

**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 20 FEBRUARY 2020**

LPP Report No	LPP002-20	Development Application No	DA2017/0472
Site Address & Ward Locality	87a Jubilee Avenue Beverley Park (Beverley Park Golf Club) Kogarah Bay Ward		
Proposed Development	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 (further report following submission of amended plans)		
Owners	Georges River Council		
Applicant	Frank Bates, on behalf of Beverley Park Golf Club		
Planner/Architect	Planner – MJB Planning, Architect – Dickson Designs		
Date Of Lodgement	9/10/2017		
Submissions	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.		
Cost of Works	\$990,000.00		
Local Planning Panel Criteria	Georges River Council is the landowner of the subject site and the development application is the subject of ten (10) or more submissions by way of objection		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, State Environmental Planning Policy No 55 – Remediation of Land, Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, Draft State Environmental Planning Policy (Environment), Kogarah Local Environmental Plan 2012; Kogarah Development Control Plan 2013		
List all documents submitted with this report for the Panel's consideration	Location Map, Site Plan, Floor Plans, Elevations, Landscape Plan, Shadow Diagrams		
Report prepared by	Independent Assessment		

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

recommendations summarised, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards 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?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, however the conditions will be available when the report is published.

Site Plan



The location of the proposed development is outlined in red

EXECUTIVE SUMMARY

DESCRIPTION OF THE PROPOSAL

1. The subject DA seeks consent for demolition work and the construction of a new maintenance building and staff amenities building, on grade car parking, bin store area, tree removal and landscaping works within the Beverley Park Golf Course.
2. The existing staff amenities building, which covers an area of approximately 150sqm, is to be demolished and replaced by a new maintenance and staff amenities building covering an area of approximately 616sqm.

3. The upgraded building will contain the following:
 - Staff lunchroom/kitchen;
 - Toilets and showers
 - Supervisors Office;
 - Workshop and Machinery Store;
 - Maintenance Garage (including a fuelling bay and wash down bay);
 - Fuel Storage Area;
 - Store Room;
 - Cart Storage Area; and
 - Various openings to service the various uses within the maintenance shed.
4. External works will consist of a verandah along the northern façade of the building, bitumen paving to the area surrounding the new building, a bin storage area to the south western side of the maintenance shed, a number of small garden beds scattered around the building with a landscaped buffer separating the maintenance shed from the residential allotments to the east. The site will be provided with ten (10) formal car parking spaces, one (1) being an accessible space. Fifteen (15) trees are proposed to be removed as part of this application.

Deferral from Local Planning Panel 18 July 2019

5. The previous assessment report to the Local Planning Panel on 18 July 2019 provides full details on the assessment of the DA proposal previously reported to the Panel. At this meeting the application was deferred, to enable the applicant to submit additional information in relation to the following:
 1. *Information to meet the provisions of State Environmental Planning Policy No 55 – Remediation of Land, as there is reasonable evidence to suggest that the land may be contaminated and a preliminary site investigation has not been provided.*
 2. *Information to meet the provisions of Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment, as it has not been demonstrated that acid sulphate soils would not be disturbed by the proposed.*
 3. *Acid Sulphate Soil Assessment and Management Plan as the proposal seeks to undertake works below the natural ground surface within Class 2 acid sulphate soils land, but has not been accompanied by an acid sulphate soils management plan as required by clause 6.1 of the Kogarah Local Environmental Plan 2012 (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).*
 4. *Waste Management Plan to meet the requirements of Part B5 - Waste Management and Minimisation of the Kogarah Development Control Plan 2013.*
 5. *Acoustic Report prepared by an appropriately qualified acoustic consultant, demonstrating that the acoustic impacts of the proposed development will not interfere with the amenity of the nearby residential properties and identify any measures required to mitigate the acoustic impact such as hours of operation, acoustic treatment, location of openings.*
 6. *A report from an appropriately qualified consultant dealing with the proposed storage of any chemical waste, fuel and any other hazardous materials either from within or outside the building.*

7. *Full details of the planned wash down area including specific dimensions of the area and details of how the wash down area would capture pollutants from the soil and water run-off.*
 8. *Demonstrate the parking proposed to be provided is warranted to service the operation needs of the proposed maintenance and staff amenities building.*
 9. *A Plan of Management which includes consideration of operating hours, storage of chemicals and hazardous materials, vehicle movements, number of staff and other relevant operational matters.*
 10. *A revised design that incorporates the following:*
 - *Openings in the structure for heavy vehicles and machinery to face west (towards the golf course) and not adjoining residential premises to the east;*
 - *No vehicle movements between the proposed building and residential properties;*
 - *Relocate the proposed Bin 1 and Bin 2 area to the western side of the building; and*
 - *All windows on the eastern elevation to be provided with fixed obscured glazing.*
6. Additional information and amended plans were submitted addressing the deferral reasons on 18 October 2019, this information is the subject of this report and is outlined as follows:
- a) Preliminary Site Investigation Report (regarding matters of Potential Site Contamination);
 - b) Environmental Noise Impact Assessment Report;
 - c) Preliminary Acid Sulphate Soils Assessment;
 - d) Details on Sydney Water permit to discharge waste water;
 - e) Operational Plan of Management;
 - f) Addendum to the Statement of Environmental Effects;
 - g) Technical drawings regarding the Oil/Water Separator
 - h) Amended architectural plans for the proposed maintenance shed/amenities building, including the following:
 - Site Plan
 - Ground Floor Plan
 - Roof Plan
 - Elevations and Sections
 - Window and Door Schedules
 - Fuel Storage and
 - 3D representation
7. The amended plans included three (3) options for Council's consideration, and these are summarised below (all three options are provided as attachments to this report):
- Option 1: Relocation of the maintenance/amenities building further away (16.089m setback) from the residential properties to the east, but with the sand/soil bins next to the north eastern corner of the building (contrary to Deferral Reason No 10 above);
 - Option 2: Relocation of the maintenance/amenities building further away (16.089m setback) from the residential properties to the east, but with the sand/soil bins located on the western side of the building
 - Option 3: Relocation of the maintenance/amenities building further away (9.0m setback) from the residential properties to the east, with the sand/soil bins located on

the western side of the building. The applicant has advised that this option was presented because it would minimise impact on the golf course proper (eg fairway alignment etc)

Although Option 1 was the option that the applicant intended to proceed with, this is not acceptable from an assessment perspective because it conflicts with the resolution of the Local Planning Panel (in particular Deferral Reason No 10 above). As a result Option 2 was the option to be pursued and forms the basis of this assessment report.

8. Figure 1 below is the site plan of the amended proposal

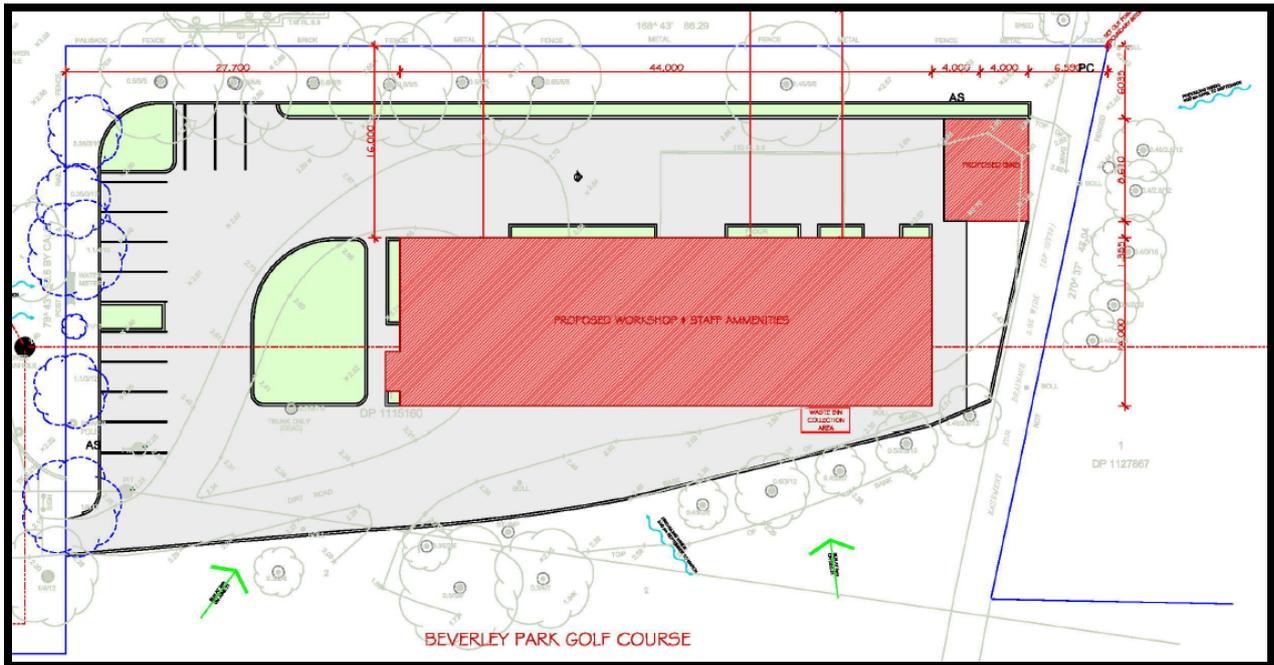


Figure 1: Previous site plan considered by Local Planning Panel 18 July 2019

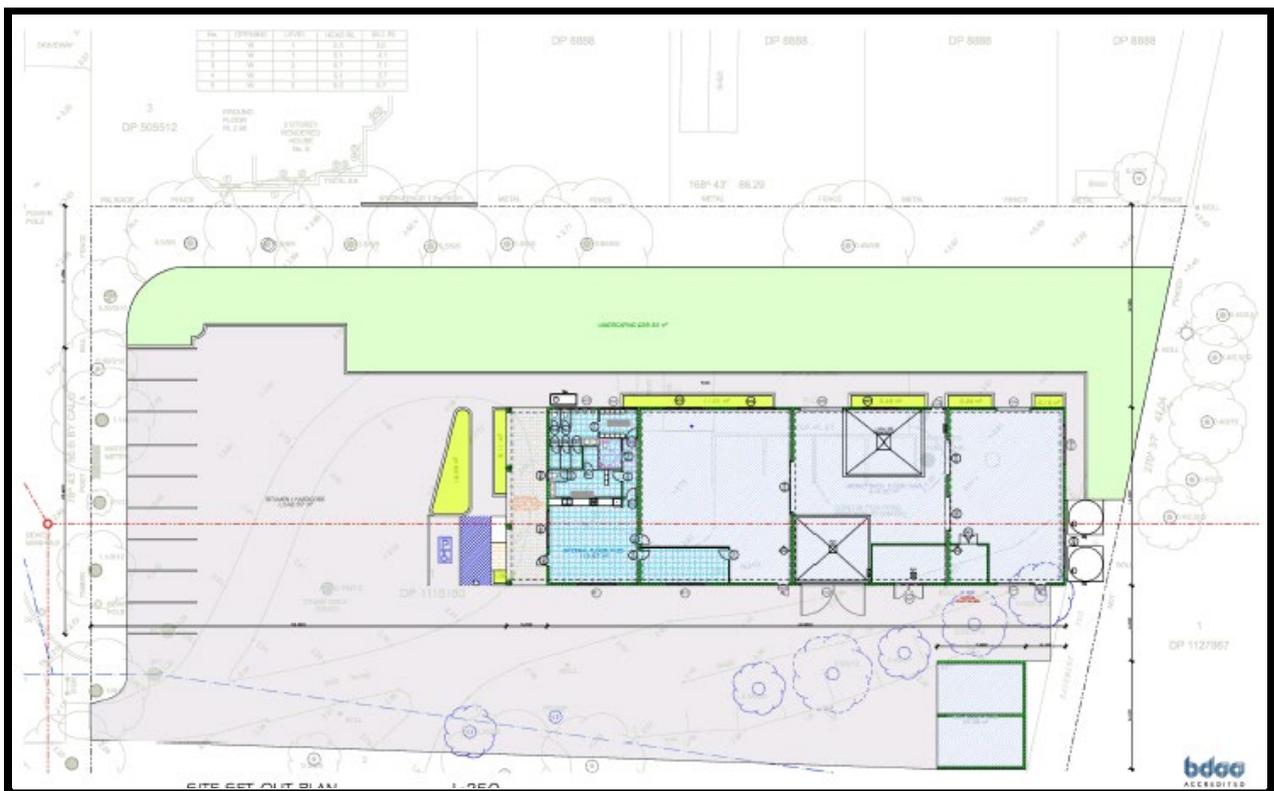


Figure 2: Current site plan (Option 2) submitted as part of the additional information documentation.

9. The applicant has provided the following commentary in relation to the three design options presented.
10. Applicant's comments: *The proposed soil and sand storage bins have been relocated to eliminate vehicular movements between the building and the adjoining residential properties. However, they still remain on the eastern side of the building. In order to move the bins to the western side of the building and locate them so that they did not encroach onto the golf course fairway, the building would need to be moved from its current 16m setback from the adjoining residential properties to a setback of only 9m. This brings the building much closer to the residential properties and substantially reduces the ability to provide a landscaped buffer between the building and the adjoining residential properties. To demonstrate this issue, a series of three (3) Site Layout Plan options has been prepared by Dickson Designs Pty Ltd, copies of which are provided as part of this additional information package.*
- Option 1 – *Is the proposed location of the bins next to the north-eastern corner of the building.*
 - Option 2 – *Shows the bins located on the western side of the building. However, this locates the bins within the existing fairway and would impact on the current design of this part of the course and would be contrary to the Master Plan for the Course approved by Council on 11 November 2011 and referenced in Section 4.36 of the current lease.*
 - Option 3 - *Shows the bins located on the western side of the building, but not within the existing fairway. However, this option requires the building to be relocated closer to the adjoining residential properties (reduced setback from 16m to 9m) and therefore reduces the buffer between the building and the residential properties and limits the available area for landscaping.*

As such, the proposed location of the storage bins is preferable from an operation point of view, as well having least impact on the adjoining residential properties. These bulk storage bins are used for the storage of sand and soil used for the ongoing maintenance of the course. The bins are required to be refilled up to three (3) times a year and the delivery of the sand and soil does not take place prior to 7am or after 5pm. Deliveries are undertaken using either a B-Double (truck and trailer) or a single dump truck. Due to the infrequency of these deliveries, the impacts associated with the refilling of the bins is considered to be minimal and would not have an unreasonable impact on the amenity of the adjoining residential properties. The bins are proposed to be located on an angle, with the closest point being 5.095m from the closest residential property and will be adjacent to the existing solid brick wall at the rear of No. 8 Weeny Street and surrounded by landscaping.

All windows on the eastern side of the proposed building are to be fixed and fitted with 6.38mm opaque glazing, as per the recommendations of the Environmental Noise Impact Assessment report prepared by Day Design Pty Ltd.

11. This additional information has been referred to a number of departments within Council, and also re-notified to neighbours for a period from 13 November to 27 November 2019, the outcomes of these processes are discussed later in this report.
12. A further eleven (11) submissions (ten (10) objections and one (1) in support) were received in response to the amended plan/additional information submission. These are discussed in the body of this report.

13. Overall, it is considered that the applicant's submission of amended plans and additional information has addressed the issues of concern raised in the previous assessment report to the Local Planning Panel (which recommended refusal), and also the reasons for the Panel's deferral of the application. It is considered that the proposed development is satisfactory for approval subject to conditions to address particular issues arising from the amended plans and additional information. This is discussed in further detail later in this report.

DESCRIPTION OF THE SITE AND LOCALITY

14. The subject application is located in a portion of the Beverley Park Golf Club (BPGC) and will replace and enhance the existing facilities. The site has the following description, and known as 87a Jubilee Avenue, Beverley Park. The subject allotment being Lot 1, DP1115160, is located within the eastern portion of BPGC where it borders Battye Avenue and Weeney Street. Five (5) residential properties adjoin to the east of the allotment, being 8 Weeney and 43-49 Burgess Street, Beverley Park.
15. The BPGC consists of some 34 allotments of land generally bounded by Jubilee Ave (northern side), Battye Avenue, Weeney Street, Burgess Street and Targo Road (eastern side), Ramsgate Road (southern side), and a drainage channel adjacent to Harslett Crescent, and Ferry Road (western side).
16. The subject site comprises 34 irregularly-shaped allotments, which are listed and shown as follows:

• Lot 161, DP 19098	• Lot 1, DP 1115160	• Lot 2, DP 723730
• Lot 1, DP 1115657	• Lot 1, DP 1122814	• Lot 3, DP 723730
• Lot 2, DP 1115657	• Lot 1, DP 1127867	• Lot 4, DP 723730
• Lot 1, DP 1115465	• Lot 1, DP 724240	• Lot 5, DP 723730
• Lot 1, DP 457030	• Lot 1, DP 1148376	• Lot 6, DP 723730
• Lot 1, DP 669359	• Lot 2, DP 1148376	• Lot 7, DP 723730
• Lot 1, DP 669358	• Lot 9, DP12389	• Lot 55, DP 3097
• Lot 1, DP 1115626	• Lot 10, DP12389	• Lot 56, DP 3097
• Lot 1, DP1114452	• Lot 2, DP 230426	• Lot 57, DP 3097
• Lot 2, DP 1114452	• Lot 7031, DP 93155	• Lot 58, DP 3097
• Lot 2, DP 1115160	• Lot 4, DP 230427	
• Lot 1, DP 1122814	• Lot 1, DP 723730	

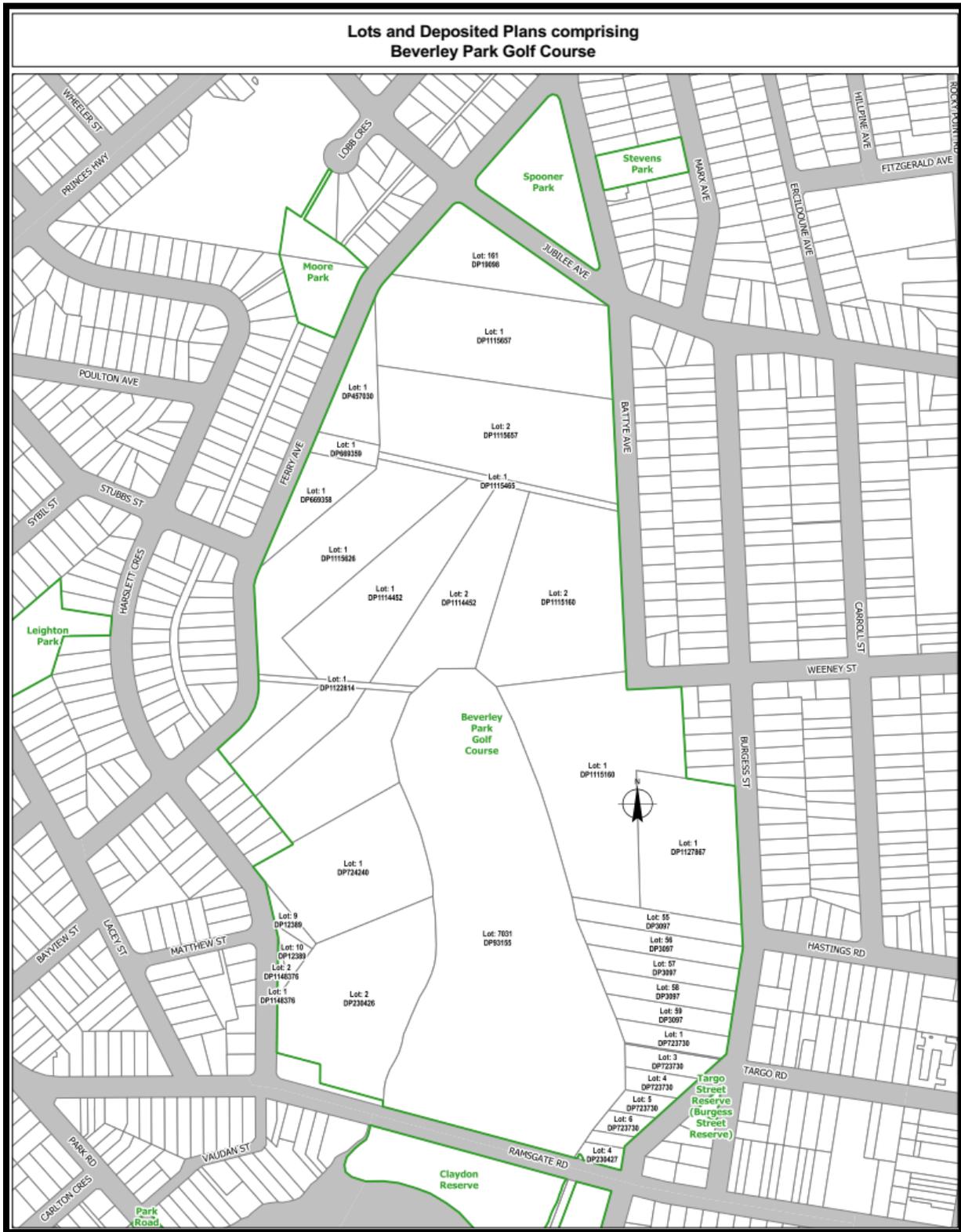


Figure 3 - Details of the lot and DP's across the site

17. The entire golf course has an area of approx. 23,300sqm (excluding encroachments on public road reserves). The topography of the site is mostly level, with some undulating sections where the site has been modified to incorporate certain features (eg topographical features, golfing hazards, etc). Development on the site includes features and structures associated with the BPGC, and includes (but is not limited to) the following:
 - A small staff amenities building;
 - Site maintenance facilities in the form of landscape material storage;
 - Informal car parking facilities;

- Club house;
 - Golfing fairways, tee-off areas, putting greens and associated features (i.e. sand bunkers); and
 - Pathways and associated site infrastructure.
18. Areas of the site where golfing facilities are located either contain structures and/or are cleared, though areas between the fairways are heavily vegetated with predominantly mature vegetation. The portion of the site containing the proposed works is also largely cleared with the exception of mature vegetation lining the boundary of this 'portion'. A low 'copper log' fence traverses the boundary of the site where it adjoins Weeney Street and Battye Avenue.
19. The subject allotment is affected by flooding and Class 2 acid sulfate soils; however, the LEP does not identify other significant environmental considerations and/or hazards. The site does not contain a heritage item and is not within a heritage conservation area; there are also no other heritage items within the surrounding area.

ZONING

20. The site is located within an RE1 Public Recreation zone, whilst the area directly surrounding the site is zoned R2 Low Density Residential.



Figure 4 - Development area outlined in red

REASONS FOR DEFERRAL

21. The reasons for deferral by the Local Planning Panel at the meeting on 18 July 2019 are itemised below, together with the applicant's commentary response, as well as an Independent assessment (by the external consultant engaged by Council in regard to this DA).
22. ***Deferral Reason No 1: Information to meet the provisions of State Environmental Planning Policy No 55 Remediation of Land, as there is reasonable evidence to suggest that the land may be contaminated and a preliminary site investigation has not been provided.***
23. ***Applicant's Comments:*** A Preliminary Site Investigation (PSI) has been prepared by TRACE Environmental and concludes that there is considered to be a low potential for widespread contamination to have occurred at the site as a result of the current and historical site uses. However, localised impacts associated with current petroleum and

chemical storage areas may exist, and hazardous building materials may be present in the fabric of the on-site building. As such, TRACE Environmental makes a number of recommendations as to how these localized impacts can be appropriately managed during demolition and construction works through the implementation of a number of precautionary measures. Refer to the Preliminary Site Investigation report and the Addendum to the Statement of Environmental Effects submitted as part of this additional information package for further details.

(Note: The PSI report and Addendum to the Statement of Environmental Effects are held as Attachments to this report).

24. Comments from Independent Assessment Officer: The previous Assessment Report had indicated that the site was likely to contain localised contamination due to the existing diesel tank on the land, and that a Preliminary Site Investigation (PSI) was required to be submitted with the application.
25. A PSI was provided with the amended application package. The PSI indicates that the risk of widespread contamination is low, but that further investigations of inaccessible areas (i.e. those under the existing building and storage areas) are required during the proposed works. Conditions are recommended requiring such investigation to take place.
26. Further to the above, it is noted that the applicant's additional information submission has been referred to Council's Environmental Health Officers for assessment. Their assessment has concluded that the development is satisfactory subject to appropriate conditions.
27. **Deferral Reason No 2:** *Information to meet the provisions of Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment, as it has not been demonstrated that acid sulphate soils would not be disturbed by the proposed development.*
28. Applicant's Comments: 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. Refer to the Preliminary Acid Sulfate Soils Assessment and the Addendum to the Statement of Environmental Effects submitted as part of this additional information package for further details.
29. Comments from Independent Assessment Officer: 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 below natural ground surface". The documentation submitted with the application indicates that the following works would occur below natural ground level:
 - Excavation for the footings, which based on submitted information would extend to approximately 600mm;
 - Excavation (to an unknown depth) to enable the planting of trees.
30. Neither an ASSMP nor a preliminary assessment had been submitted prior to the Local Planning Panel's previous consideration of the DA. A Preliminary ASSMP was now been provided which indicates that the risk of encountering acid sulfate soils is low. Recommendations were provided within the Preliminary ASSMP to manage the risk, and these recommendations are reflected within the recommended conditions of consent.

31. The Preliminary ASSMP was also considered by Council's Environmental Health Officer as part of their assessment of the amended plans submitted with the proposal, where it was concluded that the development is satisfactory subject to appropriate conditions.
32. ***Deferral Reason No 3:*** *Acid Sulphate Soil Assessment and Management Plan as the proposal seeks to undertake works below the natural ground surface within Class 2 acid sulphate soils land, but has not been accompanied by an acid sulphate soils management plan as required by clause 6.1 of the Kogarah Local Environmental Plan 2012 (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).*
33. **Applicant's Comments:** As discussed above, TRACE Environmental have carried out a Preliminary Acid Sulfate Soils Assessment and have concluded 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. Refer to the Preliminary Acid Sulfate Soils Assessment and the Addendum to the Statement of Environmental Effects submitted as part of this additional information package for further details.
34. **Comments from Independent Assessment Officer:** As indicated in relation to Deferral Reason No 2, neither an ASSMP nor a preliminary assessment had been submitted prior to the panel determination. The submission of the Preliminary ASSMP has satisfied clause 6.1 of KLEP 2012, and has also been assessed as satisfactory by Council's Environmental Health Officer.
35. ***Deferral Reason No 4:*** *Waste Management Plan to meet the requirements of Part B5 - Waste Management and Minimisation of the Kogarah Development Control Plan 2013.*
36. **Applicant's Comments:** Although the application was accompanied by a written Waste Management Plan, as well as a 'Soil and Waste Management Plan' provided as part of the architectural drawing package, insufficient information was submitted in relation to chemical and liquid storage. Details of the management of demolition, construction and ongoing waste and recycling are provided on Drawing DA12 A of the architectural drawing package prepared by Dickson Designs Pty Ltd and in the Waste Management Plan prepared by Waste Spec and submitted previously.
37. However, other than the new self bunded petrol and diesel tanks that are to be located in the fuel storage room (tank chamber) to be built in accordance with AS 1940-2017 Section 9.6, no chemicals or hazardous materials are to be stored within the building. All chemicals and hazardous materials used in the maintenance of the course are now being stored in a purpose built and secure storage facility centrally located on the course. As such, there will no longer be any storage of chemicals or hazardous materials (other than fuel) at the proposed building. Details of the management of the wash down bay/Oil Water Separator and the fuel storage room and refuelling area are provided below at items 7 and 8.
38. In relation to waste bins, it appears that there may have been some prior confusion in relation to the designation of the proposed storage bins (i.e. that these were to be used for the storage of waste prior to collection. These storage bins are to be used for the storage of sand and soil used for maintenance of the course and are discussed in further detail in item 10 below. The general waste bin is a 3m³ General Waste Bin that is to be located on the western side of the building and will not have an adverse impact on the amenity of the adjoining residential properties as the storage and subsequent collection of the waste (by private contractor Veolia) will occur on the western side of the building, well away from the residential properties. Collection of the general waste bin occurs once a week on a

Tuesday, generally between the hours of 9am and 5pm, utilising a front lift MRV/HRV waste collection vehicle.

39. Comments from Independent Assessment Officer: Although a Waste Management Plan was submitted with the previous application, it had failed to properly describe the following waste management arrangements:
- Storage of chemical and liquid wastes (such as waste oil from maintenance of lawn mowers, as well as empty chemical drums, etc). The WMP contains only details on the 'removal of the grease sludge from tank adjacent to clubhouse', which is undertaken every 6 weeks, but the WMP does not describe how this will be stored prior to collection.
 - The methodology for managing fuel spills on the fuel filling pad.
 - Details of how the wash down area will capture pollutants in the soil and water run-off.
40. The amended proposal has provided additional drawings which details methods for the management of demolition, construction and ongoing waste. Aside from fuel, the application does not seek to store any chemicals or hazardous materials within the proposed building, and further detail has been provided on management of fuel waste. Further information is contained in relation to Deferral Reasons 6 and 7 (below).
41. As above, it is also noted that Council's Environmental Health Officer has also assessed this aspect of the development in terms of the additional information and amended plans submitted, and advised that the development is satisfactory.
42. **Deferral Reason No 5:** *Acoustic Report prepared by an appropriately qualified acoustic consultant, demonstrating that the acoustic impacts of the proposed development will not interfere with the amenity of the nearby residential properties and identify any measures required to mitigate the acoustic impact such as hours of operation, acoustic treatment, location of openings.*
43. Applicant's Comments: An Environmental Noise Impact Assessment has been prepared by Day Design Pty Ltd and concludes that "*measurements and calculations show that the level of noise emitted by the Amenities Building will meet the acceptable noise level requirements of Council and The NSW Environment Protection Authority's Noise Policy for Industry, as detailed in Section 3.0 of this report and will therefore be acceptable*". Refer to the Environmental Noise Impact Assessment and the Addendum to the Statement of Environmental Effects submitted as part of this additional information package for further details.
44. Comments from Independent Assessment Officer: The submitted acoustic report indicates that the proposal will satisfy relevant noise criteria contained within the NSW Noise Policy for Industry. The findings of this report and the recommendations form the hours of operation of this maintenance shed as detailed in the recommended conditions. As with the preceding matters, this Acoustic Report was reviewed by Council's Environmental Health Officer and the conclusions are supported. It is noted that several issues with the report have been raised within the submissions and these are discussed later in this report.
45. **Deferral Reason No 6:** *A report from an appropriately qualified consultant dealing with the proposed storage of any chemical waste, fuel and any other hazardous materials either from within or outside the building.*

46. Applicant's Comments: As described above, other than the petrol and diesel tanks that are to be located in the fuel storage room (tank chamber) to be built in accordance with AS 1940-2017 Section 9.6, no chemicals or hazardous materials are to be stored within the building. All chemicals and hazardous materials used in the maintenance of the course are now being stored in a purpose built and secure storage facility centrally located on the course and therefore, no longer form part of this application.
47. In relation to fuel storage, the existing aboveground petrol storage tank is to be removed and replaced by a 2000 litre diesel and a 1000 litre unleaded petrol heavy duty self bunded fuel storage tank supplied by Equipco Pty Ltd, to be located within a designated fuel storage area (tank chamber), that has been designed and will be constructed, in accordance with Section 8.6 of AS 1940-2017 – *The storage and handling of flammable and combustible liquids*. As such, the potential for ongoing localised contamination will be eliminated. A fire extinguisher (Class B) will be installed inside the fuel storage area.
48. All refuelling of machinery/vehicles is to be undertaken in the bunded fuel dispensing area located next to the fuel storage area. The floor of the refuelling area is graded to a centrally located sealed pit where any spilled fuel will drain. The pit will be pumped out as necessary and spilled fuel will be collected and disposed of by a licensed contractor on an 'as needed' basis.
49. Comments from Independent Assessment Officer: This Deferral Reason expands upon Deferral Reason No 4 (above) relating to information that was omitted from the Waste Management Plan.
50. Although a formal report was not submitted in regard to storage of any chemical waste, fuel and any other hazardous materials. The explanation from the applicant is sufficient to enable assessment to be made.
51. It is noted that this issue was also considered by Council's Environmental Health Officers in their assessment of the amended plans submitted with the application, and the assessment concluded that the development is satisfactory, subject to conditions of consent.
52. **Deferral Reason No 7:** *Full details of the planned wash down area including specific dimensions of the area and details of how the wash down area would capture pollutants from the soil and water run-off.*
53. Applicant's Comments: Details of the wash down bay are provided on Drawing DA11 A of the architectural drawing package prepared by Dickson Designs Pty Ltd and indicates a 5m x 6m bunded (to a depth of 100mm) concrete wash down bay with a 50mm fall to a centrally located 1100mm x 1100mm (750 litre) fiberglass pit fitted with a galvanized grate and silt trap. The collection pit will be connected to a free standing VGS Oil Water Separator with a flow rate of 1000 litres per hour, installed to manufacturer's specifications and located in the rear, right hand corner of the wash down bay. A differential type float switch located within the collection pit will control the pump operation and all waste water from the wash down bay will pass through the oil water separator, effectively removing free oil, grease and low density suspended solids from the waste water prior to discharge of water to the sewer.
54. The Vertical Gravity Separator (VGS) is a flooded system that operates through the control of both fluid velocity and pressure. These forces gently coax non-emulsified impurities from water by allowing high density contaminants to fall into a sludge retaining area at the

bottom of the vessel and oil droplets and low density suspended solids to rise to the top of the vessel. The oil and suspended solids then drain off into a waste tank for disposal.

55. A 'Tap In' application for a Trade Waste Agreement (Discharge trade wastewater application) with Sydney Water has been made (Application No. 730256) and was approved on 16 October 2019. A copy of the Permit to Discharge Trade Wastewater is provided with this additional information package.
56. Waste Oil and sludge from the sludge outlet and waste drum will be collected on an 'as needed' basis by Waste Oil Collection, ABN: 72 619 195 765 (www.wasteoilcollection.com.au). This is the same company who currently collect waste oil from the Golf Course.
57. Further details of the VGS Oil Water Separator are provided in the specification drawings and Installation and Operation Manual provided as part of this additional information package.
58. Comments from Independent Assessment Officer: This matter also expands upon Deferral Reasons No 1 and 4. New drawings were provided with the application which details how pollutants will be removed from the building. An extract from an explanation of the system was provided from the applicant (as discussed in their comments above).
59. It is noted that Council's Environmental Health Officer has made an assessment of the application and advised that the development is satisfactory subject to appropriate conditions of consent.
60. ***Deferral Reason No 8: Demonstrate the parking proposed to be provided is warranted to service the operation needs of the proposed maintenance and staff amenities building.***
61. Applicant's Comments: The revised Site Layout Plan (DA05 A) prepared by Dickson Design Pty Ltd indicates a total of ten (10) on-site parking spaces, including an accessible space. The on-site parking is to accommodate six (6) full time staff and four (4) volunteers who regularly assist the full time staff with course preparation and maintenance.
62. Currently the staff and volunteers park their vehicles within the site in a somewhat ad-hoc fashion. However, it is proposed that the on-site parking for staff be formalized with sealed and line-marked parking spaces. Table 1 in Part B4 of Kogarah Development Control Plan 2013 does not specify parking rates for a golf course. However, the proposed number of parking spaces has been based purely on the operational/parking needs of the golf course green keeping staff and volunteers and means that a parking space will be available for the full capacity of green keeping staff and volunteers. It is also noted that the parking spaces have been oriented to face Weeney Street and as such, will assist in minimising the impacts of vehicles parking close to the eastern boundary, adjacent to the residential properties.
63. Comments from Independent Assessment Officer: Limited information was provided in the original application to outline whether the proposed parking was sufficient to meet the needs of the proposed development, so as to minimise the impacts to the availability of on-street parking to surrounding streets.
64. Notwithstanding, the matter was referred to Council's Traffic Engineer who concluded that the number of parking spaces was adequate. At the request of Council's Traffic Engineer, swept path diagrams were also provided to demonstrate that the carpark could operate efficiently. The applicant has provided swept-path diagrams to ensure that all required

vehicles can manoeuvre adequately within the site and in particular can enter and leave in a forward direction.

65. ***Deferral Reason No 9: A Plan of Management which includes consideration of operating hours, storage of chemicals and hazardous materials, vehicle movements, number of staff and other relevant operational matters.***
66. ***Applicant's Comments:*** An Operational Plan of Management that provides details of the above operational matters has been prepared. As indicated earlier, please note that with the exception of petrol and diesel fuel to be stored in self bunded tanks located within the purpose built fuel storage area, no other chemicals or hazardous materials are proposed to be stored in the Maintenance and Staff Amenities Building. All chemicals and hazardous materials are now being stored in a separate secure location in the centre of the golf course.
67. ***Comments from Independent Assessment Officer:*** Aside from the *Beverley Park Plan of Management 2006*, which relates to the entire course, a Plan of Management was not submitted with the original DA. The items in this Deferral Reason relate broadly to a number of the other deferral reasons. A Plan of Management (PoM) has now been submitted for the maintenance shed and the responses within the PoM, to each of the specific items listed by the Panel, are summarised below:
68. **Operating hours** - The hours of operation are:
- 4:00am (arrival of staff) to 2.30pm Monday to Friday; and
 - 3:30am (arrival of staff) to 8am Saturdays and Sundays
69. This is generally consistent with the hours contained within the original application, which indicated that hours were to commence at 3:30am.
70. **Storage of chemicals and hazardous materials** - Consistent with the response provided in relation to Deferral Reason No 6, the PoM states that:
- “With the exception of diesel and unleaded petrol stored in the self bunded storage tanks, no chemicals or hazardous materials are to be stored within the premises. (N.B. all chemicals and hazardous materials are to be stored in the secure storage facility located in the centre of the course)”*.
71. As noted previously throughout this report, Council's Environmental Health Officer has made an assessment in terms of storage of chemicals and hazardous materials as part of their assessment, which concludes that the development is satisfactory subject to appropriate conditions of consent.
72. **Vehicle movements** - Measures to manage vehicular movements are outlined within various parts of the PoM, including:
- *All vehicular ingress/egress to the building is to occur from the western side of the building only. This also applies to pedestrian movements to and from the building prior to 7am*
 - *All staff arriving at the site prior to 7am are to utilise any available parking space that is furthest from the residential premises that adjoin the eastern boundary adjacent to the building*
 - *Where green keeping equipment/vehicles leave the building prior to 7am, they are to commence work at a point furthest from any residential premises.*

- *All truck deliveries to the site are to occur between the hours of 7am and 6pm Monday to Friday and between 8am and 6pm Saturdays, Sundays and Public Holidays.*
73. The movement of vehicles is generally consistent with the operation of the golf course and is considered to be satisfactory.
74. **Number of staff** - The PoM outlines the following:
- There are currently six (6) full time staff, including the Course Superintendent, as well as four (4) volunteers, who generally assist on Mondays, but may attend the course on other days as well.*
75. **Other relevant operational matters** - The PoM also contains information on:
- Noise management measures
 - General cleanliness and waste management
 - Wash down bay
 - Fuel storage area and fuelling bay
 - Course maintenance and material storage bins.
76. The majority of this information is consistent with information contained elsewhere within the submission (ie acoustic report, waste management plan).
77. Overall, the Plan of Management is considered to satisfactorily address the on-going operation of the development to ensure that this can occur in a manner which minimises the impacts on the amenity of adjoining properties. Compliance with the Plan of Management is required via a condition of consent.
78. **Deferral Reason No 10:** *A revised design that incorporates the following:*
- *Openings in the structure for heavy vehicles and machinery to face west (towards the golf course) and not adjoining residential premises to the east;*
 - *No vehicle movements between the proposed building and residential properties;*
 - *Relocate the proposed Bin 1 and Bin 2 area to the western side of the building;*
and
 - *All windows on the eastern elevation to be provided with fixed obscured glazing.*
79. **Applicant's Comments:** As indicated in the architectural drawings prepared by Dickson Designs Pty Ltd, the following amendments have been incorporated into the design:
- All openings for heavy vehicles are now restricted to the western side of the building. The two rollers doors on the eastern side of the building are necessary for emergency egress only.
 - There will be no vehicle movements between the proposed building and the adjoining residential properties and this area is to be extensively landscaped with a screening hedge of *Acmena smithii* (Lilli Pilli), together with an additional three (3) *Eucalyptus albens* (White Box) to match the existing row of trees along the eastern boundary. With the exception of a concrete footpath adjacent to the building, the remainder of the area between the building and the adjoining residential properties will be grassed and landscaped (series of planter boxes containing small native plants).

- The proposed soil and sand storage bins have been relocated to eliminate vehicular movements between the building and the adjoining residential properties. However, they still remain on the eastern side of the building. In order to move the bins to the western side of the building and locate them so that they did not encroach onto the golf course fairway, the building would need to be moved from its current 16m setback from the adjoining residential properties to a setback of only 9m. This brings the building much closer to the residential properties and substantially reduces the ability to provide a landscaped buffer between the building and the adjoining residential properties. To demonstrate this issue, a series of three (3) Site Layout Plan options has been prepared by Dickson Designs Pty Ltd, copies of which are provided as part of this additional information package.
 - Option 1 – Is the (applicants preferred) proposed location of the bins next to the north eastern corner of the building.
 - Option 2 – Shows the bins located on the western side of the building. However, this locates the bins within the existing fairway and would impact on the current design of this part of the course and would be contrary to the Master Plan for the Course approved by Council on 11 November 2011 and referenced in Section 4.36 of the current lease.
 - Option 3 - Shows the bins located on the western side of the building, but not within the existing fairway. However, this option requires the building to be relocated closer to the adjoining residential properties (reduced setback from 16m to 9m) and therefore reduces the buffer between the building and the residential properties and limits the available area for landscaping.
 - As such, the proposed location of the storage bins is preferable from an operation point of view, as well having least impact on the adjoining residential properties.
 - These bulk storage bins are used for the storage of sand and soil used for the ongoing maintenance of the course. The bins are required to be refilled up to three (3) times a year and the delivery of the sand and soil does not take place prior to 7am or after 5pm. Deliveries are undertaken using either a B-Double (truck and trailer) or a single dump truck. Due to the infrequency of these deliveries, the impacts associated with the refilling of the bins is considered to be minimal and would not have an unreasonable impact on the amenity of the adjoining residential properties. The bins are proposed to be located on an angle, with the closest point being 5.095m from the closest residential property and will be adjacent to the existing solid brick wall at the rear of 8 Weeney Street and surrounded by landscaping.
 - All windows on the eastern side of the proposed building are to be fixed and fitted with 6.38mm opaque glazing, as per the recommendations of the Environmental Noise Impact Assessment report prepared by Day Design Pty Ltd.
80. Comments from Independent Assessment Officer: Comments are provided in regard to each of the design requirements included in Deferral Reason No 10, and these are discussed as follows.

A revised design that incorporates the following:

- *Openings in the structure for heavy vehicles and machinery to face west (towards the golf course) and not adjoining residential premises to the east;*

81. The location of openings has not changed; however, there is no longer a road proposed surrounding the building. Notwithstanding, golf carts could still be driven into the eastern side of the building over the grass. Information provided with the application indicates that it is necessary for evacuation purposes to retain openings to the east; however, despite Council's request, no information was provided to demonstrate why the roller doors were required at all, or why they were required to be large enough to accommodate a golf cart. Subsequently, a condition is recommended to reduce the size of the openings on the eastern side.
- *No vehicle movements between the proposed building and residential properties;*
82. As discussed above, the driveway to the rear has been deleted; however, it is still possible for carts to be stored at the rear and moved through the roller doors. Design amendments are recommended to reduce the likelihood of this occurrence. In addition, the restrictions on the use of the area is to be reinforced by condition.
- *Relocate the proposed Bin 1 and Bin 2 area to the western side of the building; and*
83. The proposed soil and sand storage bins have been relocated to eliminate vehicular movements between the building and the adjoining residential properties. However – in the applicant's preferred option (option 1), they still remain on the eastern side of the building. The applicant provided three alternative options for the layout of the maintenance building. One of these options, being Option 2, considers the relocation of the sand and soil storage bins to the western side of the building. This option was discounted by the applicant on the basis that it would require additional tree removal.
84. However, Council's Tree Management Officer indicated that the trees proposed for removal are of no particular significance, and that the tree removal should not present an impediment to the delivery of Option 2. Council's Tree Management Officer suggested that there was ample space for new planting and that a condition could be imposed requiring trees to be replaced at a rate of 2:1, in accordance with Council's Tree Management Policy.
85. It is therefore recommended that the plan shown in Option 2 be included as part of the approval documentation (elevations plans of the actual building will be unchanged, because the delivery of this option will not affect the actual building).
- *All windows on the eastern elevation to be provided with fixed obscured glazing.*
86. The windows to the eastern elevation are obscure sit 2.5m above the finished floor level and the windows will create limited privacy impacts. Therefore, it is recommended that the application be approved without this design amendment.

APPLICABLE PLANNING CONTROLS

- Environmental Planning and Assessment Act 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment
- State Environmental Planning Policy No 55 - Remediation of Land
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Kogarah Local Environmental Plan (KLEP) 2012
- Kogarah Development Control Plan (KDCP) 2013

PLANNING ASSESSMENT

87. The site has been inspected and the amended plans and additional information for the proposed development (received 18 October 2019) have been assessed under the relevant Section 4.15(1) "Matters for Consideration" of the Act.

Environmental Planning Instruments

State Environmental Planning Policies

88. Compliance with the relevant state environmental planning policies is detailed and discussed below.

Discussion on the SEPPs relevant to the development

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

89. A review of the site history indicates that the subject site was vacant until the 1940s, after which time it was developed into (and continually operated as) a golf club with associated development. This review also suggests that land surrounding the subject site has also been continually used for predominantly residential development during that period of time. However, given there is an existing diesel tank on the land as well of small areas of chemical storage, a Preliminary Site Investigation (PSI) was requested as part of the application deferral.
90. The submitted PSI, prepared by TRACE Environmental, concludes that there is considered to be a low potential for widespread contamination to have occurred at the site as a result of the current and historical site uses. However, localised impacts associated with current petroleum and chemical storage areas may exist, and hazardous building materials may be present in the fabric of the on-site building. As such, conditions are recommended requiring the preparation of a further Detailed Site Investigation following the demolition of the building.

State Environmental Planning Policy No 19 – Bushland in Urban Areas

91. While the former Kogarah Local Government Area (LGA) is subject to the provisions of this SEPP, and the concerns about large-scale tree clearing by objectors is noted, 'Bushland' is defined by the SEPP as follows:

“bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.”

92. The vegetation that is proposed to be removed from the site is not a remainder of natural vegetation of the land, nor is it considered to be representative of the native structure and floristics of the locality. As such, the SEPP is not considered to be applicable to the subject DA.

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

93. As part of the application, 15 trees are proposed to be removed from the site to accommodate the proposed development.
94. Council's Tree Management Officer has reviewed the application and raised no objection to the proposed tree removal, subject to conditions requiring amendments to the landscape plan, including thirty (30) additional tree plantings. Tree management conditions are recommended to protect trees that are to be retained, and subject to conditions, the proposal is able to satisfy this SEPP.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

95. The site is within the area affected by the Greater Metropolitan Regional Environmental Plan No 2 — Georges River Catchment. The proposed Concept Stormwater Plan is considered to be consistent with Council's requirements for the disposal of stormwater in the catchment. However, it is noted that recommended conditions of consent require the submission of a Detailed Stormwater Plan and supporting information of the proposed on-site stormwater management system in accordance with 'Water Management Policy, Kogarah Council, August 2006' prior to the issue of a Construction Certificate.
96. The proposal would not have a foreseeable impact on river bank disturbance, flooding, urban stormwater runoff and/or local water quality (subject to conditions to the imposition of the aforementioned conditions). Further, 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.

Draft Environmental Planning Instruments

Draft Remediation of Land SEPP

97. The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55 — Remediation of Land.
98. The main changes proposed include the expansion of categories of remediation work which requires development consent, a greater involvement of principal certifying authorities particularly in relation to remediation works that can be carried out without development consent, more comprehensive guidelines for Councils and certifiers and the clarification of the contamination information to be included on Section 10.7 Planning Certificates.
99. The proposal satisfies SEPP 55, and the conclusions drawn from the assessment against that policy, are equally applicable to the Draft Remediation of Land SEPP.

Draft Environment SEPP

100. The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018.
101. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

102. The proposal is consistent with the provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and similar conclusions are able to be drawn in relation to this Draft Instrument.

Local Environmental Plans

Kogarah Local Environmental Plan 2013

103. The table below is an assessment of Option 2 of the amended plans submitted following the deferral of the application by the Panel on 18 July 2019, 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"> To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes. 	<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 proposal.</p>	Yes
4.4 Floor Space Ratio	No standard applies.	<p>The proposed building contains a gross floor area of approximately 550sqm, resulting in a floor space ratio of approximately 0.02:1 over the 23,300sqm lot. This is unchanged from the previous</p>	Yes

		proposal.	
4.5 Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	Noted	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 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>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 "<i>any works 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</p>	Yes

		<p>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 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>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

	(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
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 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</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> <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>	Yes

	flooding.	
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Development Control Plans

Kogarah Development Control Plan 2013

104. The following is an assessment of the relevant controls relating to the plans submitted following the deferral of the application by the Panel on 18 July 2019 of Kogarah Development Control Plan 2013. A detailed assessment of any notable issues and/or non-compliances is contained within the main body of the report.

KDCP 2014	Proposed	Complies
Part B – General Controls		
B2 Tree Management & Green Web		
1 Preservation of Trees and Vegetation		
1.1 Tree Management		
<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>(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"> • A site plan showing trees and existing structures. • The species type – common and full scientific names if known. • Approximate height, trunk and canopy spread. <p>(4) Irrespective of Clause (2)</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>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> <ul style="list-style-type: none">(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.(ii.) Works undertaken in response to an emergency by the State Emergency Service, Rural Fire Service or another Authority.(iii.) Trees that require pruning in accordance with the Electricity Supply Act 1995. <p>(5) Council will be satisfied that a tree is dead and/or a risk to life or property when:</p> <ul style="list-style-type: none">(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(ii.) It can be proven that the pruning or removal work is the only 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(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		
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<p>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>2. Green Web Requirements</p>	<p>Subject to conditions, the proposal will not be inconsistent with the Green Web Requirements.</p>	<p>Yes</p>
<p>B5 – Waste Management & Minimisation</p>		
<p>1. Waste Management Plan</p> <p>(1) Submit a Waste Management Plan with DAs involving:</p> <ul style="list-style-type: none"> • demolition; • construction of a new building(s); or • change of use or alterations/additions to existing premises (only when this would result in a change of waste generation). <p>(2) Illustrate on the DA plans/ drawings:</p> <ul style="list-style-type: none"> • the location and space allocated for the storage of demolition and construction waste or materials; • waste collection point(s) for the site; and • path of access for collection vehicles. <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>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>
<p>2. Waste and Recycling Requirements</p> <p>(1) All development applications</p>	<p>The sand and soil storage area is not supported in its current location, and</p>	<p>Yes, subject to conditions.</p>

<p>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>conditions are recommended requiring this to be relocated to the western side of the building, away from neighbouring residents.</p> <p>The waste collection area is also located on the western side of the building, and conditions are recommended to require the ongoing satisfactory management of this area.</p>	
<p>B6 – Water Management</p>		
<p>1. On site Water Management & Stormwater Controls 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>2. Flooding and drainage</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</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>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 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</p>		
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<p>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>		
B7 – Environmental Management		
<p>1. Orientation: Building siting and design</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, 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>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>	Yes
<p>2. Energy efficiency in non residential developments</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</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 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>	Yes, subject to conditions.

<p>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>3. Water efficiency in non residential developments</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 appropriate end uses.</p> <p>(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>	<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>

SUBMISSIONS AND THE PUBLIC INTEREST

105. In addition to the notification periods that occurred during the original assessment for this DA, the amended plans and additional information received in response to the Local Planning Panel's previous deferral of the application was re-notified to adjoining owners and previous submitters from 13 November to 27 November 2019.
106. All of the amended plans (3 options) and the professional reports submitted by the applicant on 18 October 2019 were made available during and subsequent to the notification period on the DA tracking system of Council's website (www.georgesriver.nsw.gov.au).
107. In response to the notification of the amended plans/additional information, a further eleven (11) unique submissions were received. Ten (10) of these submissions were by way of objection, with one (1) submission in support. Some of these submissions were sent to Council officers on multiple occasions.

108. The issues of concern are summarised and discussed as follows.
109. **Issue:** *The proposed development would have an impact on the lifestyle, ambience, amenity, landscape setting, etc, of neighbouring properties, as well as property values.*
110. **Comment:** Consideration of these broad matters are captured in the assessment of specific potential impacts outlined within the report. In relation to specific visual amenity issues, the following was noted within the previous report prepared for the Panel's consideration:
- “The significant setbacks in conjunction with the reduced RL of the building are considered to appropriately reduce the view impacts to the rear adjoining neighbours, noting the views will largely remain of the open green space and established vegetation. It should also be noted that while the adjoining residences have an outlook onto the golf course, they do not enjoy what Land and Environment Court Planning Principles would consider to be significant views (ie water views, foreshore areas, water/land interface, views of iconic structures etc.). As such, view-sharing principles (and any associated planning controls) would therefore not be applicable to this planning assessment.*
- It is not considered that there would be any significant impact to privacy of the rear adjoining dwellings, noting the single storey nature of the proposal, lack of habitable spaces from the eastern façade, and existing vegetation and boundary fences which would largely screen views to the residential properties”.*
111. The points remain applicable in relation to visual amenity impacts. Overall, it is considered that the proposal as amended would result in an improved outcome in terms of amenity for neighbouring properties, both compared to the original proposal for a new maintenance shed/amenities building – as well as the existing maintenance building in the same location. In particular, it is noted that the existing open/unsealed vehicle access will be replaced with sealed vehicle accessways and also an improved landscape buffer between the new building and adjoining residential properties.
112. In response to potential impacts on property value, such impacts are not a valid consideration for assessment under Section 4.15 of the Act. Finally, conditions are recommended to require tree retention and replacement.
113. **Issue:** *The size of the development is unnecessarily excessive for its purpose, noting that the proposal is significantly larger than the existing building it is to replace; and the potential intention to host events, noting the balcony, number of toilets, showers, and size of lunch room and offices, and proposed relocation of chemical storage.*
114. **Comment:** It is recognised that the proposed building is significantly larger than the existing building. Although this represents a significant increase, it is noted that the application will be setback approximately 16m from the rear of adjoining residential properties, and will be limited to a single storey height, with ground levels increasing, towards the adjoining dwellings, further minimising the apparent height of the building. It should also be noted that the closest points between the building and nearest affected dwellings are approximately 34.5m to 41.5m away.
115. The proposal provides separated male and female toilets and showers, as well as an accessible WC. There is one office space provided within the building. The provision of amenities and office space is not considered to be excessive. The proposal does not seek any “events” as part of the proposal, and there is no reason to consider that this is likely,

particularly given the alternative facilities already available to the golf club (ie in the Clubhouse on Jubilee Ave).

116. **Issue:** *The amendments to the application do not adequately address issues regarding potential site contamination, including:*
- *That the possibility of contamination is acknowledged within the submitted Preliminary Site Investigation (PSI).*
 - *That demolition may create soil contamination issues.*
 - *Lack of ground testing within Preliminary Site Investigation.*
 - *Lack of consideration of fertiliser and pesticide contamination.*
 - *Limited testing underneath mulch and storage tank.*
 - *Limited further investigation of traces of potential contaminants referred to within acid sulphate soils report.*
117. **Comment:** *The Managing Land Contamination Planning Guidelines, issued under Schedule 6 of the EPAA Act, stipulates that the purpose of a PSI is to “identify any past or present potentially contaminating activities, provide a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation”.*
118. The PSI aims to identify all potential contaminants that may be located at the site. The list of potential contaminants is intended to be exhaustive, with some potential contaminants listed based on a relatively limited evidence of their presence at the site.
119. The *Managing Land Contamination Planning Guidelines* also states that a Detailed Investigation is “only necessary when a preliminary investigation indicates that the land is contaminated or that it is, or was formally used for (a contaminating use)”.
120. A PSI does not typically require that empirical testing be undertaken at the site, whereas a Detailed Investigation would be expected to involve testing of soil samples for contamination.
121. Based on the review of the site history (including extensive registered groundwater bores) and a visual site inspection, the PSI concludes that the areas of contamination risk are primarily located in the vicinity of the above ground storage tank and stored waste oil drums, as well as underneath the existing building slab. The report recommends that a further inspection be undertaken upon removal of these items to determine any potential contamination impacts.
122. Conditions of consent are recommended to manage contamination risks during demolition and construction works. This includes conditions relating to asbestos removal, and the requirement for additional testing following the demolition of the building.
123. **Issue:** *The proposal has not properly addressed Deferral Reason No 10 particularly in relation to the location of the sand and soil bins (the Local Planning Panel resolution required these to be located to the western side of the building). A submission notes that the alternate layout options are not desired by the applicant or the residents and so should not be considered.*
124. **Comment:** *The applicant has submitted three design options for the amended maintenance/amenities building. The applicant’s preferred design option is for the sand/soil bins to remain on the eastern side of the new maintenance/amenities building, contrary to the resolution of the Local Planning Panel.*

125. As discussed previously, it is recommended that approval be granted to Option 2, which requires the sand and soil bins to be stored on the western side of the building, with replacement trees provided at a ratio of 2:1 to replace those removed under this option.
126. This is considered to be the most desirable of the three options presented by the applicant, because it results in the sand/soil bin storage areas being relocated furthest away from residential properties, with a wide landscaped buffer between the building and the boundary with residential properties, and – subject to conditions – an increase in trees on the site.
127. **Issue:** *Concerns with the use of chemicals and fuels within close proximity to residential properties, and associated health and safety impacts (e.g. chemical leakage, fire). It has been suggested that Council does not judge the fumes to be dangerous when located further than 70m from residential properties. Concerns also raised in relation to delivery trucks. Queries made in relation to Government body responsible for regulating contamination risks.*
128. **Comment:** Additional information submitted with the application indicates that only fuel (petrol and diesel) fuel will be stored in self bunded tanks within the purpose built fuel storage area, no other chemicals or hazardous materials are proposed to be stored in the Maintenance and Staff Amenities Building. All chemicals and hazardous materials are now being stored in a separate secure location in the centre of the golf course.
129. **Issue:** *Air quality impacts, particularly in relation to airborne sand and soil for demolition and ongoing use. References made to existing air quality impacts.*
130. **Comment:** These issues of concern appear to be mostly related to the location of the sand/soil storage bins. As discussed throughout this report, there have been three options presented to Council for amendments to the design of the maintenance/amenities building. The option preferred for approval (ie option 2) has the sand/soil storage bins located the furthest away from the adjoining residential properties. Also, appropriate conditions of consent are recommended to ensure that any potential impacts are minimised.
131. **Issue:** *Additional waste generation and associated impacts including odour and vermin. References made to existing waste impacts.*
132. **Comment:** A Waste Management Plan was provided with the original application, which details how the waste will be managed. Conditions requiring ongoing management of the waste area are anticipated to manage impacts associated with waste storage.
133. **Issue:** *Acoustic impacts of the development, including in relation to the use of mowers, the wash bay and vehicular and employee movements associated with a 3:30am start time.*
134. **Comment:** The submitted acoustic report indicates that the proposal will satisfy relevant noise criteria contained within the NSW Noise Policy for Industry. The report provides a thorough consideration of noise emanating from machinery and employees at the times proposed for the use of the building. This report was reviewed by Council's Environmental Health Officer and the conclusions are supported.
135. In addition, the orientation of the development has improved with noise sources oriented generally towards the west. Additional conditions are recommended to further improve this arrangement, through the reduction in the size of openings to the east and the relocation of the sand and soil bins to the western side of the building.

136. **Issue:** *Concerns in relation to the accuracy and independence of the Environmental Noise Impact Assessment report, including:*
- *Sensitive receivers labelled, despite no agreement from property owners.*
 - *Questions in relation to the accuracy of the sleep disturbance criteria.*
 - *Noise levels in 4.1.2 and 4.1.3 at nearest residents seems wrong with the Sound Power Levels SPLs of 80 at 12.5m away being 27dBA and 30dBA respectively.*
 - *Residents not invited to witness noise impact tests.*
 - *Absence of independent verification.*
 - *Noise logger placed only at one property along Burgess Street - which is not the closest property - with assumptions made for other properties.*
 - *Concerns regarding figures obtained from the “EPA’s Noise Policy for Industry”.*
 - *Reliance on predictions both generally, and in relation to potentially false assumptions.*
 - *Sand and soil bins not properly accounted for within noise predictions.*
 - *Potential for time limitations on use of balcony.*
137. **Comment:** *As mentioned previously in this report, an Environmental Noise Impact Assessment has been prepared by Day Design Pty Ltd and submitted with the amended plan/additional information submission. The Acoustic Report concludes that “measurements and calculations show that the level of noise emitted by the Amenities Building will meet the acceptable noise level requirements of Council and The NSW Environment Protection Authority’s Noise Policy for Industry, as detailed in Section 3.0 of this report and will therefore be acceptable”.*
138. The submitted acoustic report indicates that the proposal will satisfy relevant noise criteria contained within the NSW Noise Policy for Industry. The submitted Acoustic Report was reviewed by Council’s Environmental Health Officer and the conclusions are supported.
139. In regard to the specific issues of concern raised by the neighbours, it is noted that the procedures described within the submitted acoustic report represent standard practice, including the reference to the EPA’s Noise Policy for Industry, the nominated sleep disturbance criteria, and reliance on predictions to determine likely noise levels. Provided the acoustic report provides a thorough summary of the report methodology, neither the witnessing of noise testing, nor independent verification, are necessary for the acoustic engineer to establish their findings.
140. Further, it is noted that the covered entry area is not elevated and is not an unreasonable component for this development. The noise impact from this area is similar from surrounding outdoor spaces, and shall be subject to the same restrictions that are to be placed on other outdoor areas.
141. Conditions are recommended to relocate the sand and soil storage areas well away from residential properties.
142. **Issue:** *Reliance on an “Early Morning Starting Policy” to manage noise impacts*
143. **Comment:** *The existing and future operations of the maintenance shed requires that operations commence early in the morning. This is not an unusual requirement for golf courses. The Early Morning Starting Policy is intended to reduce existing and future impacts associated with the early commencement.*
144. **Issue:** *Lack of acid sulphate soil mitigation with the report noting that soils would be unlikely to be disturbed.*

145. Comment: The Preliminary ASSMP identified that the likelihood of encountering acid sulfate soils is low. In the unlikely event that the acid sulfate soils are uncovered, the report recommends that a qualified environmental consultant be engaged to provide further recommendations. Conditions have been recommended to reflect this recommendation.
146. **Issue:** *The (sandstone) rocks stored onsite are a danger to the community.*
147. Comment: The sandstone rocks stored on site are proposed to be subject to removal as part of the proposed works.

REFERRALS

Council Referrals

148. The amended plans and additional information has been referred to the following officers within Council.

Environmental Health Officer

149. The proposal aims to replace an old brick maintenance and staff building with a new complex providing larger maintenance and storage area for machinery, improved amenities for staff, a wash down bay and trade waste removal system for course equipment, storage unit for fertilisers, self bunded fuel tank, a course cart storage, and storm water retention tanks.
150. The Environmental Health Section (EHS) has assessed the proposed subject development in accordance with the *Protection of the Environment Operations Act*.
151. The assessment included a review of the “*Statement of Environmental Effects Addendum*” prepared by Andrew Robinson Planning Services Pty Ltd dated October 2019 as well as a review of the Environmental Noise Impact Assessment by Day Design Pty Ltd, report No. 6816-1.1R Rev B, dated 16 October 2019 was also undertaken.
152. Trace Environmental’s “Preliminary Acid Sulphate Soils Assessment”, dated 16 October 2019, was also reviewed along with their “Preliminary Site Investigation” also dated 16 October 2019.
153. In conclusion, the EHS is in favour of this development proceeding, provided it is subject to the following conditions.
154. Assessment Officer’s Comment: Appropriate conditions of consent are included in the draft conditions below.

Traffic Engineer

155. Further to concerns regarding potential manoeuvring issues relating to the various vehicles utilising the new maintenance/amenities building, Council’s Senior Traffic Engineer was requested to provide comment on the car parking plan. This car parking plan included details on vehicle swept paths suitable for assessment.
156. Council’s Senior Traffic Engineer has given consideration to the various options presented by the applicant, and has advised that the car parking (as proposed on the northern side of the site) complies with the applicable Australian Standard (AS2899.1) in all options presented.

Development Engineer

157. Council's Development Engineer raised no objection to the proposal, subject to the imposition of appropriate conditions. It was also suggested that the following advisory note be added to any development consent issued for this development:
158. *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.*

Consultant Arborist

159. Council's Consultant Arborist has reviewed the options presented with this DA, and provided the following comments:
160. *I have been to the Golf Course previously to view this proposal. I have the most current proposal with three (3) options available.*
161. *I tend to favour option 2 for several reasons:*
- *The landscape space allocated between the building itself and neighbours back fence provides good opportunity for future tree planting to protect neighbours sight lines and protection of existing trees along the side fence backing to the neighbours.*
 - *The waste bin storage area is not encroaching upon the existing trees lining the back fence of the neighbours.*
 - *Within option 2, it shows several trees to be removed to make way for the two (2) waste bins. The trees shown as removed; I believe are several populous Spp trees in poor - fair condition. It would be a good opportunity under Councils 2:1 Policy to get more trees planted in this western area for greenery, privacy from golfers and protection from golf balls?*
 - *In addition the eastern landscape space allows more opportunity for trees to be planted.*
162. A proper landscape plan needs to be provided by a Landscape Architect or AQF 5 Landscape Designer, once the lay out has been decided upon.
163. Assessment Officer's Comment: The comments from Council's Consultant Arborist are supported in relation to Option 2 of the amended plans.
164. Although an amended landscape plan was submitted with the amended plan/additional information submission, the amended landscape plan reflected Option 1. In this regard, an amended plan reflecting Option 2 (being the Option recommended for approval in this report) is recommended as a condition of consent.

External Referrals

165. There were no external referrals required for this application.

CONCLUSION

166. The proposal has been assessed using the Heads of Consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered acceptable for approval subject to conditions. The reasons for deferral by the Local Planning Panel at its meeting on 18 July 2019 have been resolved by the amended plans and additional information.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

167. 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 18 July 2019.
168. The proposal represents orderly and economic development of the land and is thus consistent with the objectives of the Environmental Planning & Assessment Act 1979.
169. The issues of concern raised in the neighbour's submissions do not warrant refusal of the development application, and can be ameliorated by conditions of consent.
170. 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

171. That pursuant to Section 4.16(1) of the Environmental Planning & Assessment Act 1979 (as amended), the Georges River Local Planning Panel approve Development Application 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

Description	Reference No.	Date	Revision	Prepared by
Cover Page, Drawing Schedule & Location Map	2485/DA01	15 October 2019	A	Dickson Designs
W.H.S Notes	2485/DA02	15 October 2019	A	Dickson Designs
Specifications & Construction Notes	2485/DA03	15 October 2019	A	Dickson Designs
Site Evaluation	2485/DA04	15 October 2019	A	Dickson Designs
Site Layout Plan (Bin Option 2)	2485/DA05	15 October 2019	A	Dickson Designs
Ground Floor Plan	2485/DA06	15 October 2019	A	Dickson Designs
Roof Plan & Notes	2485/DA07	15 October 2019	A	Dickson Designs
Elevations & Sections	2485/DA08	15 October 2019	A	Dickson Designs
Window & Door Schedules	2485/DA09	15 October 2019	A	Dickson Designs

Fuel Storage & Delivery Area	2485/DA10	15 October 2019	A	Dickson Designs
Wash Down Area Details	2485/DA11	15 October 2019	A	Dickson Designs
Soil & Waste Management Plan	2485/DA12	15 October 2019	A	Dickson Designs
Landscape Plan	2485/DA13	15 October 2019	A	Dickson Designs
3D Representation	2485/DA15	15 October 2019	A	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 & 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	-	October 2019	Beverley Park Golf Club
Preliminary Acid Sulfate Soils Assessment	99.57	16 October 2019	Trace Environmental
Preliminary Site Investigation	99.57	16 October 2019	Trace Environmental

The plan listed in this condition requires the soil and sand bins to be relocated to the west of the maintenance shed / workshop / staff amenities building. All plans listed in Condition 1 must be amended as part of approval of the Construction Certificate as required to achieve consistency with the plan listed in this condition. No approval is granted to sand and soil bins other than in the location shown on the plan listed above (ie to the west of the maintenance shed / workshop / staff amenities building).

2. **Required Design Changes** – In addition to the changes required by Condition 1, the following changes are required to be made and shown on the Construction Certificate plans:
 - (a) The two eastern roller doors are to be replaced with smaller doors with dimensions that match that of the door labelled on the eastern elevation as the ‘hinged egress door’.
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 (i.e. 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 Dicksons Designs, Dwg 2485/ DA13 A and dated 15/10/19, subject to the inclusion of the following design amendments to the satisfaction of Council's Landscape Architect or Tree Management Officer:
 - (a) The proposed eastern concrete driveway be a minimum 8.5m away from the boundary fence facing the neighbours. This is to ensure the driveway is no closer than the drip line of the outer canopy of the existing trees.
 - (b) An additional thirty (30) trees shall be planted. Four (4) of these trees are to be of a species, *Lophostemon confertus* at 75 litre pot/ bag size along the eastern fence line to fill the voids of where there are no trees, with one different tree being planted within the front of the proposed building, lawn area, north. The remainder is to be
 - (c) The one (1) tree is to be planted within the lawn area, species selection from *Georges River Tree Management Policy, Appendix 1 – Tree Planting*, and be able, be of minimum 75 litre pot/ bag size and be able to reach a height at maturity of nine (9) metres.
 - (d) The remaining twenty five (25) replacement trees are to be planted to the perimeter of the development and be of species that are referenced in the *Georges River Tree Management Policy, Appendix 1 – Tree Planting*.
 - (e) The proposed tree 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.
 - (f) All trees proposed upon the approved landscape plan 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.
 - (g) If the planted 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.
 - (h) *A certificate of compliance for the planting of all trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.*

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

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.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

10. **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.
11. **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.
12. **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).

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:

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

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

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) Fencing distance from trunk
<i>Lophostemon confertus</i> x 7	Along the eastern boundary fence line	5.0 metres radially out to drip line
Tree protection fencing shall be one continuous fencing zone out to the drip line of all trees		

Details of the trees to be retained must be included on the Construction Certificate plans.

- *The client shall engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current financial member of Arboriculture Australia – AA and or Institute of Australian Consulting Arboriculturists – IACA*
- *A certificate of compliance for tree protection measures shall be completed and forwarded to the PCA – Principal Certifying Authority, 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.*

General 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) The tree protection measures must be in undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current financial member of Arboriculture Australia – AA and or Institute of Australian Consulting Arboriculturists – IACA.
- (d) The Project Arborist must be present on-site during the stages of 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.
- (e) Unless otherwise specified in 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.
- (f) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly

and regularly to minimise the effects of construction works.

- (g) 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

- (h) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the 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.
- (j) Tree Protection Zone 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.
- (k) Details satisfying this condition shall be shown on the Construction Certificate plans.

A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy and Masterplan, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

25. **Tree Replacement** - Replacement trees are to be planted prior to the issue of either an Occupation Certificate or Subdivision Certificate (whichever is first) at a ratio of 2:1. All replacement trees must be replanted a minimum of 3m away from any driveway, building or structure.

Replacement Tree Species	Number of trees	Location	Pot Size
<i>Lophostemon confertus</i>	4	Along the eastern fence line to fill the voids where there are no trees.	75 litre pot/ bag size
Species selection from <i>Georges River Tree Management Policy, Appendix 1 - species for Landscaping, Indigenous trees, all wards</i>	1	Within the front of the proposed building	Minimum 75 litre pot/ bag size and be able to reach a height at maturity of 9m
<i>Georges River Tree Management Policy, Appendix 1 – Tree Planting</i>	25	To the perimeter of the development site	75 litre pot/ bag size.

A copy of the Kogarah City Council, Street Tree Management Strategy and Masterplan together with the *Georges River Tree Management Policy, Appendix 1 – Tree Planting*, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

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).

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 must be completed before the issue an Occupation Certificate in accordance with approved landscape plans and specifications, drawn by Dicksons Designs, Dwg 2485/ DA13 A and dated 15/10/19 and as amended by conditions of consent. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following –
- (a) The proposed eastern concrete driveway be a minimum 8.5 metres away from the boundary fence facing the neighbours. This is to ensure the driveway is no closer than the drip line of the outer canopy of the existing trees.

- (b) An additional five (5) trees shall be planted. Four trees of species, *Lophostemon confertus* at 75 litre pot/ bag size along the eastern fence line to fill the voids of where there are no trees, with one different tree being planted within the front of the proposed building, lawn area, north.
- (c) The one tree planted within the lawn area, species selection from *Georges River Tree Management Policy, Appendix 1 – Tree Planting, all wards* and be able, be of minimum 75 litre pot/ bag size and be able to reach a height at maturity of nine (9) metres.
- (d) The remaining twenty five (25) replacement trees are to be planted to the perimeter of the development and be of species that are referenced in the *Georges River Tree Management Policy, Appendix 1 – Tree Planting*.
- (e) The proposed tree 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.
- (f) All trees proposed upon the approved landscape plan 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.
- (g) If the planted 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.
- (h) *A certificate of compliance for the planting of all trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.*

61. **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

62. **Energy Efficient Lighting** – Energy efficient LED lighting must be used throughout the development.

63. **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.
64. **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).
65. **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

66. **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).

67. **Graffiti removal** - Any graffiti on the building is to be removed within forty-eight (48) hours.
68. **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.
69. **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.
70. **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.
71. **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.

72. **Storage of Waste Oil** - Waste oil shall be stored in a covered and banded 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.
73. **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.
74. **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).
75. **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).
76. **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.
77. **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.
78. **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.
79. **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.
80. **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.
81. **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

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

82. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.

Should Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA, must be submitted to the Principal Certifying Authority with the Construction Certificate Application.

Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

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

83. **Appointment of a PCA** - The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

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

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

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

84. **Notification Requirements of Principal Certifier** - No later than two 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 applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

85. **Notice of Commencement** - The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection of a building.

86. **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.

87. **Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the building work can issue the Occupation Certificate.

PRESCRIBED CONDITIONS

88. **Clause 97A - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
89. **Clause 98 – Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
90. **Clause 98A – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.
91. **Clause 98B – Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
92. **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.
93. **Clause 98E - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

END CONDITIONS

NOTES/ADVICES

94. **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.

95. **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.
96. **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.
97. **Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au
98. **Principal Certifier** - Should the Council be appointed as the Principal Certifier in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
99. **Land Contamination** - Note: A Certified Contaminated Land Consultant is a Certified Environmental Practitioner (Site Contamination) (CENVP(SC)) or certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM)

Information relating to certified contaminated land consultant or accredited site auditors can be found in EPA webpage: <https://www.epa.nsw.gov.au/your-environment/contaminated-land/>

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

Useful links relating to Noise:

- (a) Community Justice Centres - free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000 (www.legislation.nsw.gov.au).
- (d) Australian Acoustical Society - professional society of noise-related professionals (www.acoustics.asn.au/index.php).
- (e) Association of Australian Acoustical Consultants - professional society of noise related professionals (www.aaac.org.au).
- (f) Department of Gaming and Racing - (www.dgr.nsw.gov.au).

101. **Acoustical Engineer Contacts & Reference Material** - Further information including lists of Acoustic Engineers can be obtained from:

- (a) Australian Acoustical Society - professional society of noise-related professionals (www.acoustics.asn.au)
- (b) Association of Australian Acoustical Consultants - professional society of noise related professionals (www.aaac.org.au)
- (c) NSW Industrial Noise Policy - Office of Environment & Heritage (www.environment.nsw.gov.au)

163. **Sydney Water Section 73 Certificates** - The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

102. **Electricity Supply** - This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

103. **Disability Discrimination Act** - This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

104. **Council as PCA - Total Conformity with BCA - Accompanying Information** - Should the Council be appointed as the Principal Certifier, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- a) Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
- b) Fire-fighting services and equipment including hydrant systems and booster assembly location, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems, sound and warning systems.
- c) Emergency lighting and exit signs throughout, including communal open space areas, lobby/foyer and basement areas.
- d) Construction of all fire doors including warning and operational signage to required exit and exit door areas.

- e) Egress travel distances to exits and the discharge from fire isolated exits including the swing of exit doors.
- f) The spandrel protection of openings in external walls
- g) The protection of paths of travel from a fire isolated exit when passing within 6m of an opening within the external wall of the building.
- h) Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- i) The location and construction of an electricity substation, including the location and smoke separation of electrical distribution boards.
- j) Sound transmission and insulation details.
- k) Window schedule is to include the protection of openable windows.

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

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

105. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

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

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

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

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

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

107. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing

must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

108. Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993 - To apply for approval under Section 138 of the Roads Act 1993:

- (i) Complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au
- (ii) In the Application Form, quote the Development Consent No. (eg. DA2018/0580)
- (iii) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

An approval for a new vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

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

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

Note: A minimum of four weeks should be allowed for assessment.

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

ATTACHMENTS

Attachment 1	SITE LAYOUT PLAN - OPTION No 1 - 10-10-19 - 87a Jubilee Ave Beverley Park
Attachment 2	SITE LAYOUT PLAN - OPTION No 2 - 10-10-19 - 87a Jubilee Ave Beverley Park
Attachment 3	SITE LAYOUT PLAN - OPTION No 3 - 10-10-19 - 87a Jubilee Ave Beverley Park

Attachment ELEVATIONS & SECTIONS - 87a Jubilee Ave Beverley Park

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