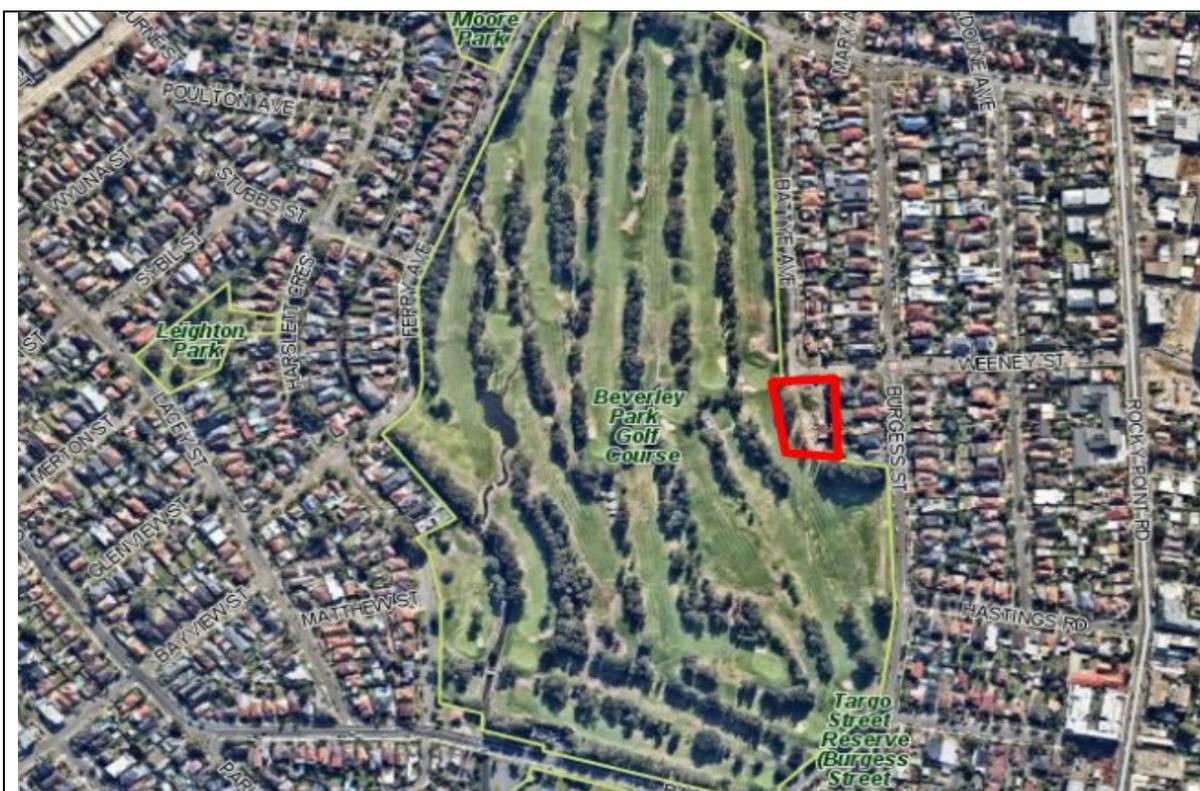


**ELECTRONIC REPORT TO GEORGES RIVER LOCAL PLANNING PANEL  
FOLLOWING DEFERRAL OF 20 FEBRUARY 2020**

<b>Development Application No</b>	DA2017/0472
<b>Site Address &amp; Ward Locality</b>	87a Jubilee Avenue Beverley Park (Beverley Park Golf Club), Kogarah Bay Ward
<b>Proposed Development</b>	Demolition work and the construction of a new maintenance and staff amenities building, on-grade parking, bin store area, tree removal and landscaping works (further report following amended plans)
<b>Owners</b>	Georges River Council
<b>Applicant</b>	Frank Bates, on behalf of Beverley Park Golf Club Limited
<b>Planner/Architect</b>	Planner: Andrew Robinson Planning Services Architect: Dickson Designs
<b>Date of Lodgement</b>	9 October 2017
<b>Submissions</b>	A total of 31 unique submissions have been received regarding this DA. 20 unique submissions (19 objection and 1 in support) to the original DA and amended plans (as considered by at the previous Local Planning Panel meeting on 18 July 2019); and a further 11 unique submissions (10 objections and 1 in support) to the latest amended plans received 18 October 2019. The plans submitted to address the deferral reasons were not notified.
<b>Cost of Works</b>	\$990,000.00
<b>Local Planning Panel Criteria</b>	Georges River Council is the landowner of the subject site and the development application has received more than 10 unique submissions by way of objection.
<b>List of all relevant s.4.15 matters (formerly s79C(1)(a))</b>	State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy No 19—Bushland in Urban Areas, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Deemed State Environmental Planning Policy – Georges River Catchment, Draft Remediation of Land SEPP, Draft Environment SEPP, Kogarah Local Environmental Plan 2013, Kogarah Development Control Plan 2013
<b>List all documents submitted with this report for the Panel's consideration</b>	Amended Architectural Plan; Amended Landscape Plan; Amended Operational Plan of Management, Cover Letter
<b>Report prepared by</b>	Independent Assessment - Consultant
<b>Recommendation</b>	That the application be approved in accordance with the conditions included in this report.
<b>Summary of matters for consideration under</b>	

<p><b>Section 4.15</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>	<p><b>Yes</b></p>
<p><b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?</p>	<p><b>Yes</b></p>
<p><b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?</p>	<p><b>Not Applicable</b></p>
<p><b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<p><b>Not Applicable</b></p>
<p><b>Conditions</b> Have draft conditions been provided to the applicant for comment?</p>	<p><b>Yes – draft conditions were provided with the previous report to the LPP. Current report contains similar conditions with minor updates/edits to reflect the design changes as a result of the deferral reasons.</b></p>

**Site Plan**



Subject site highlighted in red

### Executive Summary

1. This report has been prepared following the deferral of the proposal by the Georges River Local Planning Panel on 20 February 2020, regarding DA2017/0472 proposing demolition work and the construction of a new maintenance and staff amenities building, on-grade parking, bin store area, tree removal and landscaping works. This was the second deferral of the application by the Local Planning Panel.
2. On 12 March 2020, the applicant submitted amended architectural plans, and an amended Operational Plan of Management, including a 'marked up' version showing changes made since the previous submission. These amended plans and additional information was submitted in response to the Local Planning Panel's deferral of 20 February 2020.
3. The amended information was referred to Council's Tree Management Officer and Traffic Engineer who each supported the amended application subject to conditions.
4. The amended plans were not required to be neighbour notified, because the amendments result in lesser environmental impacts.
5. Having regard to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the amendments to the development have satisfied the reasons the DA was deferred from the previous Local Planning Panel meeting (20 February 2020). Some minor additional amendments are recommended to the car park layout and the Operational Plan

of Management, but the application is otherwise satisfactory and is recommended for approval.

## **REPORT IN FULL**

### **BACKGROUND**

6. At its meeting on 20 February 2020, the Local Planning Panel (LPP) considered the subject DA as item LPP002-20 and resolved to defer the application for the following:

*The applicant to submit amended plans based on Site Layout Option 2, with the following additional amendments:*

- 1. The sand and soil bins are to abut the western side of the building adjacent to the room marked as workshop and machinery store. All existing landscaping to the south and west of the relocated sand and soil bins are to be retained.*
- 2. The four (4) eastern-most parking spaces and associated manoeuvring space are to be converted to form part of an expanded landscape area.*
- 3. The parking spaces deleted by point 2. are to be incorporated into a redesigned car park, characterised by two (2) rows of parking spaces and associated manoeuvring space. These spaces are to be located as far away from the neighbouring residential properties as is possible to the north of the building. Swept paths and turning circles are to be shown on all plans to demonstrate hardstand areas have been minimised.*
- 4. Fencing shall be provided perpendicular to both the northern and southern faces of the proposed building, so as to restrict vehicular access to the area located between the proposed building and the residential properties to the east. Pedestrian emergency exits are acceptable.*
- 5. All roller doors on the eastern side of the building are to be deleted and/or converted to highlight windows.*

*In addition, the Plan of Management is to be amended to:*

- (a) detail complaint handling and methods of communicating effectively with nearby residents, and*
- (b) maintain a complaints action register which is to be submitted annually to Council, and*
- (c) provide specific detail on operational measures to reduce noise associated with early starts.*

*The above amendments would result in a lesser impact on neighbours and would not require re notification.*

*Amended plans addressing the Panel's concerns, above, must be submitted to the Council within 28 days from this Panel determination, otherwise the*

*application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 20 February 2020) will determine the application electronically, unless the Chair determines that a further public meeting is required.*

#### **ADDITIONAL INFORMATION**

7. Additional information responding to the Local Planning Panels (LPP) deferral of the Development Application (DA) was submitted on 12 March 2020. This included updated architectural plans, (including the landscape plan), and an amended Operational Plan of Management, as well as a 'marked up' version showing changes made since the previous submission. A covering letter was also provided, detailing responses to each of the reasons for the deferral. (The additional information and amended plans are provided as attachments to this report for the Panel's review and consideration).
8. The design amendments and amendments to the Plan of Management are each discussed below, with related commentary provided from both the cover letter and the independent assessment.
9. **Design amendment No 1:** *The sand and soil bins are to abut the western side of the building adjacent to the room marked as workshop and machinery store. All existing landscaping to the south and west of the relocated sand and soil bins are to be retained.*
10. **Applicant's Comments:** *As indicated on the Site Layout Plan (Drawing No. DA05 C), the sand and soil bins have been relocated to abut the western side of the building adjacent to the workshop and machinery store. However, in order to maintain access to the cart storage area, fuel storage room and fueling bay, it is not possible to retain the row of poplar trees adjacent to the south western corner of the building. It should be noted that one of these trees is already dead and Georges River Council's Tree Management Officer has previously advised BPGC that these poplar trees do not play a significant role in the landscape character of the locality and could be removed.*
11. *It should also be noted that in order to accurately reflect the details on the Survey Plan prepared by Stuart De Nett Land Surveyors, dated 24/07/2018 and submitted with the application, the previous drawings indicated a row of six (6) trees across the Weeney Street frontage of the site, five (5) of which were to be removed. However, it should be noted that these five (5) poplar trees were removed by Council in December 2018. Therefore, they have been removed from the drawings.*
12. **Comments from the Independent Assessment Officer:** The plans now depict the sand and soil bins located abutting the workshop and machinery store. This has resulted in some improvements to landscaping to the west of the driveway, and to the south of the location of the bins. A greater separation distance is provided to the spotted gums to the west of the development, and associated tree retention and protection conditions have been recommended by Council's Tree Management Officer.

13. The development will continue to seek removal of four (4) of the five (5) Poplar trees located to the west of the southern end of the proposed building, although removal of all five trees is supported by Council's Tree Management Officer.
14. The amended plans have addressed the direction within the Panel's resolution.
15. ***Design amendment No 2:*** *The four (4) eastern-most parking spaces and associated manoeuvring space are to be converted to form part of an expanded landscape area.*
16. Applicant's Comments: *The car parking area has been redesigned and a significantly larger landscaped area is now provided on the eastern side of the site.*
17. Comments from the Independent Assessment Officer: The previous design included one row of parking at the northern end of the development, with a total of nine (9) parking spaces. The four eastern most parking spaces of that row have been deleted and there are now only five (5) spaces within the northern row.

The proposed building is no longer set back 16.089m from the eastern boundary, as was the case with Site Layout Option 2; however, the proposed building is setback 16m, in line with the previously proposed development. This change is considered to have a negligible impact on the expanded landscaped area.

18. The amended plans have addressed the direction within the Panel's resolution.
19. ***Design amendment No 3:*** *The parking spaces deleted by deferral point 2 are to be incorporated into a redesigned car park, characterised by two (2) rows of parking spaces and associated manoeuvring space. These spaces are to be located as far away from the neighbouring residential properties as is possible to the north of the building. Swept paths and turning circles are to be shown on all plans to demonstrate hardstand areas have been minimised.*
20. Applicant's Comments: *As noted above, the car parking area has been redesigned to provide a parking area configured in two (2) rows of parking spaces. Swept paths have been indicated to demonstrate that vehicles can manoeuvre adequately and hardstand areas have been minimised. At its closest point, the parking area is now 19.286m from the nearest residential properties.*
21. Comments from Independent Assessment Officer: The deleted four spaces are now accommodated within a new row located between the northern row and the proposed building. This has created a substantial increase in the size of the landscaped area located between the car park and the dwellings located to the east.
22. Swept paths and turning circles have been provided, but they do not necessarily directly address the panel's reason for deferral. The amended plans

have been referred to Council's Traffic Engineer for assessment in terms of vehicle manoeuvring etc., and the following comments have been provided:

- *"User class 2 applies to long-term city and town centre parking, sport facilities, entertainment centres, hotels, motels etc."*
- *"I would class the carpark as user class 2, meaning spaces can be a minimum of 2.5m wide, 5.4m in length and the aisle width can be reduced to 5.8m if required"*
- *"Under the standards the aisle widths can be reduced to 5.8m and swept path analysis should be able to prove that spaces can be accessed. Parking spaces could also be reduced from 5.5m to 5.4m"*
- *"Australian Standards stipulate the absolute minimum requirements when it comes to aisle width, bay width and bay length. However from a Traffic Engineering perspective when aisle width or bay width is increased above the required minimum standards it results in a car park that promotes safer manoeuvrability around the car park by minimising reversing manoeuvres"*

23. Although swept paths have been provided with the amended application package, they have not been provided for the purpose of demonstrating that hardstand areas have been minimised. The proposal provides an 8m aisle width, as well as parking spaces of 5.5m in length. The applicant did not provide suitable justification for overlooking this requirement.

24. It is possible that this could be resolved through conditions of consent requiring a reduction in the size of the car park, so as to provide no greater than mere compliance with the requirements of AS2890. However, this is unlikely to be ideal in this location, given:

- Council's Traffic Engineers have supported the current application on the grounds of it providing safer manoeuvring arrangements than a car park which provided the bare minimum dimensions. If approved, the proposed development would be unfenced and accessible to the general public. Although it is acknowledged that an application for a boundary fence is currently the subject of a Land and Environment Court appeal, public access would remain available from within the golf course;
- The proposal now provides a significant increase in landscaped area towards the west of the site, adjacent to residential properties that are most likely to be affected by the development.

25. However, as the applicant has not provided justification for such a large aisle, and to best meet the Panel's recommendation, a condition is recommended to require a minor reduction in the width of the aisle to 7m. This will enable an increase in the size of the landscaped setback to Weeney Street from 2.883m to 3.883m, noting that front landscape setbacks as narrow as 2.883m are unusual in this locality.

26. It should also be noted that the driveway to the sand and soil bins also appears to be surplus to minimum requirements. However, given that Council's Tree Management Officer is satisfied that the neighbouring spotted gum trees are able to be retained (subject to conditions) and that this area is not highly visible

from the street or neighbouring properties, this driveway is considered satisfactory and no further design changes are recommended in this regard.

27. Subject to this recommended condition, this element of the application is supported.
28. ***Design amendment No 4:*** *Fencing shall be provided perpendicular to both the northern and southern faces of the proposed building, so as to restrict vehicular access to the area located between the proposed building and the residential properties to the east. Pedestrian emergency exits are acceptable.*
29. Applicant's Comments: *As indicated on the Site Layout Plan (Drawing No. DA05 C), 1.8m high 'spear top' black powdercoated aluminium fences are to be erected perpendicular to the building at both the northern and southern ends of the building. The fences terminate at the paved pedestrian pathway adjacent to the eastern side of the building to allow for fire egress. The fences also terminate at the point where the turf meets the landscaped area that is to be planted out with *Acmena smithii*, to form a hedge understorey to the existing *Eucalyptus albens* across the eastern boundary of the site.*
30. Comments from Independent Assessment Officer: The fencing has been introduced as described by the applicant's comments.
31. The amended plans have addressed the direction within the Panel's resolution.
32. ***Design amendment No 5:*** *All roller doors on the eastern side of the building are to be deleted and/or converted to highlight windows.*
33. Applicant's Comments: *As shown on Drawing No. DA08 C, the roller doors across the eastern side of the building have been replaced with highlight windows. However, in order to satisfy the fire egress requirements of the NCC 2019 there are also three (3) hinged egress doors.*
34. Comments from Independent Assessment Officer: These changes were sought within the first deferral resolution made by Panel, but the appropriate changes were not made. The changes have now been introduced as described by the applicant's comments.
35. The amended plans have addressed the direction within the Panel's resolution.
36. ***Addition to Plan of Management (a):*** *Detail complaint handling and methods of communicating effectively with nearby residents.*
37. Applicant's Comments: *A new - Part 9 – Complaints Management - has been added and sets out the management measures to be implemented in order to ensure that any complaints are appropriately recorded and acted upon. In addition, a further objective (d) has been added to the introductory paragraphs of the Operational Plan of Management – to detail a methodology for complaints handling, including the keeping of a Complaints Register.*

38. Comments from Independent Assessment Officer: The new additions to the Plan of Management (POM) have been incorporated as described. The updated POM provides the following guidelines for managing complaints:
1. *If the comment/complaint is about a problem that is actionable immediately, appropriate action is to be taken to alleviate the problem immediately.*
  2. *If the problem is not actionable immediately, the resident/landowner is to be contacted in writing by the Senior Manager of the Golf Club and informed of the progress and anticipated timeframe for action of their complaint.*
39. The additional information broadly satisfies the direction of the Panel. However, Part 9 does not indicate how this information will be communicated to staff of the course. It is recommended that a condition be imposed requiring Part 9 of the POM to be amended to indicate that staff will be trained to direct complaints as described within the POM.
40. **Addition to Plan of Management (b):** *Maintain a complaints action register which is to be submitted annually to Council.*
41. Applicant's Comments: *A Complaints Register (pro-forma) detailing the information to be recorded in the event of a complaint has been provided as **Attachment B**. Part 9 also sets out the need for the Complaints Register to be submitted to Georges River Council on an annual basis. Details of any complaints are also to be tabled at the next available Board Meeting of the Beverley Park Golf Club and recorded in the Minutes. The Board Meeting Minutes, together with the Complaints Register will be submitted to Council on an annual basis.*
42. Comments from Independent Assessment Officer: The additional information broadly satisfies the direction of the Panel as is described by the applicant.
43. **Addition to Plan of Management (c):** *Provide specific detail on operational measures to reduce noise associated with early starts.*
44. Applicant's Comments: *Part 3 – Noise Management Measures – of the Operational Plan of Management already contained a series of noise management measures aimed at minimizing noise impacts on adjoining residential properties and a copy of the Beverley Park Golf Club – Early Morning Start Policy was included as **Attachment A** of the Plan. However, Part 3 has now been amended to specify that early morning operations both at and originating from the Maintenance & Staff Amenities Building are to be carried out in accordance with the Beverley Park Golf Club – Early Morning Start Policy. In addition, Part 3 now also specifies that all operations at or in the vicinity of the Maintenance & Staff Amenities Building are to be carried out in accordance with the noise control recommendations set out in Chapter 5.0 of the Environmental Noise Impact Assessment report prepared by Day Design Pty Ltd and dated 16 October 2019.*
45. Comments from Independent Assessment Officer: The additional content provided within Part 3 is reproduced below:

1. *Early morning operations both at and originating from the Maintenance & Staff Amenities Building are to be carried out in accordance with the Beverley Park Golf Club – Early Morning Start Policy contained at **Attachment A** of this Operational Plan of Management.*

2. *All operations at or in the vicinity of the Maintenance & Staff Amenities Building are to be carried out in accordance with the noise control recommendations set out in Chapter 5.0 of the Environmental Noise Impact Assessment report prepared by Day Design Pty Ltd and dated 16 October 2019.*

46. This additional content has addressed the direction of the Panel.

## **FURTHER PLANNING ASSESSMENT**

### **State Environmental Planning Policies**

47. Compliance with the relevant State Environmental Planning Policies and draft policies were discussed in the previous assessment report. With the exception of the Vegetation SEPP, which is discussed further below, no further consideration of these policies is required as a consequence of the additional information submitted. A summary is provided below.

<b>State Environmental Planning Policy</b>	<b>Complies</b>
State Environmental Planning Policy No 55 – Remediation of Land	Yes
State Environmental Planning Policy No 19—Bushland in Urban Areas	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes Refer to further discussion
Deemed State Environmental Planning Policy – Georges River Catchment	Yes
Draft Remediation of Land SEPP	Yes
Draft Environment SEPP	Yes

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

48. As part of the application, the proposal seeks the removal of four (4) of the five (5) poplar trees located to the west of the southern end of the proposed building. The previous report had indicated that the application had sought the removal of twelve (12) trees; however, this included trees along the northern boundary which have since been removed (2018), and these trees are no longer depicted on the plans.

49. Council's Tree Management Officer has reviewed the application and raised no objection to the proposed tree removal, and has also provided conditions allowing the removal of the fifth poplar tree.

50. Tree management conditions are recommended to protect other trees that are to be retained, and subject to conditions, the proposal is able to satisfy this SEPP.

## Kogarah Local Environmental Plan 2012

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

Clause	Standard	Proposed	Complies
Part 2 – Permitted or Prohibited Development	RE1 Public Recreation zone	<p>The proposal does not seek to change the existing use of the site, maintaining the existing arrangements which provide for a staff amenities and maintenance building which are already ancillary to the Beverley Park Golf Club.</p> <p>A golf club is a type of recreation facility (outdoor) which is permissible with consent within the RE1 Zone.</p>	Yes
RE1 zone Objectives	<p>Objectives of the Zone</p> <ul style="list-style-type: none"> <li>To enable land to be used for public open space or recreational purposes.</li> <li>To provide a range of recreational settings and activities and compatible land uses.</li> <li>To protect and enhance the natural environment for recreational purposes.</li> </ul>	<p>The proposal is considered to meet the first two objectives of the RE1 zone by providing services and facilities that support the operation of the golf club, which provides recreational facilities.</p> <p>The additional information provided in response to the deferral has now also satisfied the third objective, and the proposal is not deemed to create an undue adverse impact on the natural environment.</p>	Yes
4.3 Height of Buildings	<p>No standard applies.</p> <p>However, adjoining sites have a maximum building height of 9m.</p>	<p>The proposed building will have a maximum height of 5m where the north-eastern most portion of the roof ridge at 7.30 AHD is located above the existing ground level of 2.30 AHD. This is unchanged from the previous plans.</p>	Yes
4.4 Floor Space Ratio	No standard applies.	The proposed building contains a gross floor area of	Yes

		approximately 550sqm, resulting in a floor space ratio of approximately 0.02:1 over the 23,300sqm lot. This is unchanged from the previous plans.	
4.5 Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	Noted and calculated accordingly.	N/A
5.10 Heritage conservation		<p>The site does not contain a heritage item and is not within a heritage conservation area; there are no heritage items within the immediate vicinity of the subject site.</p> <p>Further, the National Trust no longer identifies the site and/or surrounding area as being part of a heritage conservation area. Heritage provisions therefore do not apply to the site.</p> <p>The site is highly modified, and it is unlikely that items of indigenous heritage would be present.</p> <p>An 'Extensive Search' has also been undertaken using the AHIMS database and identified no Aboriginal sites or places being located at the subject site.</p> <p>A condition is recommended requiring that works cease if items are uncovered, until the relevant authorities have been consulted.</p>	Yes
6.1 Acid sulfate soils	(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate	The site is affected by Class 2 acid sulfate soils, which pursuant to cl. 6.1(2) requires that an Acid Sulfate Soils Management Plan be undertaken for "any works	Yes

	soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	<p><i>below natural ground surface”.</i></p> <p>A Preliminary Acid Sulfate Soils Assessment has been prepared by TRACE Environmental and based on the findings of desktop investigations and site observations, concludes that it is unlikely that Acid Sulfate Soils (ASS) will be disturbed during the proposed works associated with the demolition of the existing structure and construction of the new Maintenance and Staff Amenities Building. Conditions are recommended requiring a qualified environmental consultant to inspect the site should unexpected potential ASS conditions be identified.</p>	
6.2 Earthworks	<p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or</p>	<p>According to the submitted information, excavation for the footings will reach a depth of approximately 600mm for the proposed building.</p> <p>Having regard to the information that has been provided on environmental site conditions, the extent of earthworks is not unreasonable.</p>	Yes

	<p>both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>		
6.3 Flood planning	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of</p>	<p>The proposed development has been assessed as being compatible with the flood hazard of the land and is not likely to significantly affect flood behaviour.</p> <p>The site is affected by a 1 in 100 year ARI flood level of 1.80 AHD and a flood planning level of 2.30 AHD. The proposed maintenance and staff amenities complex have a minimum floor level above both these levels at 2.50 AHD, whilst the entire portion of the site to be redeveloped is currently located above the 1 in 100 year ARI flood level at 2.24 AHD.</p>	Yes

	<p>other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p>	<p>The proposal is not expected to significantly affect the environment or cause avoidable erosion or siltation. It is not likely to result in any unsustainable social and economic costs to the community as a consequence of flooding.</p>	
<p>6.4 – Foreshore Scenic Protection Area</p>	<p>Council cannot grant consent to the carrying out of development on land within a Foreshore Scenic Protection Area unless consideration has been made of the following:</p> <p>“(3)(a) affect the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation, and</p> <p>(b) affect the visual</p>	<p>The site is not within the foreshore area.</p>	<p>N/A</p>

	<p>environment, including the views to and from the Georges River, foreshore reserves, residential areas and public places, and</p> <p>(c) affect the environmental heritage of Hurstville, and</p> <p>(d) Contribute to the scenic qualities of the residential areas and the Georges River by maintaining the dominance of landscape over built form.”</p>		
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### Development Control Plans

52. The proposed development is subject to the provisions of the Kogarah Development Control Plan 2013 (KDCP 2013). The following comments are made with respect to the proposal satisfying the objectives and controls contained within KDCP 2013.

KDCP 2013	Proposed	Complies
<b>Part B – General Controls</b>		
<b>B2 Tree Management &amp; Green Web</b>		
<b>1 Preservation of Trees and Vegetation</b>		
<p><b>1.1 Tree Management</b></p> <p>(1) Compliance with provisions of Clause 5.9 Preservation of Trees or Vegetation of KLEP 2012 must be achieved.</p> <p>(2) Development consent or a Council permit is required to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree, whether on private or public land, which has:</p> <p>(i.) A height greater than 3.5m, or</p> <p>(ii.) A branch spread exceeding 3 metres in diameter</p> <p>(3) An application to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree shall contain the following information:</p> <p>(i.) An application on the prescribed form.</p>	<p>Although tree removal is proposed, conditions are recommended requiring replacement plantings. For those trees to be retained, tree protection and retention conditions are recommended.</p> <p>Refer to discussion of the Vegetation SEPP for further information on tree removal.</p>	<p>Yes, subject to conditions.</p>

<p>(ii.) The written consent of the land owner unless the application is for pruning a tree over the applicant's property from a tree on the neighbouring property.</p> <p>(iii.) Details as to the reasons for the pruning/removal of the tree.</p> <p>(iv.) A description of trees to be removed/pruned which includes:</p> <ul style="list-style-type: none"> <li>• A site plan showing trees and existing structures.</li> <li>• The species type – common and full scientific names if known.</li> <li>• Approximate height, trunk and canopy spread.</li> </ul> <p>(4) Irrespective of Clause (2) above, the following tree works do not require Council approval when undertaken in accordance with relevant Australian Standards for the pruning of amenity trees.</p> <p>(i.) Trees that have been declared an undesirable species and identified in List 1 below may be removed or pruned without the need for development consent or a Council permit, provided the tree has not been identified as possessing heritage significance.</p> <p>(ii.) Works undertaken in response to an emergency by the State Emergency Service, Rural Fire Service or another Authority.</p> <p>(iii.) Trees that require pruning in accordance with the Electricity Supply Act 1995.</p> <p>(5) Council will be satisfied that a tree is dead and/or a risk to life or property when:</p> <p>(i.) The tree is not within the Green Web habitat corridor or habitat reinforcement corridor and a report by a qualified Arborist (minimum AQF Level 5 Arboriculture), including photographs of the tree, is submitted which concludes that the tree is dead or dying; or</p> <p>(ii.) It can be proven that the pruning or removal work is the only</p>		
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<p>reasonable option to avoid an immediate threat of injury or damage to life or property and the works were undertaken to the minimum extent necessary to manage that threat; and</p> <p>(iii.) Recorded proof of that threat, in the form of a report (Tree Hazard Assessment (THA)) by a qualified Arborist (minimum AQF Level 5 Arboriculture) including photographs of the tree and detailing the cause of danger. Where a trunk or limb defect assessment is undertaken, strength loss calculations and cross section mapping must be included in the THA.</p> <p>(iv.) In the event of tree removal, the arborist report is forwarded to Council immediately following the removal.</p> <p>(v.) In the event of pruning, the arborist report is made available to Council on request within three (3) months after the pruning works.</p>		
<p><b>2. Green Web Requirements</b></p>	<p>Subject to conditions, the proposal will not be inconsistent with the Green Web Requirements.</p>	<p>Yes, subject to conditions.</p>
<p><b>B5 – Waste Management &amp; Minimisation</b></p>		
<p><b>1. Waste Management Plan</b></p> <p>(1) Submit a Waste Management Plan with DAs involving:</p> <ul style="list-style-type: none"> <li>• demolition;</li> <li>• construction of a new building(s); or</li> <li>• change of use or alterations/additions to existing premises (only when this would result in a change of waste generation).</li> </ul> <p>(2) Illustrate on the DA plans/ drawings:</p> <ul style="list-style-type: none"> <li>• the location and space allocated for the storage of demolition and construction waste or materials;</li> <li>• waste collection point(s) for the site; and</li> </ul>	<p>A waste management plan has been submitted with the application. However, a condition is also recommended requiring further information to be provided in an updated waste management plan.</p>	<p>Yes, subject to conditions.</p>

<ul style="list-style-type: none"> <li>• path of access for collection vehicles.</li> </ul> <p>(3) Prepare the Waste Management Plan in accordance with the requirements in Kogarah Waste Not Plan 2012.</p> <p>(4) Demonstrate in the Waste Management Plan the use of second hand building materials and recycled building products during building design and construction.</p> <p>(5) Retain records (including receipts) on site demonstrating recycling and lawful disposal of waste.</p>		
<p><b>2. Waste and Recycling Requirements</b></p> <p>(1) All development applications should have regard to the provisions of the Kogarah Waste Not Plan 2012.</p> <p>(2) Door widths to waste/recycling storage rooms shall be a minimum of 1100mm and must be wide enough to accommodate the largest chosen bin size for that development, with a gap on either side of the bin of no less than 100mm.</p> <p>(7) Waste storage facilities must be easily accessible from residential units and appropriately located to facilitate the removal of waste to the Council collection point.</p> <p>(8) Waste and recycling storage areas must be visually and physically integrated into the design of the development. Design elements such as fencing, landscaping and roof treatments may be used to screen the waste and recycling storage area.</p> <p>(10) Waste/recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites.</p>	<p>The waste collection area is located on the western side of the building, and conditions are recommended to require the ongoing satisfactory management of this area.</p>	<p>Yes, subject to conditions.</p>
<p><b>B6 – Water Management</b></p>		

<p><b>1. On site Water Management &amp; Stormwater Controls</b> To be in accordance with Council's Water Management Policy.</p>	<p>The stormwater design is supported by Council's Development Engineer, subject to conditions.</p>	<p>Yes, subject to conditions.</p>
<p><b>2. Flooding and drainage</b></p> <p>(1) Detention storage is to be provided that is equal to or greater than the specified Site Storage Requirements (SSR).</p> <p>(2) Rainwater tank installed to meet BASIX water conservation requirements will be given credit for SSR purpose.</p> <p>(3) Floor levels, carparks, driveways and basements are to be designed to meet the set guidelines.</p> <p>(4) Drainage easements servicing stormwater pipes and/or overland runoff from catchments upstream of the development site are to be managed according to the guidelines presented in the design practice note – Site Drainage and Flood Management.</p> <p>(5) Discharge of stormwater runoff from a development site is to be undertaken in accordance with the design practice note, Site Drainage and Flood Management regarding direct discharge to kerb, discharge to a Council owned stormwater conduit, discharge to natural areas, discharge through private property and discharge within the development site.</p> <p>(6) Habitable floor levels are to have a minimum of 500mm freeboard above the 100 year ARI flood level.</p> <p>(7) Garage levels are to be at or above the 100 year ARI flood level.</p> <p>(8) Basements are to be protected up to and including the 100 year ARI flood level.</p> <p>(9) Driveways and carports shall not be sited where the product of</p>	<p>The proposed floor levels of 2.50 AHD are above the flood planning level of 2.30 AHD. The entire portion of the site to be redeveloped is also located above the flood planning level at 2.24 AHD and the car park is able to sit above this level.</p>	<p>Yes</p>

<p>velocity and depth of the overland flow exceeds 0.4sqm/s or the flow depth is above 300mm for the 100 year ARI flood.</p> <p>(10) Alterations and additions to existing buildings are permitted in flood affected areas provided they substantially reduce the flood risk levels in relation to property damage and personal safety.</p> <p>(11) Developments affected by flooding from main stream or channel bank overflows shall address site evacuation, structural soundness of affected buildings and other risk related issues as required by the NSW Floodplain Development Manual 2005. Any alteration to existing surface levels for a designated overland flow path/floodway is subject to written Council approval.</p> <p>(12) Overland flow paths/ floodways that are located outside the drainage easement for a Council pipe should have easements or restrictions created for them.</p>		
<p><b>B7 – Environmental Management</b></p>		
<p><b>1. Orientation: Building siting and design</b></p> <p>(1) Orient the building, as far as possible, so that the longest side is on the east-west axis.</p> <p>(2) The main facades of a building should be orientated towards the north, preferably within a range of 30 degrees east and 20 degrees west of true north.</p> <p>(3) Maximise the number of windows on the northern face of the building.</p> <p>(4) The use of dark coloured roofing is discouraged unless solar cells are integrated into the roof.</p> <p>(5) If development is of a commercial or industrial nature,</p>	<p>The development is intended to be provided within an area that currently is aligned in a north-south axis. The proposed building maintains that orientation and this is appropriate in this instance.</p> <p>The high occupancy areas (staff room etc.) are located along the northern and western sides of the building which are provided with openings.</p>	<p>Yes</p>

<p>design buildings to ensure that as much of the floor area as possible is within 4 to 6 metres of an external window. Office areas should, as a minimum be within 10 metres of an external window to provide access to natural lighting.</p> <p>(6) Minimise glazing on the southern and western sides of the building.</p>		
<p><b>2. Energy efficiency in non-residential developments</b></p> <p>(1) Development is to be designed and constructed to reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, and appropriate use of thermal mass and external shading, including vegetation.</p> <p>(2) Lighting provided as part of a development should be energy efficient, such as LED lighting.</p> <p>(3) Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time.</p>	<p>A condition is recommended requiring compliance with the energy efficiency requirements contained within Section J of the Building Code of Australia</p> <p>Conditions are also are also able to require energy efficient lighting as well as requiring that the car parking area be constructed so as to accommodate electric vehicle charging at a later time.</p>	<p>Yes, subject to conditions.</p>
<p><b>3. Water efficiency in non residential developments</b></p> <p>(1) All new water fittings and fixtures such as showerheads, water tap outlets, urinals and toilet cisterns, in all non-residential development, the public domain, and public and private parks are to be the highest Water Efficiency Labelling Scheme (WELS) star rating available at the time of development.</p> <p>(2) Generally, rainwater tanks are to be installed for all non-residential developments, including major alterations and additions that have access to a roof form from which rainwater can be feasibly collected and plumbed to</p>	<p>Conditions are recommended requiring the use of efficient water fittings in accordance with the WELS star rating.</p> <p>Rainwater tanks are proposed as part of the development.</p> <p>No changes are proposed to any existing irrigation arrangements.</p>	<p>Yes, subject to conditions.</p>

<p>appropriate end uses.  (3) Generally, water used for irrigation of public and private open space is to be drawn from reclaimed water or harvested rainwater sources. Possible sources include harvested stormwater, treated grey-water and wastewater and water from a decentralised local network.</p>		
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**IMPACTS**

**Natural Environment**

53. The proposal seeks removal of trees deemed to be of low value, and subject to conditions, will not interfere with the health of canopy trees located within the vicinity. The additional space contained within the proposed development will facilitate the internal storage of chemicals that are currently stored outside the existing building. Conditions are recommended to increase landscaping surrounding the development.

**Built Environment**

54. The proposal is provided with suitable setbacks, sufficient landscaping and an overall modest scale. It is not anticipated that the proposal would create undue impacts on the built environment.

**Social Impacts**

55. The social impacts from this development have largely been associated with noise impacts to neighbouring residential properties. Noise issues associated with the development were largely addressed within the previous submission. The additional content within the Plan of Management will add further rigour to the management of noise impacts.

**Economic Impacts**

56. No significant economic impacts are likely to arise as a result of the proposed development.

**Suitability of the site**

57. Although the development is located adjacent to residential development, the additional measures incorporated into the latest amendments have demonstrated that the site is suitable for the proposed development.

**SUBMISSIONS**

58. As stated within the Panel’s resolution, the amended plans did not require re-notification to neighbours, as it was expected that the proposal would result in similar or reduced impacts for neighbouring properties compared to the original proposal.

**COUNCIL REFERRALS**

59. The amended information was referred to Council's Tree Management Officer and Traffic Engineers, all of whom supported the amended application.
60. Conditions were provided by the Tree Management Officer each of the previous two times the application was considered by the Panel. The conditions of consent recommended by the Tree Management Officer were updated to reflect the amended design, and no additional comments were provided.
61. As discussed elsewhere, Council's Traffic Engineers provided comments via email correspondence. The application was supported by Council's Traffic Engineers, who did not support a further reduction in the size of the car park, despite the amended proposal not strictly following the direction of the panel.

## **DETERMINATION AND STATEMENT OF REASONS**

### Statement of Reasons

62. The additional information and amended plans submitted by the applicant have substantially addressed the reasons why the development application was deferred from the Local Planning Panel at its meeting on 20 February 2020.
63. The proposal represents orderly and economic development of the land and is thus consistent with the objectives of the Environmental Planning and Assessment Act 1979.
64. The application has been assessed having regard to the matters for consideration under Section 4.15 of the Act, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans and having regard to that assessment; the proposal is satisfactory for approval subject to conditions.

### Determination

65. That pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979 (as amended), the Georges River Local Planning Panel approve Development Application Number DA2017/0472 for demolition work and the construction of a new maintenance and staff amenities building, on-grade car parking, bin store area, tree removal and landscaping works at 87A Jubilee Avenue, Beverley Park (known as the Beverley Park Golf Club), subject to the following conditions:

## **GENERAL CONDITIONS**

1. **Approved Plans** - The development will 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:

### **Plans**

<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Cover Page, Drawing	2485/DA01	15 October	A	Dickson Designs

Schedule and Location Map		2019		
W.H.S Notes	2485/DA02	15 October 2019	A	Dickson Designs
Specifications and Construction Notes	2485/DA03	15 October 2019	A	Dickson Designs
Site Evaluation	2485/DA04	3 March 2020	B	Dickson Designs
Site Set-out Plan	2485/DA05	3 March 2020	C	Dickson Designs
Ground Floor Plan	2485/DA06	3 March 2020	C	Dickson Designs
Roof Plan and Notes	2485/DA07	15 October 2019	A	Dickson Designs
Elevations and Sections	2485/DA08	3 March 2020	C	Dickson Designs
Window and Door Schedules	2485/DA09	17 January 2020	B	Dickson Designs
Fuel Storage and Delivery Area	2485/DA10	15 October 2019	A	Dickson Designs
Wash Down Area Details	2485/DA11	15 October 2019	A	Dickson Designs
Soil and Waste Management Plan	2485/DA12	3 March 2020	B	Dickson Designs
Landscape Plan	2485/DA13	3 March 2020	B	Dickson Designs
VGS Oily Water Separator Installation with 750L Fibreglass Pit and UG Sewer	ISS-VGS-014	23 August 2006	A	Industrial Separation Systems
750L Fibreglass Collection Well	ISS-ACC-006	7 February 2007	B	Industrial Separation Systems

### Reports and Documents

Description	Reference No.	Date	Prepared by
Waste Management Report	---	29 January 2019	WasteSpec Pty Ltd
VGS Oily Water Separator Installation and Operation Manual	-	April 2013	ISS
Environmental Noise Impact Assessment	6816-1.1R Rev B	16 October 2019	Day Design Pty Ltd
Operational Plan of Management	-	February 2020	Beverley Park Golf Club
Preliminary Acid Sulfate Soils	99.57	16 October 2019	Trace Environmental

Assessment			
Preliminary Site Investigation	99.57	16 October 2019	Trace Environmental

2. **Required Changes** – The approval of this development is subject to the following changes to the plans and documents listed within Condition 1:
  - (a) The width of the car park aisle is to be reduced by 1m, from 8m to 7m.
  - (b) The width of the landscaped setback to Weeney Street is to be increased by 1m, from 2.883m to 3.883m
  - (c) Part 9 of the Operation Plan of Management is to contain an additional requirement that all staff will be trained to direct complaints as described within that Part.
  
3. A sign is to be erected at the entry to the car park which contains the following information:
  - A notice that access to this part of the site is for authorised personnel only;
  - The hours during which the car park is accessible;
  - The address of the main access point to the site by members of the public (ie 87A Jubilee Avenue, Beverley Park).
  
4. This consent does **not** authorise the erection of any signage. Separate consent shall be sought for the erection of any signage, unless it can be done as 'exempt development' under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
  
5. A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.
  
6. All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by Dickson Designs Pty Ltd, Ref No 2485/DA13, Rev B and dated 3 March 2020. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following -
  - (a) For the removal of six (6) Populus Spp (exempt Spp) trees and additional six (6) replacement trees shall be planted within the site, be of Australian native Spp and be selected from Georges River Councils, Tree Management Plan, Appendix 1 – Tree Planting. The tree/s shall be a minimum 45 litre pot/ bag size and be able to reach a height at maturity of a minimum nine (9) metres.
  - (b) The proposed six trees and plant species, pot/bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives;

- (c) All six (6) trees shall comply with AS 2303 – 2018, Tree Stock for Landscape use and NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification;
- (d) If the planted six (6) trees and plants are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size;

## **SEPARATE APPROVALS UNDER OTHER LEGISLATION**

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & 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 Council’s website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au). For further information, please contact Council’s Customer Service Centre on (02) 9330 6222.

8. **Road Opening Permit** – A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, 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.
9. **Building - Hoarding Application** – In the event that any hoarding is to be erected, then 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) hoarding, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the property boundaries adjoining the footway. 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 1993* 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.

An application for this work (Hoarding Application) under Section 68 of the *Local Government Act 1993* and the *Roads Act 1993* will be submitted for approval to Council.

## **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

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

## **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

11. **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.

12. **Appointment of a Principal Certifier** - The erection of a building must not commence until the beneficiary of the development consent has appointed a Certifier for the building work.
13. **Fees to be paid** - The fees listed in the table below will be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au)).

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

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

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

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

<b>Fee Type</b>	<b>Fee</b>
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$155.00
Driveway Design and Inspection Fee (Dwelling)	\$TBA
Georges River Council Section 94A Development Contributions Plan 2017	\$9,900.00

### **General Fees**

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

### **Development Contributions**

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

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan.

### Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

### Timing of Payment

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

### Further Information

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

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

A copy will be forwarded to Council where Council is not the Principal Certifier.

15. **Damage Deposit - Major Works** - In order to insure against damage to Council property the following is required:
- (a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,900.00**.
  - (b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$155.00**.
  - (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the Dilapidation Report and the Works-As-Executed Drawings (if applicable) and 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.

16. **Site Management Plan** - A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:
- (a) location of protective site fencing;
  - (b) location of site storage areas/sheds/equipment;
  - (c) location of building materials for construction, e.g. stockpiles
  - (d) provisions for public safety;
  - (e) dust control measures;
  - (f) method used to provide site access location and materials used;
  - (g) details of methods of disposal of demolition materials;
  - (h) method used to provide protective measures for tree preservation;
  - (i) provisions for temporary sanitary facilities;
  - (j) location and size of waste containers/skip bins;
  - (k) details of proposed sediment and erosion control measures;
  - (l) method used to provide construction noise and vibration management;
  - (m) construction and demolition traffic management details.

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

17. **Construction Traffic Management Plan** - A Construction Traffic Management Plan detailing:
- (a) construction vehicle routes;
  - (b) anticipated number of trucks per day;
  - (c) hours of construction;
  - (d) Access arrangements; and
  - (e) Proposed traffic measures to minimise impacts of construction vehicles

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

18. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility must be submitted to the Certifier prior to the issue of any Construction Certificate.
19. **Pre-Construction Dilapidation Report** – A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises that shall be affected by the excavation as determined by the consulting engineer. The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA. Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm

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

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) The full name and signature of the structural engineer.

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

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

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

21. **Erosion & Sedimentation Control** - Erosion and sediment controls must be in place prior to commencement of any work on the site. These measures include:

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

- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

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

22. **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.
23. **Stormwater Plan** - The submitted stormwater plan has been assessed and approved as a concept plan only. No detailed assessment of the design has been undertaken. A Detailed Stormwater Plan and supporting information of the proposed on-site stormwater management system is to be submitted. The required details in this Plan and the relevant checklist are presented in the document 'Water Management Policy, Kogarah Council, August 2006'

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

24. **Tree Protection and Retention** - The following trees shall be retained and protected:

<b>Tree Species</b>	<b>Location of Tree / Tree No.</b>	<b>Tree Protection Zone (metres) Fencing distance from trunk</b>
<i>Casuarina Spp</i>	Along the eastern boundary fence line	Trunk wrapping only as per AS4970 - 2009
<i>Corymbia maculata x 3</i>	Along the western fringe of development	5 metres radially out from each trunk in one long continual fencing zone
<i>Lophostemon confertus x 7</i>	Along the eastern fence line of subject site	7.2 metres radially out from their trunks in one long continual fencing zone
One continual fencing zone shall encompass each stand of trees.		

- (a) The client shall engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation to oversee installation of tree protection measures.

- (b) A certificate of compliance letter for tree protection measures shall be completed and forwarded to the PCA – Principal Certifying Authority, at three (3) stages being before works, during works and once all building works have been completed, that tree protection measures have been installed and maintained during the building process.

### **Tree Protection Measures**

- (a) All trees on Council property, subject site and adjacent sites, to be retained shall be protected before and maintained during demolition, excavation and construction of the site.
- (b) Although trees may be on adjacent sites, the tree protection fencing must be placed on the nominated distances as per table above, out from the trees trunk, within the subject site to minimise impacts to neighbours trees and kept for the entirety of the project.
- (c) The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- (d) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation.
- (e) The engaged AQF 5 Consulting Project Arborist must be present on-site during the stages of site set up, excavation, demolition and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
- (f) In accordance with AS 4970-2009 Protection of trees on development sites, a protective fence consisting of 2.4 x 1.8 metres high, fully supported chainmesh fence shall be used. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area before any works commence.
- (g) To preserve the Casuarina Spp at the front gate/ entrance, no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until the trunk/ branches are protected, in accordance with AS4970 - 2009, Protection of trees on development sites, by the wrapping of geo woven fabric around the trunk 4 / 5 times and the placement of two metre long, lengths of 50mm x 100mm timber battens vertically arranged around the trunk, with 100mm spacing's. The timber battens shall be secured by wire/ hoop straps but not secured into the tree itself. The trunk/ branch protection shall be maintained intact until the completion of all works upon the site.
- (h) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.
- (i) No building products/ materials or services shall be installed within the TPZ of the tree/s unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.

### Excavation works near tree to be retained

- (j) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the AQF 5 Project Arborist to ensure that the root system will not adversely be affected.
- (k) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the AQF 5 Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (l) Tree Protection Zones around the trees to be retained are not to have soil level changes, building product / materials stored or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.
- (m) Removal or pruning of any other tree (that would require consent of Council) on the site is not approved. All pruning must be undertaken by a qualified Arborist in accordance with AS4373 -2007 Pruning of Amenity Trees and Amenity Tree Industry, Code of Practice (SafeWork NSW August 1998).

25. **Tree Removal & Replacement** - Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
<i>Populus Spp</i>	6	Located along the western fringe of the subject development site location.
Exempt Spp as per Georges River Councils Tree Management Policy – 1:1 replacement.		

### General Tree Removal Requirements

- (a) All tree removal shall be carried out by a minimum certificate Level 3, Licenced and insured Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).
- (b) No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.

Summary	
Number of trees removed from site	6
Number of trees required to be planted upon the site Exempt Spp (1:1)	6

26. **Energy Efficiency Report** - 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.

27. **Electric Vehicle Charging** - The car parking area is to be constructed so as to accommodate electric vehicle charging at a later time. A power source, as well as space for one future potential charging station, must be provided within the car park. This shall not impact on tree planting or tree protection measures that are required by this development consent.
28. **Water Efficiency** – Details are to be provided to indicate that the following fixtures and fittings will meet the below specified star ratings in accordance with the Water Efficiency Labelling and Standards (WELS) given by AS/NZS 6400:2016:
  - (a) Wash down bay - 3 star WELS
  - (b) Showers - 4 star WELS
  - (c) Toilets - 4 star WELS
  - (d) Urinals - 6 star WELS
  - (e) General taps - 5 star WELS
29. **Roof materials** – Roof material selection is to avoid the use of dark coloured or highly reflective external roofing materials.
30. **Acoustic Report** - The Construction Certificate plans must incorporate the recommendations contained within section 5.2 of the Acoustic Report submitted in support of the proposal titled Environmental Noise Impact Assessment prepared by Day Design Pty Limited, dated 16 October 2019 (Report No: 6816-1.1R Rev B) was based. Should the plans vary significantly from this original design then a further Acoustic Assessment must be submitted to Council, and acoustic treatment completed, if necessary, prior to an Occupation Certificate being granted.

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

31. **Demolition & Asbestos** - The demolition work will comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 will 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 will be submitted to the Certifier prior to the commencement of works.
32. **Removal of asbestos** – For demolition work which involves the removal of asbestos, the asbestos removal work will be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the *NSW Work Health & Safety Act 2011* and the *NSW Work Health & Safety Regulation 2011* and the *Demolition Code of Practice (NSW Work Cover July 2015)*.

33. **Dial before your dig** – The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.
34. **Registered Surveyor's Report - During Development Work** - A report will be submitted to the Certifier at each of the following applicable stages of construction:
- (a) Set out before commencing excavation.
  - (b) Completion of all Work - Detailing the location of the structure relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey will indicate the reduced level of the main ridge.

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

35. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.
36. **Demolition Notification Requirements** - The following notification requirements apply to this consent:
- (a) The developer/builder will 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 Council advising of the demolition date, details of the SafeWork 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.

37. **Road Opening Permit** - A Road Opening Permit will be obtained from Council, in the case of local or regional roads, or from the RMS, 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.
38. **Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the Principal Certifier of their intention to commence the erection of a building.
39. **Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the Principal Certifier must notify:
  - (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
  - (b) the 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.

#### **DURING WORK**

40. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.
41. **Site sign** - A sign must be erected in a prominent position onsite only showing:
  - (a) the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (b) the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (c) that unauthorised entry to the work site is prohibited.

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

42. **Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, will 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 will remain in a prominent location on site up until the completion of all site and building works.

43. **Cost of work to be borne by the applicant** – The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
44. **Obstruction of Road or Footpath** – The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.
45. **Hours of Construction for Demolition and Building Work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery must not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

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

46. **Hazardous or Intractable Waste – Removal and Disposal** – Hazardous or intractable waste arising from the demolition or construction process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and all applicable legislation.
47. **Damage within Road Reserve & Council Assets** - The owner will bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
48. **Public Utility & Telecommunication Assets** - The owner will bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.
49. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation will be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like will be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials will be submitted to the Principal Certifier and Council, where Council is not the Principal Certifier.

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

51. **Physical connection of stormwater to site** – No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's drainage system.

There are Council stormwater assets to the south and west of the site of the development. The applicant is required to locate and protect these assets at all times during the works. Any damage to Council's Stormwater assets is to be immediately reported to Council's stormwater section.

52. **Archaeological Discovery During Excavation**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
- (d) If the discovery is on Council's land, Council must be informed.

53. **Further Detailed Site Investigation** – Following demolition of the existing structures, an amended detailed site investigation (DSI) report shall be carried out by a certified contaminated land consultant and be submitted to Council for review.

Should the amended DSI report find that the contamination makes the land currently unsuitable for the proposed development and remediation is required, a Remedial Action Plan (RAP) must be prepared by a certified contaminated land consultant and submitted to Council as per required under State Environmental Planning Policy No. 55 – Remediation of Land.

Works on site must not recommence until such time Council has reviewed the amended DSI and RAP (if required) and has accepted the recommendations of these reports in writing to the applicant.

Notice of remediation work – written notice must be submitted to Council 30 days prior to the commencement of remediation works, in accordance with clause 16 of the State Environmental Planning Policy No. 55 – Remediation of land.

A validation report prepared by the certified contaminated land consultant verifying that the land is suitable to be used for this development consent must be submitted to Council prior to an Occupation Certificate being issued.

Should the recommendation in the amended DSI report require monitoring of the site, then an Environmental Monitoring Program (EMP) must be submitted to Council prior to an Occupation Certificate being issued.

Council may require a site audit of the DSI, RAP, EMP and or Validation report. A site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997*, verifying the information contained in the reports must be submitted to Council.

54. **New Contamination Information** - Any new information that comes to light during demolition, excavation or construction which has the potential to alter previous conclusions about site contamination and remediation, requires the applicant to notify Council immediately (within 24 hours of discovery) along with the accredited certifier and all works on site must cease.
55. **Acid sulfate soils** - During site excavation works, inspections should be conducted by site personnel for unexpected acid sulfate soils (ASS) occurrence. Signs of unexpected potential ASS conditions include:
- (a) Unusual odours, including strong organic or sulfurous smells (i.e., rotten eggs);
  - (b) Soil jarosite (yellow) mottling, darker coloured waterlogged soils, estuarine silty sands or dark colored bottom sediments;
  - (c) Rust coloured deposits indicating iron precipitates;
  - (d) Blue-green, blue-white or clarified surface water, which can indicate high concentrations of aluminium; and
  - (e) Areas of unexplained corrosion or degradation of steel equipment or concrete paved surfaces.

In the event that unexpected potential ASS conditions are identified, a qualified environmental consultant should be contacted to inspect the site conditions and provide recommendations for appropriate actions.

## **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

56. **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. Only the Principal Certifier appointed for the building work can issue the Occupation Certificate.

57. **Completion of Major Works** - Prior to the issue of the Occupation Certificate, if/where applicable, the following works will 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) Relocation of existing power/light pole if/where required;
- (c) Relocation/provision of street signs if/where required;
- (d) New or replacement street trees if/where required;
- (e) New or reinstated kerb and guttering within the road related area; and
- (f) New or reinstated road surface pavement within the road.

Council's Engineering Services Section will advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate.

**[Note:** The damage deposit paid to Council will not be released until any applicable works have been completed to Council's satisfaction].

58. **Dilapidation Report on Public Land** - Upon completion of works, a follow up dilapidation report will be prepared for the items of Council infrastructure adjoining the development site. The dilapidation report will be prepared by a professional engineer specialising in structural engineering, and include:

- (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, and
- (d) The full name and signature of the professional engineer.

The report will be provided to the Principal Certifier and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Council will use this report to determine whether or not to refund the damage deposit.

Council's Engineering Services Division will advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

59. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the *Building and Construction Industry Long Service Payments Act 1986*.

Payment of the required Long Service Levy payment must be made and proof of payment provided to the Principal Certifier prior to the issue of an Occupation Certificate.

60. **Completion of Landscape Works** – All landscape works and the planting of six (6) trees must be completed before the issue of the Final Occupation Certificate and to the satisfaction of Councils Tree Management Officers. In accordance with approved landscape plans and specifications, drawn by Dickson Designs Pty Ltd, Ref No 2485/DA13, Rev B and dated 15/10/19. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following -

- (a) For the removal of six (6) Populus Spp (exempt Spp) trees an additional six (6) replacement trees shall be planted within the site, be of Australian Native Spp and be selected from Georges River Councils, Tree Management Plan, Appendix 1 – Tree Planting. The tree/s shall be a minimum 45 litre pot/ bag size and be able to reach a height at maturity of a minimum nine (9) metres.
- (b) The proposed six trees and plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives;
- (c) All six (6) trees shall comply with AS 2303 – 2018, Tree Stock for Landscape use and NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification;
- (d) If the planted six (6) trees and plants are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.

61. **Tree Protection measures**

- (a) The engaged AQF 5 Arborist certify in writing, if tree protection measures have been kept in place and maintained for the entirety of the project, for the ten (10) trees that shall be retained and protected.
- (b) A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

62. **Completion of Major Works** – Prior to the issue of an Occupation Certificate, the following works (if/where required) must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) New footpaths within the road related area;
- (b) Relocation of any existing above ground utility services
- (c) Relocation/provision of street signs
- (d) New or replacement street trees;
- (e) 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.

- (f) New or reinstated kerb and guttering within the road related area; and
- (g) New or reinstated road surface pavement within the road.

Council's Engineering Services Section must advise in writing that any applicable works have been completed to their satisfaction prior to the issue of the Occupation Certificate.

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

- 63. **Energy Efficient Lighting** – Energy efficient LED lighting must be used throughout the development.
- 64. **Energy Efficiency Report** - 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 required by this development consent must be submitted to the PCA.
- 65. **Acoustic Certification** - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled Environmental Noise Impact Assessment, prepared by Day Design Pty Limited, dated 16 October 2019 (Report No: 6816-1.1R Rev B).
- 66. **Validation Report** - A validation report prepared by the certified contaminated land consultant verifying that the land is suitable to be used for this development consent must be submitted to Council prior to an Occupation Certificate being issued.

Should the recommendation in the amended DSI report require monitoring of the site, then an Environmental Monitoring Program (EMP) must be submitted to Council prior to an Occupation Certificate being issued.

## **ONGOING CONDITIONS**

- 67. **Maintenance of Landscaping** - All trees and plants forming part of the landscaping will be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

The maintenance of the landscaping shall be undertaken in perpetuity. Should any plants or trees die, then they shall be replaced with the same species (i.e. like for like).

- 68. **Graffiti removal** - Any graffiti on the building is to be removed within forty eight (48) hours.

69. **Equipment maintenance** - All mechanical plant associated with the maintenance of the golf course must be kept in good repair and serviced in accordance with manufacturers' specifications. Records of the ongoing maintenance of machinery used on the golf course must be kept onsite and made available to Council's Environmental Health Officer on request.
70. **Sand and soil holding bays** - Provide a hose connected to the Sydney water supply within close proximity to the sand and soil holding bays to allow wetting down of the sand if disturbing it during unfavourable conditions.
71. **Sand and soil cover** - The sand and soil storage bins are to be covered with a suitable soft cover at all times other than when in use, in order to minimise the potential for dispersion of the material through wind and water erosion.
72. **Bunding, Liquids (chemical, paint solvent)** - All liquids onsite are to be stored within a bunded area. The size of the area is to be bunded and shall be calculated as follows (as a minimum):
- (a) in the case of tanks, 110% of the volume of the largest sized tank.
  - (b) in the case of small containers and drums, 25% of the total volume of liquid to be stored, with a minimum of 400L capacity.
- The bund is to be roofed and constructed of a material, which is impervious to the liquid being stored. After completion, the bund shall be maintained in such a condition, that all spillages or leaks will be retained within the bund, until disposed of by means that do not pollute waters.
73. **Storage of Waste Oil** - Waste oil shall be stored in a covered and bunded area prior to offsite recycling/disposal. Copies of receipts for the recycling of oil shall be kept onsite and made available to Council officers on request.
74. **Industrial Premises – Spill Clean-up** - Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.
75. **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).
76. **Maintenance of Sound Attenuation** - Sound attenuation must be maintained in accordance with the Noise Control Recommendations specified under section 5 of the Acoustic Report titled Environmental Noise Impact Assessment, prepared by Day Design Pty Limited, dated 16 October 2019 (Report No: 6816-1.1R Rev B).

77. **Lighting – General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.
78. **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.
79. **Activities and storage of goods outside buildings** - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
80. **No activities on eastern side of building** – No operational activities are to be undertaken on the eastern side approved building. The doors on the eastern façade are should not be left open while operational activities are being undertaken inside the building.
81. **Waste Collection and Storage** - The operators shall be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.
82. **Car Park Operation** - Driveways and car parking spaces must not be used for storage or display of goods, materials or equipment. The spaces must be available at all times for cars associated with the development, and must not be used to provide parking for vehicles which have no association with the approved development.
83. **Hours of operation** - The approved hours of operation shall be restricted to the following:
- |                          |                  |
|--------------------------|------------------|
| (a) Monday to Friday:    | 6.00am - 2.30pm  |
| (b) Wednesday:           | 5.00am - 11.00am |
| (c) Saturday and Sunday: | 3.30am – 8.00am  |
84. **Operational Plan of Management** – The approved development must be operated in accordance with the approved Operational Plan of Management, unless a variation is agreed to in writing by Council.

## **PRESCRIBED CONDITIONS**

85. **Clause 98 - Building Code of Australia** - Requires all building work to be carried out in accordance with the Building Code of Australia.

86. **Clause 98A - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.
87. **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.

## **ADVISORY**

88. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

89. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
90. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.
91. **Security deposit administration & compliance fee** - Under 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 will cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

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

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

92. 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](http://www.legislation.nsw.gov.au). It is the responsibility of the beneficiary of this consent to determine which operational and statutory conditions apply.
93. **Building** - 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 justify the non-compliances with a detailed report, suitable evidence and expert judgement.
94. The property is identified as flood liable in the Beverley Park Overland Flow Risk Management Study and Plan 2007 and as such Flood Related Development Controls apply. The Flood Planning Level (FPL) is identified at 2.3m (AHD) and this includes a freeboard of 500 mm. The 1 in 100 flood year level is identified at 1.8m (AHD). The floor levels of the development are above the FPL and the development is not within the defined 1 in 100 year flood extents.