater than 5;

- e) Door frames shall be metal;
- f) Doors shall be tight fitting to the doorframe and an abutting door if applicable; and,
- g) Weather strips, draught excluders or draught seals shall be installed if applicable.

10. **CC7012 - Building - Swimming Pool Design and Construction** - The design and construction of the swimming pool and associated fencing and equipment must comply with:

- (a) The Swimming Pools Act 1992 and Regulation 2008
- (b) Building Code of Australia
- (c) Australian Standard 1926.1-2007 - Swimming Pool Safety
- (d) Council's Development Control
- (e) Protection of the Environment Operations Act 1997
- (f) AS1926.3-2010 - Water Recirculation Systems

No water must be placed in the pool/spa until the safety fences have been completed in accordance with the approved plans and specifications and satisfactorily inspected by the Principal Certifying Authority.

11. **CC7013 - Building - Swimming Pools - Use and Maintenance** - The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) no ground level may be raised or filled except where shown specifically on the approved plans;
- (b) all pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (c) the swimming pool must not be used for commercial or professional purposes;
- (d) pool water quality must be maintained to Council's satisfaction;
- (e) install a hydrostatic pressure relief valve in the base of the pool (in ground pools);
- (f) provide permanently fixed depth markers at each end of the pool;
- (g) drain paved areas to the landscaped areas;
- (h) arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners; and
- (i) operation and sound emissions of swimming pool pump and filter equipment are to be in accordance with the POEO Act and Department of Environment and Conservation Guidelines.

12. **CC2004 - Development Assessment - Design Changes** - The following design changes are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application**.

- (a) The submitted concept hydraulic plan shall be amended to provide a spreader device to limit the velocity of flow to 2m/sec. This design change is to be incorporated into the Detailed Hydraulic Plans submitted for approval **with the Construction Certificate Application**.
- (b) Window 58 be changed to have a sill level of 1.5 metres above floor level.

13. **CC2001 - Development Assessment - Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- Compliance with the approved Erosion and Sediment Control 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 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
 - all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

These measures are to be implemented before the commencement of work (including demolition and excavation) and must remain until the issue of the Occupation Certificate.

14. **CC2002 - Development Assessment - Site Management Plan - Minor Development** - A Site Works 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.
15. **CC2011 - Development Assessment - BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. 646248S dated 20 August 2015, approved with the Development Consent DA2015/0301, must be implemented on the plans lodged with the application for the Construction Certificate.
16. **CC2033 - Development Assessment - Compliance with the Swimming Pool Act 1992** - The construction of the new dwelling house subject of this consent must not generate any non-compliances with the Swimming Pools Act 1992, Swimming Pool Regulation 2008, Building Code of Australia and/or AS 1926.1-2007 - Swimming Pool Safety. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.
17. **CC3001 - Development Engineering - Stormwater System**

Reference No.	Date	Description	Revision	Prepared by
SW1	02/07/15	Concept Stormwater Plan	0	ML Civil

The above submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

- All roof water runoff shall drain to a suitable designed absorption trench system constructed across the contour of the land. This system must be designed for a 1:20yr ARI storm event and be located at least three (3) metres from neighbouring privately owned properties and one (1) metre away from the boundary of Council's Reserve.

-
- (b) The proposed drainage system is to be amended to provide a spreader device that limits the velocity of flow to 2m/sec during the design storm event.
- (c) The design of this proposed drainage system must be prepared by a qualified practising Hydraulics Engineer (with details of qualifications being provided) and conform to Australian/New Zealand Standard AS/NZS 3500.3:2003 (as amended).
Design details and certification shall be submitted for approval **with the Construction Certificate application.**
18. **CC5002 - Trees - Tree Protection and Retention** - The following trees shall be retained and protected:
- (a) Two (2) x on-site trees, located on the north western corner of the rear yard
- All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site. The tree protection measures must be undertaken in accordance *AS4970-2009 Protection of trees on development sites*. 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 4 or above in Arboriculture) and must be retained thorough all stages of construction.
19. **CC5003 - Trees - Tree Removal and Replacement - Private Land** - Permission is granted for the removal of the following tree:
- (a) One (1) x on-site trees marked to be removed as per the approved landscape plan, numbered A105-Rev D, dated 09/03/2016 and prepared by Casa Design and Co.
20. **CC7004 - Building - Structural details** - Structural plans, specifications and design statement prepared and endorsed by a suitably qualified practising structural engineer who holds the applicable Certificate of Accreditation as required under the Building Professionals Act 2005 shall be submitted along with the Construction Certificate application to the Certifying Authority for any of the following, as required by the building design:
- (a) piers
(b) footings
(c) slabs
(d) columns
(e) structural steel
(f) reinforced building elements
(g) swimming pool design
(h) retaining walls
(i) stabilizing works
(j) structural framework
21. **CC3004 - Development Engineering - Stormwater Drainage Plans** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) 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.**

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION AND EXCAVATION)

These conditions have been imposed to ensure that all pre-commencement matters are dealt with and finalised prior to the commencement of work.

22. **PREC2001 - Building regulation - Site sign - Soil and Erosion Control Measures -** Prior to the commencement of works (including demolition and excavation), the durable site sign issued by Hurstville City 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.
23. **PREC2002 - Development Assessment - Demolition and Asbestos -** The demolition work shall comply with the provisions of Australian Standard AS2601:2011 - Demolition of Structures, NSW Work Health and Safety Act 2011 and the NSW Work Health and 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 Certifying Authority 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 and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

The asbestos removal work shall also be undertaken in accordance with the How to Safely Remove Asbestos: Code of Practice published by Work Cover NSW.

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

24. **PREC2008 - Development Assessment - Demolition Notification Requirements -** The following notification requirements apply to this consent:
- a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
 - b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Hurstville City Council advising of the demolition date, details of the WorkCover licensed asbestos demolisher and the list of residents advised of the demolition.

-
- c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
25. **PREC2009 - Development Assessment - 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. **PREC6001 - Engineering - Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.
27. **PREC7001 - Building - Registered Surveyors Report - During Development Work** - A report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:
- (a) Set out before commencing excavation.
 - (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
 - (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
 - (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
 - (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
 - (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
 - (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
 - (h) Other.

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

DURING WORK

These conditions have been imposed to ensure that there is minimal impact on the adjoining development and surrounding locality during the construction phase of the development.

28. **CON2001 - Development Assessment - Hours of construction, demolition and building related 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 shall be permitted to be performed on any Sunday, Good Friday, Christmas Day or any Public Holiday. A penalty infringement notice may be issued for any offence.

In addition to the foregoing requirements, construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall be prohibited on Saturdays and Sundays on weekends adjacent to a public holiday.

29. **CON2002 - Development Assessment - 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 separately by Council.
30. **CON2003 - Development Assessment - Swimming Pools - Filling with water** - No water must be placed in the pool/spa until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the Principal Certifying Authority.
31. **CON5001 - Trees - Tree Removal on Private Land** - The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with AS4373 -2007 Pruning of Amenity Trees and the Trees Work Industry Code of Practice (WorkCover NSW, 1998).
32. **CON6002 - Engineering - 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 and/or under Section 68 of the Local Government Act 1993. Penalty Infringement Notices may be issued for any offences and severe penalties apply.
33. **CON8001 - Waste - 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 whatsoever or in association with the work on site. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifying Authority and a copy provided to the Manager Environmental Services, Hurstville City Council.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

These conditions have been imposed to ensure that all works have been completed in accordance with the Development Consent prior to the issue of the Occupation Certificate.

-
34. **OCC2004 - Development Assessment - BASIX Compliance Certificate** - A Compliance Certificate must be provided to the Principal Certifying Authority regarding the implementation of all energy efficiency measures as detailed in the BASIX Certificate No. 646248S dated 20 August 2015, and in the plans approved with the Development Consent/ Construction Certificate, before issue of the Occupation Certificate.
35. **OCC2005 - Development Assessment - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
36. **OCC6001 - Engineering - Vehicular crossing - Minor development** - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the beneficiary of this consent, in accordance with the *Vehicular Crossing Approval* issued by Council's Engineering Services Division and in accordance with Council's Specification for Vehicular Crossings and Associated Works and the issued.

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 beneficiary of this consent and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

Please Note: No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be completed **before the issue of an Occupation Certificate.**

ONGOING CONDITIONS

These conditions have been imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood or environment.

37. **ONG2004 - Development Assessment - Swimming Pools - Resuscitation Notice** - An expired air resuscitation warning notice complying with the Swimming Pools Act, 1992 must be affixed in a prominent position adjacent to the pool.
38. **ONG4038 - Health - Swimming Pools and Spas - Maintenance** - Swimming and spa pools must be maintained:
- in compliance with the NSW Health "Public Swimming Pool and Spa Pool Guidelines" in force at that time,
 - in compliance with AS 1926.3-2003 - Swimming pool safety - Water recirculation and filtration systems (as amended),
 - with backwash being discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996 - National Plumbing and Drainage - Sanitary plumbing and drainage - Acceptable solutions (as amended), and
 - with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

before 8am or after 8pm on any Sunday or public holiday, or
before 7am or after 8pm on any other day.

-
39. **ONG4039 - Health - Swimming Pools and Spas - Pump Noise** - The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level.

If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

40. **ONG4040 - Health - Swimming Pools and Spas - Operation** - The operation of the pool/spa is to comply with the requirements of the:

- (a) Public Health Act 2010 (as amended),
- (b) Public Health Regulation 2012 (as amended),
- (c) NSW Health Department Public Swimming Pool and Spa Pool Guidelines 1996 (as amended), and
- (d) Australian Standard AS3633-1989 - Private Swimming Pools - Water quality (as amended).

41. **ONG2003 - Development Assessment - Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained on an ongoing basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control and any other operations required to maintain healthy trees, plants and turfed areas.

42. **ONG4018 - Health - 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.

No vegetation, article, building material, waste or the like shall be ignited or burnt whatsoever or in association with the work on site.

ADVICE

This advice has been included to provide additional information and where available direct the applicant to additional sources of information based on the development type.

43. **ADV3001 - Stormwater and Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - 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: Four (4) weeks should be allowed for assessment.

The design and construction of the works must be in accordance with Council's Draft/Adopted Storm water Drainage Policy and "*Construction of Drainage and Associated Works - Specification for Hurstville City Council*" which include Council's Standard Drawings. Both documents are to be made available on Council's website www.hurstville.nsw.gov.au.

44. **ADV2002 - Development Assessment - Site Safety Fencing** - Site fencing must be erected in accordance with WorkCover 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.

For more information visit www.workcover.nsw.gov.au

45. **ADV2008 - Development Assessment - Register your swimming pool** - Have you registered your Swimming Pool? All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: www.swimmingpoolregister.nsw.gov.au/inspection

46. **ADV2009 - Development Assessment - 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.

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.

Schedule B – Prescribed Conditions

Prescribed conditions are those which are mandated under Division 8A of the *Environmental Planning and Assessment Regulation 2000* and given weight by Section 80A (11) of the *Environmental Planning and Assessment Act 1979*.

Detailed below is a **summary** of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at www.legislation.nsw.gov.au.

It is the responsibility of the beneficiary of this consent to determine which prescribed conditions apply.

47. **PRES1001 - Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

-
48. **PRES1002 - 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.
49. **PRES1003 - 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 Certifying Authority and the Principal Contractor.
50. **PRES1004 - 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.
51. **PRES1007 - 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.

Schedule C – Operational & Statutory Conditions

These conditions comprise the operational and statutory conditions which must be satisfied under the Environmental Planning and Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000. Please refer to the full details of the Act and Regulations as in force, at www.legislation.nsw.gov.au.

It is the responsibility of the beneficiary of this consent to determine which operational and statutory conditions apply.

52. **OPER1001 - Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

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

53. **OPER1002 - Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:
- (a) appointed a Principal Certifying Authority (PCA) for the building work; and
 - (b) if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.

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

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

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

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

54. **OPER1003 - Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the PCA must notify:

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

55. **OPER1004 - Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

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

56. **OPER1007 - Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifying Authority. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

57. **OPER1008 - Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

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

58. **OPER1009 - Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

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

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

3.6 87 AND 89 THE AVENUE, HURSTVILLE (PLANNING PROPOSAL) – PP0001/2016

Speakers:

- Maryanne Davis (Principal – Danebank Anglican School for Girls)
- Gary Peacock (Planning Consultant)

Voting of the Panel Members:

The decision of the panel was unanimous.

IHAP Decision

The Georges River Council IHAP recommends that the Planning Proposal (PP2016/0001) to rezone land within the Danebank School Campus (No. 87 and No. 89 The Avenue, Hurstville) to SP2 Infrastructure (Educational Establishments) and remove the minimum lot size, maximum building height and maximum floor space ratio controls consistent with SP2 Infrastructure zoned land be forwarded to the Department of Planning and Environment for a Gateway Determination.

4.0 CONFIRMATION OF MINUTES BY CHAIR

The minutes of the Georges River Independent Hearing Assessment Panel (IHAP) held on Tuesday, 21 June 2015 were confirmed.

The meeting concluded at 8.00 pm



.....
Adam Seton
Chairperson