

**ELECTRONIC REPORT TO GEORGES RIVER LOCAL PLANNING PANEL  
FOLLOWING DEFERRAL OF 14 AUGUST 2018**

<b>LPP Report No</b>		<b>Development Application No</b>	DA2017/0114
<b>Site Address &amp; Ward Locality</b>	18 Marine Drive Oatley Peakhurst Ward		
<b>Proposed Development</b>	Alterations and additions to an existing dwelling - additional levels to dwelling to form a multi-level dwelling house, new terrace and pavilion to rear and a new garage		
<b>Owner</b>	Martin and Elyse Allen		
<b>Applicant</b>	Those Architects		
<b>Planner/ Architect</b>	Those Architects		
<b>Date of Lodgement</b>	3 May 2017		
<b>Submissions</b>	Eight (8) submissions during the first period of notification, then an addition two (2) submission during the second notification period		
<b>Cost of Works</b>	\$884,519.00		
<b>Local Planning Panel Criteria</b>	Submissions received and variations to HLEP (building height of 12.06m or 34% variation) and DCP No 1 (external wall height of 11.76m or 63% variation) and solar access (east west orientation)		
<b>List of all relevant 4.15(1)(a) matters</b>	Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment State Environmental Planning Policy No 55 - Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Hurstville Local Environmental Plan 2012 Hurstville Development Control Plan No.1		
<b>List all documents submitted with this report for the Panel's consideration</b>	Architectural Plans Arboricultural Root Investigation Report Arboricultural Pruning Assessment Report Geology Assessment Geotechnical Report Construction Management Plan		
<b>Report prepared by</b>	Development Assessment Officer		
<b>Recommendation</b>	THAT the application be approved in accordance with the conditions included in this report.		

<b>Summary of matters for consideration under Section 4.15</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?	<b>Yes</b>

<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>Yes</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	<b>Not Applicable</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	<b>No, standard conditions have been attached</b>

## History

1. The Development Application (DA2017/0114) was lodged on 3 May 2017; the application was assessed and presented to the IHAP (LPP) on 5 December, 2017 (See Attachment A). The Panel deferred the matter on 5 December, 2017 requesting the applicant address the following:
  1. *A detailed root mapping analysis prepared by a suitably qualified and practising Arborist with the minimum qualification of Australian Qualification Framework Level 4 in relation to the Angophora Costata (Sydney Apple Gum) growing on the adjacent property known as 20 Marine Drive Oatley and the Angophora Costata (Sydney Apple Gum) located growing on the western side of the existing dwelling, and the tree growing near the north west corner of the proposed pavilion structure. This analysis shall be provided to the Council for approval.*
  2. *In addition to 1. above the Arborist shall also provide a detailed report in relation to the pruning of the Angophora Costata growing on 20 Marine Drive and the Angophora Costata on the subject site growing on the western side of the existing dwelling to accommodate the proposed development.*
  3. *A detailed geological report prepared by a suitably qualified and practising Geologist demonstrating the effects of root jacking of the existing Angophora Costata trees on the rock stratum and whether these effects require further geotechnical assessment. NOTE: The purpose of this requirement is to determine the geological stability of the site and the capacity to support the development having regard to nature of the proposed development and the characteristics of the existing Angophora Costata trees to fracture the rock stratum.*
  4. *If it is found that there is root jacking then a geotechnical report is required to establish the stability of the site to accommodate the proposed development. This report is to be prepared by a suitably qualified and practising geotechnical engineer with NPER3 accreditation.*

2. The applicant submitted the following information to address the deferral:

- i. Arboricultural Root Investigation Report prepared by Bryce Claassens of Urban Arbor (AQF 5) reference 18/02/19/18MDO revision A dated 23 February 2018.*
- ii. An Arboricultural Pruning Assessment Report prepared by Bryce Claassens of Urban Arbor (AQF 5) reference 17/12/20/18/MDO revision A dated 15 January 2018.*
- iii. Geotechnical Engineer Report reference 31272ZRrpt Revision 1 dated 7 March 2018.*

A report and copies of the documentation received from the applicant was forwarded to the Local Planning Panel for determination on 7 March 2018.

The Local Planning Panel resolved to defer the matter on 14 August 2018 for the following to be considered in conjunction with the initial reasons for deferral.

- i. Further Geotechnical investigation is required to be undertaken having regard to the structural nature of the foundation materials. This investigation is to ascertain the works required to facilitate the development ensuring the work will not result in the failure of retaining walls surrounding the trees and subsequent failure of the *Angophora costata* (Sydney Red Gum tree) (**Tree #1**) and built form adjacent.*
- ii. In this regard the findings of the Geotechnical Engineering investigations will need to be cross referenced with the Arborists conclusions to ensure the Tree #1 can be retained with an acceptable level of certainty, given the tree has been described as being assessed as displaying 'average health and vigour'.*
- iii. Once the above assessment is completed, the recommendations of both professionals and any remediation requirements to be considered as part of the application will need to be submitted to ensure the development can proceed without any unacceptable risk to life and property.*
- iv. Upon receipt of the further information sought under points 1, 2 and 3 above the development application shall be referred back to the Georges River Local Planning Panel constituted by Panel members P. Vergotis, S. Francis & J. Grant for final determination.*

Following various discussions and a meeting with Council Officer's following the deferral of 14 August, 2018, the information referenced below has been provided by the applicant to address the deferral reasons issued by the Panel.

### **Development Proposed**

3. DA2017/0114 for alterations and additions to existing dwelling - additional levels to the dwelling to form a multi-level dwelling house, new terrace pavilion to rear and new garage on land at 18 Marine Drive, Oatley be

deferred (14 August, 2018) to enable the applicant to submit additional information addressing the following:

- i. *Further Geotechnical investigation is required to be undertaken having regard to the structural nature of the foundation materials. This investigation is to ascertain the works required to facilitate the development ensuring the work will not result in the failure of retaining walls surrounding the trees and subsequent failure of the Angophora costata (Sydney Red Gum tree) (Tree #1 ) and built form adjacent.*

**NOTE:** Tree#1: This is a Lemon Scented Gum, not a Sydney Red Gum tree.

- ii. *In this regard the findings of the Geotechnical Engineering investigations will need to be cross referenced with the Arborists conclusions to ensure the Tree #1 can be retained with an acceptable level of certainty, given the tree has been described as being assessed as displaying 'average health and vigour'.*
- iii. *Once the above assessment is completed, the recommendations of both professionals and any remediation requirements to be considered as part of the application will need to be submitted to ensure the development can proceed without any unacceptable risk to life and property.*
- iv. *Upon receipt of the further information sought under points 1, 2 and 3 above the development application shall be referred back to the Georges River Local Panning Panel constituted by Panel members P. Vergotis, S. Francis & J. Grant for final determination.*

## **Report Detail**

4. This report has been prepared outlining how the additional information provided by the applicant has addressed the reasons the application has been deferred on two (2) occasions by the Panel (DA2017/0114).

### ***Deferral Reason One***

*Further Geotechnical investigation is required to be undertaken having regard to the structural nature of the foundation materials. This investigation is to ascertain the works required to facilitate the development ensuring the work will not result in the failure of retaining walls surrounding the trees and subsequent failure of the Angophora costata (Sydney Red Gum tree) (Tree #1\*) and built form adjacent.*

Officer Comment: In response to this deferral item the applicant has engaged JK Geotechnics to prepare a Construction Management Plan, this plan dated 23 October, 2018; Reference Number: 31272Rrpt2 was submitted to Council (See Attachment B). The report outlined the sequencing, methodology and monitoring of the excavation and construction process, to ensure the structural stability of the land adjacent to proposed construction elements to facilitate the retention of the tree located within the boundaries of 20 Marine Drive Oatley.

This neighboring tree located within 20 Marine Drive, Oatley is situated within a planter bed supported by a stacked sandstone retaining wall which is neighbouring a portion of the southern site boundary of 18 Marine Drive Oatley.

The existing retaining wall is approximately 1.2m in height on the boundary, where it returns into the site, it is estimated to be approximately 2m in height. The tree trunk is setback 1.7m from the crest of the retaining wall. The purpose of the shoring system is to provide permanent support to the ground surface to the south (within the site), which will retain the neighboring stacked sandstone retaining wall and Tree 1 setback to the south of the retaining wall crest.

The tree identified as 'Tree #1' on the neighboring property is considered, based on the investigations undertaken, able to be retained, subject to the imposition of conditions of consent, which are outlined in detail below. (In addition, it is acknowledged Council's Compliance Team has been requested to investigate the tree to ascertain its health and long term viability).

The construction management plan outlines hold points at key stages of the development which need to be certified by the Geotechnical Engineer, Structural Engineer and Arborist to ensure that the appropriate procedures have been implemented. These requirements have been reinforced by conditions which are outlined below and included in the conditions recommended for approval.

Based on the information provided, it is considered that the specialist reports have adequately assessed and provided construction strategies that will mitigate the failure of the foundation material and loss of the tree.

***Deferral Reason Two:***

*In this regard the findings of the Geotechnical Engineering investigations will need to be cross referenced with the Arborists conclusions to ensure the Tree #1 can be retained with an acceptable level of certainty, given the tree has been described as being assessed as displaying 'average health and vigour'.*

Officer Comment: The reports submitted from the Arboricultural expert and the Geotechnical Engineer have been prepared in conjunction with one another ensuring that there is a holistic and cohesive approach ensuring both recommendations support the others. The arboricultural report has been reviewed by Council's Tree and Landscape Management Officer who supports the recommendations of the report.

The construction methodology is considered appropriate by Council's Landscape Officer and advises the structural stability of the tree is unlikely to be compromised if the recommendations of the construction management plan are reinforced by the Geotechnical Engineer, Structural Engineer and Arborist during the construction of the development.

a) Shoring Piles

*The contiguous piled wall is required to maintain the stability of and support to, the structures and surface levels within and neighbouring the site.*

*The shoring piles (0.3m diameter) will be excavated/drilled using hand held equipment through the soil profile down to bedrock. This will reduce the potential to damage tree roots present in the soil profile and aid in their identification during excavation. Once excavated, the shoring pile hole will be temporarily supported using a sacrificial 'formatube' liner. The 'formatube' liner will extend up to the underside of the capping beam.*

*Such pile drilling methods would not penetrate sandstone bedrock and additional permanent lateral toe restraint will be provided by fully grouted vertical hot dipped galvanised bars drilled down through the base of the piles into bedrock. The drill holes will be drilled using rotary core methods and not percussive hammer drilling. The bars will be socketed below the adjacent lift pit bulk excavation level. The reinforced concrete capping beam will provide additional restraint.*

*The drilling of the vertical holes will be witnessed by an experienced engineering geologist who should log the drill holes and check for the presence of any clay seams/voids etc, which could indicate the presence of fractures within the bedrock and/or denote the base of 'floaters'. This information will provide forewarning of the presence of potentially unstable features within the rock mass which would require additional treatment/stabilisation.*

b) Bedrock Excavation

*Due to access constraints and to maintain the stability of the adjacent stacked sandstone retaining wall and TREE 1, sandstone bedrock will be excavated using hand held tools. No-vibration techniques will be used and may include the use of hand held saws and rock splitting techniques.*

*The sandstone bedrock may be cut vertically, subject to geotechnical inspection at 1m depth intervals. The records of the drill holes for the vertical bars described in Section 2.3.1 above would assist in this regard.*

*The presence of potentially unstable 'floaters', wedges, clay seams and extremely weathered seams within the sandstone bedrock may adversely affect the stability of the cut faces. Such features may require shotcreting, bolting and/or underpinning. However, the sub-vertical bars are expected to provide sufficient support until the proposed shotcrete face is formed.*

*The arborist must inspect the excavation, once completed and provide any additional advice, if required.*

c) Seepage

*Some ephemeral seepage inflows may be encountered in the excavations, particularly after periods of heavy rain, within the soil profile close to, or at, the contact with the underlying bedrock. Seepage within the bedrock can be expected through defects within the rock mass. In general, we expect that inflows, if any, to be very small and managed by conventional sump and pump techniques or gravity drainage. Inspection and monitoring of groundwater seepage during excavation by the geotechnical engineer and the builder will be completed so that any unexpected conditions which may be revealed can be incorporated into the drainage design.*

d) Monitoring

*Monitoring of the stacked sandstone wall will be completed on a daily basis by the builder during the shoring pile wall installation, excavation and construction of the lift pit walls and base up to the underside of the capping beam. Monitoring is to comprise 'tell-tales' glued to the sandstone retaining wall face across block interfaces and situated at three evenly spaced locations along the wall face as agreed between The Owner, and the structural and geotechnical engineers.*

*The purpose of the 'tell-tales' is to indicate relative movement of the wall face. If movement is indicated then work will cease and the geotechnical and structural engineers and arborist informed immediately. Construction will only recommence following approval from the structural and geotechnical engineers and arborist, subject to review of the work procedures and any modifications to the work procedures deemed necessary by the structural and geotechnical engineers and arborist.*

During the construction works monitoring of the tree is to be undertaken to ensure the health and vigor of the tree is at a minimum maintained and possibly increased during and after the proposed construction. This criterion has been included as recommended conditions of consent.

**Deferral Reason Three**

*Once the above assessment is completed, the recommendations of both professionals and any remediation requirements to be considered as part of the application will need to be submitted to ensure the development can proceed without any unacceptable risk to life and property.*

Officer Comment: The review of the submitted information by Council Officers has acknowledged the Geotechnical Engineer has concluded in his report, if the recommendations of the report, including the construction management plan and structural engineering details are effected, it is considered:

*'the site is suitable for the proposed development and that levels of risk to life and property will remain, at, or be reduced to, 'Acceptable levels'*

This information is reinforced through the conditions of consent referenced below.

The following information is required to be taken into consideration in the construction documentation for the lift pit walls:

a) Retention Design

- *The following earth pressure coefficients and subsoil parameters will be adopted for the design of the lift pit walls and contiguous piled wall shoring system:*
- *For design of the cantilever piled walls that will be supported by the structure and sections of the existing house, we recommend the use of a triangular lateral earth pressure distribution with an 'at rest' earth pressure coefficient ( $k_0$ ) of 0.55 for the retained profile, assuming a horizontal backfill surface.*
- *A bulk unit weight of 20kN/m<sup>3</sup> should be adopted for the retained profile.*
- *Any surcharge affecting the walls (e.g. nearby footings, sloping retained surfaces, construction loads etc) should be allowed for in the design using the earth pressure coefficient from above.*
- *The piled walls will be designed as permanently drained. The proposed vertical PVC pipes will be installed at maximum 1.1m horizontal spacing, as indicated on the structural drawings. The proposed geotextile fabric wrapping will comprise a non-woven geotextile fabric, such as Bidim A34, to act as a filter against subsoil erosion. The pipes should discharge into the lift pit drainage system.*
- *The permanent hot dipped galvanised vertical bars required to provide lateral restraint for the shoring piles will be designed for allowable bond strength of 200kPa assuming they are installed into sandstone bedrock of at least low strength.*

b) Lift Pit Base

- *The lift pit base will be founded in weathered sandstone bedrock and designed for an allowable bearing pressure of 600kPa, subject to geotechnical inspection.*
- *The lift pit base will be excavated, inspected and poured with minimal delay. The excavation must be free from all loose or softened materials prior to pouring.*

The additional information provided has holistically reviewed the Geotechnical and Structural Engineering recommendations that need to be implemented to support the foundation material of both sites and the existing infrastructure, namely, the retaining walls, to ensure the site is not undermined and the tree within the neighbouring allotment does not fail.

As a result of this additional assessment contained in the revised information, the recommended conditions have been included in the recommended conditions which are outlined at the end of this report.

## CONCLUSION

5. The documents submitted responding to the deferral issued by the Independent Hearing and Assessment Panel of 5 December 2017 and Local Planning Panel 14 August, 2018 have been reviewed by Council Officers, who consider the reports have adequately assessed the deferral reasons as outlined above, and provided recommendations that will be conditioned to ensure the site can be stabilised and the tree protected during the construction works.

The findings and recommendations of the reports do not result in the need for any amendments to the design of the development proposed; as a result the architectural plans, landscaping plans and drainage design do not require amending. The recommendations of the reports will be included in the recommended conditions of consent which have been referenced below.

The following conditions have been added in the draft conditions below to form a part of the consent:

- **During Construction - Condition 36 - Construction Management Plan** - Any work activity or activity associated with the development consent must be in accordance with the submitted Construction Management Plan dated 23 October, 2018, Ref: 31272Rrpt1 by JK Geotechnics.
- **Prior to Construction Certificate - Condition 19 - Tree Protection and Retention** - The following trees shall be retained and protected:

<b>Tree Species</b>	<b>Location of Tree / Tree No.</b>	<b>Tree Protection Zone (metres) Fencing distance from trunk</b>
<i>T1 – Corymbia citriodora</i>	Located within 20 Marine Parade	10.8m
<i>T2 – Angophora costata</i>	Lower of existing building, middle of subject site	10.8m
<i>T3 – Angophora costata</i>	Foreshore building line for purposes of a Pavilion	8.0m

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

### General Tree Protection Measures

- (a) All trees to be retained shall be protected before and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented within the

Root Mapping report provided by Urban Arbor, must be provided with the application for a Construction Certificate by a **suitably qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current financial member of Arboriculture Australia – AA and or Institute of Australian Consulting Arboriculturists – IACA.**

- (d) The Project Arborist must be present on-site during the stages of excavation, demolition and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
- (e) Unless otherwise specified in AS 4970-2009 *Protection of trees on development sites*, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.
- (g) No building products/ materials or services shall be installed within the TPZ of the tree/s unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.

#### **Excavation works near tree to be retained**

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

Details satisfying this condition shall be shown on the Construction Certificate plans.

#### **Pier and Beams**

- (k) To preserve the *Angophora costata*, the footings of the proposed Pavilion, shall be isolated pier and beam construction and as recommended moved 3.5m away from the proposed location. The

piers shall be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam shall be located on or above the existing soil levels.

Details of this construction method shall be shown on the Construction Certificate plans.

- **Prior to Construction Certificate - Condition 20 - Tree Pruning Required** - Any necessary pruning of overhanging branches relating to Tree 1, located within the property of 20 Marine Parade is subject to a separate tree pruning approval application **prior** to any works commencing and shall be conducted in accordance with - AS 4373 - 2007, Pruning of amenity trees, **Pruning class – “S” – Selective pruning – clause 7.2.4** and completed by a minimum, AQF Level 3 Arborist.

### DETERMINATION

THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979, as amended, the Council grants development consent to Development Application DA2017/0117 for alterations and additions to an existing dwelling - additional levels to dwelling to form a multi-level dwelling house, new terrace and pavilion to rear and a new garage at Lot 154 DP 11934 and known as 18 Marine Drive, Oatley, be approved subject to the following conditions:

### Schedule A – Site Specific Conditions

#### GENERAL CONDITIONS

These conditions have been imposed to ensure that the development is carried out in accordance with the approved plans and to ensure that the appropriate fees and bonds are paid in relation to the development.

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

Description	Reference No.	Date	Revision	Prepared by
Site Analysis Plan	DA01	15/11/17	E	Those Architects
Site Plan	DA02	15/11/17	E	Those Architects
Floor Plans (Demolition)	DA03 - DA06	15/11/17	E	Those Architects
Ground Floor Plan (Proposed)	DA07	15/11/17	G	Those Architects
First Floor Plan (Proposed)	DA08	15/11/17	G	Those Architects
Second Floor Plan (Proposed)	DA09	15/11/17	G	Those Architects
Third Floor Plan (Proposed)	DA10	15/11/17	H	Those Architects

Garage Floor Plan (Proposed)	DA11	15/11/17	H	Those Architects
Roof Plan (Proposed)	DA12	15/11/17	H	Those Architects
Section (AA)	DA13	15/11/17	G	Those Architects
Section (BB)	DA14	15/11/17	G	Those Architects
Section (CC)	DA15	15/11/17	F	Those Architects
Elevation (North)	DA16	15/11/17	G	Those Architects
Elevation (South)	DA17	15/11/17	G	Those Architects
Elevation (East)	DA18	15/11/17	G	Those Architects
Elevation (West)	DA19	15/11/17	H	Those Architects
Pavilion Plan	DA20	15/11/17	D	Those Architects
Pavilion Elevations	DA21	15/11/17	D	Those Architects
GFA Calculations	DA22 - DA24	15/11/17	D	Those Architects
Shadow Diagrams	DA25 - DA30	15/11/17	D	Those Architects
Elevational Shadow Diagrams	DA31 - DA36	15/11/17	C & D	Those Architects
View Analysis Montages	DA52 - DA56	15/11/17	B	Those Architects
Schedule of Colours and Finishes	--	28/04/17	--	Those Architects
Survey Plan	19220-1	02/09/16	--	Norton Survey Partners
Waste Management Plan	DA51	--	A	Those Architects

<b>Documents Relied Upon</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Construction Management Plan	31272 Rrpt2	23 October 2018	O	JK Geotechnics
Arboricultural Root Investigation Report	18/02/19/18MDO	23 February 2018	A	Bryce Claassens of Urban Arbor
Arboricultural Pruning Assessment Report	17/12/20/18/MDO	15 January 2018	A	Bryce Claassens of Urban Arbor

Geotechnical Engineer Report	31272ZRrpt	7 March 2018	1	
---------------------------------	------------	-----------------	---	--

## **SEPARATE APPROVALS UNDER OTHER LEGISLATION**

These conditions have been imposed to ensure that the applicant is aware of any separate approvals required under other legislation, for example: approvals required under the Local Government Act 1993 or the Roads Act 1993.

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au). For further

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

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

To apply for approval, complete the Driveway Crossing on Council Road Reserve Application Form which can be downloaded from Georges River Council's Website at [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au). Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted Fees and Charges for the administrative and inspection charges associated with Vehicular Crossing applications.

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

4. **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 OTHER GOVERNMENT AGENCIES**

These conditions have been imposed by other NSW Government agencies either through their role as referral bodies, concurrence authorities or by issuing General Terms of Approval under the Integrated provisions of the Environmental Planning and Assessment Act 1979.

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

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

These conditions either require modification to the development proposal or further investigation/information prior to the issue of the Construction Certificate to ensure that there is no adverse impact.

6. **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](http://www.georgesriver.nsw.gov.au)).

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

Please contact council prior to the payment of S94 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

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

<b>Fee Type</b>	<b>Fee</b>
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$155.00
Georges River Council Section 94A Development Contributions Plan 2017	\$8,845.19

### **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 94 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

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

### Indexation

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

### Timing of Payment

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

### Further Information

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

7. **Low reflectivity roof** - Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

8. **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.

9. **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.

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.

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

All stormwater shall drain by gravity directly to Georges River in a drainage system in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

The design of this proposed drainage system must be prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) and be submitted for approval with the Construction Certificate application.

11. **Detailed Stormwater Drainage Design** - The submitted stormwater plan has been assessed as a concept plan only. Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) 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.**

12. **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: **\$155.00**

(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.

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

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

14. **Engineer's Certificate** - A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

15. **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 all properties with a common boundary to the site 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.

(e) Sides of the excavation are to be piersed prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

16. **Site Management Plan** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
17. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
18. **Landscape Plan** - A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:
- (a) Location of existing and proposed structures, services and existing trees;
  - (b) Details of earthworks including mounding and retaining walls and planter boxes;
  - (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
  - (d) Details of planting procedure and maintenance;
  - (e) Landscape specification;
  - (f) Details of drainage and watering systems;
  - (g) Details of garden edging and turf; and
  - (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.
19. **Tree Protection and Retention** - The following trees shall be retained and protected:

<b>Tree Species</b>	<b>Location of Tree / Tree No.</b>	<b>Tree Protection Zone (metres) Fencing distance from trunk</b>
<i>T1 – Corymbia citriodora</i>	Located within 20 Marine Parade	10.8m
<i>T2 – Angophora costata</i>	lower of existing building, middle of subject site	10.8m
<i>T3 – Angophora costata</i>	Foreshore building line for purposes of a Pavilion	8.0m

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

## **General Tree Protection Measures**

- (a) All trees to be retained shall be protected before and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented within the Root Mapping report provided by Urban Arbor, must be provided with the application for a Construction Certificate by a suitably qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current financial member of Arboriculture Australia – AA and or Institute of Australian Consulting Arboriculturists – IACA.
- (d) The Project Arborist must be present on-site during the stages of excavation, demolition and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
- (e) Unless otherwise specified in AS 4970-2009 Protection of trees on development sites, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.
- (g) No building products/ materials or services shall be installed within the TPZ of the tree/s unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.

## **Excavation works near tree to be retained**

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

Details satisfying this condition shall be shown on the Construction Certificate plans.

## **Pier and Beams**

- (k) To preserve the *Angophora costata*, the footings of the proposed Pavilion, shall be isolated pier and beam construction and as

recommended moved 3.5m away from the proposed location. The piers shall be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam shall be located on or above the existing soil levels.

Details of this construction method shall be shown on the Construction Certificate plans.

20. **Tree Pruning Required** - Any necessary pruning of overhanging branches relating to Tree 1, located within the property of 20 Marine Parade is subject to a separate tree pruning approval application prior to any works commencing and shall be conducted in accordance with - AS 4373 - 2007, Pruning of amenity trees, Pruning class – “S” – Selective pruning – clause 7.2.4 and completed by a minimum, AQF level 3 Arborist.
21. **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. A277273\_05 must be implemented on the plans lodged with the application for the Construction Certificate.

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

These conditions have been imposed to ensure that all pre-commencement matters are dealt with and finalised prior to the commencement of work.

22. **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](http://www.SafeWork.nsw.gov.au).

23. **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 Council’s Engineers for their records.

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

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

25. **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.
26. **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.

27. **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.

### **DURING WORK**

These conditions have been imposed to ensure that there is minimal impact on the adjoining development and surrounding locality during the construction phase of the development.

28. **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.
29. **Physical connection of Stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent directly to Georges River via effective erosion control fully located on the development site.
30. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
31. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

32. **Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

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

33. **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.

34. **Excavation works near tree to be retained** - Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

35. **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.

36. **Construction Management Plan** - Any work activity or activity associated with the development consent, must be in accordance with the submitted Construction Management Plan dated 23 October, 2018, Ref: 31272Rrpt1 by JK Geotechnics.

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

These conditions have been imposed to ensure that all works have been completed in accordance with the Development Consent prior to the issue of the Occupation Certificate.

37. **Works as Executed and Certification of Stormwater works** - Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A works-as-executed drainage plan and certification must be forwarded to the Principal Certifying Authority and Georges River Council, from a suitably qualified and experienced Hydraulic Consultant/Engineer.

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 Certifying Authority.

The works-as-executed drainage plan must be prepared by a suitably qualified and experienced Hydraulic Engineer in conjunction with a Registered Surveyor and the works-as-executed plan must include the following details:

(a) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes.

38. **Vehicular crossing - Minor development** - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Vehicular Crossing Approval issued by Council's Engineering Services Division and in accordance with Council's Specification for Vehicular Crossings and Associated Works and the issued.

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

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

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

39. **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.
40. **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.
41. **Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
42. **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:

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.

43. **Driveways and parking spaces - Minor Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

### **ONGOING CONDITIONS**

These conditions have been imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood or environment.

44. **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.
45. **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.

### **ADVICE**

This advice has been included to provide additional information and where available direct the applicant to additional sources of information based on the development type.

46. **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](http://www.SafeWork.nsw.gov.au)).

47. **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.

48. **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.

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

### **Schedule B – Prescribed Conditions**

Prescribed conditions are those which are mandated under Division 8A of the *Environmental Planning and Assessment Regulation 2000* and given weight by Section 80A (11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a **summary** of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

It is the responsibility of the beneficiary of this consent to determine which prescribed conditions apply.

50. **Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
51. **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.
52. **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 Certifying Authority and the Principal Contractor.
53. **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.
54. **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.

### **Schedule C – Operational & Statutory Conditions**

These conditions comprise the operational and statutory conditions which must be satisfied under the Environmental Planning and Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000. Please refer to the full details of the Act and Regulations as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

It is the responsibility of the beneficiary of this consent to determine which operational and statutory conditions apply.

55. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

An application form for a **Construction Certificate** is attached for your convenience.

56. **Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:

appointed a Principal Certifying Authority (PCA) for the building work; and 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, then the beneficiary of the consent must:

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  
notify the PCA of the details of any such appointment; and  
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 Principal Certifying Authority for your development.

57. **Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the PCA must notify:

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

58. **Notice of Commencement** - The beneficiary of the development consent must give at least two (2) 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.

59. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifying Authority. 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.

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

Where Georges River Council has been appointed PCA, forty eight (48) hours notice in writing, or alternatively twenty four (24) hours notice by facsimile or telephone, must be given to when specified work requiring inspection has been completed.

61. **Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

An **Occupation Certificate Application Form** is attached for your convenience.