

REPORT TO GEORGES RIVER COUNCIL IHAP MEETING OF 8 SEPTEMBER 2016

IHAP Report No	2	Development Application No	DA2015/0437
Site Address & Ward Locality	5-7 Littleton Street Riverwood Peakhurst Ward		
Proposal	Demolition of existing parking structures and construction of a five storey building with basement comprising six levels of car parking, two levels of commercial offices on upper floors, and a retail tenancy and lobby on ground floor		
Report Author/s	Senior Development Assessment Officer, Ms T Gizzi		
Zoning	Zone B2 - Local Centre and Zone SP2 - Infrastructure (Parking)		
Date of Lodgement	9 December 2015		
Owner	Riverwood Legion and Community Club Ltd		
Applicant	Boden Projects		
Submissions	Two (2) submissions received		
Cost of Works	\$7,500,000.00		
Reason for Referral to IHAP	Council interest - parking provided for public use via lease to Council		
Recommendation	THAT the application be approved in accordance with the conditions included in the report		

Site Plan



EXECUTIVE SUMMARY

1. Development consent is sought for demolition of the existing structures and construction of a five (5) storey mixed use development with basement. The development is to comprise commercial and retail (café) floor space and to provide six (6) levels of car parking (three (3) above ground and three (3) basement levels).
2. Having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, although there are variations to height and FSR development standards within Hurstville Local Environmental Plan 2012 and the controls of Development Control Plan No 1 – LGA Wide, the development provides much needed parking infrastructure to the area and is considered acceptable for the reasons stated in this report.
3. The application was notified in accordance with the Development Control Plan. Submissions were received from two (2) properties objecting to the development. The issues raised have been summarised in this report and are not considered to warrant refusal of the application.

AUTHOR RECOMMENDATION

THAT the application be approved in accordance with the conditions included in the report.

REPORT DETAIL

DESCRIPTION OF THE PROPOSAL

1. The application seeks approval for the demolition of the existing structures and construction of a new five (5) storey building with basement comprising six (6) levels of car parking (three (3) basement levels and three (3) above ground), two (2) levels of commercial offices on the upper floors, and a retail tenancy and lobby on ground floor level. A large proportion of the parking is for the use of Club Rivers patrons, which is located diagonally opposite the site.

The building comprises the following:

- Basement Level 3 – Office and Club Rivers Parking
- Basement Level 2 – Club Rivers Parking
- Basement Level 1 – Club Rivers Parking
- Ground level – Retail (Café) (71sqm), Lobby and Car Parking for Public and Club Rivers
- Level 1 – Public Parking
- Level 2 – Office Parking
- Levels 3 and 4 – Offices (1139sqm)

A total of two hundred and thirteen (213) parking spaces would be provided, including one hundred and twenty two (122) spaces for Club Rivers, sixty one (61) public spaces and thirty (30) spaces for the offices.

Currently, Council leases sixty one (61) parking spaces from owners of the site for the provision of 3 hour time limited public parking to the community. This is to be maintained through the provision of the sixty one (61) new public parking spaces listed above.

Access is from Littleton Street only.

HISTORY

2. 26 Nov 14 DA2014/1148 was lodged for the construction of a new five (5) storey (plus basement) development comprising five (5) x levels of car parking for public use and use of patrons of Club Rivers and child care centre for 122 children on the top two (2) levels.

19 Aug 15 Following the identification of significant issues with the application particularly relating to drainage, the application was withdrawn.

- 9 Dec 15 DA2015/0437 was lodged for the demolition of existing parking structures, new five (5) storey building with basement comprising six (6) levels of car parking, two (2) x levels of commercial offices on upper floors, retail tenancy and lobby on ground floor
- 20 Jan 16 Application was notified and advertised in accordance with the Development Control Plan
- 6 Jun 16 Additional information requested
- 29 Jun 16 Additional information provided
- 1 Aug 16 Further information requested
- 11 Aug 16 Additional information provided

DESCRIPTION OF THE SITE AND LOCALITY

3 The subject site is known as 5-7 Littleton Street, Riverwood. 5 Littleton Street comprises five (5) narrow lots which are zoned B2 - Local Centre and is currently car parking which serves Club Rivers. 7 Littleton Street comprises one (1) lot which is zoned SP2 - Infrastructure (Parking) and is currently operated as public parking.

The site has a total area of 1,998sqm and a frontage of 44.63m to Littleton Street. Access to the cul de sac of Belmore Road is also available at the rear of the site. Opposite the site to the north are the rear elevations of commercial buildings that front Thurlow Street. Club Rivers is also located opposite the site further to the east. Adjoining the site to the east are single storey dwelling houses, to the south are three (3) storey residential flat buildings and to the west are one (1) and two (2) storey commercial uses.



COMPLIANCE AND ASSESSMENT

4. The development has been inspected and assessed under the relevant Section 79C(1) "Matters for Consideration" of the Environmental Planning and Assessment Act 1979.

Environmental Planning Instruments

HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012 (HLEP 2012)

5. The extent to which the proposal complies with the relevant standards of Hurstville Local Environmental Plan 2012 is outlined in the table below.

Clause	Standard	Assessment Under HLEP 2012
Part 2 – Permitted or Prohibited Development	B2 Local Centre SP2 Infrastructure (Parking)	The proposed building on 5 Littleton Street is defined as commercial premises and car park. Both uses are permissible in the B2 zone. The portion of the building on 7 Littleton Street is for car parking only consistent with the SP2 zone.
	Objectives of the Zone	The proposal complies with the objectives of the zone. Commercial premises are proposed to encourage employment uses and parking is proposed to support the existing commercial use in the area.
4.3 – Height of Buildings	18m as identified on Height of Buildings Map (5 Littleton Street only) No height limit applies to the SP2 zoned land at 7 Littleton Street.	Max. 18.69m. See discussion below.
4.4 – Floor Space Ratio	2:1 as identified on Floor Space Ratio Map (5 Littleton Street only) No FSR applies to the SP2 zoned land at 7 Littleton Street.	4.46:1 (2.49:1 above ground and 1.97:1 within the basement) This is calculated in accordance with the definition which requires the inclusion of all parking, above and below ground that is not required by any control. As such, all Club and public parking has been included in this calculation. The office parking has been excluded as it is required to be provided for the office premises on the site. The site area and part of the building located over 7 Littleton Street has not been considered in this calculation.
4.4A – Exceptions to Floor Space Ratios for Buildings on Land in Certain Zones	Minimum 0.5:1 must be non-residential	Entire development is non-residential and the FSR exceeds 0.5:1.
4.5 – Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	Complies with Cl. 4.5

Clause	Standard	Assessment Under HLEP 2012
4.6 – Exceptions to development standards	Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard (Cl 4.6 variation)	The proposal seeks a variation to Clause 4.3 – Heights of Buildings and Clause 4.4 – Floor Space Ratio under the HLEP 2012. A request for the variations has been provided and is discussed later in this report.
5.3 – Development near zone boundaries	The objective is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone	<p>The development proposes to locate the open space associated with the office premises on levels 3 and 4 of the building over the SP2 Infrastructure (Car parking) zoned land at 7 Littleton Street Riverwood. Office premises are prohibited in the SP2 Infrastructure zone.</p> <p>The location of the open space does not obstruct the provision of car parking on the SP2 zoned site and it is a logical use of the roof space of the building. The proposal is consistent with the objective the clause.</p>
	This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 10 metres.	The open space associated with the office uses encroaches a maximum of 10m onto the SP2 zoned land.
	This clause does not apply to: (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or (a1) land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone IN2 Light Industrial, Zone RE2 Private Recreation, or Zone W2 Recreational Waterways, or (b) land within the coastal zone, or (c) land proposed to be developed for the purpose of sex services or restricted premises.	The site on which the prohibited use is proposed is zoned SP2 Infrastructure, therefore it is not excluded and the provisions of Clause 5.3 apply.

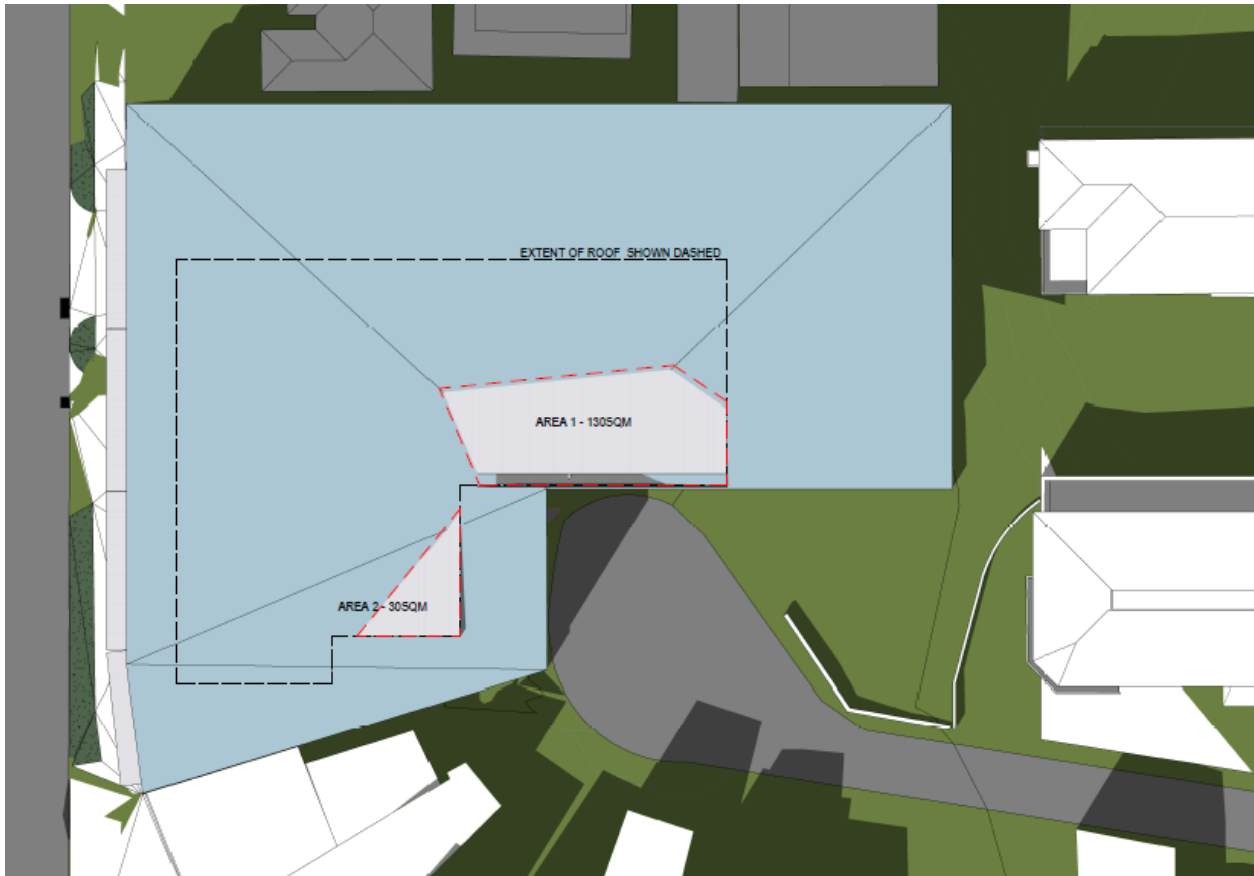
Clause	Standard	Assessment Under HLEP 2012
	<p>Development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:</p> <p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</p>	<p>The proposed location of the open space for the office premises is consistent with the objectives of both zones. It provides good amenity for the commercial uses which are the focus of the B2 Local Centre zone and does not compromise the provision of parking infrastructure consistent with the SP2 Infrastructure zone objectives.</p> <p>The open space on Level 3 occupies the roof top of the car park on 7 Littleton Street making an efficient use of a normally wasted space. The balcony on Level 4 is only 4.5m wide, and does not affect the provision of parking on the site.</p> <p>The open space for the offices does not result in any amenity impacts, is a compatible land use and meets the objectives of the zones. As such, the location of the open space for the office premises is acceptable.</p>
5.9 – Preservation of trees or vegetation	Consent is required for pruning or removal of specified vegetation	The application would not require removal of any significant vegetation. The proposed tree removal is acceptable.
5.9AA – Trees or vegetation not prescribed by Development Control Plan	Any tree or vegetation to be removed that is not specified in DCP No.1	No removal of exempt species is proposed
6.6 – Active Street Frontage	Development must have an active street frontage.	A café has been provided at the front of the site at ground floor level adjacent to the office lobby to provide an active street frontage
6.7 – Essential Services	<p>The following services that are essential for the development shall be available or that adequate arrangements must be made available when required:</p> <p>* Supply of water, electricity and disposal and management of sewerage</p> <p>* Stormwater drainage or on-site conservation</p>	<p>Adequate facilities for the supply of water and for the removal of sewage and drainage are available to this land.</p> <p>Subject to conditions of consent, adequate stormwater disposal is achieved.</p>

Clause	Standard	Assessment Under HLEP 2012
	* Suitable vehicular access	Suitable vehicular access is proposed.

Detailed Assessment of Variation to Clause 4.3 - Height of Buildings and Clause 4.4 Floor Space Ratio Development Standards

Height

6. Clause 4.3 of Hurstville Local Environmental Plan 2012 limits the maximum height of buildings on the land at 5 Littleton Street to 18m. The building has a maximum height of 18.69m. One section of the roof (Area 1) with an area of 130sqm has a height of 18.3m and a second section (Area 2) of 30sqm has a height of 18.69m. The remainder of the roof complies with the height limit.



Floor Space Ratio

7. Clause 4.4 of Hurstville Local Environmental Plan 2012 limits the floor space ratio (FSR) on 5 Littleton Street to 2:1. The part of the building located on 5 Littleton Street has an FSR of 4.46:1. The exceedance of the FSR control arises as all car parking within the development, other than that provided to serve the offices within the same building, whether within the basement levels or above ground must be included in the calculation in accordance with the definition for gross floor area in the Hurstville Local Environmental Plan 2012.

The floor space ratio breakdown is provided in the table below:

Site Area (5 Littleton St only)	1,181.76sqm
Above ground FSR	2.49:1
Basement FSR	1.97:1
TOTAL FSR	4.46:1

Note: Total FSR attributable to car parking both above and below ground is 3.4:1

To support the variations the applicant has provided a request for a variation to a development standard in accordance with Clause 4.6 of Hurstville Local Environmental Plan 2012.

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, Clause 4.4 – Floor Space Ratio, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the Hurstville Local Environmental Plan. The assessment is detailed as follows.

Is the planning control in question a development standard?

Comment: Both limitations on height and FSR under Clauses 4.3 and 4.4 of Hurstville Local Environmental Plan are development standards.

What are the underlying objectives of the development standard?

Comment:

Height

8. The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the Hurstville Local Environmental Plan are:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and public domain, including parks, streets and lanes,*
- (c) to minimise the adverse impact of development on heritage items,*
- (d) to nominate heights that will provide a transition in built form and land use intensity,*
- (e) to establish maximum building heights that achieve appropriate urban form consistent with the major centre status of the Hurstville City Centre,*
- (f) to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing, and are not likely to undergo, a substantial transformation,*
- (g) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.*

The applicant has submitted justification to support the variation which addresses the relevant objectives of the building height development standard. The applicant’s justification is provided below:

- *‘The proposal seeks to create a logical and practical amalgamation of sites to provide an increase in the centre’s ability to provide services and facilities to the community. Overall the proposed development, being a mix of retail, commercial, public and private parking works towards achieving Council’s desired future character for Riverwood. The two minor areas of non-compliance in the overall roof height at the rear of the building will not impact on the character of the area or the achievement of this objective. The building with its departures will reinforce the urban design and strategic planning outcomes for Riverwood.*
- *Notwithstanding the two minor areas of non-compliance, the building generally complies with Council’s provisions. Overshadowing of the properties immediately west of the site is unavoidable based on an 18m height limit. Otherwise the environmental impact of the mixed use building in relation to solar access, visual and acoustic privacy, visual appearance, management and operation of the site is acceptable.*
- *There are no heritage impacts associated with the proposal.*
- *The proposal generally complies with the height limit nominated for the site. It complies with the FSR and number of storeys stipulated for the site, noting that the SP2 – Car Park is not burdened by either standard/guideline.*

- *The Riverwood area is nominated as an area likely to undergo substantial transformation, hence the special area provisions within DCP 1. The existing dwellings located on the eastern side of the site are likely to redevelop as the area is zoned R3 – Medium Density Residential and the shops on the western side have similar provisions which encourage up to 18m buildings and a FSR of 2:1. The existing small shops are an underdevelopment in the long term.*
- *As stated above some impact occurs as the result of overshadowing to the south of the site. However, the same shadow will occur with a fully compliant building in terms of height. The location of the two minor non-compliances is towards to the rear of the building, facing the laneway. The additional height does not result in any additional impact on adjoining properties. The use of those sites is predominantly retail shops with rear lane access at the rear. There are minimal impacts on adjoining properties or the public domain as a result of the non-compliance with the maximum height limit.'*

The applicant's justification is supported for the following reasons:

- The proposed development is significantly larger than the existing development within the locality. However, it must be acknowledged that the area is in transition, and identified by both the Hurstville Local Environmental Plan 2012 and Riverwood Development Control Plan as being an area that is likely to undergo substantial change in the future.
- The exceedance in height is only for part of the roof at the rear of the building and it occurs due to the fall of the land. The non-compliant part of the building adjoins the cul de sac and is consistent with the future character of Riverwood as anticipated by Hurstville Local Environmental Plan 2012 and the Development Control Plan.
- The bulk and scale of the development, particularly when viewed from Littleton Street is acceptable.
- Although the development exceeds the height limit at the rear, it still achieves a transition down to the SP2 zoned land at 7 Littleton Street, which has no height limit, and to the R3 Medium Density zoned land beyond.
- The development would result in overshadowing impacts on adjoining properties, however these would occur even if the building was reduced to 18m due to the orientation of the site.
- Overall the development would not give rise to any significant amenity impacts, and the built form of the development would make a positive contribution to the changing Riverwood centre.

Floor Space Ratio

9. The underlying objectives of the standard, pursuant to Clause 4.4 – 'Floor Space Ratio' of the Hurstville Local Environmental Plan are:

- to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic to achieve the desired future character of the locality,*
- to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing and are not likely to undergo a substantial transformation,*
- to minimise the adverse impact of the development on heritage items,*
- to establish maximum floor space ratios that ensure the bulk and scale of development is compatible with the major centre status of the Hurstville City Centre.*

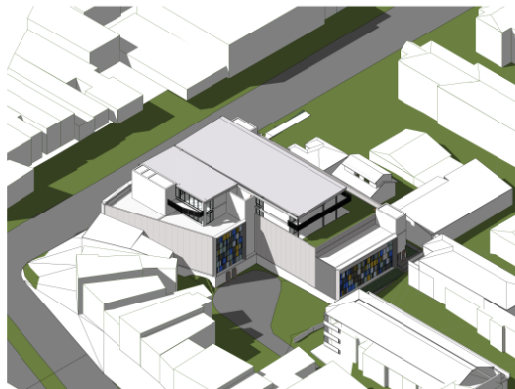
The applicant has submitted justification to support the variation which addresses the relevant objectives of the floor space ratio development standard. The applicant's justification is provided below:

- 'In dealing with character one must have regard to the existing and future character. In relation to the existing character the scale of surrounding development is essentially 2 – 3 storeys and therefore a building at 5 storeys whilst larger will not appear to be incompatible with the established scale. In order for a development to be compatible it does not necessarily need to be the same (see Project Ventures v Pittwater Council).*

The ability to be compatible with the future character is an easier test in that the future bulk and scale is enunciated by the future height and FSR controls. Whilst these controls are set as maximums it can be expected that the scale and form of development will increase as a result of the current planning controls. In the event take up rates are not as quick as anticipated it is possible that densities will increase under future amendments to the HLEP to ensure viability of development and revitalisation.
- The site is well serviced by infrastructure and the additional density of 0.46:1 above ground can be serviced. As a consolidated development the additional FSR below ground is essentially dedicated to parking which is itself by its nature infrastructure and satisfies the objective.*

Regardless of the greater FSR of 4.56:1 or the more practical 2.46:1 the site maintains a suitable and adequate level of enjoyment. The site can be accessed by vehicles or pedestrians and the edges of the building have been made as active as possible in the circumstances.

The plan extract below shows the stepped nature of the rear of the building that affords a transition to the rear residential properties. The building has been modelled so that shadows are within the acceptable range. Likewise the building is stepped to offer a reduced height on its eastern side where it adjoins the residential zone. The western edges of the building will compliment any future development to the west which has the same height as the subject site. The presentation to the laneway was dealt with in our previous submission and is deemed to be appropriate.'



The applicant's justification is accepted and the variation supported for the following reasons:

- As mentioned above, it is noted that the existing character of the Riverwood town centre is two (2) storey development and three (3) storey residential flat development in the vicinity of the site. However, both the Hurstville Local Environmental Plan and Development Control Plan No 1 controls for the centre anticipate five (5) storey development in the zone. In this regard, at five (5) storeys, the development is consistent with the anticipated future character of the area.
- Further, 1.97:1 of the proposed FSR is located within the basement levels and therefore would not result in any visual bulk or streetscape impacts.

- The built form is articulated, providing significant setbacks at levels three (3) and four (4) to minimise the bulk and scale of the development when viewed from the street and to provide visual relief. The design of the development has merit and the architectural quality of the building would make a positive contribution to the future character of the Riverwood centre.
- A significant portion of the FSR arises from the provision of car parking for Club Rivers, which is located opposite the site, and to provide parking that is to be leased by Council for public use. As a consequence, the development is of appropriate land use intensity in that it improves existing infrastructure through the provision of additional, in demand parking in the area.
- The proposed FSR would not result in any significant amenity impacts on adjoining properties or public domain.
- As mentioned above, the design of the development steps down across the SP2 land at 7 Littleton Street providing an appropriate transition to the R3 Medium Density Residential land beyond.

What are the underlying objectives of the zone?

10. Comment: In assessing the development's non compliance, consideration must be given to its consistency with the underlying objectives of the B2 Local Centre zone which are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To maintain a commercial and retail focus for larger scale commercial precincts.*

The development is consistent with the objectives of the B2 Local Centre zone for the following reasons:

- The proposal provides retail (café) and office uses as well as car parking to support an existing commercial use (Club Rivers) in the locality.
- The provision of retail and office uses provide opportunities for employment within an accessible location in close proximity to Riverwood train station and local bus services.
- The development has a commercial focus with increased office and retail floor space and car parking to service an existing commercial use in the locality. Further, the provision of the public parking within the building would further improve the accessibility and therefore the vitality of the commercial centre.

Is the variation to the development standard consistent with Clause 4.6 of the HLEP 2012?

(1) *"The objectives of Clause 4.6 are as follows:*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances."*

11. Comment: The variation to the height of buildings and FSR development standards, allows for the appropriate distribution of building bulk across the properties. Rather than focusing the bulk of the development on 7 Littleton Street which is zoned SP2 and is unconstrained by development standards, the larger proportion of the development is located on 5 Littleton Street which is of lesser impact to nearby residential properties.

In addition, the exceedance of the height of buildings control occurs as a result of the topography of the site which falls to the rear and dips at the cul de sac. The minor increase in height would provide functional office spaces, contributing to the improved vitality in the area and result in a building of high architectural quality.

The variation to the FSR is a non-compliance that arises as a result of car parking, most of which is located within the three (3) basement levels. The parking would be provided for an existing commercial property (Club Rivers) which currently has insufficient car parking, and public parking to be operated by Council resulting in a significant benefit to the community.

In applying flexibility to this development, an appropriate built form is achieved that protects the amenity of the nearby residential properties and provides much needed parking in the locality. In this regard, the development satisfies the objectives of Clause 4.6.

- (2) *“Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.”*

Comment: The site is not excluded from the operation of this clause.

- (3) *“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

Comment: The applicant has provided a written request for the variations to the development standards which demonstrates the above.

Forced compliance with the development standards in this instance would likely result in the bulk of the development being relocated to 7 Littleton Street which would provide a poor urban design outcome in terms of the transition to the adjoining residential zone and would also increase the impacts on the surrounding properties. Further, the provision of sixty one (61) car parking spaces for the public may be lost. On balance, it is considered that there are sufficient grounds to vary the standard in this case.

- (4) *“Development consent must not be granted for development that contravenes a development standard unless:*
- (a) the consent authority is satisfied that:*
 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and”*

Comment: A written request for the variations prepared by Andrew Martin Planning was submitted with the application which provides justification to address subclause (3). The extent of the variations are found to be consistent with subclause (3) and Clause 4.6 overall and the submitted justification is supported.

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

Comment: For the reasons detailed above, the proposal is considered to be consistent with the objectives of Clause 4.3 Height of Buildings, Clause 4.4 Floor Space Ratio and the objectives of the B2 Local Centre Zone under Hurstville Local Environmental Plan 2012. Therefore the development is considered to be in the public interest.

(b) the concurrence of the Director-General has been obtained.

Comment: Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, if the variation is found to be consistent with the objectives of the zone, the concurrence of the Director-General for the variation to the building height Development Standard can be assumed.

STATE ENVIRONMENTAL PLANNING INSTRUMENTS

12. Compliance with the relevant state environmental planning policies is detailed and discussed in the table below.

State Environmental Planning Policy	Complies
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes
State Environmental Planning Policy 55 – Remediation of Land	Yes

Draft Environmental Planning Instruments

13. No Draft Environmental Planning instruments affect the proposed development.

Any other matters prescribed by the Regulations

14. The Regulations prescribe the following matters for consideration for development in the Georges River Council area:

Demolition

Safety standards for demolition and compliance with AS 2601 - 2001 apply to the demolition of any buildings affected by the proposal.

Development Control Plans

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.1 CAR PARKING

15. The proposed car park is designed in accordance with Section 3.1. Parking provision is assessed as follows.

Section 3.1	Standard	Proposed	Complies
Office	1 space per 40sqm 1139sqm = 29 spaces	30 Office spaces provided	Yes
Retail/cafe	15 spaces per 100sqm (based on rates for a café)	No specific parking has been provided for the café use, however, it is considered that the parking need generated by the café can be accommodated within the 61 public spaces that are to be provided.	No, but acceptable

Section 3.1	Standard	Proposed	Complies
	71sqm = 11 spaces	<p>Also, given the location of the café, it is likely that clientele will also be users of the offices or Club Rivers opposite.</p> <p>Since the development application was submitted, Council has adopted DCP1 – Amendment No.5 which modified the car parking rates applying to cafes to 1 space per 50sqm. Although this version of DCP1 does not apply to the site due to the saving provisions, it is noted that under the current control, the car parking deficit for the café use would only be two (2) spaces.</p> <p>For these reasons, the variation to the café parking in this instance is acceptable.</p>	

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.4 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

16. The extent to which the proposed development complies with Section 3.4 Crime Prevention through Environmental Design is detailed and discussed in the table below.

Section 3.4	Standard	Proposal	Complies
Site and building Layout	<ul style="list-style-type: none"> • Provide surveillance opportunities • Building addresses street • Locate businesses on lower floors • Security cameras should be provided where there are large expanses of car parks • Locate entry/exit points close to shops/cafes etc. • Access to lifts, stairwells etc. should be clearly visible 	<p>The proposed development provides appropriate opportunities for surveillance of the subject site and addresses the street.</p> <p>Pedestrian entrances and lifts are clearly identified from the main lobby.</p> <p>CCTV is to be provided at entrance points at all levels.</p>	Yes
Lighting	<ul style="list-style-type: none"> • Locate additional lighting below awnings. • Illuminate all external edges and access points to car parks. 	<p>Security light will be provided to all floors 24hours a day.</p> <p>A condition is also recommended requiring the provision of lighting throughout the building.</p>	Yes, subject to condition
Security and Operational Management	<ul style="list-style-type: none"> • Use monitored alarm systems, building supervisors or security guards. • Install boom gates or similar 	<p>An Operational Plan of Management (OPM) has been submitted with the application for Club Rivers. The OPM includes a section outlining the security to the car park which includes regular patrols of the car park by Club Security and the installation of security lighting.</p>	Yes

Section 3.4	Standard	Proposal	Complies
		Boom gates are also to be installed at the car park entrance to the Club and office parking areas.	
Building Identification	<ul style="list-style-type: none"> Clear direction to stairs, lifts etc to be provided. Detailed directional signage is to be provided. 	Details of signage within the building are not provided. A condition is recommended requiring signage to be provided in accordance with this section of the DCP.	Yes, subject to condition
Building Materials	<ul style="list-style-type: none"> Toughened or laminated glass to be used. Encourage the use of transparent materials for walls and doors. Consider the installation of open style security grilles. 	<p>The pedestrian lobby is fitted with aluminium framed glass providing visual access.</p> <p>The front and rear elevations of the car park component of the building is to be finished with mixed panels including perforated mesh components encouraging visibility.</p>	Yes
Building Maintenance	<ul style="list-style-type: none"> Use materials that can be easily cleaned or use anti-graffiti paint 	Proposed external materials and finishes are appropriate	Yes

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 3.5 ENERGY EFFICIENCY

17. The ground floor café/retail premise and the office premises on Levels 3 and 4 maximise their northern orientation with glazed frontages. Natural ventilation is also maximised to the premises. The development overall satisfies the provisions of Section 3.5.

Solar access and overshadowing are discussed under Section 6.2 Riverwood later in this report.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.7 DRAINAGE AND ON SITE DETENTION

18. Significant drainage works are proposed as part of this application to minimise downstream impacts on Belmore Road including extension of Council’s pipeline and the upgrade of drainage infrastructure which will be subject of a separate approved under Section 138 of the Local Government Act 1993. The application has been assessed by Councils Senior Design Engineer and is found to be acceptable subject to conditions.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.9 WASTE MANAGEMENT

19. A waste management plan has been provided which satisfies the requirements of Section 3.9. The plan will be conditioned to form part of the approval.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.12 BUILDING HEIGHTS AND INDICATIVE STOREYS

20. Section 3.12 of the Development Control Plan No 1 requires that where the 18m height limit is applicable, the development should be limited to a maximum of six (6) storeys. The proposed building is five (5) storeys consistent with this section.

DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 6.2 RIVERWOOD

21. The subject site is identified on Map 1 of this section, therefore the specific controls for Riverwood are applicable. The site is identified as being located within the ‘Belmore Road’ precinct. The application has been considered against the objectives and design principles of Section 6.2 and is found to be acceptable. Detailed consideration of the development against the development controls contained in Section 6.2 is provided in the table below.

6.2.5 Development Controls			
	Standard	Proposed	Complies
6.2.5.1 Belmore Road and Mixed Use Development	Building Envelope <ul style="list-style-type: none"> Buildings relate to existing front building alignments and incorporate a verandah Buildings allow natural light into working and living areas Opportunities for cross ventilation are provided Buildings provide for off street parking and other site services without compromising the above criteria Designs highlight corner sites and relate to both street frontages where applicable 	<p>The proposed development is generally compliant with the building envelope requirements of this section.</p> <p>No verandah is proposed to this building, however as the development does not have a frontage to Belmore Road. As such this is considered acceptable.</p>	Yes
	Amalgamating Existing Lots <ul style="list-style-type: none"> Maximum street frontage for individual commercial sites along Belmore Road is 25 metres 	The subject site has a combined frontage of 44.63m which exceeds the control.	No (1)
6.2.5.2 FSR Calculations	FSR in accordance with Clause 4.4 of HELP 2012 – 2:1	4.46:1 See discussion under HLEP 2012 earlier in this report.	No, but acceptable
6.2.5.3 Building Use	Design for a mix of uses within buildings	The building provides a mix of uses including a café, offices and car parking	Yes
	All ground floor levels in buildings are to incorporate retail and/or commercial uses	The ground floor includes a café and the office lobby to activate the street frontage	Yes
	The maximum retail frontage for individual tenancies is 25m	Max. 7m	Yes
6.2.5.4 Height	Height in accordance with Clause 4.3 of Hurstville LEP – 18m	18.69m See discussion under HLEP 2012 earlier in this report.	No, but acceptable
	Maximum number of storeys in accordance with Clause 3.12 of this DCP - 6 storeys	5 storeys	Yes
	Commercial storeys are set at a maximum 3.3 metres floor to ceiling	Max 3.2m	Yes

6.2.5.5 Setbacks	Development along Belmore Road that has dual access to rear laneway is required to provide a 1m setback to the laneway to be dedicated to Council	Not provided. In this instance, although the site backs onto the rear lane that runs parallel to Belmore Road, the 1m rear setback and lane dedication is not required as the site is located at the head of the cul de sac. The 1m lane dedication is intended for the widening of the lane itself.	N/A
	A minimum rear setback of 8m is required from the Lane	<u>From the cul de sac/lane</u> Southern elevation - 0.8m Western elevation – 0m <u>From rear boundary</u> Ground floor –Level 2: 3.01m Level 3: 3.2m to exit stairs, 9.664m to outdoor area, 18.4m to wall of the building Level 4: 15m to balcony 18.4m to wall of building	No (2)
	If 4 or more storeys are proposed, the fourth storey and above are to be setback and the setback can be used as a balcony terrace area	Levels 3 and 4 (4 th and 5 th storeys) are setback from all boundaries	Yes
6.2.5.6 Verandahs	Building Designs to incorporate verandahs along Belmore Road.	The subject site does not have a frontage to Belmore Road and verandahs are not proposed	N/A
6.2.5.7 Corners	Buildings sited on corners are to create acute, obtuse, curved or other relevant corner forms. Street intersections are to be addressed with splays, curves, building entries and architectural elements.	The site is not a corner site	N/A
6.2.5.8 Building Design	<ul style="list-style-type: none"> • A balance of horizontal and vertical façade elements is to be provided • Simple façade designs containing only horizontal or vertical elements are to be avoided • Large areas of flat façade need to be articulated using panels, bay windows, balconies and steps in the façade 	The design of the building is appropriate. Both horizontal and vertical elements are included, articulation is provided in the façade and a variety of colours and materials are proposed.	Yes

	<ul style="list-style-type: none"> Changes in texture and colour should complement façade articulation 		
	Building entrances – whether for commercial, retail or residential use – must be clearly identifiable from the street	Building entrances are clearly identifiable	Yes
	Party walls are to read as ‘finished’ walls	The party walls are to comprise textured concrete panels and are acceptable	Yes
6.2.5.9 Balconies	<p>Balconies should be at the rear of the building</p> <p>The main balcony types to use are:</p> <ul style="list-style-type: none"> recessed within wall recessed within roof projecting without roof, walls or columns partially recessed/ projecting Juliet French windows <p>Balconies are to be designed so that they are recessed a minimum 300 mm into the wall or enclosed with walls, columns or roofs, in order to provide sufficient enclosure</p> <p>All glass balconies are not acceptable</p> <p>Juliet balconies and French windows should be used to articulate facades with architectural detail and vertically proportioned windows</p>	Does not comply. See discussion below this table.	No (3)
6.2.5.10 Acoustic Privacy	Restaurants and cafes should be designed to minimise the impacts of noise on nearby residents.	The proposed café is located towards the western end of the site, away from any adjoining residential properties	Yes
6.2.5.11 Lifts	All buildings with two or more storeys are required to have a lift	Complies	Yes
6.2.5.12 Awnings	Each building is to provide an awning at least 3m, and no more than 4.2m above footpath level	Compliant awning proposed	Yes
6.2.5.13 Through Block Connections	Arcades should be located in mid block locations	N/A	N/A
6.2.5.14 Shop Fronts	Shop fronts must be glazed.	Complies	Yes
	Roller shutter doors are not permitted.	Not proposed	Yes

6.2.5.15 Outdoor Eating	To comply with Council's Local approvals Policy	Not proposed	N/A
6.2.1.16 Advertising and Signage	Must comply with Section 5.6 of the DCP 1 and SEPP 64	Signage does not form part of this application	N/A
6.2.5.17 Landscaping and Open Space	Lower level rooftop areas and courtyards in the centre of blocks are to be landscaped	Rooftop areas are proposed to be landscaped in accordance with this section	Yes
6.2.5.18 Vehicular Access and Loading Docks	Car parking and loading dock provision is to comply with Section 3.1 Car Parking	See assessment earlier in this report	Acceptable
	Street should not be presented with car park walls. Parking must be located underground.	As the primary use of the development is for car parking, it is not possible to locate all parking below ground. To mitigate streetscape impacts, the car park levels are finished with textured panels in varying colours rather than a blank wall. Also, the eastern side elevation is to be a green wall to soften the presentation to the adjoining Church. In this regard, the presentation of the car park is acceptable.	Acceptable
	Pedestrian access to basement car parks is to be separated from vehicular access and clear defined	Clear, separate pedestrian access is provided.	Yes
	All major developments are to have loading docks	Loading spaces are provided adjacent to the lobby, lifts and garbage room	Yes
6.2.7 General Controls			
6.2.7.1 Building Address and Articulation	The following elements are encouraged to provide articulation. <ul style="list-style-type: none"> • Floor Area Elements • Private Open Space Elements • External Circulation Elements • Solar Protection Elements • Sound Barrier Elements 	The development includes both vertical and horizontal design elements to minimise the bulk and scale of the building. A variety of materials are used including perforated screens, solid elements and coloured panels. Further, the outdoor open spaces to the offices on levels 4 and 5 are recessed and a projecting awning over the ground floor level will also provide visual interest from street level. The proposal provides sufficient elements in accordance with the DCP 1 to sufficiently articulate the building.	Yes

6.2.7.2 Building Resolution	A clear street address is to be provided.	A clear street address is provided to Littleton Street. The building also presents well to the cul de sac at the rear through the inclusion of architectural elements that provide interest, rather than appearing as the rear of a commercial building.	Yes
	Pedestrian entries should be clearly defined. Vehicular entries should minimise conflicts with pedestrians.	Pedestrian entries are separate from the vehicle entrances and are clearly defined	Yes
	Facades are to be articulated to show different levels of a building and its functions.	Satisfactory	Yes
6.2.7.3 Visual and Acoustic Privacy	Visual privacy is to be protected.	The proposed car parking and offices would not result in overlooking of adjoining residential properties. The rear elevation of the car parking is enclosed by mixed panels which comprise both solid panels and mesh which will protect the privacy of the properties to the rear. To the east, a solid wall is proposed. The offices on the top 2 levels are setback significantly from both the side and rear boundaries which also minimises privacy impacts.	Yes
	Buildings are to be designed to minimise the transmission of external noise to other buildings on the site and adjoining land.	A Noise Impact Assessment prepared by Rodney Stevens Acoustics, dated 30 November 2015 was submitted with the application. The Noise Impact Assessment concludes that at the nearest residential receivers to the east and south of the site, noise impacts will be within the relevant criteria.	Yes
6.2.7.4 Solar Access and Natural Daylight	Where already existing, access to sunlight should be substantially maintained or achieved for a minimum period of 3 hours between 9.00am and 3.00pm on 21 June to windows of habitable rooms and to the private open space of adjoining properties.	See discussion below this table	No (4)

6.2.7.5 Natural Ventilation	All dwellings are to provide for natural ventilation	No residential proposed	N/A
6.2.7.6 Building Materials	Building materials that assist in providing comfortable thermal conditions are to be used wherever possible. The use of bulk and/or reflective insulation to walls ceilings and roofs is recommended. The use of building materials which are recycled or recyclable, come from renewable sources, or involve environmentally acceptable production methods, is recommended. The use of durable materials is encouraged. Non-polluting building materials are to be used to protect public health and comfort.	The development comprises a variety of materials which are considered to be high quality and durable in accordance with the clause	Yes
6.2.7.7 Water Conservation and Stormwater Management	Control rainwater in order to minimise local flooding, soil erosion and the siltation of streams and waterways. Encourage the collection and reuse of rainwater.	Satisfactory	Yes
6.2.7.8 Site Facilities	Garbage and recycling facilities must be provided	A separate garbage room is provided at ground floor level	Yes
	Loading facilities must be provided	Loading spaces are provided adjacent to the entrance lobby, lifts and garbage room	Yes

(1) Amalgamation of Sites – Maximum Street Frontage

22. The site has a combined frontage of 47.63m which exceeds the development control of 25m. In this case, the variation is considered acceptable for the following reasons:

- The subject site is the only site within the 'Belmore Road' precinct that has a primary frontage to Littleton Street and as such, the development would not interrupt the existing pattern of development.
- The width of the site is less than the Club Rivers site diagonally opposite, and consequently the subject site would not appear out of character with the streetscape.

(2) Setbacks

23. The Development Control Plan No 1 does not specify setbacks from the rear boundary where it adjoins another property as it assumes all properties within the 'Belmore Road' precinct back onto the lane. As such, there is no variation along the rear boundary of the site.

Section 6.2.5.5 requires that development be setback 8m from the lane. The southern elevation of the building is setback only 0.8m from the lane from ground level to level 2. Levels 3 and 4 have fire stairs 0.8m from the lane, but the offices themselves have an increased setback of 6.2m.

The western elevation of the building also runs along the lane with no setback provided at all floor levels.

The site differs from others in the 'Belmore Road' precinct as the secondary frontage is to the head of the cul de sac rather than the lane itself. Consequently, the reduced setback would have little impact on the pattern of development and future character of this strip. Further, it is noted that the proposed development adopts the setback of the existing car park structure on site.

Additionally, the setback to the cul de sac would not result in any adverse amenity impacts on the adjoining properties and would not prevent the future redevelopment of properties in Belmore Road.

The proposal maintains a coherent street character in accordance with the objectives of the clause and in this case is considered acceptable.

(3) Balconies

24. Outdoor open space is provided to the offices on levels 3 and 4. Level 3 is provided with open space on the podium of the car park and is therefore not subject to the balcony requirements of the Development Control Plan.

The level 4 offices are provided with a balcony along the rear elevation but also the eastern (side) elevation which is contrary to the Development Control Plan. Even so, the provision of the balcony along the side elevation would not result in any privacy impacts or prevent future redevelopment of adjoining properties as the site is located at the edge of the zone.

The balcony is projecting with a roof and comprises charcoal metal balustrades. Although not recessed, given the commercial use it is considered to provide reasonable amenity for staff. The balcony is lightweight in appearance and would not result in any adverse visual impact. Given the site does not front Belmore Road, the proposed variation would also not affect the pattern of development envisaged by the Development Control Plan.

For these reasons, the variation to the Development Control Plan No 1 is considered acceptable.

(4) Solar Access and Natural Daylight

25. 11 LITTLETON STREET (EAST OF SITE)

A Church and residential rectory are located to the east of the site. It is noted that the ground level of the Church site is higher than the subject site.

It is noted that 7 Littleton Street, which is the SP2 zoned land, adjoins the Church site, and as such, this lot is not subject to the controls of this section of the Development Control Plan No 1 or the height limit under Hurstville Local Environmental Plan 2012. Even so, an assessment of daylight access has been undertaken.

The buildings on the Church site overshadow themselves from 9am to 10am midwinter. From 10am to midday the buildings receive direct sunlight to windows and private open space and are unaffected by the development. From midday onwards, the Church site will be overshadowed by the proposed development. As a consequence of the proposed building, sunlight access to the west facing windows and private open space of the Church site which directly adjoin the shared boundary would be reduced to 2 hours midwinter, which is contrary to the 3 hours required by the Development Control Plan.

The 2 hours of solar access is acceptable in this instance. The part of the development adjoining the Church site is of a reduced height, being primarily three (3) storeys with only the fire stairs being four (4) storeys high. The overshadowing of the Church site occurs largely as a result of the site orientation, and also the unconventional location of the private open space being located directly adjoining the western side boundary. The remainder of the Church site receives in excess of 3 hours sunlight mid winter.

26. 2-4 AND 6-8 CAIRNS STREET (SOUTH OF SITE)
The two (2) properties which adjoin the southern boundary of the site comprise three (3) storey residential flat buildings with windows and balconies on their northern elevations. For these sites, the applicant has provided elevational and 3D shadow diagrams. From the shadow diagrams provided, it is evident that although some overshadowing would occur, these units would maintain a minimum of three (3) hours direct sunlight midwinter in accordance with the Development Control Plan.

27. 3 LITTLETON STREET AND PROPERTIES FRONTING BELMORE ROAD (WEST OF SITE)
The properties to the west of the subject site are generally two (2) storey mixed use buildings with commercial uses at ground floor level and residential at second floor level. Most of these buildings do not have private open space at the rear but do contain either south or east facing residential windows at first floor level. A number of these properties will be overshadowed from 9am – 11am by the proposed development before overshadowing themselves. As a result, the first floor rear windows to the residential uses would lose direct sunlight.

The property at 3 Littleton Street which directly adjoins the western boundary of the site would be overshadowed until midday, however as the windows of the development are south facing and it has no private open space, it is of little impact.

Although the adjoining properties to the west of the site are overshadowed for the morning hours, this is a consequence of the site orientation and any development of compliant height on the subject site would have a similar impact. Given the use of these properties, the impact is considered acceptable.

Impacts

Natural Environment

28. The proposed development requires the removal of one (1) street tree and five (5) trees from the site. The trees are not significant and no objection is raised to their removal. Three (3) replacement Kanooka Gum trees are to be planted at the rear of the site and significant planting is also proposed on the podium level. The development would not have a significant impact on the natural environment.

Built Environment

29. Variations are sought to a number of controls including the height and FSR controls under Hurstville Local Environmental Plan 2012 and the setback controls under Development Control Plan 1. It is noted that the controls are designed for a traditional mixed use development providing commercial and residential uses and that the development of a car park is not anticipated by the Development Control Plan. However the variations to the controls have been considered throughout this report and are not considered to warrant refusal of the application.

The bulk and scale of the development is generally consistent with the future character of the Riverwood town centre as identified by the Development Control Plan. The built form of the development is well considered with increased setbacks provided at third and fourth floor levels to minimise the visual bulk of the building. The materials and finishes to be used are of high quality and the development will make a positive contribution to the centre.

The development would result in minor overshadowing impacts on adjoining properties; however the impacts are acceptable when the orientation and context of the site is taken into consideration. Overall the development would not result in any significant loss of amenity to neighbouring properties and is supported.

Based on the above, the development would not result in any significant impacts on the built environment.

Social Impact

30. The proposed development would not result in any significant social impacts.

Economic Impact

31. The proposal would provide employment opportunities within the area which in turn would encourage economic growth. Consequently, the proposal is likely to have a positive impact on the local economy.

Suitability of the Site

32. The subject site has no impediments that preclude it being developed the proposed use. Subject to conditions, the site is considered suitable for the proposal for the reasons contained within the report.

5. REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST

Resident

33. The application was advertised and one hundred and eighty one (181) adjoining occupiers/owners were notified of the development in accordance with the Development Control Plan. In response, two (2) submissions were received in relation to the proposal. The concerns raised are addressed below.

Solar Access and Overshadowing

34. Concerns are raised that adjoining properties will be overshadowed. No elevational shadow diagrams have been provided for the Church property.

Comment: It is noted that elevational shadow diagrams were not provided for the Church property, however the information provided was sufficient for assessment purposes.

Solar access and overshadowing is discussed in detail earlier in this report. Although overshadowing impacts do arise, solar access to adjoining properties is found to be acceptable when considered in the local centre context.

Height

35. The development is significantly higher than the Church property which is only two (2) storeys and is subject to a 12m height limit. The development already exceeds the maximum height control but no plant and ancillary acoustic enclosures have been shown.

Comment: As mentioned earlier in this report, the application exceeds the maximum height limit of 18m with a maximum height of 18.69m. However the height breach is located on the western side of the site. No.7 Littleton Street adjoins the Church site, and the height of the proposed development in this location is far lower. Along the eastern side of the building, the height of the development is generally less than 12m with only the fire stairs increasing to approximately 13.5m. As such, it is considered that the development is of an appropriate scale that steps down to the R3 Medium Density Residential zoned land on which the Church is located.

The location of plant equipment and any ancillary acoustic closures have not been shown on plan. A condition is recommended requiring that the equipment must not exceed the maximum 18m height limit.

Privacy

36. Concerns have been raised that due to the height of the development; there will be acoustic and visual privacy impacts on the adjoining Church property.

Comment: The eastern wall of the development that fronts the Church property is three (3) storeys high with no openings and is finished with a vertical garden. The outdoor open space of the office located on Level 3 is setback 4m from the boundary with the Church and finished with a 1.25m high solid wall. This outdoor open space is unlikely to result in a significant privacy impact as its elevation and setback would overlook the roof of the Church buildings rather than downwards into the property.

The balcony along the eastern side of the Level 4 offices is setback 9.5m from the side boundary and comprises an open balustrade. Again, although the area is elevated, the height above the Church buildings in combination with the setback would minimise any detrimental privacy impacts. Views downward into the Church property would be obscured by the open space of Level 3 below.

In terms of acoustic impacts, the hours of operation of the proposed offices are to be limited to 7am to 6pm Monday to Saturday which would minimise acoustic impacts. Given the Church's location at the edge of the local centre and the proposed hours of operation, when considered in the context of the site the development would not give rise to any unreasonable acoustic impacts.

Overall, the development would not result in any significant impacts on the Church property.

Loss of Public Parking

37. Council should maintain the status and availability of free public parking on the site.

Comment: The development proposes sixty one (61) spaces for public use which would be leased by Council as per the current arrangements. There would be no net loss in public parking arising from the development.

Traffic Impacts

38. The traffic report contains factual errors.
The traffic and parking surveys were undertaken in school holidays providing skewed results.
The development would result in pedestrian safety issues and requires further investigation.

Comment: Council's Senior Traffic Engineer has assessed the development including consideration of the submissions and the traffic report provided. Following a review of the documentation, additional traffic and parking surveys were provided by the applicant which were undertaken on a normal school day.

Council's Senior Traffic Engineer is now satisfied that the development is acceptable and no objections have been raised.

Mechanical Equipment

39. The acoustic report provides no details of mechanical plant equipment. This may increase noise.

Comment: Conditions are recommended requiring that any mechanical plant equipment is to comply with the relevant acoustic limits.

Council Referrals

Senior Design Engineer

40. Council's Senior Design Engineer has assessed the proposed stormwater proposal and raised no objections subject to conditions of consent.

Senior Traffic Engineer

41. Council's Senior Traffic Engineer has assessed the application and provided the following comments:

“Layout of Off-Street Parking Facilities

The proposed 90-degree angled parking spaces and the aisles comply with the Australian Standard AS/NZS 2890.1-2004 ‘Off-Street Car Parking’ and manoeuvrability is great within all basement levels.

Access to Off-Street Parking Facility

The proposed location of the vehicular access complies with Australian Standard AS/NZS 2890.1-2004 and is acceptable.

Parking Provision

<i>User details</i>	<i>Parking Requirements as per DCP 1</i>	<i>Proposed m2</i>	<i>Requirement</i>
<i>Office Space</i>	<i>1 space per 40m2</i>	<i>1168</i>	<i>29.2</i>
<i>cafe</i>	<i>15 spaces per 100m2</i>	<i>71</i>	<i>10.65</i>
TOTAL			39.85 spaces Rounded to 40 spaces

Development is proposing to cover the above requirement of parking in their proposal of 213 spaces for the club patrons and the café and offices.

Impact on Road Network

The traffic section reviewed the road network assessment study as presented in the Traffic Impact Assessment and has no objection to the overall results of the SIDRA analysis.

Conclusion

The Traffic section raises no objection to the proposed DA2015/0437 for Club Rivers at 5-7 Littleton Street Riverwood.”

Senior Environmental Health and Building Surveyor

42. Council’s Senior Environmental Health and Building Surveyor has assessed the application and raised no objections subject to conditions.

CONCLUSION

43. Development consent is sought for demolition of the existing structures and construction of a five (5) storey mixed use development with basement to comprise commercial and retail (café) floor space and to provide six (6) levels of car parking (three (3) above ground and three (3) basement levels).

Having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, although there are variations to height and FSR development standards within Hurstville Local Environmental Plan 2012 and the controls of Development Control Plan No 1, the proposal is considered satisfactory and acceptable for the reasons stated in this report.

The application was notified in accordance with the Development Control Plan, submissions were received from two (2) properties objecting to the development. The issues raised have been summarised in this report and are not considered to warrant refusal of the application.

Accordingly, it is recommended that development consent be granted subject to the conditions below.

DETERMINATION

44. THAT pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, grants development consent to Development Application DA2015/0437 for demolition of existing parking structures and construction of a five storey building with basement comprising six levels of car parking, two levels of commercial offices on upper floors, and a retail tenancy and lobby on ground floor on Lots 19- 24 in DP 21049 and known as 5-7 Littleton Street Riverwood, 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
0100	27/6/16	Site Plan/Roof Plan	6	Jackson Teece
1201	15/6/16	Floor Plan – Level B3	6	Jackson Teece
1202	1/12/15	Floor Plan – Level B2	5	Jackson Teece
1203	1/12/15	Floor Plan – Level B1	5	Jackson Teece
1204	12/8/16	Floor Plan – Level 00	7	Jackson Teece
1205	15/6/16	Floor Plan – Level 01	6	Jackson Teece
1206	15/6/16	Floor Plan – Level 02	6	Jackson Teece
1207	1/12/15	Floor Plan – Level 03	6	Jackson Teece
1208	1/12/15	Floor Plan – Level 04	5	Jackson Teece
3201	1/12/15	Elevations – 01	5	Jackson Teece
3202	1/12/15	Elevations – 02	5	Jackson Teece
3203	1/12/15	Elevations – 03	5	Jackson Teece
3204	1/12/15	Elevations – 04	5	Jackson Teece
4201	15/6/16	Sections – 01	6	Jackson Teece
4202	1/12/15	Sections – 02	5	Jackson Teece
4203	1/12/15	Sections – 03	5	Jackson Teece
4204	1/12/15	Sections – 04	5	Jackson Teece
4205	12/8/16	Sections - 05	6	Jackson Teece
9007	1/12/15	Management Plan	1	Jackson Teece
-	1/12/15	Waste Management Plan	-	Jackson Teece

2. GEN1002 - **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	\$5,425.00
Construction Certificate Application Fee	\$5,425.00
Construction Certificate Imaging Fee	\$236.00

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. GEN1014 - **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. GEN1016 - **Damage Deposit - Major 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: **\$53,556.00**
 - (b) Payment to Council of a non refundable inspection fee to enable assessment of any damage and repairs where required: **\$290.00.**
 - (c) At the completion of work Council will:
 - (i) review the dilapidation report prepared prior to the commencement works;
 - (ii) review the dilapidation report prepared after the completion of works;
 - (iii) Review the Works-As-Executed Drawings (if applicable); and
 - (iv) inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

- (d) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.

- (e) 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 Georges River Council's website at: www.georgesriver.nsw.gov.au

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

6. **APR6003 - Engineering - Vehicular Crossing - Major Development** - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- (a) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council's Specifications for vehicular crossings.
- (b) 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*. The work shall be carried out by a private contractor, subject to Council approval.

Constructing a vehicular crossing and/or footpath requires separate approval under **Section 138 of the Roads Act 1993**, prior to the issue of the Construction Certificate.

To apply for approval:

- (a) Complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2014/****) and reference this condition number (e.g. Condition 23).
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to 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**.
8. **APR7001 - Building - Hoarding Application** - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/roadway where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

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

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party; and

The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.

9. **APR7003 - Building - Below ground anchors - Information to be submitted with Section 68 Application under LGA 1993 and Section 138 Application under Roads Act 1993** - In the event that the excavation associated with the basement car park is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works. In this regard the following matters are noted for your attention and details must be submitted accordingly:
- (a) Cable anchors must be stressed released when the building extends above ground level to the satisfaction of Council.
 - (b) The applicant must indemnify Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council.
 - (c) Documentary evidence of such insurance cover to the value of ten (10) million dollars must be submitted to Council prior to commencement of the excavation work.
 - (d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of <\$ 50,000.00...>
The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
 - (e) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors must be borne by the applicant.

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.

10. **GOV1010 - Ausgrid - Substation or Kiosk** - Ausgrid shall be consulted to determine if an electricity distribution substation is required. If so, it will be necessary for the final film survey plan to be endorsed with an area, having the required dimensions as agreed with Ausgrid, indicating the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the Building Code of Australia. The substation site to be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. For details visit www.ausgrid.com.au or call 131365.
- (a) written confirmation of Ausgrid's requirements is to be submitted **prior to the issue of the Construction Certificate**; and
 - (b) Ausgrid's requirements are to be met before the issue of the Occupation Certificate.
11. **GOV1011 - Ausgrid - Underground electrical conduits** - Ausgrid is to be consulted to determine if underground electricity conduits are to be installed in the footway. If so, the developer is to install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. The developer is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. For details visit www.ausgrid.com.au or call 131365.
- (a) a copy of Ausgrid's requirements is to be submitted to Council **before issue of the Construction Certificate**;
 - (b) Where conduits are to be installed, evidence of compliance with Ausgrid's requirements is to be submitted **before the issue of the Occupation Certificate**.

Where works within the road reserve are to be carried out by the beneficiary of this consent, a Road Opening Permit Application must be submitted to, and approved by, Council **before the issue of the construction Certificate**.

12. GOV1012 - **Ausgrid - Clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Ausgrid is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Ausgrid for any necessary modification to the electrical network in question. For details visit www.ausgrid.com.au or call 131365.
13. GOV1008 - **Sydney Water - Section 73 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 Plumbing, Building and Developing section of Sydney Water's website to locate a Water Servicing Coordinator in your area. Visit: www.sydneywater.com.au

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, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The "Notice of Requirements" must be submitted prior to the commencement of work.

14. GOV1009 - **Sydney Water - Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act must be submitted to the Principal Certifying Authority prior to the issue of the Occupation/Subdivision or Strata Certificate.
15. GOV1006 - **Sydney Water - Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the **Construction Certificate**.

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.

16. CC3001 - **Development Engineering - Stormwater System**

Reference No.	Date	Description	Revision	Prepared by
0705-DWG SC11	NOV 2015	Proposed 1200mm Stormwater pipe	D	Neil Lowry Associate Pty Ltd
0705-DWG SC02	NOV 2015	Proposed 1200mm Stormwater pipe	E	Neil Lowry Associate Pty Ltd

- (a) Stormwater drainage plans including: pipe sizes, type, grade, length, invert levels, dimensions, the flow rate pre and post development, 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.
- (b) The detailed drainage design to be submitted prior to the issue of the Construction Certificate is to be generally in accordance with the approved concept plans listed in the table above and is to include the requirements provided below.

- (c) All the existing underground services where they cross the proposed stormwater pipe/culvert, shall be located and shown on the stormwater plan and longitudinal section plan. If an adjustment to any service is required the approval shall be obtained from the relevant Authority assets owner.
- (d) All roof waters and all overflows from any site shall drain to Council's stormwater system directly in front of the development site in Littleton Street. The design of this proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) and be submitted for approval with the Construction Certificate application.
- (e) All drainage pits in Belmore Street shall be Standard Grate Gully with 4.2 m length lintel, including the existing pits.
- (f) The outlet from the development site must be constructed at 45 degrees to the flow direction.
- (g) The existing Council stormwater pipe on the site must be capped by an experienced licensed plumber.

17. **CC3002 - Development Engineering - Stormwater Systems with Basement** - The underground basement car park must pump to an internal pit and all other stormwater must drain by gravity to Council's existing/proposed stormwater system.

The design of the proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) and be submitted for approval **with the Construction Certificate application.**

18. **CC3003 - Development Engineering - Stormwater - Protection of basement from inundation of stormwater waters** - The construction of the building shall be designed to protect the underground basement from any possible inundation of surface waters.

Evidence from an appropriately qualified person that this design requirement has been adhered to shall be submitted **with the Construction Certificate application.**

19. **CC3007 - Development Engineering - Driveway Surface Waters** - The driveway levels at the boundary line of the site is to be higher than the top of kerb to prevent any runoff from the street to the basement.

20. **CC3009 - Development Engineering - Submitted Flood Study** - The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by WMA Water dated 13 August 2015 and 18 November 2015.

This shall include, but not be limited to, any recommendations for the following:

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Overland flow path construction
- (e) Protection of basement from inundation of surface waters

Evidence from an appropriately qualified person that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

21. **CC3010 - Development Engineering - Support for Easement Pipes -**

- (a) All footings within 2.0 metres of the drainage easement shall be designed in such a manner that they are supported by foundations set at a minimum of 300mm below pipe invert levels or founded on sound rock.
- (b) Alternatively the footings of the building or any structure shall be designed not to affect the zone of influence taken from the invert of any pipe.
- (c) The existing Council's stormwater pipe within the site shall be capped.

Evidence from an appropriately qualified person that this design requirement has been met **shall accompany the application for the Construction Certificate.**

22. **CC3012 - Development Engineering - Pump-Out System Design for Stormwater Disposal -**
The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria: -

- (a) The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one (1) hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one (1) hour duration storm of the 1 in 20 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Engineering details demonstrating compliance and certification from an appropriately qualified and practising civil engineer shall be provided with the application for the Construction Certificate.

23. **CC3019 - Development Engineering -** The applicant must lodge a separate form for Section 138 Drainage Application of the Road - Local Government Act 1993, along with the longitudinal section details of the proposed stormwater pipe, showing all the underground services location, type, size, surface & invert level, clearance and all the other relevant details.

24. **CC4006 - Health - Acoustic Certification - Rooftop Mechanical Equipment -** The Construction Certificate plans must be accompanied by a certificate from a professional acoustic engineer certifying that noise from the operation of the roof top mechanical plant and equipment will not exceed the background noise level when measured at any boundary of the site. If sound attenuation is required, this must be detailed on the plans lodged with the Construction Certificate.

25. **CC7006 - Building - Vibration Damage -** To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

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

26. **CC7008 - Building - Access for Persons with a Disability** - Access for persons with disabilities must be provided throughout the site, including to all reception / lobby areas, commercial offices and amenity/sanitary facilities in accordance with the requirements of the Premises Standards, the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application.

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

27. **CC7018 - Building** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of booster pump and valve rooms, definition of large isolated building and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

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

28. **CC2003 - Development Assessment - Construction Site Management Plan - Major Development** - A Site Management Plan must be submitted with the application for the Construction Certificate, and must include the following measures:

- location of protective site fencing;
- location of site storage areas/sheds/equipment;
- location of building materials for construction, e.g. stockpiles
- provisions for public safety;
- dust control measures;
- method used to provide site access location and materials used;
- details of methods of disposal of demolition materials;
- method used to provide protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/skip bins;
- details of proposed sediment and erosion control measures;
- method used to provide construction noise and vibration management;
- construction traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be retained on site and is to be made available upon request.

29. **CC2009 - Development Assessment - Pre-Construction Dilapidation Report - Private Land** - A qualified structural engineer shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

(a) All properties with a common boundary to the site.

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

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

30. **CC2004 - Development Assessment - Design Change** - The following design changes are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application**.
- (a) The location and height of any mechanical plant equipment is to be shown on the Construction Certificate plans. The height of the equipment including any acoustic enclosure must not exceed the 18m height of buildings development standard under Hurstville Local Environmental Plan 2012.
 - (b) Details of car parking lighting are to be provided demonstrating compliance with Section 3.4.4 of Hurstville Development Control Plan No.1 – LGA Wide.
 - (c) Details of signage within the car park is to be provided demonstrating compliance with Section 3.4.7.1 of Hurstville Development Control Plan No.1 – LGA Wide.
31. **CC2030 - Development Assessment – Vertical Garden/Landscape Walls** – Prior to the issue of the Construction Certificate the following details of the vertical garden/landscape wall on the eastern elevation are to be prepared by a qualified landscaped architect and are to be submitted to the Certifying Authority:
- (a) Detailed drawings demonstrating how the landscape wall is to be constructed, including proposed materials, planter dimensions and integration into the building structure;
 - (b) Drainage, irrigation and water proofing details;
 - (c) A maintenance plan, including how access will be provided and outlining a replacement strategy should the plants fail.
32. **CC2031 - Development Assessment – Materials and Finishes** – The materials and finishes of the development must be consistent with those shown on the approved elevation plans, Drawing No's 3201 – 3204 prepared by Jackson Teece. Details are to be submitted with the Construction Certificate.
33. **CC2034 - Development Assessment - Design Quality Excellence**
- (a) In order to ensure the design quality excellence of the development is retained:
 - (i) The design architect (Jackson Teece) is to have direct involvement in the design documentation, contract documentation and construct stages of the project;
 - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
 - (b) The design architect of the project is not to be changed without prior notice and approval of the Council.
34. **CC2029 - Development Assessment – Car Park Lease** – The applicant is to provide evidence of a lease agreement between Council and the owner of the site, for the lease of sixty one (61) car parking spaces by Council for public parking.
35. **CC8006 - Waste - Waste Storage Containers - Commercial/Industrial** - Appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:-

- (a) Retail Trading - shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;
- (b) Restaurants and Food Shops - 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals; and,
- (c) Office - 0.01-0.03 cubic metres per 100 square metres of floor area per day.

All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins, appropriate for the number of units and intended uses of the building, and is to be located in an area of the building that can be adequately serviced by waste collection vehicles.

If the Waste Storage Area is located in a part of the building that cannot be easily accessed by service providers, it will be the responsibility of the Owners Corporation to present the bins for collection to the kerb-side.

Details of the Waste Storage Area must be illustrated on the plans submitted with the application for the Construction Certificate.

36. **CC6005 - Engineering - Traffic Management - Construction Traffic Management Plan (Large Developments only)** - A Construction Traffic Management Plan detailing:

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;
- (c) hours of construction;
- (d) access arrangements; and
- (e) proposed traffic measures to minimise impacts of construction vehicles, and

must be submitted to the satisfaction of Council's Engineers prior to the issue of the Construction Certificate. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

37. **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

38. **CC7010 - Building - Geotechnical Reports** - The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted **before the issue of the Construction Certificate** and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
 - (b) Dilapidation Reports on the adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
 - (c) On-site guidance by a vibration specialist during the early part of excavation.
 - (d) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
 - (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
39. **CC7011 - Building - Slip Resistance- Commercial, Retail and Residential Developments** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.
40. **CC7002 - Building - Fire Safety Measures prior to Construction Certificate** - Prior to the issue of a Construction Certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Certifying Authority. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Certifying Authority will then issue a Fire Safety Schedule for the building.
41. **CC6004 - Engineering -Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be **designed and** constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
42. **CC2001 - Development Assessment - Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- (a) Compliance with the approved Erosion and Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) all clean water run-off is diverted around cleared or exposed areas
 - (d) silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - (e) all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - (f) controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - (g) all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

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

43. **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 Georges River 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.
44. **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

45. **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 Georges River 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.

46. **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.
47. **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.
48. **PREC6002 - Engineering - Dilapidation Report on Public Land - Major Development Only** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared on Council infrastructure adjoining the development site, including:

- (a) All public infrastructure adjoining the subject site

The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Principal Certifying Authority and a copy provided to the Council.

The report must include the following:

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

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

Council will use this report to determine whether or not to refund the damage deposit after the completion of works.

49. **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.

- 50. **PREC7002 - Building - Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the developer's expense.
- 51. **PREC7004 - Building - Structural Engineers Details - Supporting excavations and adjoining land** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.

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.

- 52. **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.

- 53. **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.
- 54. **CON7001 - Building - Structural Engineer's Certification during construction** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of construction or prior issue of the Occupation Certificate.

55. **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, Georges River 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.

56. **OCC3002 - Development Engineering - Works as Executed and Certification of Stormwater works** - Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A works-as-executed drainage plan and certification must be forwarded to the Principal Certifying Authority and Georges River Council, from a suitably qualified and experienced Hydraulic Consultant/Engineer.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Certifying Authority.

The works-as-executed drainage plan must be prepared by a suitably qualified and experienced Hydraulic Engineer in conjunction with a Registered Surveyor and the works-as-executed plan must include the following details (as applicable):

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

57. **OCC4001 - Noise Commercial Air Conditioner** - Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the Principal Certifying Authority to certify that the design and construction of any air conditioner shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring residential boundary, between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

58. **OCC4004 - Health - Noise from mechanical plant and equipment** - Noise from the operation of mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and/or refrigeration systems must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest strata, stratum or community title boundary.

A professional engineer (acoustic) shall be engaged to certify that the design and construction of the all sound producing plants and equipment associated with the building complies with the above requirements. Certification shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

59. OCC7005 - **Building** - The proposed structure(s) must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
60. OCC2007 - **Development Assessment - Allocation of car parking spaces** - Car parking associated with the development is to be allocated as follows:
- (a) Club Rivers: One hundred and twenty two (122) spaces
 - (b) Office: Thirty (30) spaces
 - (c) Public: Sixty one (61)

Prior to the issue of any Occupation Certificate, evidence is to be submitted to the Certifying Authority of a lease agreement allocating the sixty one (61) public spaces to Council.

61. OCC2006 - **Development Assessment - Post Construction Dilapidation report - Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:
- (a) All properties with a common boundary to the subject site

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

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

62. OCC6002 - **Engineering - Vehicular crossing & Frontage work - Major development** - The following road frontage works shall be constructed in accordance with Council's, *Specification for Vehicular Crossings and Associated Works* together with the *Vehicular Crossing Approval* issued by Council's Engineering Services Division:
- (a) Construct a 150mm thick concrete vehicular crossing reinforced with F72 fabric in accordance with Council's Specifications for vehicular crossings.
 - (b) 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*. The work shall be carried out by a private contractor, subject to Council approval.

A private contractor shall carry out the above work, at the expense of the beneficiary of this consent and in accordance with Council's *Specification for Vehicular Crossings and Associated Works*.

The driveway and road frontage works are to be completed **before the issue of the Occupation Certificate**.

63. OCC6005 - **Engineering - Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;
- (b) Driveways and vehicular crossings within the road related area;
- (c) Removal of redundant driveways and vehicular crossings;
- (d) New footpaths within the road related area;
- (e) Relocation of existing power/light pole
- (f) Relocation/provision of street signs
- (g) New or replacement street trees;
- (h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- (i) New or reinstated kerb and guttering within the road related area; and
- (j) New or reinstated road surface pavement within the road.

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

64. **OCC6008 - Engineering - Dilapidation Report on Public Land for Major Development Only -** Upon completion of works, a follow up dilapidation report must be prepared on Council infrastructure adjoining the development site, including:

- (a) All public infrastructure adjoining the development site.

The dilapidation report must be prepared by a qualified structural engineer. The report must be provided to the Principal Certifying Authority and a copy provided to the Council.

The report must include the following:

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

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

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Further, Council will use this report to determine whether or not to refund the damage deposit.

65. **OCC7001 - Building - Fire Safety Certificate before Occupation or Use -** In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the Regulation. The Fire Safety Certificate must be in the form required by Clause 174 of the Regulation. In addition, each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate must state:

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

- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given (by the owner) to the Commissioner of Fire and Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

66. **OCC7002 - Building - Slip Resistance** - Floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in wet rooms in any commercial/retail/residential units are to comply with the slip resistant requirements of AS1428.1 (general requirements for access/new building work) and AS1428.4 (tactile ground surface indicators) and AS2890.6 (off-street parking). Materials must comply with testing requirements of AS/NZS4663:2002.
67. **OCC2005 - Development Assessment - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
68. **OCC3011 - Development Engineering - Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate:
- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
 - (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
 - (c) Construct any new vehicle crossings required.
 - (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
 - (e) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the 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.

69. **ONG2002 - Development Assessment - Hours of operation** - The approved offices and retail (café) shall be restricted to the following hours of operation:
- 7.00am to 6.00pm - Monday to Saturday
70. **ONG2009 - Development Assessment** - Development consent is to be obtained for the first use of each commercial and retail (cafe) units within the development.
71. **ONG4011 - Health - Noise Control** - The use of the premises must not give rise to the transmission of 'offensive noise' to any place of different occupancy. 'Offensive noise' is defined in the Protection of the Environment Operations Act 1997 (as amended).
72. **ONG4017 - Health - Lighting - General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill.

73. **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.

74. **ONG7002 - Building - Annual Fire Safety Statement** - In accordance with Clause 177 of the Environmental Planning and Assessment Regulation, 2000 the owner of the building premises must cause the Council to be given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within twelve (12) months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within twelve (12) months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation, 2000.
- (d) A copy of the statement is to be given to the Commissioner of Fire and Rescue NSW, and a further copy is to be prominently displayed in the building.

75. **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.

The landscape wall/vertical garden on the eastern elevation must be maintained in accordance with the maintenance plan approved as part of the Construction Certificate application.

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.

76. **ADV7001 - Building - Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

77. **ADV7004 - Building - Council as PCA - Compliance with the BCA** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation to sanitary areas not afforded natural ventilation.
- Fire-fighting services and equipment including hydrant and pump room systems, sprinkler and booster assembly systems, fire hose reels, mechanical air handling and air pressurization systems, portable fire extinguishers, and smoke hazard management systems.
- Emergency lighting and exit signs throughout the premises, including roof-top courtyards, reception/lobby areas and car park areas.

- Fire resistance levels of building elements including walls, floors, roof tops, columns, and separation of electrical supply systems etc.
- Construction of all fire doors and lift landing doors including operational and warning signage.
- Fire compartmentation and fire wall separation details including all stairway, lift, service shafts and storage areas.
- Exit travel distances, access grades and paths of travel including to a road or open space, must demonstrate compliance with the BCA.
- Stretcher facility and emergency lift installation.
- Compliant disabled access including stairway, ramp and lift access
- Certified Alternative fire engineering reports where required.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

78. **ADV7005 - Building - Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.
79. **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

80. **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.

81. 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.
82. 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.
83. 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.
84. 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.
85. 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.

86. 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.

87. 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 Georges River Council as the Principal Certifying Authority for your development.

88. 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.

89. 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.

90. 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.

91. 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 Georges River 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.

92. 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.