

AGENDA

Georges River Local Planning Panel

Thursday, 25 July 2024

1:00 PM

Electronic Meeting

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GEORGES RIVER LOCAL PLANNING PANEL MEETING

ORDER OF BUSINESS

1. ON SITE INSPECTIONS – PREVIOUSLY CARRIED OUT BY PANEL MEMBERS

2. OPENING

3. ACKNOWLEDGEMENT OF COUNTRY

The Georges River Local Planning Panel acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. I pay my respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live, work and meet on these lands.

4. APOLOGIES / LEAVE OF ABSENCE

5. DISCLOSURES OF INTEREST

6. DELIBERATION OF REPORTS

LPP024-24 53A Vista Street Sans Souci
(Report by Manager Development and Building) 3

7. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 25 July 2024

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REPORTS AND LPP DELIBERATIONS**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 25 JULY 2024****LPP024-24 53A VISTA STREET SANS SOUCI**

LPP024-24

LPP Report No	LPP024-24	Development Application No	DA2023/0282
Site Address & Ward Locality	53A Vista Street Sans Souci Kogarah Bay Ward		
Proposed Development	Alterations and additions to existing jetty, mooring piles, ramp, pontoon and construction of a boatshed and mooring pen		
Owners	Mr P Gentile		
Applicant	Mr C Turner		
Planner/Architect	Harbour Planning Pty Ltd		
Date Of Lodgement	18/10/2023		
Submissions	The application was renotified following the LPP Meeting held on 4 April 2024. Two (2) submissions received from 1 property. (15 submissions received originally).		
Cost of Works	\$70,000.00		
Local Planning Panel Criteria	Contentious Development		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Resilience and Hazards) 2021; State Environmental Planning Policy (Transport and Infrastructure) 2021; Georges River Local Environmental Plan 2021.		
List all documents submitted with this report for the Panel's consideration	Amended architectural plans and original architectural plans.		
Report prepared by	Manager Development and Building		

RECOMMENDATION	That the application be approved subject to the conditions in this 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
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<p>Legislative clauses requiring consent authority satisfaction</p> <p>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?</p>	<p style="text-align: right;">Yes</p>
<p>Clause 4.6 Exceptions to development standards</p> <p>If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?</p>	<p style="text-align: center;">Not Applicable</p>
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<p style="text-align: center;">Not Applicable</p>
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p>	<p style="text-align: center;">No, conditions have been attached and can be reviewed prior to determination</p>

**EXECUTIVE SUMMARY
PROPOSAL**

1. This report has been prepared following the deferral of the subject application (DA2023/0282) by the Local Planning Panel (hereby referred to as ‘the Panel’) at its meeting on 4 April 2024. The development application, the subject of the deferral proposes, relates to the alterations and additions to existing jetty, mooring piles, ramp, pontoon and construction of a boatshed and mooring pen on land known as 53A Vista Street, San Souci.
2. The application was considered by the Panel on 4 April 2024. The Panel resolved to defer consideration of the application to allow the applicant to submit amended plans to redesign the proposed boatshed.
3. On 19 April 2024 the applicant submitted the following information:
 - Amended architectural plans for the proposed boatshed.
 - Amended view line assessment document.
4. Amended architectural plans were re-notified in accordance with Council’s Community Engagement Strategy from 19 April 2024 to 10 May 2024. Two (2) submissions were received within the notification period from 1 property. The following concerns were raised regarding following requests made by the LPP which the objector felt had not been addressed within the amended plans:

Concern	Comment
<p>The proposed boatshed was not relocated further east.</p>	<p>The applicant has chosen not to relocate the boatshed as requested by the panel, instead submitting justification as detailed later in this report.</p>

Internal floor layout of the types of boats etc not submitted.	Internal floor layout plan submitted.
Requirement of deletion of the timber bi-fold doors has been replaced with a roller door which undermined the intention of this design change. The additional door is unnecessary and should be deleted.	The LPP design change required the deletion of the proposed bi-fold doors. The bi-fold doors have been deleted.
Amended view loss assessment doesn't consider side views.	Refer to the amended view loss assessment below this table.
55A Vista Street has its boatshed located on the east side of the property with a height of 3.4m. As such, the height of the proposed boatshed at 53A Vista Street should also be restricted to a height of 3.4m. The Council assessing officer asked for the plans to be revised to include a 3.4m high boat shed in the report that was assessed at the 4 April 2024 LPP meeting. As such, it is considered that the roof plans have not been adequately amended.	Under the Georges River Development Control Plan the maximum height for a boatshed is 5m. The height of the proposed boatshed is 4m which is compliant. The reduction in height was recommended when the proposal included a skillion roof type. The Panel requested a design change for the roof type to be pitched in line with the traditional design of a boatshed. As such, the height is increased with the required design change from the skillion roof type to a pitched roof.

5. An assessment of the submitted information has been undertaken by Council staff and is discussed within this report. All requested information has been provided and outstanding matters addressed to the satisfaction of Council.
6. At its meeting of 4 April 2024, the Georges River Local Planning Panel considered the subject application and resolved the following:

Deferral

Pursuant to Section 2.20 (8) of the Environmental Planning and Assessment Act 1979 (EPAA), determination of Development Application No.DA2023/0282 for alterations and additions to existing jetty, mooring piles, ramp, pontoon and construction of a boatshed and mooring pen on Lot 132 DP 733298 on land known as 53A Vista Street, Sans Souci is deferred, and the applicant is invited to submit further information addressing the matters below. The Panel requests the information be submitted to Council within 60 days. The application is to be subject to future consideration by the Georges River Local Planning Panel at an electronic meeting:

1. *Amended architectural plans illustrating the following:*
 - *Amended site plan indicating a 1.5m side setback for the boatshed from the southern boundary.*
 - *Relocation of the boatshed further east on the site to ensure the following:*
 - *No impact on the sewer easement marked (A) on the plan.*
 - *Achieving the minimum landscape requirement of 25%.*

- *Internal floor layout indicating the type of boats and equipment, including jet skis, kayaks and canoes, etc to be stored in the proposed boatshed.*
 - *Deletion of the timber bi-fold doors along the northern elevation of the proposed boatshed.*
 - *Submission of amended external finishes indicating mid-to earthy tones to ensure a recessive visual aesthetic from the waterway.*
 - *Amended roof plans are to be submitted illustrating a pitched roof in line with a traditional boatshed that ensures visual aesthetic from the waterway.*
 - *An amended view line assessment is to be submitted ensuring the amended boatshed does not result in unreasonable view loss.*
 - *The view line assessment shall compare the impact of views from the present development application with those from the amended plans for the boatshed.*
2. *Any additional consents by relevant authorities and/or owners that might be required as a result of the proposed amendments should accompany any amended information submitted.*

Amended Plans and Reports

7. On 19 April 2024 the applicant submitted the following information:
- Amended architectural plans for the proposed boatshed;
 - Amended view line assessment document.
8. The table below provides an assessment of the requirement of the Panel as per the minutes of the meeting and the information submitted by the applicant.

LPP Meeting Minute	Applicant’s Submission	Request satisfied /not satisfied
<i>Amended site plan indicating a 1.5m side setback for the boatshed from the southern boundary.</i>	Amended architectural plans submitted illustrating a 1.5m side setback for the boatshed from the southern boundary.	This design change request has been satisfied.
<p><i>Relocation of the boatshed further east on the site to ensure the following:</i></p> <ul style="list-style-type: none"> ○ <i>No impact on the sewer easement marked (A) on the plan.</i> ○ <i>Achieving the minimum landscape requirement of 25%.</i> 	<p>Re-positioning of the boatshed to the east would create poor living standards with habitable areas directly facing and in close proximity to the structure. The current proposal is reasonable to all stakeholders.</p> <ul style="list-style-type: none"> ○ There is no impact on the sewer easement marked (A) nor on the adjacent concrete sewer. They are 3.2m and 2.4m away from the proposed boatshed respectively. ○ A 36.5% landscaping is achieved which is greater than the minimum 25%. 	This design change has not been satisfied. Justification provided.

LPP Meeting Minute	Applicant's Submission	Request satisfied /not satisfied
<i>Internal floor layout indicating the type of boats and equipment, including jet skis, kayaks and canoes, etc to be stored in the proposed boatshed.</i>	Internal layout is provided, as noted, storage of vessels/boating equipment is fluid and specific apparatuses stored will change from time to time.	This request has been satisfied.
<i>Deletion of the timber bi-fold doors along the northern elevation of the proposed boatshed.</i>	Bi-fold doors along the north has been deleted and replaced with a roller shutter as side access is still required.	This design change request has been satisfied.
<i>Submission of amended external finishes indicating mid-to earthy tones to ensure a recessive visual aesthetic from the waterway.</i>	Amended materials and finishes submitted with mid-to earthy tones achieved.	This design change request has been satisfied.
<i>Amended roof plans are to be submitted illustrating a pitched roof in line with a traditional boatshed that ensures visual aesthetic from the waterway.</i>	Pitched roof is reinstated, as requested, ensuring visual aesthetics when viewed from the waterway.	This design change request has been satisfied.
<i>An amended view line assessment is to be submitted ensuring the amended boatshed does not result in unreasonable view loss. The view line assessment shall compare the impact of views from the present development application with those from the amended plans for the boatshed.</i>	Amended view line assessment submitted.	This request has been satisfied.
<i>Any additional consents by relevant authorities and/or owners that might be required as a result of the proposed amendments should accompany any amended information submitted.</i>	No additional consent required as all proposed changes relate to the proposed boatshed which is on private property zoned R2 Low Density Residential under GRLEP 2021.	Not applicable as not significantly relocated.

CONCLUSION

9. The additional information submitted by the applicant in response to the reasons for deferral by the Georges River Local Planning Panel has been addressed in this report.
10. It is noted that Council's previous recommendation was for approval.
11. If the panel were of a mind to approve the application in accordance with its deferral notice, the Panel could seek to approve for the below reasons and conditions.

DETERMINATION AND STATEMENT OF REASONS

12. The application has been assessed having regard to the Matters for Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 and relevant statutory provisions.

Statement of Reasons

13. The reasons for this recommendation are:
- The proposed development complies with the requirements of the relevant environmental planning instruments.
 - The proposed development is considered to be an appropriate scale and form for the site and the character of the locality given the current planning controls applicable to the site and the proposal.
 - In consideration of the aforementioned reasons, the proposed development is a suitable and planned use of the site.

Determination

14. That Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, as amended, the Georges River Local Planning Panel grant consent to DA2023/0282 for alterations and additions to existing jetty, mooring piles, ramp, pontoon and construction of a boatshed and mooring pen on Lot 132 in DP733298 on land known as 53A Vista Street, San Souci subject to the conditions referenced below.

Development Details

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DWG 01	March 2024	03	Harbour Planning
LPP Notes	-	April 2024		Harbour Planning
Boat shed floor plan, roof plan and Section at 'A'	DWG 02	April 2024	03	Harbour Planning
Elevations	-	April 2024	-	Harbour Planning
Owners Consent Letter – NSW Government Sizes of the approved structures.	MN81H2209-003#02 LOC No. 638008	29/05/2023	-	NSW – Planning & Environment
Department of Primary Industries – Fisheries Stamped Plans and Consent	C22/538	4/10/2022	-	Department of Primary Industries – Fisheries

Maritime Approval	-	9/09/2022		Transport for NSW – Maritime
Maritime Habitat Report				Harbour Port

Separate Approvals Required Under Other Legislation

2. **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 (eg Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (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.

Prior to the Issue of a Construction Certificate

3. **Owner's Consent - Department of Planning Industry & Environment** - Prior to the issue of a Construction Certificate, the applicant should ensure that all the requirements of the Owners Consent (reference MN80H3863 #02 LOC No:637887) issued by the Department of Planning Industry and Environment – Crown Lands are satisfactory met.
4. **Materials** - The following requirement is to be addressed and incorporated into the plans to be lodged with the Construction Certificate application.
 - (a) Materials used for construction must not be deleterious to marine life (e.g., antifouling paints).
 - (b) The proposed structures are to be treated in brown or dark tones to reduce the visual impact of the structure.
5. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (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).

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	\$ 175.00

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.

6. **Damage Deposit - Minor 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: \$175.00

- c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise, the amount will be either forfeited or partly refunded according to the amount of damage.

7. **Site Management Plan – Minor Development** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
8. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- Compliance with the approved Erosion & Sediment Control Plan
 - Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - All clean water runoff is diverted around cleared or exposed areas
 - Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - Compliance with [Managing Urban Stormwater - Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

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

9. **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 shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Prior to the Commencement of Work (Including Demolition & Excavation)

10. **Access by barge** - Prior to the commencement of any works the PC must ensure that all works are accessed by barge via the waterway only.

- 11. Demolition & Asbestos** - The demolition work shall 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 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PC prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the [NSW Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015).

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

- 12. Demolition Notification Requirements** - The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to 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.

During Construction

- 13. Registered Surveyors Report - During Development Work** - A report must be submitted to the PC at each of the following applicable stages of construction:

- (a) Set out before commencing piling.

- (b) Completion of all Work - Detailing the location of the structure relative to adjacent boundaries, the seabed and mean high watermark and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (c) Work must not proceed beyond each stage until the PC is satisfied that the height and location of the development is proceeding in accordance with the approved plans.

14. Site sign - 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, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

15. Hours of construction for demolition and building work - Unless authorised by Council:

- (a) Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
- (b) Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.

16. 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 <http://www.legislation.nsw.gov.au/>](http://www.legislation.nsw.gov.au/) and/or under Section 68 of the [Local Government Act 1993 <http://www.legislation.nsw.gov.au/>](http://www.legislation.nsw.gov.au/). Penalty infringement Notices may be issued for any offences and severe penalties apply.

17. Waste Management Facility - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

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

18. Biodiversity Considerations – during construction, the PC should ensure that the following requirements are met:

- i. No building materials are to be stored below the mean-high water mark to ensure no debris or pollution enters Kogarah Bay (Georges River waterway).
- ii. Sliprails must finish outside of the seagrass bed
- iii. The following safeguards measures must be implemented during construction:
 - Silt curtains should be put in place to minimise siltation on nearby habitats during works with potential to mobilise sediments
 - No materials should be stored or placed on the seabed
 - All construction works should be done without excavation and by driving any required footings to minimise potential disturbance to the seabed and seagrass

- 19. Acid Sulfate – unexpected find** - Any new information identified during excavation or construction which has the potential to alter previous conclusions about the presence of Potential Acid Sulfate Soils (PASS) or Acid Sulfate Soils (AASS) across the site, must be notified to the Principal Certifying Authority and Council, if Council is not the principal certifying authority) immediately.

All works must cease and a suitably and experienced qualified Environmental Consultant, certified under the consultant certification schemes recognised by the NSW EPA, is engaged to assess, and provide documentation to the management of the PASS or AASS in accordance with any relevant NSW EPA adopted guidelines.

Works on site must not recommence until such time as Council has reviewed the documentation and has accepted the contamination management in writing to the applicant.

Prior to the issue of the Occupation Certificate

- 20. Final Surveyor Report** - Prior to the issue of an Occupation Certificate, a final check survey conducted by a registered practising professional must be prepared ensuring that the works have been completed in accordance with the measurements provided on the Council stamped plans.

Operational Conditions (On-Going)

- 21. 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, wastewater, waste products, grit, oil or other harmful products.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

- 22. Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
- 23. Appointment of a PC** - The erection of a building must not commence until the applicant has:
- (a) appointed a PC for the building work; and
 - (b) if relevant, advised the PC 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:

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

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

24. Notification Requirements of PC - No later than two days before the building work commences, the PC 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.

25. Notice of Commencement - The applicant must give at least two days' notice to the Council and the PC of their intention to commence the erection of a building.

A Notice of Commencement Form is attached for your convenience.

26. Critical Stage Inspections - The last critical stage inspection must be undertaken by the PC. 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 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#).

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

Where Georges River Council has been appointed as the PC, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

28. 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 PC appointed for the building work can issue the Occupation Certificate.

An Occupation Certificate Application Form is attached for your convenience.

Prescribed Conditions

29. Clause 19 - 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.

30. Clause 75 - 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 PC and the Principal Contractor.

31. **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.

END CONDITIONS

NOTES / ADVICES

1. **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.

2. **Council as PC - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PC in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire 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.
3. **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).

4. **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.

5. **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.
6. **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.

LPP024-24

ATTACHMENTS

Nil

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