

**ELECTRONIC REPORT TO GEORGES RIVER LOCAL PLANNING PANEL  
FOLLOWING DEFERRAL OF 19 APRIL 2018**

|  |   |                                   |             |
|--|---|-----------------------------------|-------------|
| <b>LPP Report No</b>   |   | <b>Development Application No</b> | DA2017/0197 |
| <b>Site Address &amp; Ward Locality</b>  | Lot 22 – 23 Bay Road, Oatley<br>Peakhurst Ward  |                                   |             |
| <b>Proposed Development</b>  | Demolition of existing dwelling and construction of new two-three storey dwelling   |                                   |             |
| <b>Owner</b>   | Valerie Orton   |                                   |             |
| <b>Applicant</b>   | Mustapha Moussa   |                                   |             |
| <b>Planner/ Architect</b>  | Ghazi Al Ali Architects   |                                   |             |
| <b>Date of Lodgement</b>   | 30 June 2017  |                                   |             |
| <b>Submissions</b>   | Original Proposal – 31<br>Amended Proposal - 6  |                                   |             |
| <b>Cost of Works</b>   | \$749,157.00  |                                   |             |
| <b>Local Planning Panel Criteria</b>   | Number of submissions received  |                                   |             |
| <b>List of all relevant 4.15(1)(a) matters</b>                                     | Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment<br>State Environmental Planning Policy No 55 - Remediation of Land<br>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004<br>Hurstville Local Environmental Plan 2012<br>Hurstville Development Control Plan No.1 |                                   |             |
| <b>List all documents submitted with this report for the Panel's consideration</b> | Architectural Plans<br>Arborist report<br>Ecologist Report  |                                   |             |
| <b>Report prepared by</b>  | Development Assessment Officer  |                                   |             |
| <b>Recommendation</b>  | THAT the application be approved in accordance with the conditions included in the report.  |                                   |             |

|   |                       |
|---|-----------------------|
| <b>Summary of matters for consideration under Section 4.15</b><br>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><br>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><br>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>Not Applicable</b> |

|   |  |
|---|--|
| <p><b>Special Infrastructure Contributions</b><br/>Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p> | <p><b>Not Applicable</b></p>                             |
| <p><b>Conditions</b><br/>Have draft conditions been provided to the applicant for comment?</p>  | <p><b>No, standard conditions have been attached</b></p> |

### Report Detail

This report has been prepared following the deferral of development application (DA2017/0197) for the demolition of existing dwelling and construction of two-three storey dwelling at 23 Bay Road, Oatley by the Georges River Local Planning Panel (Panel) on 19 April 2018.

This report has undertaken an assessment of the additional information provided by the applicant to address the deferral reasons relating to vegetation identification and location, ecological value of the trees and geotechnical concerns relating to the material the vegetation considered suitable. The following is an assessment of the information provided by the relevant consultants in response to the deferral:

**Deferral Reason One:**

*An updated survey that shows all trees on the site and adjoining properties including a detailed schedule of all trees, their species, size and health.*

Officer Comment: The applicant has provided an updated survey plan (copy attached to this report), identifying the existing trees on the subject and adjoining properties. This information has informed the revised arborist and ecological reports which are discussed in detail below.

**Deferral Reason Two:**

*An ecologist report to define the environmental values of the native trees and habitat on the site.*

Officer Comment: A Flora and Fauna Assessment Report, Prepared By: Cumberland Ecology, dated July 2018, Report No. 18063RP1 was submitted to Council. The report concluded the following:

*“The proposed development will involve the removal of native trees, as well as shrub and ground vegetation in the subject site. The removal of this vegetation will remove some suitable habitat for native species although the understorey vegetation to be removed is largely exotic. Approximately 0.06 ha of Coastal enriched Sandstone Dry Forest (CESDF) in low condition will be removed for the proposed development.*

*The CESDF occurring within the subject site is not listed as threatened under state or federal legislation. Within the subject site this community in a highly degraded form lacking species diversity and coverage of native plants in the understorey and ground layers, with abundant occurrences of exotic planted and weed species throughout these layers. However around the northern and southern boundaries of the subject site are mature native trees such as Eucalyptus pilularis (Blackbutt) Eucalyptus punctata (Grey Gum) will be retained*

and will continue to provide habitat for a suite of native birds, reptiles and bat species.

The mitigation measures recommended to be implemented include:

- Vegetation protection;
- Erosions, sedimentation and pollution control; and
- Weed control measures.

No significant impact is predicated to occur to threatened species, populations or communities as a result of the proposed development. Therefore the preparation of a Species Impact Statement (SIS) is not warranted. A referral to the Commonwealth Department of the Environment, under the EPBC Act (Commonwealth Environment Protection and Biodiversity Conservation Act 1999) is also not required.”

This document has been reviewed by Council’s Tree and Landscape Management Officer who supports the recommendations of the report. Conditions have been recommended which are outlined at the end of this report.

### **Deferral Reason Three**

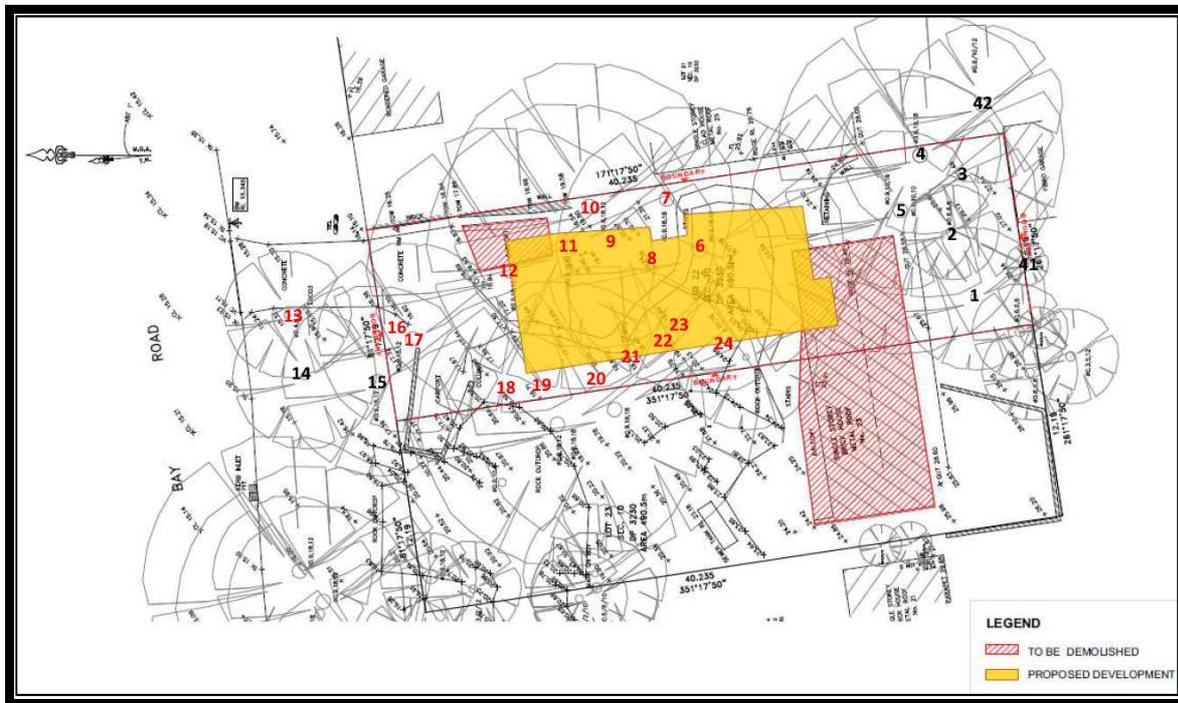
A report prepared by a suitability qualified arborist that significant trees on properties are identified and their condition and their retention considered as a result of excavation and construction.

Officer Comment: An Arboricultural Impact Assessment, Prepared By: NSW Tree Services Pty Ltd, dated: 3 July 2018, Report Reference: A/A – GAA (L22) 07/18 was submitted to Council.

The report nominates trees to be retained, and removed, in addition to trees where consideration should be given to their removal given declining health or undermining resulting from other trees as outlined in the table below and supporting plan.

| <b>Tree Number</b> | <b>Recommendation</b>  |
|--------------------|--|
| 1                  | Retain Tree  |
| 2                  | Retain Tree  |
| 3                  | Retain Tree  |
| 4                  | Retain Tree  |
| 5                  | Low vitality tree, consider removal.                         |
| 6                  | Remove tree for development                                  |
| 7                  | Remove tree  |
| 8                  | Remove tree  |
| 9                  | Remove tree  |
| 10                 | Remove tree  |
| 11                 | Remove tree  |
| 12                 | Remove tree  |
| 13                 | Declining tree. Consider removal irrespective of development |
| 14                 | Retain Tree  |
| 15                 | Retain Tree  |
| 16                 | Retain Tree  |
| 17                 | In conflict with tree 16, remove tree.                       |
| 18                 | Remove tree  |
| 19                 | Remove tree  |

|    |             |
|----|-------------|
| 20 | Remove tree |
| 21 | Remove tree |
| 22 | Remove tree |
| 23 | Remove tree |
| 24 | Remove tree |
| 41 | Retain Tree |
| 42 | Retain Tree |



**Figure 1:** All numbered trees above, are to be removed (Except 13, 16 and 17).

The application was referred to Council's Tree and Landscape Management Officer who concurs with the findings of the Arborist report subject to the imposition of conditions of consent, which are outlined at the end of this report.

#### **Deferral Reason Four**

*A geotechnical report is prepared to identify the following:*

- *Nature of the substratum.*
- *Ability of the substratum to support the proposed development.*
- *The impact of the excavation and construction on any trees proposed to be retained.*
- *Excavation methods to ensure stability and protection of adjoining sites, buildings and trees.*

Officer Comment: Geotechnical Advice/Investigation Report, Prepared By: Geo-Environmental, dated: 5 July 2018, Report ID: G17044OAT-R03F (copy attached to this report) was submitted to Council.

The investigations resulting in three (3) bore holes across the site as outlined in the drawing below.

This report was informed by the architectural plans of the development, the revised survey and the arborist report.

The findings of the investigations concluded that the development is feasible from a geotechnical perspective and standard controls such as vibration monitoring (non use of hydraulic hammers and their replacement with rock saws) and geotechnical inspections during the excavation works will ensure the protection of adjoining sites, buildings and trees.

A condition of consent has been recommended to ensure compliance with submitted Geotechnical Report.

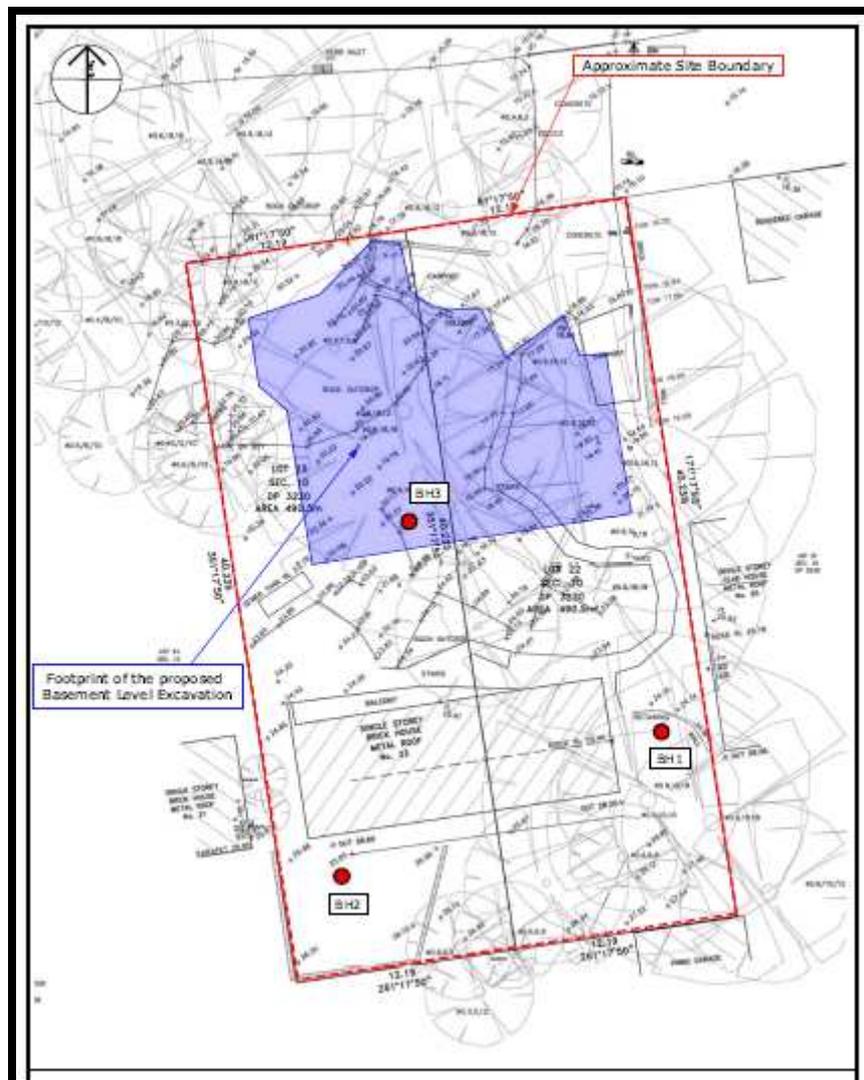


Figure 2 - Diagram of bore hole locations across the site.

## CONCLUSION

The documents submitted responding to the deferral issued by the Local Planning Panel of 19 April 2018 have been reviewed by Council Officers, who consider the reports have adequately assessed and addressed the deferral reasons as outlined above.

The findings and recommendations of the reports do not result in the need for 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 can be included in the recommended conditions of consent which have been referenced below.

As a result the following amendments to the recommended conditions are outlined below for consideration by the panel in the determination of this application.

Condition 18 is amended to read:

18. **CC9.86 - Compliance with submitted Arborist Report** - The recommendations outlined in the Arborist's Report titled *Arboricultural Impact Assessment* (Report Reference: AIA - GAA (L22) 07/18) prepared by *NSW Tree Services Pty Ltd* dated 03 July 2018 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.

The tree/s to be protected are listed in the table below.

| <b>Tree Species</b>           | <b>Location of Tree / Tree No.</b> | <b>Tree Protection Zone (metres)</b> |
|-------------------------------|------------------------------------|--------------------------------------|
| <i>Thuja placate</i>          | Rear of property /T01              | 2.16m                                |
| <i>Jacaranda mimosifolia</i>  | Rear of property /T02              | 5.4m                                 |
| <i>Jacaranda mimosifolia</i>  | Rear of property /T03              | 2.64m                                |
| <i>Eucalyptus pilularis</i>   | Rear of property /T04              | 7.2m                                 |
| <i>Eucalyptus pilularis</i>   | Rear of property /T05              | 8.16m                                |
| <i>Angophora floribunda</i>   | Council street tree /T13           | 2.4m                                 |
| <i>Corymbia gummifera</i>     | Council street tree /T14           | 3.12m                                |
| <i>Eucalyptus pilularis</i>   | Council street tree /T15           | 7.44m                                |
| <i>Eucalyptus haemastoma</i>  | Front of property /T16             | 4.2m                                 |
| <i>Cupressus sempervirens</i> | Front of property /T17             | 3.6m                                 |

Condition 20 is amended to read:

20. **CC9.89 - Tree Removal & Replacement - Tree removal** - Permission is granted for the removal of the following trees.

| <b>Tree species</b>          | <b>Number of trees</b> | <b>Location</b>   |
|------------------------------|------------------------|-------------------|
| <i>Eucalyptus pilularis</i>  | T06                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T07                    | Front of property |
| <i>Pittosporum sp</i>        | T08                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T09                    | Front of property |
| <i>Citharexylum spinosum</i> | T10                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T11                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T12                    | Front of property |
| <i>Eucalyptus punctata</i>   | T18                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T19                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T20                    | Front of property |
| <i>Jacaranda mimosifolia</i> | T21                    | Front of property |
| <i>Jacaranda mimosifolia</i> | T22                    | Front of property |
| <i>Eucalyptus punctata</i>   | T23                    | Front of property |
| <i>Jacaranda mimosifolia</i> | T24                    | Front of property |

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

**PREC10.16 – Retention of Trees** – Prior to the commencement of any works

- a) The project Arborist be on site BEFORE any works have commenced to identify and TAG the trees for RETENTION and to oversee tree protection fencing in accordance with AS 4970 – 2009, Protection of trees on development sites and the arborist reports prepared by Sam Allouche, from NSW Tree Services P/L. The project Arborist to certify that these measures have been implemented.
- b) The project arborist to be on site and to identify the trees for removal and whilst the trees for removal are being removed.
- c) Tree protection fencing shall be installed as one (1) continuous fencing installation as to isolate all areas and tree protection zones, under the guidance of the project Arborist, who prepared the Arborist Reports.
- d) All tree protection fencing zones shall be mulched at 75 – 100mm of matured organic leaf mulch and watered periodically.

**OCC12.26 – Plantation of Trees** - Prior to the release of an Occupational Certificate

- a) A minimum of three (3) x 75 litre Australian native trees that are able to reach a maturity of at least nine (9) metres shall be planted within both - LOT 22 AND LOT 23 , total of six (6) trees, upon the site and be implemented, forming part of the proposed landscape plans prepared by Conzept Landscape Architects, before Occupation Certificate.

**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 DA2017/0197 for demolition of the existing dwelling and construction of new two-three storey dwelling at Lot 22 Section 10 DP 3230 and known as Lot 22, 23 Bay Road, 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. **DEV6.1 – 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             |
|-------------------|---------------|----------|----------|-------------------------|
| Demolition Plan   | A1110         | 20/12/17 | B        | Ghazi Al Ali Architects |
| Street Level      | A1201         | 20/12/17 | B        | Ghazi Al Ali Architects |
| Ground & Level 01 | A1202         | 20/12/17 | B        | Ghazi Al Ali Architects |

|                    |   |          |   |                         |
|--------------------|---|----------|---|-------------------------|
| Level 02 & Roof    | A1203   | 20/12/17 | B | Ghazi Al Ali Architects |
| Elevations         | A1301   | 20/12/17 | B | Ghazi Al Ali Architects |
| Elevations         | A1302   | 20/12/17 | B | Ghazi Al Ali Architects |
| Sections           | A1401   | 20/12/17 | B | Ghazi Al Ali Architects |
| Material Schedule  | A2201   | 20/12/17 | B | Ghazi Al Ali Architects |
| Material Schedule  | A2202   | 20/12/17 | B | Ghazi Al Ali Architects |
| Landscape Plans    | LPDA 17 – 355/1<br>LPDA 17 – 355/2<br>LPDA 1/ - 355/3 | 27/3/18  | D | Conzept                 |
| Stormwater Concept | SW200, SW201,<br>SW202, SW203,<br>SW300 and SW400     | 22/6/17  | A | SGC                     |

### 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. **APR7.2 - 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. **APR7.5 - 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.

4. **GOV8.12 - 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.

5. **CC9.10 - Section 4.14 Bushfire Risk Assessment Certificate** - All bushfire measures as recommended in the Bushfire Risk Assessment Report No.171096B, prepared by Building Code & Bushfire Hazard Solutions Pty Limited and dated 7 February 2018, and in the Bushfire Risk Assessment Certificate approved by Building Code & Bushfire Hazard Solutions (Certification No. BPAD9400), must be implemented and the details of bushfire safety measures must be submitted with the Construction Certificate application.
6. **CC9.11 - Bushfire Attack Level** - The proposed development is to fully comply with all requirements applicable to a Bush Fire Attack Level (BAL) of FZ. With regard to the construction requirements both Addendum: Appendix 3 Planning for Bush Fire Protection 2010, and AS3959 -2009 Construction of Buildings in Bush Fire prone areas shall be referenced. Full details of proposed method of compliance are to be submitted with the Construction Certificate application.

7. **CC9.1 - 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).

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   |
| <b>DEVELOPMENT CONTRIBUTIONS</b>  |            |
| Georges River Council Section 94A Development Contributions Plan 2017   | \$7,759.76 |

A Tree Preservation and Protection Bond shall be implemented as per Georges River Councils Assets & Infrastructure Tree Management 1.11.

- Minimum Fee per tree > 5m in height (per application) \$633.50

The tree/s with a Tree Preservation and Protection Bond are listed in the table below.

| <b>Tree Species</b>         | <b>Location of Tree / Tree No.</b> | <b>Tree Preservation and Protection Bond</b> |
|-----------------------------|------------------------------------|--|
| <i>Angophora floribunda</i> | Council street tree /T13           | \$633.50                                     |
| <i>Corymbia gummifera</i>   | Council street tree /T14           | \$633.50                                     |
| <i>Eucalyptus pilularis</i> | Council street tree /T15           | \$633.50                                     |
| <b>Total</b>                |                                    | \$1,900.50                                   |

### **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**

A Section 7.12 contribution has been levied on the subject development

pursuant to the Georges River Council Section 94A 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).

8. **CC9.13 - 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.

9. **CC9.32 - 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.

10. **CC9.33 - 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.

11. CC9.34 - **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 to Council's kerb and gutter directly in front of the development site in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

The stormwater concept plans must be updated to ensure they are consistent with the approved architectural drawings. The design of this proposed drainage system must be prepared by a professional engineer who specialises in hydraulic engineering and be submitted for approval with the Construction Certificate application.

12. CC9.4 - **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. CC9.48 - **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. CC9.54 - **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 (address) and (address) 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.

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

15. CC9.6 - **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.

16. CC9.61 - **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

17. CC9.78 - **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. **CC9.86 - Compliance with submitted Arborist Report** - The recommendations outlined in the Arborist's Report titled *Arboricultural Impact Assessment* (Report Reference: AIA - GAA (L22) 07/18) prepared by *NSW Tree Services Pty Ltd* dated 03 July 2018 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.

The tree/s to be protected are listed in the table below:

| <b>Tree Species</b>           | <b>Location of Tree / Tree No.</b> | <b>Tree Protection Zone (metres)</b> |
|-------------------------------|------------------------------------|--------------------------------------|
| <i>Thuja placate</i>          | Rear of property /T01              | 2.16m                                |
| <i>Jacaranda mimosifolia</i>  | Rear of property /T02              | 5.4m                                 |
| <i>Jacaranda mimosifolia</i>  | Rear of property /T03              | 2.64m                                |
| <i>Eucalyptus pilularis</i>   | Rear of property /T04              | 7.2m                                 |
| <i>Eucalyptus pilularis</i>   | Rear of property /T05              | 8.16m                                |
| <i>Angophora floribunda</i>   | Council street tree /T13           | 2.4m                                 |
| <i>Corymbia gummifera</i>     | Council street tree /T14           | 3.12m                                |
| <i>Eucalyptus pilularis</i>   | Council street tree /T15           | 7.44m                                |
| <i>Eucalyptus haemastoma</i>  | Front of property /T16             | 4.2m                                 |
| <i>Cupressus sempervirens</i> | Front of property /T17             | 3.6m                                 |

19. **CC9.84 - Landscape Plans** - All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.
20. **CC9.89 - Tree Removal & Replacement - Tree removal** - Permission is granted for the removal of the following trees:

| <b>Tree species</b>          | <b>Number of trees</b> | <b>Location</b>   |
|------------------------------|------------------------|-------------------|
| <i>Eucalyptus pilularis</i>  | T06                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T07                    | Front of property |
| <i>Pittosporum sp</i>        | T08                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T09                    | Front of property |
| <i>Citharexylum spinosum</i> | T10                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T11                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T12                    | Front of property |
| <i>Eucalyptus punctata</i>   | T18                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T19                    | Front of property |
| <i>Eucalyptus pilularis</i>  | T20                    | Front of property |
| <i>Jacaranda mimosifolia</i> | T21                    | Front of property |
| <i>Jacaranda mimosifolia</i> | T22                    | Front of property |
| <i>Eucalyptus punctata</i>   | T23                    | Front of property |
| <i>Jacaranda mimosifolia</i> | T24                    | Front of property |

### **General Tree Removal Requirements**

(a) All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).

(b) No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.

21. CC9.9 - **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. 832114S 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. PREC10.13 - **Asset Protection Zones** - At the commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
23. PREC10.18 - **Water and Utilities** -Water, electricity and gas are to comply with the requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
24. PREC10.1 - **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).

25. PREC10.10 - **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.

26. **PREC10.2 - 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. **PREC10.3 - 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.

28. **PREC10.14 - 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.

29. **PREC10.15 - 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.
30. **PREC10.16 – Retention of Trees** – Prior to the commencement of any works
  - a) The project Arborist be on site BEFORE any works have commenced to identify and TAG the trees for RETENTION and to oversee tree protection fencing in accordance with AS 4970 – 2009, Protection of trees on development sites and the arborist reports prepared by Sam Allouche, from NSW Tree Services Pty Ltd. The project Arborist to certify that these measures have been implemented.
  - b) The project arborist to be on site and to identify the trees for REMOVAL and whilst the trees for removal are being removed.
  - c) Tree protection fencing shall be installed as one (1) continuous fencing installation as to isolate all areas and tree protection zones, under the guidance of the project Arborist, who prepared the Arborist Reports.
  - d) All tree protection fencing zones shall be mulched at 75 – 100mm of matured organic leaf mulch and watered periodically.

#### **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.

31. **CON11.11 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 to Council's in.
32. **CON11.12 - 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.

33. **CON11.18 - Design and Construction** - The Northern, Eastern and Western elevations including the roof shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate. Except for window frames, there shall be no flaming and no exposed timber.

The Southern elevation shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

34. **CON11.20 – Landscaping** - Landscaping to the site is to comply with the principles of Appendix 5 of "Planning for Bush Fire Protection 2006".
35. **CON11.1 - 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.
36. **CON11.13 - 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.
37. **CON11.2 - 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.

38. **CON11.23 - Tree Removal on Private Land** - The trees identified as 'to be removed' on the approved plans or by conditions of this consent shall be removed in accordance with AS4373 -2007 and the Amenity Tree Industry Code of Practice (SafeWork NSW, August 1998).
39. **CON11.24 - 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.

40. **CON11.21 - 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**

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.

41. **OCC12.26 - Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

(a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

42. **OCC12.4 - 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.

43. **OCC12.5 - BASIX Compliance Certificate** - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

44. **OCC12.9 - 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.

45. **OCC12.6 - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.

46. **OCC12.26 – Plantation of Trees** - A minimum of three (3) x 75 litre Australian native trees that are able to reach a maturity of at least nine (9) metres shall be planted within both - LOT 22 AND LOT 23, total of six (6) trees, upon the site and be implemented, forming part of the proposed landscape plans prepared by Conzept Landscape Architects, before Occupation Certificate.

### **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.

47. ONG14.12 – **Noise Control** – The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1998 (as amended).
48. ONG14.5 - **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.

49. ADV17.19 - **Noise - Noise related conditions** - Council will generally enforce noise related conditions in accordance with the Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the Industrial Noise Guidelines (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

- (a) Community Justice Centres - free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).
  - (b) Department of Environment and Conservation NSW, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).
  - (c) New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000 ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).
  - (d) Australian Acoustical Society - professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).
  - (e) Association of Australian Acoustical Consultants - professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).
  - (f) Department of Gaming and Racing - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).
50. ADV17.3 - **Disability Discrimination Act** - This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability

Discrimination Act 1992. The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

51. **ADV17.13 - 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)).

52. **ADV17.2 - 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.

53. **ADV17.5 - Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

54. **ADV17.6 - Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the Roads Act 1993:

(a) 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)

(b) In the Application Form, quote the Development Consent No. (eg. 2012/DA\*\*\*\*) 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 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 by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

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 storm water 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.

### **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.

55. PRES1001 - **Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
56. PRES1002 - **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.

57. PRES1003 - **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.
58. PRES1004 - **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.
59. PRES1007 - **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.

60. OPER1001 - **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.

61. OPER1002 - **Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:

- (a) appointed a Principal Certifying Authority (PCA) for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner-Builder.

If the work is not going to be undertaken by an Owner-Builder, then the beneficiary of the consent must:

- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

- (b) notify the PCA of the details of any such appointment; and
- (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

62. OPER1003 - **Notification of Critical Stage Inspections** - No later than two (2) 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 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.
63. OPER1004 - **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.
64. OPER1007 - **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.
65. OPER1008 - **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.

66. OPER1009 - **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.

If you need more information, please contact the Development Assessment Officer, below on 9330-6400 during normal office hours.