

**ADDENDUM REPORT
 GEORGES RIVER LOCAL PLANNING PANEL
 ELECTRONIC DETERMINATION – 35 RIVER ROAD, OATLEY**

LPP Report No.		Development Application No.	DA2020/0152
Site Address and Ward Locality	35 River Road Oatley Peakhurst Ward		
Proposed Development	Remediation works of the former Oatley Bowling Club site in accordance with the remedial action plan prepared for the site including associated retaining walls and land grading.		
Owners	Georges River Council		
Applicant	EI Australia		
Planner/Architect	Contamination Assessment – EI Australia Review of Environmental Factors – Morasey Environment Pty Ltd		
Date of Lodgement	20 April 2020 Amended and updated information received 3 September 2020 and 21 September 2020 which addressed the deferral items of the Georges River Local Planning Panel.		
Submissions	Nil the amendments were not required to be notified under the Hurstville Development Control Plan.		
Cost of Works	\$1,347,100.00		
Local Planning Panel Criterion	Development for which the Land Owner is the Council.		
List of relevant s.4.15 matters	State Environmental Planning Policy No.55 – Remediation of Land; State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; Deemed State Environmental Planning Policy – Georges River Catchment; Draft Environment State Environmental Planning Policy 2017; Draft Remediation State Environmental Planning Policy; Hurstville Local Environmental Plan 2012; Hurstville Development Control Plan No.1 – LGA Wide and Draft Georges River Local Environmental Plan 2020.		
Report prepared by	Consultant Planner		
Recommendation	That the application be approved in accordance with the conditions referenced at the end of this report.		

Site Plan



The site is outlined in blue

Executive Summary

Proposal

1. This report has been prepared following the deferral of the subject development application (DA) (DA2020/0152) by the Georges River Local Planning Panel (LPP) on 20 August 2020. The development proposal involves remediation of the former Oatley Bowling Club site in accordance with the remedial action plan prepared for the site including associated retaining walls and land grading at 35 River Road, Oatley NSW 2223.
2. A detailed assessment report was prepared which considered the planning merits and compliance of the proposal. The planning report is included as an Addendum to this report and originally recommended approval subject to conditions.
3. The Panel at its meeting on 20 August 2020 considered the report and resolved to defer consideration of the DA to enable the applicant sixty (60) days in which to submit additional details as referenced below:

Deferral

*Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2020/0152 for the Remediation works of the former Oatley Bowling Club site in accordance with the remedial action plan prepared for the site including associated retaining walls and land grading at 35 River Road, Oatley, be **deferred** pending the submission of further details in relation to addressing visual impacts of the retaining wall including landscape and design treatment, and details of interim finished surface treatments prior to final certification.*

The matter is to be referred back to the Panel as constituted on 20 August 2020 for electronic determination within 60 days.

ASSESSMENT OF THE ADDITIONAL INFORMATION

4. The applicant has submitted amended plans on 3 September 2020 and again on 21 September 2020 in response to the reasons for deferral, specifically:
- a site layout plan which outlines broader landscape treatment to the disturbed areas of the site;
 - a cross section of the proposed retaining wall depicting planting to each of the terraces as well as a specific planting schedule.

The amended detail consisted of the following plans:

Site Layout - Landscaping Finishes	E24352 (S01.04)	EI Australia
Typical Landscaping Cross Section	E24352 (S01.05)	EI Australia
Planting Detail	E24352 (S01.06)	EI Australia

ASSESSMENT OF AMENDED PLANS

Deferral Reason

5. *Submission of further details in relation to addressing visual impacts of the retaining wall including landscape and design treatment, and details of interim finished surface treatments prior to final certification.*
6. Assessment Officers Comment: The amended plan detail has incorporated hydro turf to the disturbed areas of the site and substitute's generic tube stock planting to the gabion retaining wall with a more specific planting schedule. Stone construction of the retaining wall is considered appropriate given the bushland setting of the site with additional landscape detail incorporating a variety of species to each terrace inclusive of several climbers which will soften its visual impact. Additional landscape treatment will also assist in limiting erosion and controlling sedimentation runoff.
7. The amendments do not alter compliance of the proposed development against relevant matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979, of which were addressed in the original assessment report (annexed to this report).

NEIGHBOUR NOTIFICATION

8. Given the minor nature of amendments, being clarification of the details, re-notification was not required in accordance with the Development Control Plan.

Internal Referrals

9. Consultant Arborist
The amended plan and details were referred to Council's Consultant Arborist for review. Additional conditions were provided with respect to maintenance of the landscape works and have been referenced in the conditions at the end of this report.

Conclusion

10. The proposal has been assessed having regard to the matters for consideration referenced in Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposal is considered acceptable and recommended for approval subject to conditions of consent. The reasons for the deferral of the application by the Georges River Local Planning Panel at its meeting on 20 August 2020 have been adequately resolved by the amended plans and detailing.

DETERMINATION AND STATEMENT OF REASONS

11. Statement of Reasons

- The amended plans submitted by the applicant have suitably addressed the reasons the development application was deferred by the Local Planning Panel at its meeting on 20 August 2020.
- The proposed development generally complies with the requirements of the relevant Environmental Planning Instruments and Development Control Plan.
- The proposed development is well considered and sensitively designed so that it will not result in any unreasonable impact on the natural and built environment.
- The proposed development will reduce risk to the environment from contamination and will facilitate the use of the land for its zoned purpose as a public reserve and accordingly is in the public interest.

Determination

12. That the Georges River Council Local Planning Panel Council as the Consent Authority pursuant to Section 4.16(1)(a) Environmental Planning & Assessment Act 1979, grant consent to Development Application No DA2020/0152 for the remediation of the former Oatley Bowling Club site in accordance with the remedial action plan prepared for the site including associated retaining walls and land grading works at 35 River Road, Oatley NSW 2223; subject to the following conditions of consent.

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
Construction Sequence - Sheet 1	E24352 (S01.01)	17.12.19	A	EI Australia
Construction Sequence - Sheet 2	E24352 (S01.02)	-	-	EI Australia
Site Layout	E24352 (S01.03)	-	-	EI Australia
Site Layout - Landscaping Finishes	E24352 (S01.04)	Plot date 31/8/2020	-	EI Australia

Typical Landscaping Cross Section	E24352 (S01.05)	Plot date 31/8/2020	-	EI Australia
Planting Detail	E24352 (S01.06)	Plot date 31/8/2020	-	EI Australia
Cross Sections - Sheet 3	E24352 (S01.07)	-	-	EI Australia
Retaining Wall - 3D View	E24352 (S05.00)	-	-	EI Australia
Civilworks - Retaining Wall Plan	E24352 (S05.01)	-	-	EI Australia
Civilworks - Typical Retaining Wall Section - 3D	E24352 (S05.02)	-	-	EI Australia
Civilworks - Typical Retaining Wall Details	E24352 (S05.03)	-	-	EI Australia
Civilworks - Cross Sections - Sheet 1	E24352 (S05.05)	-	-	EI Australia
Civilworks - Cross Sections - Sheet 2	E24352 (S05.06)	-	-	EI Australia
Civilworks - Cross Sections - Sheet 3	E24352 (S05.07)	-	-	EI Australia
Tree Protection Plan	-	16.07.20	-	P. Vezgoff
Remediation Action Plan	E24352.E O6	20.03.20	2	EI Australia

Separate Approvals Required Under Other Legislation

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;

- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

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

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.

3. **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.
4. **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.

Prior to the issue of a Construction Certificate

5. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$3,750.00

Inspection Fee for Refund of Damage Deposit	\$371.00
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General Fees

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

6. **Site Management – 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.

7. **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.

8. **Landscape Plans** - All landscape works shall be carried out in accordance with the approved Site layout / landscape finishes and specifications, drawn by EI Australia, Ref No E24352 / sheets S01.04, S01.05 and S01.06 and plot date 31 August 2020. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following -
- a) The proposed plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives;
 - b) If the 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;
9. **Compliance with submitted Arborist Report** - The recommendations outlined in the Arborist's Report titled Arboricultural Development Assessment Report, prepared by Moore Trees, dated July 2020 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.

All remediation works must be carried out in accordance with the Tree Protection Plan, provided by Moore Trees, with the use of the remediation plan by EI Australia.

The trees to be retained and protected are listed in the table below.

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) TPZ as per AS4970-2009 Fencing distance from trunk
Tree 1 – <i>Eucalyptus haemastoma</i>	Middle of site. <i>No works proposed due to trees.</i>	10.8 metres radially out from its trunk.
Tree 6 – <i>Brachychiton acerifolius</i>	South eastern fence line, <i>No works proposed due to trees.</i>	4.2 metres.
Tree 12 – <i>Eucalyptus pilularis</i>	Bottom of embankment, <i>No works proposed in this area.</i>	11.4 metres.
Tree 19 – <i>Pittosporum undulatum</i>	Embankment area, proposed retaining wall.	2.0 metres.
Tree 20 – <i>Angophora costata</i>	Embankment area, proposed retaining wall.	3.5 metres radially.
Tree 21 – <i>Pittosporum</i>	Embankment area, proposed retaining wall.	2.0 metres.

<i>undulatum</i>		
Tree 31 (Group x 6) <i>Casuarina cunninghamiana</i>	Embankment area, proposed retaining wall.	2.5m, collectively one tree protection zone around all.
Tree 34 – <i>Eucalyptus pilularis</i>	Bottom of embankment west boundary.	9.6 metres radially out from its trunk.
Tree 35 - <i>Eucalyptus pilularis</i>	Bottom of embankment west boundary.	10.8 metres radially out from its trunk.
Tree 40 – <i>Glochidion ferdinandi</i>	Bottom of embankment west boundary.	3.5 metres radially out from its trunk.
Group of trees not assessed close to eastern boundary fencing, middle, coloured in yellow upon S01.03 (EI Australia) Yellow – <i>clean fill overlay Asbestos. No works proposed due to trees.</i>	Eastern boundary fencing, middle, coloured in yellow upon S01.03 (EI Australia) Yellow – <i>clean fill overlay Asbestos. No works proposed due to trees.</i>	5.0 metres radially.

General Requirements

- a) The client shall 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 Arboricultural Association or Affiliation.
- b) A certificate of compliance letter for tree protection measures shall be completed and forwarded to the PCA – Principal Certifying Authority, at three (3) stages being before works, during works and once all building works have been completed, that tree protection measures have been installed and maintained during the building process and Tree Protection Measures as per Arborist Report - 5. **TREE PROTECTION, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6 and 5.7**
- c) All trees on Council property, subject site and adjacent sites, to be retained shall be protected before site set up and maintained during demolition, excavation and construction of the site.
- d) The tree protection measures must be undertaken in accordance AS4970-2009 *Protection of trees on development sites*.
- e) 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, nominated for retention within this consent.
- f) In accordance with AS 4970-2009 *Protection of trees on development sites*, a protective fence consisting of 2.4m x 1.8m 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 100mm thick shall be placed over the

protected area and no soil or fill should be placed within the protection area.

- g) To preserve the trees to be retained and protection from machinery, no work shall commence until the Tree Protection Zone has been protected with 100mm of organic mulch laid, timber sleepers at 200mm x 100mm laid over the top and secured with metal framing bands as per AS4970 - 2009, clause 4.5.3 Ground protection.
- h) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.
- i) 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 - Gabion Walling

- j) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the AQF 5 Project Arborist to ensure that the root system and canopy of each tree will not adversely be affected.
- k) 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.
- l) Tree Protection Zones around the trees to be retained are not to have soil level changes, building product / materials stored, services or site sheds installed in this area.

10. **Tree Removal & Replacement** - In accordance with Georges River Tree Management Policy 2019, a 2:1 Policy is to be implemented. For every one (1) tree to be removed, two (2) trees shall be planted on site to compensate for the loss of each tree, with exempt Species replacement being 1:1.

In accordance with the Arborist's Report titled Arboricultural Development Assessment Report, prepared by Moore Trees, dated July 2020 permission is granted for the removal of the following trees:

Tree Species	No. of	Location
Tree 2 & 3 – <i>Backhousia myrtifolia</i>	X2	Middle of open site.
Tree 4 & 5 – <i>Syzygium australe</i>	X2	Middle of open site.
Tree 7, 8 & 9 – <i>Jacaranda mimosifolia</i>	X3	South west corner of site.
Tree 10 – <i>Eucalyptus Spp</i>	X1	South west corner lower embankment.
Tree 11 & 13 – <i>Pittosporum undulatum</i>	X2	South end of the site, embankment.
Tree 14 – <i>Jacaranda mimosifolia</i>	X1	Top of embankment, south.

Tree 15 – <i>Nerium oleander</i>	X1	Top of embankment, south.
Tree 16 – <i>Grevillea robusta</i>	X1	Top of embankment, south west.
Tree 17 – <i>Nerium Oleander</i>	X1	Top of embankment, south west.
Tree 18 – No description	X1	Embankment, south west.
Tree 22 – <i>Grevillea robusta</i>	X1	Top of embankment, south west.
Tree 23 – <i>Jacaranda mimosifolia</i>	X1	Top of embankment, west.
Tree 24 – <i>Nerium Oleander</i>	X1	Top of embankment, west.
Tree 25 – <i>Jacaranda mimosifolia</i>	X1	Top of embankment, west.
Tree 26 – <i>Liquidamber styraciflua</i>	X1	Top of embankment, west.
Tree 27 – <i>Nerium oleander</i>	X1	Top of embankment, west.
Tree 28, 29 & 30 – <i>Pittosporum undulatum</i>	X3	Top of embankment, west.
Tree 32 – <i>Pittosporum undulatum</i>	X1	Top of embankment, north west.
Tree 33 – <i>Eucalyptus pilularis</i>	X1	Top of embankment, north west.

General Tree Removal Requirements

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).

During Construction

11. **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.

12. **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 or otherwise enclosing public road reserve; (refer: work zone application);
- (b) Placing or storing waste containers or skip bins; (refer Application To Place Waste Skip Bin On Roadway)
- (c) Erecting a structure or carrying out work (refer: Temporary Structures Application, Roads Act Application)
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like; (refer: Road Lane and Footpath Closure Application)
- (e) Pumping concrete from a public road; (refer Road Lane and Footpath Closure Application)
- (f) Pumping water from the site into the public road; (refer: Roads Act application)
- (g) Constructing a vehicular crossing or footpath; (refer: Application for Driveway Crossing & Associated Works)
- (h) Establishing a "works zone"; (refer Works Zone Application)
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of utility connections to stormwater kerb outlet connection); (refer: Road Opening Permit Application)
- (j) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways. (refer: Temporary Structures Application)

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.

- 13. **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.
- 14. **Road Opening Permit** - A Road Opening Permit must be obtained from Council for every opening of a public road reserve to access services including sewer, water mains, gas mains, connecting of stormwater to the kerb and telecommunication. This is for any work that involves excavation through or within a public road, kerb and gutter, and or the public footway between the road and the property boundary. The permit is to be lodged prior to the commencement of works. Additional approval is required from Roads and Maritime Services for works on a State Road.
- 15. **Remediation Works** - All remediation work must be carried out in accordance with: -
 - The Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land; and
 - the EPA Guidelines made under the Contaminated Land Management Act 1997.

And in accordance with the subject Remedial Action Plan:

- (a) The site is to be prepared in accordance with the requirements of the remediation plan and all site management measures to be in place to minimise dust and odour and stormwater management and control.
- (b) As-built survey plans of any capped areas are to be prepared to document:
 - The final excavation depth;
 - The final contaminated fill level;
 - The final surface capping level.
- (c) Any excess soil designated for offsite disposal is to be first classified in accordance with EPA (2014) *Waste Classification Guidelines* and transported to a licensed facility.
- (d) Should unexpected finds be discovered during the course of the remediation program, or should any phase of the validation identify residual, high level contamination requiring additional remediation, then the procedures described under the Unexpected Finds Protocol (**Section 7.6**) and/or the Validation Plan (**Section 6.6**) will be implemented, until the remediation goals have been achieved and the site is deemed suitable for the intended land use with an EMP.

16. **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

17. **Validation Report** - After completion of all remediation works, a copy of the Validation and Monitoring Report prepared by suitably qualified contaminated land consultant shall be submitted to Council.

The validation report shall be prepared in accordance with the EPA Guidelines, *Consultants Reporting on Contaminated Sites*, and shall certify the suitability of the site for the proposed development.

- describe and document all works performed;
- include results of validation testing and monitoring;
- include validation results of any fill imported on to the site; and
- show how the objectives of the Remedial Action Plan have been met; and
- show how all clean-up criteria & relevant regulations have been complied with; and
- include clear justification as to the suitability of the site for the proposed development; and
- the potential for off-site migration of any residual contaminants.

In conclusion the validation report is required to confirm:

- The absence of asbestos and lead across the surface of the site;
- The suitability of the installed physical barrier for any material encapsulated beneath; and
- The suitability of any material imported to site.

18. **Completion of Landscape Works -**

a) All landscape works and planting of all plants must be completed before the issue of the Final Occupation Certificate and to the satisfaction of Councils Tree Management Officers. In accordance with approved landscape plans and specifications, drawn by EI Australia.

b) A certificate of compliance for the planting of all shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all plants have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority for compliance.

19. **Tree Protection Measures -** A final certificate of compliance letter, once all remediation 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.

20. **Replacement Tree Planting -** In accordance with Georges River Councils, Tree Management Policy, 2019, a 2:1 replacement shall be implemented. For every one (1) tree removed from the site, two (2) additional trees must be planted, to maintain and increase urban canopy. All planted trees must be specified upon a landscape plan drawn by a Landscape Architect, showing details and locations of all trees and forwarded to the nominated PCA for compliance.

Operational Conditions (Ongoing)

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

Tree Protection Measures

a) A final certificate of compliance letter, once all remediation 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.

b) 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 .

22. **Environmental Monitoring Plan** - At the completion of all site remediation and the submission of the validation report, the Environmental Monitoring Plan (EMP) shall be implemented to manage the contaminated materials capped on site. The EMP is to include:
- Details, location and nature of contaminated material.
 - Guidance against the exposure of underlying contaminated material.
 - Management measures for contaminated material if future access is required.

In addition management measures will be detailed in the EMP and will mainly involve routine site inspections and inspections of the site after heavy rain.

The EMP will be registered on the certificate of title with NSW Land and Property Information.

Operational Requirements under the Environmental Planning and Assessment Act 1979

23. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued
24. **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 work is not going to be undertaken by an Owner - Builder, applicant must:

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

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

25. **Notification of Critical Stage Inspections** - 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.

26. **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.

27. **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](#).

28. **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.

29. **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

30. **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.
31. **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 Contractor and any Principal Supervisor.

Advice

32. **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.

33. **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.
34. **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.
35. **Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au
36. **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.

37. **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.

38. **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 justify the non-compliance 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.

39. **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 licence may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

40. **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.