

AGENDA

Georges River Local Planning Panel

Tuesday, 30 July 2024

2:00 PM

Electronic Teams Meeting

THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

**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**

LPP025-24	58A Algernon Street Oatley – DA2023/0117	
	(Report by Consultant Planner)	3

- 7. CONFIRMATION OF MINUTES**

Georges River Local Planning Panel Meeting - 30 July 2024

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REPORTS AND LPP DELIBERATIONS

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF TUESDAY, 30 JULY 2024

LPP025-24 58A ALGERNON STREET OATLEY

LPP025-24

LPP Report No	LPP025-24	Development Application No	DA2023/0117
Site Address & Ward Locality	58A Algernon Street Oatley SELECT A WARD		
Proposed Development	Demolition of existing structures and construction of a part two, part three storey dwelling house with an inground swimming pool and associated landscaping		
Owners	Yiannis Socratous		
Applicant	Yiannis Socratous		
Planner/Architect	Innovate		
Date Of Lodgement	20/04/2023		
Submissions	One (1)		
Cost of Works	\$2,087,569.00		
Local Planning Panel Criteria	Development Standard Variation Greater than 10% (Height of Building)		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021		
List all documents submitted with this report for the Panel's consideration	Demolition of Existing Structures and Construction of a Part Two, Part Three Storey Dwelling House with an Inground Swimming Pool and Associated Landscaping		
Report prepared by	Consultant Planner		

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>	Yes
<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>	Yes – Height of Building
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	Not Applicable
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p>	Yes

EXECUTIVE SUMMARY

1. This report has been prepared following the deferral of the subject application (DA2023/0117) by the Local Planning Panel (the Panel) at its meeting on 21 March 2024. The Development Application, the subject of the deferral proposes, relates to Demolition of existing structures and construction of a part two, part three storey dwelling house with an inground swimming pool and associated landscaping on land known as 58A Algernon St Oatley.
2. The application was considered by the Panel on 21 March 2024. The Panel resolved to defer consideration of the application to allow the applicant to submit amended plans to address the following matters:
 - a) A detailed landscape plan must be prepared by a suitably qualified Landscape Consultant in accordance with Part 4.3 of the Georges River Council Development Application Guide. The plan must include but not be limited to:
 - mature height and spread of selected species,
 - soil depths,
 - proposed finished levels,
 - soft and hard landscape details,
 - materials / finishes of retaining walls, balustrades, and fencing,
 - soil depths,
 - irrigation mechanisms, and
 - sections through landscaped areas demonstrating soil depth and cut and fill.
 - b) Modification of the plans to enable the full retention of the floating rock formation and rock cap adjacent to the southern boundary (this will require;
 - the removal of the proposed turf area, and associated edging and balustrade to the south of the pool;
 - reduction of the pool area projection to the south.

- c) The proposed pool fencing shall be of a palisade design of a dark recessive colour.
 - d) Details of the treatment of the southern, eastern and western external walls of the pool area including colours, finishes and materials shall be provided. Landscaping shall be provided along the aforementioned walls to visually obscure the extent of such walls. Consideration to the ability for deep soil planting.
3. On 15 May 2024 the applicant submitted the following information:
 - Amended architectural plans.
 - Amended landscaping plans,
 - Amended External finishes plan,
 - Updated geotechnical report.
 4. The amended documentation is not considered to require renotification.
 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. 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	Planner's Comment
<p>A detailed landscape plan must be prepared by a suitably qualified Landscape Consultant in accordance with Part 4.3 of the Georges River Council Development Application Guide. The plan must include but not be limited to:</p> <ul style="list-style-type: none"> • mature height and spread of selected species, • soil depths, • proposed finished levels, • soft and hard landscape details, • materials / finishes of retaining walls, balustrades and fencing, • soil depths, • irrigation mechanisms, and • sections through landscaped areas demonstrating soil depth and cut and fill. 	<p>A detailed landscape plan has been submitted. Council's Landscape Officer has reviewed the plan and raises no concerns subject to conditions.</p> <p>The amended landscaping design incorporates a planter box system with soil depths of approximately 1 metre which enables a variety of native species to be planted.</p> <p>Council's Landscape Officer has reviewed the landscape plan and raises no concerns subject to additional conditions.</p>
<p>Modification of the plans to enable the full retention of the floating rock formation and rock cap adjacent to the southern boundary (this will require;</p> <ul style="list-style-type: none"> • the removal of the proposed turf area, and associated edging and balustrade to the south of the pool; • reduction of the pool area projection to the south. 	<p>The applicant has submitted a geotechnical report prepared by Australian GeoEnviro which details that the proposed construction activities will likely destabilise the detached rock outcrop from its current position and presents a high risk of damage to structures and life. The report recommends that the subject rock outcrop be broken down and removed from the site.</p>

LPP Meeting Minute	Planner's Comment
<p>The proposed pool fencing shall be of a palisade design of a dark recessive colour.</p>	<p>The proposed pool fencing is to be of glass treatment with vertical support every few metres with no top and side railing.</p> <p>The applicant outlined that the reason for the glass fencing preference in lieu of the palisade design is to reduce the risk of a child throwing a ball through the fence and chasing it, glass acting as a wind break from the southerlies to reduce water being blown out of the pool, and a visual preference.</p>
<p>Details of the treatment of the southern, eastern and western external walls of the pool area including colours, finishes and materials shall be provided. Landscaping shall be provided along the aforementioned walls to visually obscure the extent of such walls. Consideration to the ability for deep soil planting.</p>	<p>The external walls of the pool area are proposed to be of a recessive colour. Landscaping has been incorporated along the aforementioned walls.</p>

Conclusion

7. 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.
8. It is noted that Council's previous recommendation was for approval.
9. 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

10. 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

11. 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

12. 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 DA2023/0117 for Demolition of existing structures and construction of a part two, part three storey dwelling house with an inground swimming pool and associated landscaping on land known as 58A Algernon Street Oatley 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	01	Jan 2024	B	Innovate
Floor Plan	02	Jan 2024	B	Innovate
Elevations	03	Jan 2024	B	Innovate
Sections	04	Jan 2024	B	Innovate
Shadow Diagrams	05	Jan 2024	B	Innovate
Calculations	06	Jan 2024	B	Innovate
Excavation Plan	07	Jan 2024	B	Innovate
Driveway Section	08	Jan 2024	B	Innovate
Height Plan Diagrams	09	Jan 2024	B	Innovate
External Finishes	-	Dec 2022	-	Innoate
Landscape Plan	L-01C to L-09C (inclusive)	06/02/2024	C	Site Design + Studios
South Elevation	DA 12	4/4/2022	B	Noho Architecture
Driveway and Garage Proposal	DA 18	14/3/2022	A	Noho Architecture
Stormwater Plan	SW01	23/02/2023	B	Hyten Engineering
Geotechnical report	AG-626_1	16/03/2023	-	Australian GeoEnviro
Waste Management Plan	-	-	-	Innovate

Requirements Of Concurrence, Integrated & Other Government Authorities

2. **Sydney Water - Tap in™** - The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au 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.

3. Ausgrid Underground Cables are in the vicinity of the development - Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD). In addition to DBYD the proponent should refer to the following documents to support safety in design and construction: SafeWork Australia - Excavation Code of Practice. Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. The following points should also be taken into consideration. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
4. Ausgrid Overhead Powerlines are in the vicinity of the development – The developer should refer to SafeWork NSW Document - Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site. The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au <<http://www.ausgrid.com.au>>. It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Separate Approvals Required Under Other Legislation

5. **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.

6. **Driveway Crossing - Minor Development** - Constructing a driveway crossing and/or footpath requires a separate approval under Section 138 of the Roads Act 1993 prior to the commencement of those works.

To apply for approval, complete the "Application for Driveway Crossing and Associated Works on Council Road Reserve" issued under Section 138 Roads Act." which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Driveway Crossing applications.

An approval for a new or modified driveway 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 in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

The design boundary level is to be received from Council prior to construction of the internal driveway

7. **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.

Prior to the Issue of a Construction Certificate

8. **Pre-Construction Dilapidation Report – Private Land** - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises, retaining walls or other structures including but not limited to:

- (a) 58 Algernon Street, Oatley; and
- (b) 56A Algernon Street, Oatley; and
- (c) 60A Algernon Street, Oatley; and
- (d) Any neighbouring buildings likely to 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.

9. **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	\$160.00
DEVELOPMENT CONTRIBUTIONS	
Georges River Council Local Infrastructure Contributions Plan 2021 (S7.11 and S7.12)	\$20,875.69

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 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 Contribution Plan.

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Local Infrastructure Contributions Plan 2021 (S7.11 and S7.12).

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 *current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Civic Centre, MacMahon Street, Hurstville) or viewed on Council's website www.georgesriver.nsw.gov.au.

- 10. 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.

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

- 11. BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate Nos. 1343883S_02 must be implemented on the plans lodged with the application for the Construction Certificate.

- 12. 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

- (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 must remain until works are completed and all exposed surfaces are landscaped/sealed.

- 13. Stormwater System** – The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- (a) All stormwater shall drain by gravity to the existing drainage system in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- (b) All stormwater shall drain by gravity to Council's kerb and gutter directly in front of the development site in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

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

A copy shall be forwarded to Council where Council is not the PCA.

- 15. Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

- 16. 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.

- 17. Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
- c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

- 18. Landscape Plans**

The landscape plans are to be updated to be consistent with the approved architectural plans. They shall be updated prior to the issue of a construction certificate.

19. Front Fence

The front fence shall be limited to a maximum of 900mm for solid masonry construction and 1.2m for open or partially transparent styles such as picket or palisade. Details shall be submitted to the satisfaction of the certifier.

20. Street Tree Planting

- a) Two street trees of species to be determined by Council must be provided in the road reserve fronting the site.
- b) Council must be appointed to remove and plant all tree/s on public land. All costs associated with the removal of the tree and the planting of a replacement tree shall be met by the applicant. Fees and charges for street tree planting are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment. This fee must be paid to Council prior to obtaining a Construction Certificate, with the receipt viewed by the PCA.
- c) The fees must be paid in accordance with the conditions of this consent. The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

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

21. **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 PCA 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.

22. **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.

23. Demolition work involving asbestos removal - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

24. 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.

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

- a) Set out before commencing excavation.
- b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

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

26. 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.

During Construction

27. **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.
28. **Hours of construction for demolition and building work** - Unless authorised by Council:
 - a) Building construction and delivery of material hours are restricted to: 7:00am to 5:00pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
 - b) Demolition and excavation works are restricted to: 8:00am to 5:00pm (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.
29. **Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council. All site works and retaining walls are to be constructed wholly on the subject site, including footings.
30. **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.
31. **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.
32. **Damage within Road Reserve and Council Assets** - The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
33. **Public Utility and Telecommunication Assets** - The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.
34. **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 PCA and Council, where Council is not the Principal Certifying Authority.

35. Tree Removal prohibited on adjoining properties

No tree on Council's public footway, public reserves or on neighbouring properties and protected under the Georges River Tree Management Policy 2019 may be removed, pruned or otherwise damaged without Council consent.

36. Tree Removal and Replacement Planting on site

Permission is granted for the removal of exempt trees (*GRC Tree Management Policy 2019*) on the site:

All tree removal shall be carried out by a minimum AQF Level 3 Arborist with appropriate insurance. Tree removal is to be undertaken safely and in compliance with *AS 4373-2007 - Pruning of Amenity Trees* and *Tree Works Industry Code of Practice (Work Cover NSW 1.8.98)*.

- a) Four 45 litre replacement trees, which will attain a minimum mature height of six (6) metres and minimum canopy spread of five (5) metres at maturity, must be planted within the property (in addition to planting shown on the landscape plan).
- b) Two must be located within the front setback and two must be located within the rear yard.
- c) The tree must be grown to AS2303 – 2018, *Tree stock for landscape use*. The species must be selected from Georges River Tree Management Policy 2019, Appendix 1.
- d) The new tree must be planted in natural ground and appropriately located away from existing buildings and structures to grow without restriction.
- e) The trees must be planted within the property prior at the completion of all construction works.

37. Tree Protection

- a) All trees within and adjoining the site must be protected in accordance with Australian Standards AS4970-2009 Protection of Trees on Development Sites.
- b) The storage or mixing of materials, washing equipment, disposal of liquids or building materials, site sheds etc. must not occur within 5 meters of the trunk of any tree (inc. neighbouring trees).
- c) Excavation must not occur within the Tree Protection Zone (TPZ).
- d) Without prejudice to cause (c) above, any excavation works within the TPZ of any tree must be referred to the Site Arborist with regards to tree protection, prior to the commencement of the works.
- e) All excavation works within the TPZ of any tree must be undertaken using non-destructive methods (by hand/ Airspade/ hydro-vac etc.) to ensure no tree root greater than 30mm diameter or section of root mass are damaged, pruned or removed.

- f) Footings/piers/posts must be relocated / realigned if any tree root greater than 30mm diameter is present. A minimum of 150mm clearance must be provided between the footing/piers/posts and tree root.
- g) Alternative installation methods for services such as redirection of services or directional boring must be employed where roots greater than 30mm diameter or a section of root mass (palm tree roots) are encountered during the installation of any services within the TPZ of any tree.
- h) The consent of Council's Landscape & Arboriculture Assessment Officer must be obtained prior to undertaking of any tree pruning works or pruning of any tree roots greater than 30mm diameter.
- i) Works within the TPZ of the neighbouring *Ligustrum lucidum* (large leaf privet) located on the eastern boundary must be supervised by an AQF5 consulting Arborist.
- j) Where the design will result in a tree becoming unviable or unstable the design must be amended to facilitate retention of the tree.
- k) Any damage to existing trees as a result of construction activities must be immediately reported to Council's Landscape & Arboriculture Assessment Officer. Any damage to existing trees as a result of construction activities may result in a prosecution under the Local Government Act 1993 and/or the Environmental Planning Assessment Act 1979.

38. Tree Pruning

The consent from Council must be obtained prior to the undertaking of any tree pruning, including tree roots greater than 40mm in diameter. Only minor pruning will be permitted by Council.

39. Landscape Works

All landscape works shall be carried out in accordance with the approved landscape plans, specifications and conditions, subject to the following -

- a) The applicant must engage a licensed and reputable nursery grower early within the build phase and order all trees and plant material early to ensure that all tree and plant material, pot/bag sizes and quantities are guaranteed at the time of the landscape and planting phase.
- b) 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)*.

Prior to the Issue of the Occupation Certificate

- 40. Restriction to User and Positive Covenant for On-Site Detention Facility – A**
Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows;

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system."

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council."

Positive Covenants

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
 - a) *keep the system clean and free from silt, rubbish and debris*
 - b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
 - c) *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
 - d) *comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*

2. *Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*
 - a) *in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*
 - b) *the Council may recover from the registered proprietor in a Court of competent jurisdiction:*
 - i. *any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*

- ii. *legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.*

- 41. Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:
- a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
 - b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
 - c) Construct any new vehicle crossings required.
 - d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
 - e) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
- 42. Stormwater drainage works – Works As Executed** - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:
- a. Compliance with conditions of development consent relating to stormwater.
- 43. BASIX Compliance Certificate** - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.
- 44. Completion of Landscape Works** - All landscape works, the planting of all tree and plant material in accordance with approved landscape plans and specifications and conditions of consent, must be completed prior to the issue of a final occupation certificate for the site.
- A certificate of compliance for the planting of all trees and shrubs proposed for the site must be prepared by a qualified Horticulturist, Landscape Designer or AQF Level 5 Arborist and forwarded to the PCA for approval prior to the issue of an occupation certificate. This documentation must also be submitted to Council.
- 45. Vehicular crossing - Minor development** - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

NOTE: No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be completed before the issue of an Occupation Certificate.

- 46. Post Construction Dilapidation report – Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the adjoining premises assessed pre-construction.

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

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

Operational Conditions (Ongoing)

- 47. Maintenance of Landscaping** – All newly planted trees and plants must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying trees and plants and other operations required to maintain healthy trees, plants and turfed areas.

Trees must be maintained until they reach a height where they are protected by Councils Tree Management Controls. If any trees are found to be faulty, damaged, dying or dead before they are protected by Councils Tree Management Controls then they must be replaced with the same species and pot/bag size.

- 48. Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.
- 49. 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.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

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

51. 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:

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

52. Notification Requirements of PCA - No later than two days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

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

54. Critical Stage Inspections - The last critical stage inspection must be undertaken by the PCA. 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](#).

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

Where Georges River Council has been appointed as the PCA, 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.

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 or part.

Only the PCA appointed for the building work can issue the Occupation Certificate.

Prescribed Conditions

57. Clause 97A - BASIX Commitments - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

58. 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.

59. **Clause 98A - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.
60. **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](#).
61. **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 or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition 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 or demolition 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

1. 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.

2. 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.
3. 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.

4. 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.

5. 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.

6. 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 and/or Section 68 Local Government Act 1993:

- (a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No and reference the condition number.
- (c) 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 stormwater applications.

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 stormwater 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.

7. Council as PCA - Deemed to Satisfy Provisions of Building Code of Australia - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the Building Code of Australia. However, if an alternative fire solution is proposed it must comply with the performance requirements of the Building Code of Australia, 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.
8. 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).

ATTACHMENTS

Nil