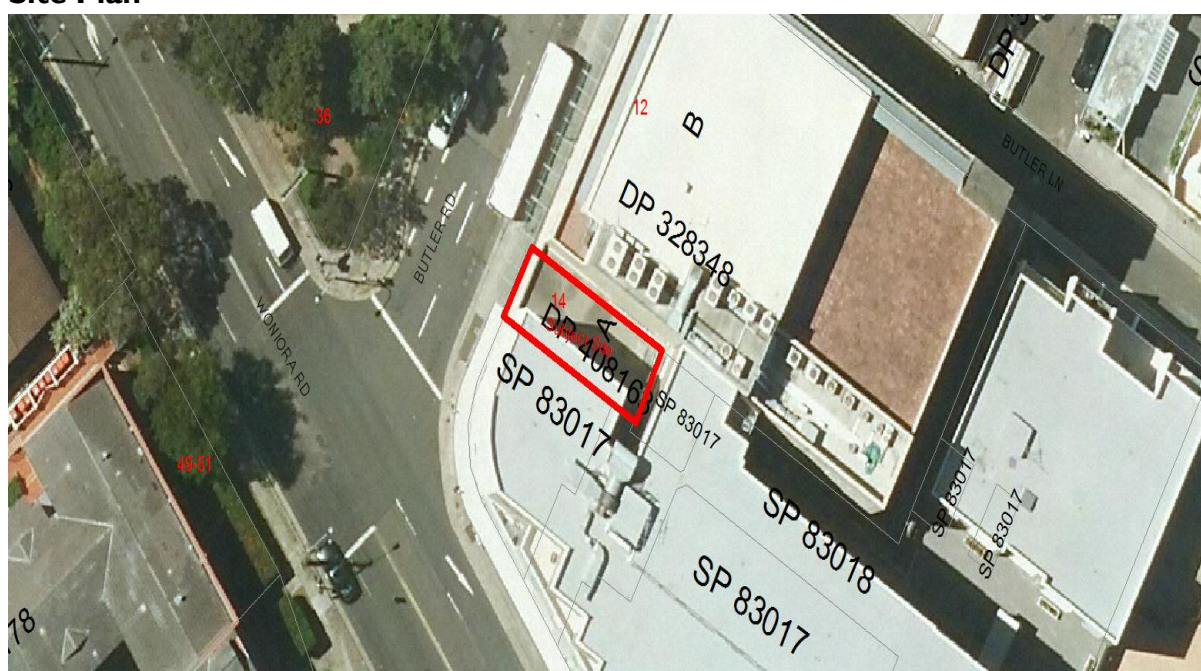


**REPORT TO GEORGES RIVER COUNCIL
IHAP MEETING OF 28 JULY 2016**

IHAP Report No	Item 3	Development Application No	DA2015/0258
Site Address & Ward Locality	14 Butler Road, Hurstville Ward Locality – Kogarah Bay		
Proposal	Demolish existing structure and construct ten (10) storey mixed use building comprising of eight (8) residential units and one (1) commercial tenancy.		
Report Author/s	Senior Planner – Mr B. Moroz		
Zoning:	B4 – Mixed Use		
Date of Lodgement	26 November 2015		
Owner	GJ & MK Partners Pty Ltd		
Applicant	Mr J Yuen		
Submissions	Nil		
Cost of Works	\$1,354,000.00		
Reason for Referral to IHAP	Non-Compliances		
Recommendation	That the application be approved in accordance with the conditions included in the report.		

Site Plan



Executive Summary

Proposal

1. Council is in receipt of an application for the demolition of the existing structure and construction of a ten (10) storey mixed use building comprising of eight (8) residential units and one (1) commercial tenancy on the subject site.

Site and Locality

2. The site is located on the south-eastern side of Butler Road consisting of a street frontage width of 5.18m, site lengths of 14.065m (south-western), 14.020m (north-eastern) and overall site area of 73.05m².

Zoning and KLEP 2012 Compliance

3. The site is zoned B4-Mixed Use Zone under KLEP 2012 and the proposal is a permissible form of development with consent. The proposed development satisfies all relevant clauses contained within KLEP 2012.

Kogarah Development Control Plan 2013 (KDCP 2013)

4. The proposed development generally satisfies the provisions of the E2-Hurstville Town Centre Zone. However, the proposal does not comply with DCP controls for, setback and balcony size.

Submissions

5. No submissions were received.

Conclusion

6. Having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment of the proposal Development Application No. 258/2015 should be approved subject to conditions.

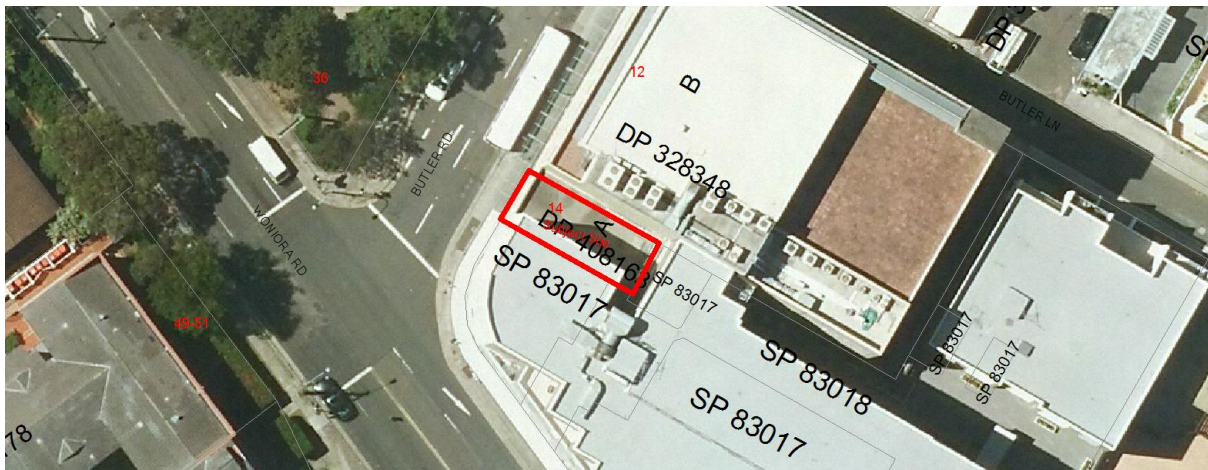
Report in Full

Proposal

7. Council is in receipt of an application for the demolition of the existing structure and construction of a ten (10) storey mixed use building comprising of eight (8) residential units and one (1) commercial tenancy on the subject site.

The Site and Locality

8. The site is located on the south-eastern side of Butler Road consisting of a street frontage width of 5.18m, site lengths of 14.065m (south-western), 14.020m (north-eastern) and overall site area of 73.05m². Existing on the site is a three (3) storey rendered commercial building while directly abutting the site to the north-east is a six (6) storey commercial building and to the south-west, a seven (7) storey shop top housing development both of which currently present visual heights and scales largely exceeding that currently presented on the subject site.



Background

9. This application was submitted with Council on 26 November 2016 and was neighbour notified from 9 December to 23 December 2016 where no objections were received.
10. On 4 February 2016, the proposal was reviewed by the St George Design Review Panel who were generally in support of the application subject to minor architectural amendments being carried out.
11. On 19 February 2016 the applicant was sent a letter advising of a number of concerns with the application. These concerns included those raised by the St George Design Review Panel. The following issues were to be addressed:
 - Provision of appropriate waste bin storage areas.
 - Design issues raised by the St George Design Review Panel – particularly with respect to ADG compliance, built form and scale, landscape and amenity.

- Building Code of Australia
- Stormwater

12. On 7 April 2016 plan amendments inclusive of supplementary information were lodged with Council. These plan amendments and supplementary information were neighbour notified from 19 April to 3 May 2016 where no submissions were received. A final set of plan amendments which made no significant changes but merely provided additional plan clarity were submitted with Council on 11 July 2016. These plans are relied upon for the preparation of this report.

Section 79C Assessment

13. The following is an assessment of the application with regard to Section 79C (1) of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provision of:**
(i) any environmental planning instrument,

Kogarah Local Environmental Plan 2012 (KLEP 2012)

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

14. The site is zoned B4- Mixed Use Zone under KLEP 2012 and the proposal is a permissible form of development with Council’s consent. The proposed development satisfies all relevant clauses contained within KLEP 2012.



Part 5 – Miscellaneous Provisions

Clause 5.9 – Preservation of Trees or Vegetation

15. The proposed development does not involve the removal of any tree or vegetation subject to the provisions of this clause.

Clause 5.10 – Heritage Conservation

16. The subject site is not listed as a heritage item in Schedule 5 and is not within a Heritage Conservation Area.
17. To the west of the site across Woniora Road is the O'Brien's Estate Heritage Conservation Area, which is characterised by a high proportion of substantial one and two-storey well designed dwellings, predominantly of the Inter-War period. The Conservation Area is notable for the variety of architectural styles, which include Californian and late Federation style bungalows, and examples of Inter-War Functionalist, Arts and Crafts, Spanish Mission and Tudor Revival style houses, some set in generous gardens.
18. There are no requirements in the HCA Guidelines in KDCP 2013 for redevelopment of land in the Hurstville CBD across from the HCA. However, regard has been had to the design of the proposal and any potential impacts that may result to the HCA. Given the very small nature of the site and the 35m separation from the closest edge of the HCA, no adverse impacts are anticipated to result to either the relationship or transition with the HCA.

Part 6 – Additional Local Provisions

Clause 6.1 – Acid Sulfate Soils

19. The subject site is not shown as being affected by acid sulfate soils as identified on the Acid Sulfate Soil Map.

Clause 6.2 – Earthworks

20. No notable excavation is proposed as part of this application. As a result, the provisions of this clause are considered to be met.

Clause 6.3 – Flood Planning

21. The subject site has not been identified as a flood planning area on the Flood Planning Maps.

Clause 6.5 – Airspace Operations

22. The subject site lies within an area defined in the schedules of the Civil Aviation (Building Control) Regulations. The regulations outline the limitation of any structures to 15.24m above the existing ground height (AEGH) without prior approval from the Civil Aviation Safety Authority. Any development that proposes to exceed this height requires prior approval which was sought and received in correspondence dated 13 April 2016. The main comments/recommendations are summarised below:

“The application sought approval for the PROPERTY DEVELOPMENT to a height of 105.55 metres Australian Height Datum (AHD).

In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 105.55 metres AHD. Should you wish to exceed this height a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct”.

23. Appropriate development consent conditions will be imposed outlining the outlined recommendations.

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

24. A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP No 65)

25. The proposed development is subject to the provisions of SEPP No 65, which aims to improve the quality of residential flat design in NSW.
26. The application has been accompanied by a design verification from a qualified designer that verifies that:
- a) *He or she designed or directed the design of the modification, and*
 - b) *The modifications achieve the design quality principles as set out in Part 2 of SEPP No 65, and*

- c) *The modifications do not diminish or detract from the design quality, or compromise the design intent of the approved development.*

27. The application was referred to the St George Design Review Panel for consideration at their meeting of February 2016. The following comments were provided with respect to the design quality principles set out in the Policy:

Context and Neighbourhood Character

28. The site is very small site (5.2 metres wide and 14 metres deep, overall site is 73 metres) in a high density Town Centre context that may have a very high neighbourhood building adjoining in the near future as a result of the New City Plan increased height and density controls. Although it appears to be a part of the adjacent building, the subject site has its own structure ownership and street address. Currently it is used for commercial purpose only.

Officer Comment

29. Under the provisions of Councils New City Plan, the neighbouring sites adjacent to the proposal are capable of being developed to an FSR of 4.5:1 and overall height of 39m. Further development of the abutting neighbouring shop top building to the south-west and the existing commercial building abutting the site to the north-east which are both under single ownership his highly probable considering the now increased development potential of either site. Additionally, a recent approval of the site located at 12-22 Woniora Road (previously occupied by the Australian Taxation Office) which is located within the local context, presents building heights that range from 33m-54m.

Built Form and Scale

30. The proposal comprises a full site infill development of 8 levels (one studio per floor) plus a two level single bedroom duplex at the top. There is a commercial tenancy at ground level and no basement level. Considering the scale of neighbouring building and the new envelope control to the east, the scale is appropriate provided that the following changes are made:

- Front balconies to be amended to be full width and to comply with the minimum area required by the ADG;
- Façade to be simplified so it reads as a single bay at each level (remove timber screen elements from level 7);
- Top elements to be simplified to read as a well-designed rectilinear form and
- Communal open space to be incorporated to meet ADG requirements.

Officer Comment

31. All front balconies provided to the studios will comprise of a minimum area of 4.6m² and 1m depth complying with the design criteria outlined in the ADG. As no minimum depths are outlined in the ADG for studio apartments, the 1m depth being incorporated is considered acceptable. In respect to the balcony area associated with the first floor single aspect mezzanine apartment, this will comprise of an overall area of 7m² and depth of 1.5m. While the ADG design criteria does recommend a minimum area of 8m² and depth of 2m, the shortfall associated in this case is not considered to compromise the indoor/outdoor relationship of the areas while other development benefits such as a roof top communal open space area have also been incorporated into the design reducing the need for a large private balcony space.
32. The façade has been amended to read as a single bay at each level while the timber banding element proposed on the level seven facade has been removed. The top most element of the building has been simplified and will present a strong rectilinear form while a 35m² communal open space area has been incorporated on the roof area of the development.

Density

33. Acceptable.

Officer Comment

34. Noted

Sustainability

35. Refer to BASIX and ADG. Although small proposals can struggle to meet ADG environmental requirements, the Panel supports the development of the small site as a sustainable alternative to large scale (high impact) development.

Officer Comment

36. Noted.

Landscape

37. Opportunities for landscape treatment include communal open space with planting and green walls/planters to balconies. Further details should be provided.

Officer Comment

38. A 32.5m² roof top communal area has been incorporated into the design that provides a vegetative planter box along the western perimeter while green walls have been incorporated within the balcony areas. Details of these treatments have been provided in the architectural plans.

Amenity

39. The studio apartments could be improved by the removal of bedroom walls (arguably not allowed by the new ADG requirements) and the redesign of balconies as full width 4m² open spaces. The duplex apartments proposed could be improved by relocating bathrooms to first floor and increasing size of kitchen to ground level. The ground level commercial space could be improved by relocating the waste room and providing a commercial bathroom to a new basement. The amenity of the building generally could be vastly improved by including communal open space as described above.

Officer Comment

40. Excavation of the site to provide a basement was considered but as a result of the small nature of the site and the neighbouring buildings abutting the boundaries, excavation of the site and any associated benefits of this work would be outweighed by the potential impacts that may result to neighbouring buildings. The studio apartments have been redesigned and the bedroom walls removed while the bathroom area will remain on the lower floor of the one bedroom mezzanine apartment and not relocated to the upper floor as convenient access from the living areas to the bathroom instead of the bedrooms was a more preferable design outcome. Additionally, all units have been designed to meet the minimum areas requirements outlined in the ADG.
41. The ground level waste room was reconfigured. This reconfigured layout was reviewed by Council's Waste Management Officer who raised no objection to the layout nor its overall capacity enabling it to house the required number of bins.

Safety

42. Acceptable

Officer Comment

43. Noted

Housing Diversity and Social Interaction

44. Acceptable

Officer Comment

45. Noted

Aesthetics

46. See notes above regarding the removal of the timber banding and the refinement of the balconies as full width open spaces. The top element should be redesigned as a simple rectilinear form.

Officer Comment

47. Already discussed under Built form, Scale and Amenity.

Deemed State Environmental Planning Policy – Georges River Catchment

48. All stormwater from the proposed development can be treated in accordance with Council's Water Management Policy and would satisfy the relevant provisions of the Deemed State Environmental Planning Policy – Georges River Catchment

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

49. The New City Plan includes changes to zoning and the introduction of development standards in parts of the City to deliver a range of new housing options.

50. Specifically, the New City Plan proposes to maintain the B4 – Mixed Use Zone.

51. The New City Plan incorporates Floor Space Ratio (FSR) controls and height limits on the site of 4.5:1 and 39m respectively.



52. The proposed development complies with the above draft standards in relation to overall height. A maximum height of 33.73m is proposed.

53. A density of 5.18:1 is proposed failing to comply with the 4.5:1 outlined in the Draft Standards.

54. The proposed density is acceptable for the following reasons:

- The building provides a scale that is generally compatible with the context and provides good amenity as per the provisions of the Apartment Design Guide and SEPP 65 principles.

- As a result of the very small nature of the site, the floor space ratio is exacerbated; however, this is not reflective in the overall scale of the building which sits well below the maximum 39m height limit proposed in the New City Plan.
- It is anticipated that the abutting buildings to the south-west and north-east will be developed to future scales that are consistent with or potentially exceed the proposed building.
- No adverse visual or amenity impacts will result from the non-compliance to neighbouring buildings or when viewed from the public domain.

(iii) any development control plan,

Kogarah Development Control Plan 2013 (KDCP 2013)

55. The application is subject to the provisions of Part E2- Hurstville Town Centre where the subject site forms part of a development area identified as block 35A. The relevant controls are discussed individually below:

Building Zones

56. *Build to street frontage with 3m maximum setback for façade articulation or balconies. Buildings to follow the street alignment*

Officer Response

57. The proposed building has been designed to the Butler Road street frontage with a maximum 3.5m facade articulation provided to the roof top terrace area from the street edge. While this marginally exceeds the recommended 3m as noted above, it will result in a negligible impact as this additional articulation is being proposed to the terrace area that sits well above the street edge and will not be visibly apparent from the public domain.

Height

58. *Commercial Storeys (CS) are set at 3.6 metres floor to floor height and Residential Storeys (RS) at 3 metres floor to floor height. These allow determination of the number of storeys that could be provided within a given envelope if they were to be commercial or residential. Additional storeys will not be considered through reducing the floor to floor height*

Officer Response

59. The ground floor commercial level will comprise of 3.9m floor to floor heights while the residential levels will comprise of 3m heights suitably responding to the recommendations in the DCP outlined above.

Active Street frontages

60. *All ground floor levels in buildings facing active streets should incorporate retail and/or commercial uses to activate the street. Residential and/or commercial should be provided at upper levels.*

Officer Response

61. A commercial office is proposed on the ground floor where it will front Butler Road with all levels above this ground floor being utilised for residential purposes.

Roof Structures

62. Lift over-runs, plant equipment and communication devices and the like, are to be integrated into the design of the building.

Officer Response

63. The lift overrun has been suitably incorporated into the design where it has been located within the eastern most corner of the site in order to minimise any additional bulk that may result from its imposition. It is not anticipated that the lift overrun will be easily visible from the public domain.

Waste Removal and recycling

64. *To minimise the number of waste containers on the street all major developments are to provide waste and recycling facilities which can be accessed by a waste removal vehicle standing fully within the site. These are to be unobtrusive and not to cause a nuisance to adjoining premises. On small sites where this is not possible due to lack of access, waste and recycling is to be located within the building or a designated area on site and taken to the street at the appropriate time.*

Officer Response

65. A waste storage room is proposed on the ground floor level of the building with separate areas provided for both commercial and residential waste storage. A review of the location and size of the provided waste storage rooms was reviews by Council's Waste Officer in which no objection was received subject to the imposition of a number of related consent conditions.

Site specific controls related to block 35A-12-14 Butler Road

Building Envelope

66. While the site does form part of a development area identified as block 35A (12-14 Butler Road), its disassociation with the site identified as 12 Butler Road has resulted in the site remaining isolated and without any specific floor space ratio controls. As a result, the DCP provides no specific floor space ratio for the site but merely acknowledges that a development application has been approved at number 12 Butler Road. For the purpose of this report, a merit based assessment has been carried out in respect to the buildings proposed scale and how it will integrate with existing developments along Butler Road.

67. This merit based assessment is largely based on the provisions of Council's New City Plan which for the purpose of this application provides both floor space and height controls which are predominately relied upon throughout the assessment of this application.
68. The overall height and scale of the proposal are considered to be compatible with both the current and future context. This was discussed in more detail earlier in this report.

Car Parking

69. The relevant DCP outlines that 1.25 car spaces be provided per residential unit with 1 visitor space provided for every 5 units. In respect to the commercial floor space to be retained on the ground floor, 1 space is required for every 60m² of floor area within the CBD core. As a result 11 car spaces are required. These spaces are not provided nor is there an option for their provision as a result of the isolated nature of the site with no available vehicular access. Excavation of the site was initially considered; however, the very small nature of the site would not be capable of accommodating a basement carpark with suitable vehicular access or egress.
70. The DCP guidelines for carparking in the Hurstville Town Centre are a generic application to carparking and are not considered an appropriate reflection of the parking generation of a development of this nature. A review of the RMS guidelines for Traffic Generating Development was undertaken in order to try and establish a reasonable parking generation rate. The Guidelines did not provide any rates for the provision of studio apartments but do outline the provision of 0.4 spaces per 1 bedroom unit within a high density residential environment
71. Additionally, the site is located within 50m of the Hurstville Train and Bus interchange significantly reducing the need for vehicle use. It is anticipated that the transport needs of any future occupants of these apartments would be catered for by those provided within close proximity of the site. In respect to Traffic Generation, as the proposed development does not provide any off-street car parking facilities it is unlikely that the proposed development will generate any significant vehicular traffic. In this circumstance, it can be concluded that the proposed development has no unacceptable traffic implications.
72. From perspective of housing affordability, studio apartments without designated carparking would be the most highly affordable unit type that could be provided. The provision of affordable apartments within a well serviced Town Centre would have a desirable outcome for those looking to purchase an affordable home in a well serviced location.
73. As a result of the details outlined above, the shortfall in car parking is supported.

Balconies

74. The DCP requires that a minimum of one (1) balcony per unit be provided with a minimum area and dimension of 8m² and 2m respectively.

Officer Comment

75. The proposed balcony areas do not comply with the recommendations outlined above. This was discussed earlier in this report.

Section 94 Contributions

76. The proposed development requires payment of \$59, 898.83 of Section 94 contributions based on the provisions applicable to Precinct Six with credits provided for two existing studio apartments and 45m² of commercial floor area.

(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,

77. Not applicable.

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

78. The proposed development is of a scale and character that is in keeping with other dwellings being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment of the locality.

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

79. 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, vegetation and relationship to adjoining developments.

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

80. In accordance with the provisions of Section A2 – Public Notification of KDCP 2013 application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

(e) the public interest.

81. The proposed development is of a scale and character that does not conflict with the public interest.

Conclusion

82. The application has been assessed having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979, the provisions of KLEP 2012 and KDCP 2013.
83. Following detailed assessment it is considered that Development Application No 258/2015 should be approved subject to conditions.

Attachments

- A4 Architectural Plans

Recommendation:

- a) That Council as the Consent Authority pursuant to Section 80(1)(a) Environmental Planning & Assessment Act 1979, grant consent to Development Application No 258/2015 for the demolition of the existing structure and the construction of a ten (10) storey mixed use building comprising of eight (8) residential units and one (1) commercial tenancy at No 14 Butler Road, Hurstville subject to conditions, including:

SPECIFIC DEVELOPMENT CONDITIONS

SECTION A - General Conditions

The conditions that follow in this Section A of the Notice of Determination are general conditions which are imposed to ensure that the development is carried out in accordance with the development consent.

(1) Approved Plans of Consent

The development must be implemented in accordance with the approved plans, specifications and details listed below and any supporting information submitted with the Development Application except as amended by any conditions attached to the Development Consent:

- (i) Architectural Plans prepared by PSEC Project Services, Drawing A101, A102, A103, A201, A202, A203, A301 and A601, Revision C dated 11/7/2016.
- (ii) Stormwater Plans A K Y Civil Engineering, Drawing No. H-01, Revision C dated 6 April 2016.

SECTION B –Prior to the Issue of a Construction Certificate or Demolition Conditions

The conditions that follow in this Section B of the Notice of Determination relate to the payment of fees, amendments being made to the proposal, further investigation being undertaken or the preparation of documentation that must be complied with prior to the issue of a Construction Certificate or Demolition.

Note: A copy of the Construction Certificate shall be forwarded to Council prior to commencement of construction where Council is not the certifier who issued the Construction Certificate.

(2) Asset & Building Fees

Payment of the following amounts as detailed below:

- Damage Deposit of \$3,925.00
- *Builders Long Service Levy of \$4,739.00
- Asset Inspection Fee of \$ 110.00

*Note: The Builders Long Service Levy quoted is based on the market value of the proposed building works and the Levy Rate applicable at the time of assessing the Development Application and may be subject to change prior to payment.

(3) Section 94 Index

Section 94 Contributions are to be paid as detailed below in the following condition, and until paid all contributions will be indexed four (4) times a year (on the following dates) to allow for the cost increases: 31 January, 30 April, 31 July and 31 October.

(4) Section 94 Contributions

As at the date of Development Consent the following contributions have been levied on the subject development under Section 94 of the Environmental Planning and Assessment Act, 1979 and the nominated Section 94 Contributions Plans:

No.1 – Roads and Traffic Management – Residential	\$ 427.31
No.4 – Hurstville Town Centre – Streetscape	\$20,154.48
No.5 – Open Space 2007	\$39,317.04
TOTAL	\$59,898.83

Any of the above Section 94 Contributions Plans may be inspected at the Georges River Council Customer Service Centres.

(5) Dilapidation Report

Prior to issue of any construction certificate or commencement of any demolition or earth works on site, the applicant shall submit, for acceptance by the Principal Certifying Authority (PCA), with a copy forwarded to Council where Council is not the PCA, a full dilapidation report on the visible and structural condition of the following properties;

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

The report must be completed by a suitably qualified consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal, the subsoil conditions and any recommendations of a geotechnical report for the site. The report shall have regard to protecting the applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable.”

Reports relating to properties that refuse access to carry out inspections to complete the dilapidation report, after being given reasonable written notice to request access (at least 14 days) at a reasonable time (8.00am-6.00pm), are not to hold up the release of the Construction Certificate.

(6) Soil and Water Management

A Soil and Water Management Control Plan, incorporating contour levels and prepared in accordance with Environmental Site Management Policy shall be submitted to Council detailing all measures to control soil erosion and sedimentation runoff from the site during excavation and construction activities.

(7) SEPP No 65 Certification

A design verification statement from a qualified designer shall be submitted that verifying that the plans and specifications achieve the design quality of the development for which consent was granted having regard to the design quality principles of State Environmental Planning Policy No. 65.

(8) Ausgrid Conduits

A copy of Ausgrid's written requirements are to be forwarded to Council with regard to the laying of underground low voltage electricity conduits within the footpath area across the development site. Ausgrid will supply the conduits at no charge, subject to the applicant restoring the footpath after the installation and these provisions are to be put into effect prior to the release of the Occupation Certificate.

(9) Ausgrid Sub Station

The applicant is to confer with Ausgrid to determine if an electricity distribution substation is required. If so, shall be incorporated within the Construction Certificate and it will be necessary for the final film survey plan to be endorsed with an area having dimensions 5m x 4m over the location of the proposed electricity distribution substation to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements are to be met prior to release of the occupation certificate.

(10) Clearances to Overhead Mains

If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, the applicant is to confer with Ausgrid to determine if satisfactory clearances to any existing overhead mains will be affected. If so, the applicant is to make arrangements with Ausgrid for any necessary modification to the electrical network in question.

These works to be at the applicant's expense and Ausgrid's requirements are to be met prior to actual construction commencing on site or as agreed with Ausgrid.

(11) Sydney Water (DA Only)

The approved plans must be processed through Sydney Water to determine whether the development will affect any Sydney Water asset's (sewer and water mains, stormwater drains and/or easements) and if any further requirements need to be met. An approval receipt will be issued by Sydney Water which is to be submitted to Council or the Principal Certifying Authority.

Please refer to the web site www.sydneywater.com.au for;

- Sydney Water Tap in – see Plumbing, building and developing and then Sydney Water Tap in; and
- Building over/adjacent to a Sydney Water Asset - see Plumbing, building and developing, building then Building Approvals or telephone 13 20 92.

(12) Construction Management Plan

Prior to the issue of any construction certificate, any demolition or earthworks on the site, the applicant shall submit to Council for approval a Construction Management Plan detailing the following:

- The route of all trucks conveying materials to and from the site.
- Location of loading and unloading areas for trucks.
- Parking areas for tradesmen and other construction vehicles.
- Traffic Control Plans by an RMS accredited person
- Demonstration that pedestrian access past the site is maintained during demolition and construction works.
- The “Bus Zone” adjacent to the site on Butler Road shall be maintained and construction vehicles cannot use this area during demolition and construction works.

(13) Certification of Detailed Plan

The detailed stormwater plan is to be certified by a Chartered Professional Engineer. A statement, that the stormwater system has been designed in accordance with Council's Water Management Policy and satisfies the provisions and objectives of that policy, must be included in the Stormwater Detailed Plan.

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

A Detailed Stormwater Plan is to be submitted. The required details in this Plan and the relevant checklist are presented in Council's Water Management Policy.

The design parameters and the general concept of the proposed on-site stormwater management system are to be the same as documented in the approved Concept Stormwater Plan for the proposed development. Any proposed variations to the approved concept design are required to receive written approval from Council and justified and supported by appropriate details, calculations and information to allow proper assessment.

The Detailed Stormwater Plan is also to address the following issues with the Concept Stormwater Plan that has been lodged.

- a) the On-site Detention system is to be modified to have an orifice diameter of 25mm or larger in accordance with Section 7.10.2 of AS/NZS 3500.3:2015 Plumbing and drainage. Part 3 Stormwater drainage
- b) there is to a sump at the outlet to the On-site Detention tank in accordance with Section 7.10.2 of AS/NZS 3500.3:2015 Plumbing and drainage. Part 3 Stormwater drainage

(14) On-Site Detention

A 2.3m³ On-Site Detention system with a Maximum Site Discharge of 1.3 Litres per Second is to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.

SECTION C – Prior to Commencement of Construction Conditions

The conditions that follow in this Section C of the Notice of Determination are specific to the proposed development and must be complied with prior to the commencement of construction on the site.

(15) Geotechnical Report

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. In this regard, all excavated waste materials shall be disposed of at an approved Waste Depot.

No rock breaking or other machinery for the excavation, drilling, cutting or removal of rock shall be used on the site prior to the acceptance by the principal certifying authority of the following documentation:

- (i) A report by a geotechnical engineer detailing the measures recommended in undertaking the works so as to prevent damage to any adjoining or nearby buildings.
- (ii) The type and size of machinery proposed.
- (iii) The routes of all trucks to convey material to and from the site.

(16) Certification by Mechanical Engineer

To ensure that adequate provision is made for ventilation of the building, mechanical and /or natural ventilation shall be provided. These systems shall be designed in accordance with the provisions of:-

- a) The Building Code of Australia;
- b) Australian Standard AS 1668 Part 1 - 1998;
- c) Australian Standard AS 1668 Part 2 - 2002;
- d) The Public Health Act 2010;
- e) The Public Health Regulation 2012;
- f) Australian Standard 3666.1 - 2002;
- g) Australian Standard 3666.2 - 2002;
- h) Australian Standard 3666.3 - 2000.

Details of all mechanical and /or natural ventilation systems, along with specific certification, provided by an appropriately qualified person, verifying compliance with the abovementioned requirements.

(17) Structural Engineer's Details

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & 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.

(18) Protection of Site – Hoarding

A hoarding or fence must be erected between the work site and the public place if:

- the work involved in the erection or demolition of a building is likely to cause obstruction or inconvenience to pedestrian or vehicular traffic in a public place; or
- if it involves the enclosure of a public place.

If necessary an awning is to be erected which is sufficient to prevent any substance from or in connection with the work from falling into a public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

If the work site is likely to be hazardous to persons in a public place, it must be kept lit between sunset and sunrise.

(19) Ground Anchors

Should the proposed development require the installation of ground anchors to a road reserve the following must be complied with:

- The appropriate Roads Act 1993 approvals shall be obtained.
- The anchoring is to be de-stressed once no longer required.
- The work is to be clear of all services contained within the public roadway and the required dial before you dig investigations are to be undertaken in relation to any services that may be in the proposed anchor locations.
- Public liability insurances being held by the builder/ developer with a copy being submitted to Council.
- A works-as-executed plan showing the exact location of all anchoring points being submitted to Council upon their installation.

It is to be noted that if anchoring into adjacent private properties is required any such approval would need to be obtained from the owners of this property.

(20) Council Infrastructure Inspection

Prior to the commencement of any works an authorised representative of the applicant is to organise and attend a meeting on site with Council's Infrastructure Compliance Co-ordinator to discuss protection of Council's infrastructure. To organise this meeting contact Council's Customer Service Centre on 9330 6400.

(21) Public Liability Insurance

All nominated contractors / applicants carrying out driveway and/or restoration works on Council property must carry public liability insurance with a minimum cover of twenty million dollars (\$20,000,000.00). In this regard, prior to commencement of works, the principal contractor is to lodge an "Application for the Construction of Work by Private Contractor" to Council, which includes submitting evidence of their current insurance. The principal contractor must ensure that sub-contractors are also adequately insured.

(22) Sydney Airports

Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

(23) Soil Erosion Controls

Prior to commencement of any site works, erosion and sediment controls are to be installed in accordance with Environmental Site Management Policy and any approved Soil & Water Management Plan and shall incorporate:

- Measures to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways;
- Controls to prevent tracking of sand, soil, aggregates, etc, by vehicles onto adjoining roadways.

SECTION D – Construction and Operational Conditions

The conditions that follow in this Section D of the Notice of Determination are imposed to ensure the development is constructed and operates having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment during the construction phase or the operation of the use.

(24) Inspections -Multi Unit

The following lists of inspections are the **MANDATORY CRITICAL STAGE INSPECTIONS** that **MUST** be carried out by the Principal Certifying Authority (PCA).

- (a) at the commencement of building works
- (b) prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- (c) prior to covering any stormwater drainage connections, and
- (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Certificates from your engineer or subcontractor are **NOT** acceptable in the first instance for the above inspections. Failure to have your PCA carry out these inspections could result in a delay or refusal to issue an Occupation Certificate.

In addition to the above, it is recommended that the following inspections be carried out for the subject development;

- Erosion Control
- Earthworks/Excavation
- Building setout
- Concrete reinforcement
- Timber and/or steel framework
- Mechanical/Hydraulic work
- Driveways
- Landscaping
- External Finishes

(25) Storage of materials on Public Road

All building materials or waste containers must be stored within the confines of the site. The storage of such building materials, waste containers or equipment associated with the project upon the public roadway, including the pedestrian footway or unpaved verge, is prohibited.

(26) Use of Crane on Public Road

Prior approval must be obtained from Council a minimum of 24 hours before the use on any site of a crane, hoist or similar machinery that will be used to transfer materials across Council's footpath. This includes cranes that are situated on roadways, footpaths and road reserves.

Any application for approval must be accompanied by the following information:-

- Site sketch indicating the proposed location of the crane, pedestrian controls and traffic controls;
- A copy of current public liability insurance with minimum cover of twenty million dollars (\$20,000,000) indemnifying Council in the event of an incident;
- A copy of an RMS accredited traffic control plan;
- Proof that the local area command of the NSW Police have been advised of the proposal.

The use of a crane, hoist or similar machinery on any site without prior approval is prohibited.

(27) Building Height - Surveyors Certificate

The proposed building is not to be erected at a height greater than that indicated on the approved plan. A certificate from a Registered Surveyor verifying the correct Reduced Level of the ground floor slab and boundary clearances shall be submitted prior to inspection of the steel reinforcement.

(28) Stormwater to Kerb

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

(29) Work within Road Reserve

A Development Consent or any related Construction Certificate does not allow for the erection of a structure or to carry out work in, on or over a public road. Should a structure or work be required a separate approval under S138 of the Road Act 1993 must be granted by Council prior to the commencement of any works within the road reserve. Applications may be made at Council's Customer Service Centre.

(30) Damage within Road Reserve & 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.

(31) Public Utility & Telecommunication Assets

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

(32) Garbage Room

The proposed garbage room being provided with the following:-

- a) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- b) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- c) The door being close fitting to prevent the access of rats and mice.
- d) A cold water hose cock being provided for the cleaning of containers and the room itself.
- e) Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- f) A sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Details of an acceptable wording for the sign are available from Council.

(33) Hours of Construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

(34) Restriction on Hours of Excavation (other than single residential dwelling)

Despite the general hours of construction above,

- a) The hours where rock breaking, cutting, hammering and drilling occur shall be limited to 9:00am – 4:00pm on weekdays only.

- b) A noise management plan for the above works, prepared by a suitably qualified acoustical practitioner in accordance with the Interim Noise Construction Guidelines prepared by the Department of Environment & Climate Change NSW, must be submitted to Council prior to commencement of any excavation works.

(35) Provision of Amenities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site or as specified by Workcover requirements .

- each toilet provided must be a standard flushing toilet and must be connected:
- to a public sewer; or
- if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
- if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities must be completed before any other work is commenced.

(36) Letter Boxes

Suitable letter box facilities (including Owner's Corporation in the case of strata units) shall be provided in accordance with Australia Post specifications.

(37) Basix Certificate Details – DA Only

Construction of building works given Development Consent must be carried out in accordance with a valid and current BASIX certificate and all required commitments must be satisfied.

(38) Air Conditioning / Offensive Noise

Air conditioning plant and equipment shall be installed and operated so as to not create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

(39) Building Finishes

The building finishes are to be constructed in accordance with the colour board and perspective submitted with the Development Application.

(40) Roof and surface water

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

SECTION E – Prior to Occupation or Subdivision Certificate Conditions

The conditions that follow in this Section E of the Notice of Determination relate to conditions that ensure that the development is completed in accordance with the requirements of the Development Consent prior to the issue of either an Occupation Certificate or a Subdivision Certificate.

(41) SEPP No 65 Certification

A design verification statement from a qualified designer shall be submitted verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principals of State Environmental Planning Policy No. 65.

(42) Completion of Landscaping

Certification shall be provided from a suitably qualified and experienced Landscape Designer or Landscape Architect.

Note: A Landscape Designer is a person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

(43) Section 73 Compliance Certificate

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 Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” 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 Coordinator, since building of water / sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.

(44) Stormwater Compliance Certificate

A Stormwater Compliance Certificate is to be obtained for the constructed on-site stormwater management systems in conjunction with the works-as-executed drawings and the final inspection. This Certificate is to be signed by an accredited hydraulic engineer (preferably be the original design consultant) and submitted to the Principal Certifying Authority. Copy of the standard Stormwater Compliance Certificate is shown in Council's Water Management Policy.

If the proposed works involve Council owned stormwater infrastructure (or infrastructure to be owned by Council), then the applicant should organise inspection with Council and pay Council the appropriate inspection fee. Inspection is to be carried out at the following specified stages:

- Prior to backfilling of pipelines trenches.
- Prior to backfilling of drainage connection to pipeline or channels.
- Prior to casting pits and other concrete structures including kerb and gutter, aprons, pathways, vehicular crossings, dish crossings and pathway steps.

(45) Positive Covenant

A Restriction on Use of the land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owner of the land. The terms of the instrument are to be generally in accordance with the Council's standard terms and conditions for Restriction on Use of the land and Positive Covenant shown in Council's Water Management Policy.

(46) Maintenance Schedule

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

(47) Fire Safety Schedule

Certain items of equipment or forms of construction shall be nominated as "fire safety measures" within the building.

Upon completion of works, and before occupation of the building, each of the fire safety measures is required to be certified by an appropriately competent person (chosen by the owner of the building). The certificate is to state that the measure was inspected and found to be designed, installed and capable of operating to a standard not less than that required by the relevant regulations.

Further, it is the responsibility of the owner of the building that each fire safety measure is again inspected and certified as to its condition every twelve (12) months following the submission to Council of the original certification.

(48) BASIX Completion Receipt

In accordance with clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the certifying authority must apply to the Director-General for a BASIX completion receipt.

SECTION F – Prescribed Conditions

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

(49) Compliance with the Building Code of Australia

The development must be carried out in accordance with the provisions of the Building Code of Australia.

(50) Insurance Requirements under Home Building Act 1989

The builder or person who does the residential building work must comply with the applicable requirements of Part 6 of the Home Building Act, 1989. This means that a contract of insurance must be in force in accordance with Part 6 of that Act before any building work authorised to be carried out by the consent commences.

It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6 of the Home Building Act, 1989.

If Council is the Principal Certifying Authority it will not carry out any inspections until a copy of the insurance certificate is received.

(51) Erection of Signs

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(52) Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

(53) Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

The above condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

(54) Council Notification of Construction

The erection of a building which is the subject of a Development Consent must not be commenced until:

- a) Detailed plans and specifications of the building have been endorsed with a construction certificate by Council or an accredited certifier.

- b) the person having the benefit of the development consent has:
- appointed a Principal Certifying Authority (PCA), and
 - notified Council (if Council is not the PCA) *in writing* of the appointment, and
 - given at least 2 days notice to Council of their intention to commence the erection of the building. The notice may be in writing or by phone.

SECTION G – Demolition Conditions

The following conditions are imposed to ensure the demolition associated with the proposed development is carried out having regard to relevant legislation and does not unreasonably impact on the amenity of the locality or environment.

(55) Demolition Conditions-Asbestos

- (a) Demolition of buildings where asbestos is determined to be present should only occur 7am – 5pm Monday to Saturdays, and must not occur on Sundays or Public Holidays, to ensure that the persons carrying out the work have access to WorkCover professionals if required.
- (b) All asbestos removal shall be undertaken in accordance with the requirements of WorkCover’s ‘How to Safely Remove Asbestos’ Code of Practice and Council’s Asbestos Policy.
- (c) Written notice must be provided to Georges River Council five (5) working days (excluding public holidays) prior to commencement of any works.

Written notice is to include the following details:

- Date the demolition will commence
- Name, address, contact details (including after hours) and licence number of the demolisher and asbestos removalist (if different)

Work must not commence prior to the nominated demolition date.

Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

- (d) The owner is to notify all owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification is to be clearly written on A4 size paper stating the date the demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date and time stated in the notification.

- (e) A demolition or asbestos removal contractor licensed under the *Work Health and Safety Regulations 2011* must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

- (f) Demolition sites that involve the removal of asbestos must display 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 on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.
- (g) All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.
- (h) A Clearance Certificate or Statement, prepared by a suitably qualified occupational hygienist must be provided to Council upon completion of demolition and asbestos related works, which confirms that the relevant legislative requirements in relation to safe removal and disposal have been satisfied.
- (i) A Work Cover Licensed Demolisher is to be engaged to carry out any demolition works using mechanical equipment where the structure is over 4 metres in height or to carry out any manual demolition works on a structure over 10 metres in height.
- (j) The provision of temporary fences and footpath crossing pads prior to commencement of demolition operations. Further, no waste materials or bins are to be placed on Council's roadways or footpaths.
- (k) No waste materials are to be burnt on site.
- (l) No trees as defined by Council's Tree Preservation Order being removed or damaged on the site without the prior written approval of Council.
- (m) Compliance with the provisions of Australian Standard AS 2601-1991:"The Demolition of Structures", which requires notification of demolition to be submitted at least seven (7) days prior to demolition to the NSW Workcover Authority.

- (n) Effective erosion and sediment control measures are to be undertaken during the course of demolition and building works in accordance with Council's 'Environmental Site Management Policy'. Failure to implement appropriate measures may result in a \$750 Penalty Infringement Notice (individual) and/or \$1,500 (corporation) being issued and/or the incurring of a maximum penalty of \$250,000 (corporation) or \$120,000 (individual) through the Land and Environment Court.
- (o) Appropriate measures are to be implemented on site to control dust and other air borne matter and demolition material is to be stored and stacked in a manner so as to minimise the risk of damage or nuisance to neighbouring properties.
- (p) Council being notified upon completion of the demolition works so that an inspection can be made of the roadway and footpath.
- (q) All non-recyclable demolition material being disposed of at an approved waste disposal depot. Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept as evidence of approved method of disposal.
- (r) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed

END CONDITIONS

Advisory Notes

(i) Worksite Safety

It is usually the owner/applicant's responsibility to ensure that the development site is a safe working environment. This may be by the engagement of an appropriately competent principal contractor. There are various legislative and WorkCover requirements with respect to maintaining a safe work-site. Details of these requirements and legislation, as well as, guidance and advisory material, can be found on the WorkCover Website www.workcover.nsw.gov.au.

(ii) Worksite Safety Scaffolding

Council is committed to worksite safety and requiring that all scaffolding is installed by competent and qualified professionals with the relative appropriate standards. The applicable Australian Standards for the scaffolding is AS/NZS1576 in respect of the design of the scaffolding and AS/NZS4576 with respect to the erection of the scaffolding. Also, you should ensure that those erecting scaffolding are appropriately qualified and have the appropriate qualifications to erect scaffolding. For further information regarding this please see www.workcover.nsw.gov.au.

(iii) Kid Safe NSW

Kidsafe NSW has produced Safer Homes for Children Design and Construction Guidelines for builders, renovators and home owners. The guidelines identify common hazards for children and recommended practical design applications to improve child safety for all areas of the home. Free copies of the Guidelines are available from Council's Customer Service Centre, or contact Kidsafe on (02) 9845 0890 or their website <http://www.kidsafensw.org/homesafety/index.htm> for more information.

(iv) Dial Before You Dig

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.

(v) Disability Discrimination Act

This authorisation does not imply that the proposal complies with *Disability Discrimination Act 1992*. The Proponent is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 – Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under *The Disability Discrimination Act 1992*.

(vi) Demolition Waste

Sorting your construction and demolition waste will save you money. For pricing and disposal options for sorted loads of tiles, bricks, timber concrete or asphalt call Waste Service NSW on 1300 651 116.

(vii) Property Address

Property addresses shall be allocated by Council in accordance with the Addressing Standard AS/NZS 4819:2011.

(viii) BCA Advisory Note:

Note: The fire isolated passageway on the ground floor does not comply with the Deemed to Satisfy provisions of the Building Code of Australia as the fire isolated stair should discharge to the street by its own fire isolated passageway and must not have a doorway from a room open directly into it. Currently the lift door, toilet door and garbage room doors open onto the passageway on the ground floor contrary to Part D1.7 of the Building Code of Australia.

- b) That the applicant be advised of their right of appeal to the Land and Environment Court with regard to Council's decision in this matter.
- c) That those who made a submission be advised of Council's decision in this matter.