

**ELECTRONIC REPORT TO THE GEORGES RIVER LOCAL PLANNING PANEL
TO BE HELD ON 21 FEBRUARY 2022 FOLLOWING DEFERRAL FROM
MEETING OF PANEL ON 4 NOVEMBER 2021**

LPP Report		Development Application No.	DA2021/0211
Site Address and Ward	2-6 Lacey Street, Kogarah Bay Kogarah Ward		
Proposed Development	Demolition works and construction of a residential flat building		
Owners	Mr G W Evans		
Applicant	Smith and Tzannes		
Planner/Architect	Smith and Tzannes		
Date of Lodgement	8 June 2021		
Submissions	The application was not renotified following the meeting of 4 November 2021.		
Cost of Works	\$7,790,000.00		
Local Planning Panel Criteria	The application relates to development to which the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.		
List of all relevant s4.15 matters	<p>State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017,</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment, State Environmental Planning Policy No.55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Draft Environmental State Environmental Planning Policy, Draft State Environmental Planning Policy – Remediation of Land,</p> <p>Draft Design and Places SEPP, Kogarah Local Environmental Plan 2012, Kogarah Development Control Plan 2013, and Draft Georges River Local Environmental Plan 2020.</p>		
List all documents submitted with this report for the Panel's consideration	<p>LPP Report from 4 November 2021 LPP Minutes from 4 November 2021 Covering Letter from applicant Updated Architectural Plans Amended Waste Management Plan Structural Engineering Report</p>		
Report prepared by	Senior Development Assessment Planner		

Recommendation	That the application be approved subject to the conditions in this report.	
Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?		Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?		Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?		Not applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?		Not applicable
Conditions Have draft conditions been provided to the applicant for comment?		The report is available on Council's website

EXECUTIVE SUMMARY

This report has been prepared following the deferral of the subject application (DA2021/0211) by the Local Planning Panel (the Panel) at its meeting on 4 November 2021. The Development Application the subject of the deferral proposes demolition works and construction of a residential flat building on land known as 2-6 Lacey Street, Kogarah Bay.

The application was considered by the Panel on 4 November 2021. The Panel resolved to defer consideration of the application to allow the applicant to submit amended plans demonstrating a compliant height of 21m, 3.1m slab separation, basement modification for deep soil and separation from site boundaries, privacy treatments to the north-western elevation, a recycling cupboard on the ground floor, revised Waste Management Plan and a structural engineering report.

On 30th November 2021 the applicant submitted the following information:

- Amended architectural plans;
- Structural Engineering Report; and
- An amended Waste Management Plan.

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. The application is recommended for approval subject to the conditions at the end of this report.

REPORT IN FULL

A. BACKGROUND

At its meeting of 4 November 2021, the Georges River Local Planning Panel considered the subject application and resolved the following:

Deferral

The Panel determined to defer Development Application No. DA2021/0211 for the demolition works and construction of a residential flat building at 2-6 Lacey Street, Kogarah, and invites the applicant to submit revised drawings/documentation that incorporate the following:

- a) Removal of the top floor and compliance with the development height standard as the Panel does not consider that the requirements of Clause 4.6 of the Kogarah Local Environmental Plan 2012 have been satisfactorily demonstrated.*
- b) A minimum 3.1m slab to slab separation in accordance with the ADG.*
- c) Modification of the carparking in the north-west corner of the site to enable the creation of areas that allow substantial tree planting to provide a visual separation between the development and the heritage listed dwelling (Sunnyside) at 186-188 Princes Highway.*
- d) Privacy treatment of balcony and living room openings on the north-western elevation facing the 186-188 Princes Highway (Sunnyside) and 190 Princes Highway which are likely to remain lower density residential developments.*
- e) The provision of a communal recycling cupboard on the ground floor.*
- f) Revised Waste Management Plan to illustrate the removal of waste and recyclables to the point of disposal.*
- g) Structural and Geotechnical Engineering assessment reports accompanied by working drawings and specifications, must be submitted demonstrating the measures that will be implemented, together with the methodology for undertaking excavation works both within the vicinity and adjacent to the heritage item at Nos. 186-188 Princes Highway Kogarah Bay.*

Amended plans addressing the Panel's concerns above, must be submitted to the Council by 31 January 2022 (or as otherwise determined by Council) otherwise the application will be determined on the information currently provided. Following

receipt of this information, the Panel (as constituted on 4 November 2021) will determine the application electronically, unless the Chair determines that a further public meeting is required.

B. AMENDED PLANS AND REPORTS

On 30th November 2021 the applicant submitted the following information:

- Amended architectural plans;
- Structural Engineering Report; and
- An amended Waste Management Plan.

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
<p>a) <i>Removal of the top floor and compliance with the development height standard as the Panel does not consider that the requirements of Clause 4.6 of the Kogarah Local Environmental Plan 2012 have been satisfactorily demonstrated.</i></p>	<p>Amended architectural plans have been submitted. The units on Level 6 have been deleted (the communal open space of Level 6 remains) to comply with the maximum height limit of 21m.</p> <p>The unit mix has changed from:</p> <p>5 x 1B 14 x 2B 6 x 3B (25 total)</p> <p>To:</p> <p>5 x 1B 13 x 2B 2 x 3B (20 total)</p>
<p>Comments: The amended plans demonstrate compliance with the maximum 21m height limit. The communal open space on Level 6 has been retained to comply with the ADG numerical requirements for communal open space and is accessed by a secondary lift from Level 5.</p>	
<p>b) <i>A minimum 3.1m slab to slab separation in accordance with the ADG.</i></p>	<p>The plans have been amended to demonstrate 3.1m slab to slab heights.</p>
<p>Comments: Resolved.</p>	
<p>c) <i>Modification of the carparking in the north-west corner of the site to enable the creation of areas that allow substantial tree planting to provide a visual</i></p>	<p>Basement level C1-A has been amended in section to provide a soil depth of 1.3m in the north-west corner to accommodate tree planting.</p>

LPP Meeting Minute	Applicant's Submission
<p><i>separation between the development and the heritage listed dwelling (Sunnyside) at 186-188 Princes Highway.</i></p>	
<p>Comments:</p> <p>An assessment of the parking requirements for the development, given the number of units has decreased from 25 to 20 in the amended scheme, reveals an excess of 10 parking spaces are provided. It should be noted that the development still complies with FSR when the excess spaces are included in the calculation of GFA.</p> <p>To address the Panel's concern more completely than the applicant has by the increase in soil depth in the northern corner of the site, a design change condition is recommended at Condition 14, to provide a substantial deep soil area to accommodate additional screen planting, stating:</p> <p>14. Required design changes – The following changes are required to be made and shown on the Construction Certificate plans:</p> <ul style="list-style-type: none"> • <i>The basement levels are to be reduced in size in the northern corner to achieve a deep soil area measuring 3m by 6m; and</i> • <i>The approved Landscape Plan is to be amended to provide additional planting in the deep soil area. Two (2) additional <i>Elaeocarpus Reticulatus</i> (Blueberry Ash) are to be planted along the NW boundary and two (2) additional <i>Elaeocarpus eumundii</i> (QLD Qondong) along the NE boundary (each towards the northern corner of the site) for additional screening.</i> <p>The current Landscape Plan nominates the Blueberry Ash and QLD Qondong trees as reaching between 6m and 10m at maturity and 3m to 4m wide. The additional four trees will close the landscaping gap in the corner of the site to better screen and separate the development from Sunnyside.</p>	
<p><i>d) Privacy treatment of balcony and living room openings on the north-western elevation facing the 186-188 Princes Highway (Sunnyside) and 190 Princes Highway which are likely to remain lower density residential developments.</i></p>	<p>The amended architectural plans include sliding privacy screens to all living room windows and balconies on the north-western elevation.</p>
<p>Comments: The sliding privacy screens are supported as they will reduce the opportunity for overlooking from the north-west facing units without compromising the amenity of those units in terms of outlook, solar access and ventilation.</p>	
<p><i>e) The provision of a communal recycling cupboard on the ground floor.</i></p>	<p>A recycling cupboard has been shown on the ground floor plan adjacent to the services cupboard in the common hallway.</p>
<p>Comments: Resolved.</p>	

LPP Meeting Minute	Applicant's Submission
<p>f) <i>Revised Waste Management Plan to illustrate the removal of waste and recyclables to the point of disposal.</i></p>	<p>An amended Waste Management Plan has been submitted.</p>
<p>Comments: The amended WMP states:</p> <p><i>On-going Waste Management</i></p> <p><i>The proposed development consists of 25 Units. Access to the proposed building will be provided via paved walkway on Lacey Street and via paved walkway and driveway on Wyuna Street. The Mobile Garbage Bins (MGB's) for collection will be kept in the main waste storage area on the basement level 1. (Ref: Appendix B).</i></p> <p><i>General wastes will be transported from each unit by residents to the waste chute located on levels 0-7 which leads to a linear track system in the waste room on C1 basement level. Commingled recycling & garden organics will be taken from units by residents directly to this waste room which is conveniently located near the exit and loading bay on the first basement level. Bulky wastes will be taken from units by residents to the bulky waste cage next to the loading zone. General waste from building maintenance will similarly be disposed of in the waste room and bulky waste areas by building/strata management.</i></p> <p>Waste management has been adequately addressed and updated conditions of consent have been included at the end of this report (refer to condition numbers 29, 30, 84, 85 and 86).</p>	
<p>g) <i>Structural and Geotechnical Engineering assessment reports accompanied by working drawings and specifications, must be submitted demonstrating the measures that will be implemented, together with the methodology for undertaking excavation works both within the vicinity and adjacent to the heritage item at Nos. 186-188 Princes Highway Kogarah Bay.</i></p>	<p>A Geotechnical Report prepared by Morrow was submitted with the DA.</p> <p>A Structural Engineering Report prepared by H&H Consulting Engineer has been submitted and references the Geotechnical Report above.</p>
<p>Comments: The Structural Report concludes:</p> <p><i>H&H have undertaken a structural review of the proposed six-storey residential development with respect to its impact on the existing heritage residence, "Sunnyside" at 186-188 Princes Highway, Kogarah Bay. We have provided preliminary comment on the expected shoring wall system and construction methodology that will be adopted based on the received Geotechnical Report and DA Architectural Drawings. We have also provided recommendations for monitoring ground vibration and movement throughout the construction of the new development as outlined in the Geotechnical Report.</i></p>	

LPP Meeting Minute**Applicant's Submission**

By adopting the construction methodology proposed in this report, we are of the professional opinion that the structural integrity of the existing heritage residence will not be compromised. However, given the age of the existing heritage residence, it is expected that the building will be founded on shallow sandstone footings in sand which will be susceptible to movement. To lessen the potential of ground movement we advise carrying out permeation grouting to the soil located under the heritage building's foundations and to the surrounding area to stabilise ground conditions.

Although unlikely, it should be noted that localised cosmetic and minor damage may still occur to the heritage residence even if the above mentioned precautions/recommendations are implemented due to the close proximity of the basement for the new development. We believe this damage would be limited to fine/minor cracking (approximately 1mm in width) and movement to the sandstone structure as defined in Australian Standard AS2870. This classification of damage due to foundation movements is routinely regarded as acceptable, even for a building of a sensitive cultural and heritage nature such as this. This type of damage is not considered to be a concern to the structural integrity of the heritage building.

Further geotechnical investigations and consultation with Morrow Geotechnics is required to provide more specific advice regarding measures that should be implemented to monitor ground movement and minimise the occurrence of any minor damage to the heritage residence. These works would be completed during the detailed design phase of the proposed new development.

The Geotechnical Report submitted with the DA is referenced in the Structural Engineering Report submitted in response to the Panel's concerns at (g) above.

Conditions 25 and 26 contain detail on additional structural and geotechnical information to be submitted prior to the issue of a Construction Certificate as follows:

25. Structural engineering assessment - *Prior to the issue of any Construction Certificate, a Structural Engineering, accompanied by working drawings and specifications, must be submitted to the satisfaction of Council and must demonstrate the measures that will be implemented, together with the methodology for undertaking excavation works both within the vicinity and adjacent to the heritage item at Nos. 186-188 Princes Highway Kogarah Bay.*

The Structural Engineering assessment report, working drawings and specifications, must:

- a) Be prepared by a suitably qualified Structural Engineer with demonstrated experience in dealing with items of heritage significance and heritage fabric; and*
- b) Demonstrate that the heritage item can be retained in a safe manner that will not require material affectation (such as deconstruction, new penetrations or the like) to otherwise underpin, support or ensure the retention; and*
- c) Demonstrate and certify that the excavation works will not cause the collapse in part or in full of any section of the building, its footings or substrate, as*

LPP Meeting Minute	Applicant's Submission
<i>shown on the approved to be retained.</i>	
<p data-bbox="272 304 1469 517">26. Geotechnical report - Geotechnical Reports: <i>The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:</i></p> <ul style="list-style-type: none"> <li data-bbox="320 562 1469 663">(a) <i>Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.</i> <li data-bbox="320 707 1469 999">(b) <i>Dilapidation Reports on the adjoining properties including, but not limited to 186-188 Princes Highway Beverley Park and 190 Princes Highway Beverley Park prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.</i> <li data-bbox="320 1043 1469 1077">(c) <i>On-site guidance by a vibration specialist during the early part of excavation.</i> <li data-bbox="320 1111 1469 1368">(d) <i>Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.</i> <li data-bbox="320 1402 1469 1503">(a) <i>Sides of the excavation are to be piered prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.</i> 	

The applicant has provided the requested information and approval of the proposal is recommended for approval subject to the conditions at the end of this report.

C. CONCLUSION

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.

The assessment of the information concludes that the proposal can be supported and conditions of consent are provided at the end of this report.

D. DETERMINATION AND STATEMENT OF REASONS

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.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

The reasons for this recommendation are:

- The proposal is an appropriate response to the “up-zoning” of the site (including increased Floor Space Ratio and height limits) afforded by the Kogarah “New City Plan”. The seven (7) storey building will provide an effective transition between future development facing the Princes Highway and two (2) storey low density residential on the opposite side of Wyuna Street.
- The proposed development complies with the requirements of the relevant environmental planning instruments and development control plan.
- The proposal generally achieves compliance with the Apartment Design Guide with respect to both internal and external amenity.
- The proposed design has been sensitively considered to be consistent with the anticipated desired future character for development in this area.
- The proposal has effective façade modulation and wall articulation that will serve to provide visual interest and reduce the bulk of the building.
- The proposal aims to provide a high-quality building that will establish a positive urban design outcome, setting the architectural and planning precedent in the area.

Determination

THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979, as amended, the Georges River Local Planning Panel, grants development consent to Development Application DA2021/0211 for site consolidation, tree removal demolition of existing structures and construction of a seven (7) storey Residential Flat Building development comprising 25 residential apartments with basement car parking for 43 vehicles including landscaping and site works on Lots 8, 9 and 10 in DP17618 known as 2-6 Lacey Street, Kogarah Bay, subject to the following conditions of consent:

Schedule 1

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
Notes	DA-A-001	19/5/21	C	Smith & Tzannes
Site Plan	DA-A-010	12/4/21	B	Smith & Tzannes
Basement C2	DA-A-100	22/11/21	E	Smith & Tzannes
Basement C1	DA-A-101	22/11/21	E	Smith & Tzannes
Level 0 (Ground)	DA-A-102	22/11/21	D	Smith & Tzannes
Level 1	DA-A-103	22/11/21	D	Smith & Tzannes
Levels 2-3	DA-A-104	22/11/21	D	Smith & Tzannes
Level 4	DA-A-105	22/11/21	D	Smith & Tzannes
Level 5	DA-A-106	22/11/21	D	Smith & Tzannes
Level 6	DA-A-107	22/11/21	D	Smith & Tzannes
Roof	DA-A-108	22/11/21	D	Smith & Tzannes
Adaptable and Silver Apartments	DA-A-109	12/4/21	B	Smith & Tzannes
Demolition Plan	DA-A-110	12/4/21	B	Smith & Tzannes
Excavation Plan	DA-A-111	12/4/21	B	Smith & Tzannes
Section NE-SW	DA-A-200	22/11/21	D	Smith & Tzannes
Section SW-NE	DA-A-201	22/11/21	D	Smith & Tzannes
Section Entry Ramp	DA-A-202	19/5/21	C	Smith & Tzannes
Section Entry Ramp	DA-A-203	19/5/21	C	Smith & Tzannes
Elevation NW	DA-A-204	22/11/21	C	Smith &

				Tzannes
Elevation SW	DA-A-205	22/11/21	D	Smith & Tzannes
Elevation NE	DA-A-206	22/11/21	D	Smith & Tzannes
Elevation SE	DA-A-207	22/11/21	D	Smith & Tzannes
Soil Depth/NW Boundary	DA-A-208	22/11/21	A	Smith & Tzannes
Façade Details	DA-A-208	12/4/21	B	Smith & Tzannes
Façade Details	DA-A-209	12/4/21	B	Smith & Tzannes
Landscape Plans	Sheets 1-3	6/9/21	F	Paul Scrivener Landscape

Reports relied on:

Description	Reference No.	Date	Revision	Prepared by
Structural Engineering Report	19174-S02	25.11.2021		H&H Consulting Engineers Pty Ltd

Separate Approvals Required Under Other Legislation

2. **Building - Hoarding Application** Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.
- An application for this work under Section 68 of the [Local Government Act 1993](http://www.legislation.nsw.gov.au/) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](http://www.legislation.nsw.gov.au/) and Section 138 of the [Roads Act 1993](http://legislation.nsw.gov.au/):

- a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges

(available at www.georgesriver.nsw.gov.au <<http://www.georgesriver.nsw.gov.au>>) before the commencement of work; and

- d) Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

3. Below ground anchors - Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993 (APR7.8)

In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the [Local Government Act 1993](http://www.legislation.nsw.gov.au/) <<http://www.legislation.nsw.gov.au/>> and the [Roads Act 1993](http://www.legislation.nsw.gov.au/) <<http://www.legislation.nsw.gov.au/>> for approval, prior to commencement of those works. The following details must be submitted.

- a) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council.
- b) The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of council.
- c) Documentary evidence of such insurance cover to the value of \$20 million.
- d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of **[\$50,000]**. The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
- e) That in the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

4. 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](http://www.legislation.nsw.gov.au/) and/or Section 68 of the [Local Government Act 1993](http://www.legislation.nsw.gov.au/) 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.

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

- (b) New 1.5m wide footpath to be constructed for full frontage of the site in accordance with Council’s Specifications for footpath, applying at the time construction approval is sought.
- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council’s Specifications for kerb and guttering, applying at the time construction approval is sought.
- (d) The thickness and design of the driveway shall be in accordance with Council’s Specifications applying at the time construction approval is sought.
- (e) 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. The work shall be carried out in accordance with Council’s specification, applying at the time construction approval is sought.

Constructing a vehicular crossing and/or footpath requires separate approval under Section 138 of the [Roads Act 1993](#), prior to the commencement of those works.

- 6. 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.

Requirements of Concurrence, Integrated & Other Government Authorities

- 7. Electricity Supply** - An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).
- 8. Connection to the network will be required prior to the release of any Occupation Certificate**- Where works within the road reserve are to be carried out by the developer, a Road Opening Permit must be obtained from Council's Customer Service Centre before commencement of work.
- 9. Electricity Supply to Development** - The electricity supply to the Development must be underground.
- 10. Electricity Supply to development** – All existing overhead power lines within or at the immediate street frontage to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power line underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilised at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.
- 11. 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.
- 12. Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#)

<http://legislation.nsw.gov.au/> must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au <http://www.sydneywater.com.au> then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

- 13. Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the [Sydney Water Act 1994](http://legislation.nsw.gov.au/) <http://legislation.nsw.gov.au/> must be submitted to the PCA prior to the issue of the Occupation Certificate.

Prior to the Issue of a Construction Certificate

- 14.** Required design changes – The following changes are required to be made and shown on the Construction Certificate plans to the satisfaction of the Principal Certifier:
- The basement levels are to be reduced in size in the northern corner to achieve a deep soil area measuring 3m by 6m; and
 - The approved Landscape Plan is to be amended to provide additional planting in the deep soil area. Four (4) additional *Elaeocarpus Reticulatus* are to be planted along the NW and NE boundaries in the corner of the site for additional screening.
- 15. Vehicular Access Grades** - While reconfiguring, realigning and proposing any vehicular access, the applicant must submit a profile (longitudinal section) demonstrating access clearance by the B85 Design Vehicle (85% percentile vehicle in accordance with AS2890.1 2004) for the entry.

This profile (scale 1:20) is to show levels and grades from road centreline to the proposed internal garage floor level including but not limited to levels of, road centreline, changes of grade on road surface, lip of gutter, invert of gutter, back of vehicular crossing (gutter layback), front of path, back of path and boundary. The profiles provided are to also include the natural surface of the land as well as the proposed design including cut and fill dimensions.

Additional profiles are to be provided on either side of driveway when longitudinal grade of road exceeds 8%.

The profile will be used to assess suitability of proposed internal driveway levels and does not represent final footpath or road levels. The levels on Councils road related area including boundary level will be verified following the submission of an "Application for Driveway Crossing and Associated Works on Council Road Reserve" issued under Section 138 Roads Act.

- 16. Stormwater System – General** - 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 be drained in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
 - (b) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.
- 17. Protection of basement from inundation of stormwater waters** - The protection of the underground basement shall be protected from possible inundation by surface waters from the street. Evidence from a professional engineer who specialises in hydraulic engineering that this design requirement has been adhered to shall be submitted with the Construction Certificate application.
- 18. On-site Stormwater Detention** - The submitted Concept Stormwater and OSD Plan prepared by Xavier Knight with reference to plans as follows:
- i. ***"Stormwater Management Ground Floor Plan", Job No. 210219, Drawing No. C102, Rev 3, Sheet 1***, dated 20/5/2021, prepared by Xavier Knight.
 - ii. ***"Stormwater Management Plan Ground Floor Plan", Job No. 210219, Drawing No. C103, Rev 1, Sheet 2***, dated 23/4/2021, prepared by Xavier Knight.
 - iii. ***"Drainage Details", Job No. 210219, Drawing No. C200, Rev 1, Sheet 1***, dated 20/5/2021, prepared by Xavier Knight.
 - iv. ***"Drainage Details", Job No. 210219, Drawing No. C201, Rev 2, Sheet 2***, dated 12/4/2021, prepared by Xavier Knight.
 - v. ***"Stormwater Management Basement Plan", Job No. 210219, Drawing No. C100/C101, Rev 1, Two sheets***, dated 12/4/2021, prepared by Xavier Knight.

- a) The above drainage plans have been assessed as a concept plans 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.
- b) An OSD facility designed by a professional engineer who specialises in Hydraulic engineering must be designed, approved and installed.
- c) The required OSD storage requirements and permissible discharge are to be calculated in accordance with Table 3 of Council's Stormwater Management Policy.
- d) A minimum 34.20 cubic metre OSD volume is to be provided in accordance with the Stormwater Concept Plan and Council's Stormwater Management Policy.
- e) An additional 900x900 square grate is to be installed in between the two proposed grates on the top surface of the OSD tank in order to allow cross ventilation & tank's inspection conveniently from the top of the tank.
- f) A minimum depth of the OSD tank shall be 800mm to be maintained.
- g) The OSD facility shall be designed to meet all legislated safety requirements. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

- h) Full details shall accompany the application for the Construction Certificate.

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

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

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

20. Stormwater Drainage Application

This Development Consent does not give approval to undertake new street drainage pits and pipes works on public infrastructure as per Stormwater Drainage Plans below:

- i. **“Stormwater Management Ground Floor Plan”, Job No. 210219, Drawing No. C102, Rev 3, Sheet 1**, dated 20/5/2021, prepared by Xavier Knight.
- ii. **“Stormwater Management Plan Ground Floor Plan”, Job No. 210219, Drawing No. C103, Rev 1, Sheet 2**, dated 23/4/2021, prepared by Xavier Knight.

A separate approval of a Stormwater Drainage Application is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 to undertake:

- (a) Stormwater & ancillary works in the road reserve. This includes new pits/pipes and associated connections to Council’s drainage systems.
- (b) Stormwater & ancillary to public infrastructure on private land

The Stormwater Drainage Application approval must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The Application Form for this activity 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.

21. 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) A longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both

edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level.

- d) The civil/traffic engineer shall provide specific written certification on the plans that:
 - (i) Vehicular access can be obtained using grades of 25% (1 in 4) maximum; and
 - (ii) All changes in grade (transitions) comply with Australian Standard 2890.1 (2004)

22. Traffic Management – Compliance with AS2890.2

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). A certification is to be submitted from a qualified consulting traffic engineer outlining that traffic management systems design complied with AS2890.2.

- 23. Structural details** - Engineer's details prepared by a practising consulting Structural Engineer being used to construct all reinforced concrete works including but not limited to structural beams, columns, OSD Tank structures design and other structural members. The details are to be submitted to the Certifier for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the Certifier.

- 24. 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 including but not limited to:

- a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- b) No. 190 Princes Highway, Kogarah Bay.

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.

- 25. Structural engineering assessment** - Prior to the issue of any Construction Certificate, a Structural Engineering assessment report accompanied by working drawings and specifications, must be submitted to the satisfaction of Council and must demonstrate the measures that will be implemented, together with the methodology for undertaking excavation works both within the vicinity and adjacent to the heritage item at Nos. 186-188 Princes Highway Kogarah Bay.

The Structural Engineering assessment report, working drawings and specifications, must:

- a) Be prepared by a suitably qualified Structural Engineer with demonstrated experience in dealing with items of heritage significance and heritage fabric; and
- b) Demonstrate that the heritage item can be retained in a safe manner that will not require material affectation (such as deconstruction, new penetrations or the like) to otherwise underpin, support or ensure the retention; and
- c) Demonstrate and certify that the excavation works will not cause the collapse in part or in full of any section of the building, its footings or substrate, as shown on the approved to be retained.

- 26. Geotechnical report** - Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties including, but not limited to 186-188 Princes Highway Beverley Park and 190 Princes Highway Beverley Park prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- (c) On-site guidance by a vibration specialist during the early part of excavation.

- (d) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
- (f) Sides of the excavation are to be piered prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

27. Construction Traffic Management Plan [Large Developments only] - A Construction Traffic Management Plan detailing:

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

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

28. State Environmental Planning Policy 65 Design Verification Statement - A design verification statement, prepared by a qualified designer, shall be submitted to the Certifying Authority verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of [State Environmental Planning Policy No 65 -Design Quality of Residential Flat Development](#).

29. NBN Connection - Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate

development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

- 30. Waste Storage - Residential and Mixed Use Developments** - The plans shall include details of the waste storage area. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day.

The path to the bin room is to be at least 1.0 metres wide and kept clear and unobstructed at all times.

Residential Waste

The development will require the provision of the following waste and recycling facilities:

Located in the waste room on Basement Level C1:

- 5 x 660L litre mobile general waste bins.
- 13 x 240 litre mobile recycling bins.
- 2 x 240 litre mobile green waste bins.
- 3 or 4 x 660L bulky waste MGBs.

Located on each floor (Ground to Level 5):

- 1 x 240 litre mobile recycling bins.

- 31. Waste room design** - The waste room will contain the following to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:

- waste room floor to be sealed;
- waste room walls and floor surface is flat and even;
- all walls painted with light colour and washable paint;
- equipment electric outlets to be installed 1700mm above floor levels;
- The bin storage rooms will be mechanically exhausted as required by AS 1668.2;
- light switch installed at height of 1.6m;
- waste rooms must be well lit (sensor lighting recommended);
- optional automatic odour and pest control system installed to eliminate all pest

- types and assist with odour reduction - this process generally takes place at
- building handover - building management make the decision to install;
- all personnel doors are hinged and self-closing;
- waste collection area must hold all bins - bin movements should be with ease of access;
- Conform to the Building Code of Australia, Australian Standards and local laws; and childproofing and public/operator safety shall be assessed and ensured.
- Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
- Cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.

This information shall be reflected on construction drawings submitted to the certifying authority.

32. Landscape Plans – All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by Paul Scrivener Landscape, Rev F, sheets 1, 2 and 3 dated 06/09/21. The landscaping must be maintained in accordance with the approved plans in perpetuity, subject to the following -

- a) The proposed thirty-one (31) trees and all plant species, pot/ bag size and quantities of plants must be in accordance with the proposed plant schedule upon the landscape plan and planted within the site.
- b) The proposed five (5) street trees values must be paid to Council, for Council to plant upon the street verge.
- c) An additional *Elaeocarpus Reticulatus* shall be planted in the north-west corner of the communal open space area.
- d) The applicant must engage with a registered and licenced nursery grower early within the build phase, to ensure all trees and plants, pots / bag sizes and quantities are guaranteed at the time of landscape and planting phase. The landscape Architect must provide a letter of compliance upon receipt of purchasing of all trees and plants.
- e) The thirty-one (31) trees proposed to be planted and upon the approved landscape plan shall comply with AS 2303 – 2018, *Tree Stock for Landscape use* and *NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)*, and be planted and maintained in accordance with Councils standard specification;
- f) If the planted trees and plants are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.

33. Compliance with submitted Arborist Report

- g) The recommendations outlined in the Arborist's Report titled Arboricultural Impact Appraisal and Method statement prepared by Naturally Trees dated 15th April, 2021 must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.
- h) The tree/s to be retained and protected are listed in the table below.

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) Fencing distance from trunk
T- 1/2 <i>Cupressus Spp</i>	Within adjoining site, No 21 Wyuna St, side fence	2.4m
T3 – <i>Callistemon viminalis</i>	Councils street tree facing No 21 Wyuna St	Trunk wrap as per AS4970, Section 4.5.2
T9 – <i>Syagrus romanzoffiana</i>	Within No 188 Princes Hwy	na
T10 – <i>Cinnamomum camphora</i>	Within No 188 Princes Hwy	12.0m out from trunk, within subject site, NE corner
T11- <i>Jacaranda mimosifolia</i>	Within No 188 Princes Hwy	2.0m out from trunk

- i) The client must engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Australian Arboricultural Association or Affiliation, with a letter of engagement forwarded to the nominated PCA, forming compliance.
- j) A certificate of compliance letter from the AQF 5 Arborist must be forwarded to the PCA – Principal Certifying Authority, at a minimum three (3) stages being, before works, any excavations during works and once all building works have been completed, that tree protection measures have been installed and being maintained during the building process.

Tree Protection Measures

- k) The tree protection measures must be undertaken in accordance AS4970 - 2009 *Protection of trees on development sites*.
- l) All trees on Council property, subject site and adjacent sites, to be

retained must be protected before site set up and maintained during demolition, excavation and construction of the site.

- m) Although trees may be on adjacent sites, the tree protection fencing must be placed on the nominated distances as per table above, out from the trees trunk, within the subject site to minimise impacts to neighbours trees and kept for the entirety of the project.
- n) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Australian Arboricultural Association or Affiliation.
- o) The engaged AQF 5 Consulting Project Arborist must be present on-site during the stages of site set up, excavation, demolition and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
- p) In accordance with AS 4970-2009 *Protection of trees on development sites*, a protective fence consisting of 2.4 x 1.8 metres high, fully supported chainmesh fence shall be used. The distance of the fence out from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- q) The tree protection fencing must be kept in place during demolition, excavation and construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.
- r) To preserve T3 – Councils street tree, *Callistemon viminalis* no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until the trunk/ branches are protected, in accordance with AS4970 -2009, Protection of trees on development sites, by the wrapping of geo woven fabric around the trunk 4 / 5 times and the placement of two metre long, lengths of 50mm x 100mm timber battens vertically arranged around the trunk, with 100mm spacing's. The timber battens shall be secured by wire/ hoop straps but not secured into the tree itself. The trunk/ branch protection shall be maintained intact until the completion of all works upon the site.
- s) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.
- t) No building products, preparation of building products, storage of materials, stockpiling, site sheds or services shall be installed or placed within the TPZ of the trees to be retained.

Excavation works near tree to be retained

- u) Excavations around the trees to be retained on site, Councils street verge or the adjoining properties must be supervised by the AQF 5 Project Arborist to ensure that the root system will not adversely be affected.
- v) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the AQF 5 Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- w) Tree Protection Zones around the trees to be retained are not to have soil level changes, building product / materials stored or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

34. Tree Removal & Replacement

- a) Tree removal

Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
T4 – <i>Callistemon viminalis</i> (Council to remove)	x1	Councils street tree, within Wyuna
T5, 7&8 – <i>Syagrus romanzoffiana</i>	X3	Within site
T6 – <i>Cupressus Spp</i>	X1	Within site

General Tree Removal Requirements

- a) All tree removal shall be carried out by a minimum certificate Level 3, Licenced and insured Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).
 - b) No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.
- Street Tree Removal / Replacement by Council –
- a) Five (5) street trees of species to be determined must be provided in the road reserve fronting the site.
 - b) Council shall be appointed to remove and plant all tree/s on public land.

All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below 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.

- 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.
- d) The fees payable 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 conditions set out in this consent.

Fee Type – Tree planting on public land	Number of trees	Amount per tree
Administration Fee, tree planting and maintenance	X5	\$489.00
Cost of tree removal – T4 <i>Callistemon viminalis</i>	To be determined, please contact Council prior to CC	

- 35. 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).

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of	

Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$84,414.00
DEVELOPMENT CONTRIBUTIONS	
Georges River Local Infrastructure Contributions – S7.11s	\$381,838.68

General Fees

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

Development Contributions

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

Indexation

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

Timing of Payment

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

Further Information

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

36. **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: \$84,414.00
- 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.

37. Site Management Plan -

Major Development

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

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

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

38. BASIX Commitments - All energy efficiency measures as detailed in the BASIX Certificate No. 1195247M must be implemented on the plans lodged with the application for the Construction Certificate.

39. Erosion & Sedimentation Control - Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water runoff is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to

prevent sediment from entering drainage systems or waterways

- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater - Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

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

40. 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).

41. Allocation of street addresses - In order to comply with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council's requirements, the street addresses for the subject development must be allocated as follows:

Address Type	Address allocated
Primary Address	6 Lacey Street KOGARAH BAY NSW 2217

Addresses at 6 Lacey Street KOGARAH BAY

Shown on DA Plans		Addresses allocated by Council					
<u>Unit</u>	<u>Level</u>	-	<u>Unit</u>	<u>Number</u>	<u>Street</u>	<u>Suburb</u>	<u>Complete Address</u>
	Basement C2						
	Basement C1						

001	Level 0 (Ground)		G01	6	Lacey St	KOGARAH BAY	G01/6 Lacey St KOGARAH BAY NSW 2217
002	Level 0 (Ground)		G02	6	Lacey St	KOGARAH BAY	G02/6 Lacey St KOGARAH BAY NSW 2217
003	Level 0 (Ground)		G03	6	Lacey St	KOGARAH BAY	G03/6 Lacey St KOGARAH BAY NSW 2217
004	Level 0 (Ground)		G04	6	Lacey St	KOGARAH BAY	G04/6 Lacey St KOGARAH BAY NSW 2217
101	Level 1		101	6	Lacey St	KOGARAH BAY	101/6 Lacey St KOGARAH BAY NSW 2217
102	Level 1		102	6	Lacey St	KOGARAH BAY	102/6 Lacey St KOGARAH BAY NSW 2217
103	Level 1		103	6	Lacey St	KOGARAH BAY	103/6 Lacey St KOGARAH BAY NSW 2217
104	Level 1		104	6	Lacey St	KOGARAH BAY	104/6 Lacey St KOGARAH BAY NSW 2217
201	Level 2		201	6	Lacey St	KOGARAH BAY	201/6 Lacey St KOGARAH BAY NSW 2217
202	Level 2		202	6	Lacey St	KOGARAH BAY	202/6 Lacey St KOGARAH BAY NSW 2217
203	Level 2		203	6	Lacey St	KOGARAH BAY	203/6 Lacey St KOGARAH BAY NSW 2217
204	Level 2		204	6	Lacey St	KOGARAH BAY	204/6 Lacey St KOGARAH BAY NSW 2217
301	Level 3		301	6	Lacey St	KOGARAH BAY	301/6 Lacey St KOGARAH BAY NSW 2217
302	Level 3		302	6	Lacey St	KOGARAH BAY	302/6 Lacey St KOGARAH BAY NSW 2217
303	Level 3		303	6	Lacey St	KOGARAH BAY	303/6 Lacey St KOGARAH BAY NSW 2217
304	Level 3		304	6	Lacey St	KOGARAH BAY	304/6 Lacey St KOGARAH BAY NSW 2217

401	Level 4		401	6	Lacey St	KOGARAH BAY	401/6 Lacey St KOGARAH BAY NSW 2217
402	Level 4		402	6	Lacey St	KOGARAH BAY	402/6 Lacey St KOGARAH BAY NSW 2217
403	Level 4		403	6	Lacey St	KOGARAH BAY	403/6 Lacey St KOGARAH BAY NSW 2217
403	Level 4		404	6	Lacey St	KOGARAH BAY	404/6 Lacey St KOGARAH BAY NSW 2217
501	Level 5		501	6	Lacey St	KOGARAH BAY	501/6 Lacey St KOGARAH BAY NSW 2217
502	Level 5		502	6	Lacey St	KOGARAH BAY	502/6 Lacey St KOGARAH BAY NSW 2217
503	Level 5		503	6	Lacey St	KOGARAH BAY	503/6 Lacey St KOGARAH BAY NSW 2217
504	Level 5		504	6	Lacey St	KOGARAH BAY	504/6 Lacey St KOGARAH BAY NSW 2217

Details indicating compliance with this condition must be shown on the plans lodged with any Construction Certificate for approval.

- 42. Acoustic Report - General Operation of Premises** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

An Acoustic Report shall be prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's [NSW Industrial Noise Policy](#).

- 43. Car Wash Bays** - Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate. All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

- 44. Asbestos Survey** - An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)].

A copy of any WorkCover approval documents is to be included as part of the documentation.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to any works on site commencing or the issue of the Construction Certificate (whichever occurs first).

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

- 45. 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.

- 46. 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.

47. 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](#).

48. 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.

49. 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 Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

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.

- 50. 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

51. Archaeological Discovery During Excavation -

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

- 52. 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.

53. Hazardous or Intractable Waste – Removal and Disposal - Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and with the provision of:

- Work Health and Safety Act 2011 (NSW) (as amended);
- Work Health and Safety Regulation 2011 (as amended);
- Protection Of the Environment Operations Act 1997 (NSW) (as amended); and
- Protection of the Environment Operations (Waste) Regulation 2014 (as amended)

54. Contaminated Land – Contaminants found during demolition or construction - Any new information that identified during demolition, excavation or construction which has the potential to alter previous conclusions about site contamination and remediation, must be notified to the Principal Certifying Authority (and Council if Council is not the principal certifying authority) immediately.

All works must case and a qualified Land Contamination Consultant, certified under the consultant certification schemes recognised by the NSW EPA, is engaged to assess and provide documentation on the management of the contamination 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.

55. Physical connection of stormwater to site - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land that is the subject of this consent to Council's street gutter in Wyuna Street.

56. 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.

57. 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.
- 58. 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.
- 59. 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.
- 60. 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.
- 61. 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.

Prior to the issue of the Occupation Certificate

- 62. BASIX Certificate** - All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

63. 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.

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

(a) No. 190 Princes Highway, Kogarah Bay.

(b) Nos. 186-188 Princes Highway, Kogarah Bay.

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 damaged has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

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

65. Major Development - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

66. Acoustic Compliance – General Operation of Premises - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The

source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority's "NSW industrial Noise Policy"](#).

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

- 67. Soil disposal** - Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the *EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999* and the *Protection of the Environmental Operations Act 1997*.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

- 68. State Environmental Planning Policy 65 Design Verification Statement** - The PCA must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless the PCA has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

- 69. 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.*

70. Maintenance Schedule – On-site Stormwater Management - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

71. Stormwater drainage works – Works As Executed - Underground Tank - 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;
- (b) The structural adequacy of the On-Site Detention system (OSD) and the structural certification from qualified consulting structural engineer involved the design of OSD tank structures;
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

- (f) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink;
- (g) The Work-As-Executed plans have been jointly prepared and duly signed by registered surveyor and consulting OSD design engineer certifying the accuracy of dimensions, invert levels, surface levels, storage volume etc;
- (h) This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Principal Certifier.

Council must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

72. Requirements prior to the issue of the Occupation Certificate - Stormwater and Onsite Detention Works - 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) Work as Executed Plans jointly prepared and duly signed by a Chartered Professional Engineer and a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA and the Council (for Council's final approval of WAE plans) prior to the issue of the Occupation Certificate.

73. Requirements prior to the issue of the Occupation - 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 Principal certifier prior to the issue of the Occupation Certificate.
- f) The construction of the new footpath shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval

74. Completion of road related works

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

75. 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 works within Council Roads;
- b) The structural adequacy of the Pit and Pipes systems;
- c) That the works have been constructed in accordance with the approved design;
- d) Pits and Pipe invert levels and surface levels to Australian Height Datum;

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prepared by a Registered Surveyor and duly signed prior to the issue of an Occupation Certificate.

76. Traffic Control Devices The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with Australian Standard - AS1742, Manual of Uniform Traffic Control Devices.

If an exit from car park utilises a pedestrian footpath, then a warning system such as flashing light and/or 'alarm sound' must be installed on the subject property to alert pedestrians of vehicles exiting the car park. The Alarm System must be designed and installed in accordance with AS2890.1 -2004.

- 77. Consolidation of Site** - The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land and Property Information prior to the issue of an occupation certificate.

Note: The document/instrument shall be submitted to Council for approval together with other relevant documents prior to lodgement with the NSW Land and Registry Services.

- 78.** A strata plan of subdivision must not be registered until an occupation certificate has been issued.

- 79. Vehicular crossing & Frontage work – Major development** - The following road frontage works shall be constructed in accordance with the specifications issued under the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division:

- (a) New 1.5m wide footpath to be constructed for full frontages of the site in accordance with Council's Specifications for footpath, applying at the time construction approval is sought.
- (b) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering, applying at the time construction approval is sought.
- (c) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- (d) 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. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Driveway Crossings and Associated Works.

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

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

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

Council's Assets and Infrastructure Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. [Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

81. Completion of Landscape Works

- a) All landscape works, the planting of thirty one (31) trees and all plants upon the site and fees payable for Councils five (5) street tree plantings must be completed before the issue of the Final Occupation Certificate and in accordance with approved landscape plans and specifications, drawn by Paul Scrivener Landscape, Rev F, sheets 1, 2 and 3 dated 06/09/21.
- b) A certificate of compliance for the planting of all thirty one (31) trees and all shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.

Operational Conditions (On-Going)

- 82. Noise Control** - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).
- 83. Maintenance of Sound Attenuation** - Sound attenuation on the premises must be maintained in accordance with the Acoustic Report submitted by Rodney Stevens Acoustic titled Noise Impact Assessment dated 22 April.
- 84. Lighting – General Nuisance** - Any lighting on the site must be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited

- 85. Waste Removal and collection by private contractor** – Bins are to be collected on site by a private waste contractor from Basement Level C1. Garbage bins and recycling bins are to be collected on a weekly basis.
- 86. Management of Waste Facilities** – The ongoing management of onsite waste facilities shall be undertaken in accordance with the following requirements:
- (a) Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored.
 - (b) Any cleaners will monitor the bin storage area and all spills will be attended to immediately by cleaners.
 - (c) The condition of all bins are to be in safe working order at all times.
- 87. Waste** - The ongoing operation of recycling and waste management services is to be undertaken in accordance with the Waste Management Plan.
- 88. Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.
- 89. Tree Protection Measures**
- c) A final certificate of compliance letter, once all building and landscape works have been completed, from the engaged AQF 5 Consulting Arborist, that tree protection measures have been installed and maintained for the entirety of the project and report on the condition of the trees that as part of this Consent, were to be protected and retained.

90. Tree Replacement within subject site

- d) If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.
- e) A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

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

92. 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

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

94. 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.

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

95. 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.

96. 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.

A Notice of Commencement Form is attached for your convenience.

97. 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](#).

98. 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.

99. 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.

An Occupation Certificate Application Form is attached for your convenience.

Prescribed Conditions

100. **Clause 97A - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
101. **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.
102. **Clause 98A – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.
103. **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.
104. **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.
105. **Clause 98E - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

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

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

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

END CONDITIONS

NOTES/ADVICES

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. **Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au
5. **Noise** - Noise related conditions - Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local government* (<http://www.environment.nsw.gov.au/noise/nlg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government

authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

- a. *Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).*
- b. *Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).*
- c. *New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000 (www.legislation.nsw.gov.au).*
- d. *Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).*
- e. *Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).*
- f. *Department of Gaming and Racing - (www.dgr.nsw.gov.au).*

- 6. Certified Contaminated Land Consultant** - The Contaminated Land Planning Guidelines, called up by the State Environmental Planning Policy No. 55 requires that a certified contaminated land consultant (in the context of the investigation, assessment, remediation and validation of contaminated land) is a contaminated land consultant, whose qualifications and experience have been confirmed through a recognized certification scheme to have the necessary competencies to carry out work relating to contaminated land to an appropriate standard.

Certification schemes that are recognized by the EPA includes:

- Certified Environmental Practitioner (Site Contamination) (CENVP(SC))
or
- certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM)

Information relating to certified Contaminated Land Consultant or accredited site auditors can be found on the NSW EPA webpage: <https://www.epa.nsw.gov.au/your-environment/contaminated-land/>

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

Energy efficiency provisions relate only to new building work or the installation of new measure. Existing building fabric and measures may not be upgraded.

8. **Sydney Water Section 73 Certificates** - The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.
9. **Electricity Supply** - This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.
10. **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.

11. **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.

12. **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).

13. 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. (eg. **DA2018/0*****) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to 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.