

LPP Report No		Development Application No	DA2017/0114
Site Address & Ward Locality	18 Marine Drive Oatley Peakhurst Ward		
Proposed Development	Alterations and additions to existing dwelling – additional levels to the dwelling to form a multi-level dwelling house, new terrace pavilion to rear and new garage		
Owner	Martin and Elyse Allen		
Applicant	Those Architects		
Planner/ Architect	Planner – Architect – Those Architects		
Date of Lodgement	3 May 2017		
Submissions	Original application: 8 submissions, then 2 submissions from re-notification from same submitters		
Cost of Works	\$884,519.00		
Local Planning Panel Criteria	The application was deferred at the 5 December 2017 IHAP meeting for additional information to be submitted		
List of all relevant Part 4.15(1)(a) matters	<ul style="list-style-type: none"> • Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment • State Environmental Planning Policy No 55 - Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Part 3 Council permits for clearing of vegetation in non-rural areas) • Hurstville Local Environmental Plan 2012 • Development Control Plan No.1 		
List all documents submitted with this report for the Panel's consideration	Additional information provided by applicant: -Architect's written statement -Arboricultural Root Investigation Report -Arboricultural Pruning Assessment Report -Geology and Geotechnical Assessment		
Report prepared by	Senior Development Assessment Officer		
Recommendation	THAT the application be approved subject to conditions.		
Reasons For Determination	<p>1.The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments</p> <p>2.The proposed development is consistent with the objectives of</p>		

the applicable development control plan, being Hurstville DCP No.1.

3.The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.

4.In consideration of the aforementioned reasons, the proposed development is a suitable response to the site and its approval is in the public interest.

Site Plan



Executive Summary

At its meeting on 5 December 2017 the Independent Hearing and Assessment Panel (IHAP) considered DA2017/0114 which is an application for alterations and additions to the existing dwelling including two (2) new levels to the existing dwelling to form a multi-level dwelling with a lift, new terrace and pavilion to the rear and a new garage to the front of the subject site and open style front fence with a height up to 1.8m above the existing ground level. The application was subsequently deferred by the Panel for design changes.

The applicant has now submitted the additional information requested which has been reviewed by Council’s Senior Development Assessment Planner.

The application is recommended for approval subject to conditions.

Report in Full

A BACKGROUND

At its meeting on 5 December 2017 the Independent Hearing and Assessment Panel considered the subject development application. The following was resolved:

Deferral:

The Georges River Council IHAP as the delegate of the Georges River Council defers determination of Development Application No. DA2017/0114 for the alterations and additions to dwelling - additional levels to dwelling to form a multi-level dwelling house, new terrace and pavilion to rear and new garage at 18 Marine Drive, Oatley and invites the applicant to submit the following:

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

B AMENDED PLANS

The applicant has submitted amended plans to address the deferral reasons nominated by the IHAP. These are discussed below:

1. A detailed root mapping analysis prepared by a suitably qualified and practising Arborist

Comment:

The applicant has provided an Arboricultural Root Investigation Report prepared by Bryce Claassens of Urban Arbor (AQF 5) which concludes as follows:

Tree 1 (within 20 Marine Drive) Conclusions -

“To conclude, one significant root emanating from tree 1 was identified (root 1). Root 1 is located outside the SRZ of tree 1, indicating the severance of this root will not impact the stability of the tree, however the root pruning may impact the health/vigour and long term viability of tree 1. Therefore if tree 1 is to be retained, future monitoring of tree health and condition is recommended”.

Tree 2 (within 18 Marine Drive) Conclusions –

“Roots 2 and 3 are located within the SRZ (Structural Root Zone) of tree 2, indicating the severance of these roots for the pier footings of the pavilion WILL IMPACT the stability of the tree. Under the current proposed location of the pavilion, the tree will not remain viable for retention. Therefore design changes to the pavilion are recommended. The pavilion should be relocated to the east and further away from the tree, at a minimum 3.5m from the centre of the tree and outside the SRZ. The pavilion footings must be built using tree sensitive construction such as pier and beam. Pier excavations must be done by hand and pier location should be flexible, avoiding significant roots 30mm and greater in diameter. The beams should be constructed on or above existing soil grades. This will allow for the majority of the root system to be retained below the pavilion, minimizing root loss and the impact to the tree”

The applicant has provided the following statement:

The tree growing on 20 Marine Drive, and the tree growing near the north west corner of the proposed pavilion structure were assessed. No new excavations or structural elements are proposed adjacent to the tree growing on the western side of the existing dwelling.

Therefore after recommendation from the arborist, this tree was not assessed. The outcome of the investigation for the tree on 20 Marine Drive, explains the excavation proposed for the new lift structure is outside the structural root zone of the tree. One root was found during the investigative excavations, where the proposed lift pit would sit. The report delineates cutting this root will not compromise the structural integrity of the tree.

In regards to the tree adjacent to the pavilion, the arborist has recommended to move back the pavilion structure outside of the structural root zone of the subject tree. We support the arborist’s recommendation, and agree to comply with the suggested construction methodology and distancing the pavilion from the tree, as part of the conditions of the consent.

The applicant has advised that they will accept a condition of consent which requires the pavilion to be relocated 3.5m east from the centre of the tree in accordance with the recommendations of the report.

2. A detailed report in relation to the pruning of the Angophora Costata growing 20 Marine Drive and the Angophora Costata on the subject site growing on the western side of the existing dwelling

Comment:

The applicant has provided an Arboricultural Pruning Assessment Report Bryce Claassens of Urban Arbor which concludes as follows:

In accordance with the Arboricultural Pruning Assessment Report, 7. Recommendations, 7.2 – Tree 1 will be subject to an acceptable level of pruning, which will not reduce the useful life expectancy of the tree. The required pruning is specified in the table below;

<i>Tree No</i>	<i>Species</i>	<i>Schedule of works</i>	<i>Pruning class</i>
<i>1</i>	<i>Lemon Scented Gum</i>	<i>-Remove 200mm diameter 1st order branch to North at 6m -Remove 60mm diameter 2nd order branch to North at 9m</i>	<i>“s”</i>

These works shall be in accordance with AS 4373 – 2007 Pruning of amenity trees.

The applicant has provided the following statement:

Only the tree growing on 20 Marine Drive has been assessed. No pruning of branches for the second tree, growing on the western side of the existing dwelling, is necessary to accommodate the proposed development. The outcome of the investigation for the tree on 20 Marine Drive, considers the pruning of the tree is acceptable. The report delineates the location and extent of the branches to be pruned, as well as and methodology to follow.

- 3. A detailed geological report prepared by a suitably qualified and practising Geologist demonstrating the effects of root jacking of the existing Angophora Costata trees on the rock stratum and whether these effects require further geotechnical assessment.*

Comment

The applicant has provided a Geotechnical Report prepared by JK Geotechnics which concludes as follows:

Based on our observations, all tree roots associated with the subject trees were observed and/or assessed to be growing within the fill or natural soil profile. In order to reduce the potential for retaining wall damage or instability and/or instability of ‘floaters’, as noted in Section 4 above, we recommend the following:

Location 1 (20 Marine Drive):

The existing retaining wall supporting the neighbouring planter bed (and tree) should be assessed by a structural engineer with regard to its on-going stability, particularly with respect to supporting the neighbouring tree. We expect that one or more of the following actions will be required:

- Strengthening of the existing retaining wall and leaving the tree in place.*
- Removal of the tree, then strengthening of the retaining wall.*

We forewarn that if no action is taken, then the likelihood of retaining wall collapse and possible tree collapse increases, with the property at No. 18 impacted.

Locations 2 and 3 (18 Marine Drive):

The potentially impacted floaters and adjacent sections of log retaining wall to be removed as part of proposed landscaping works.

The proposed pavilion at Location 3 should be founded in bedrock with any tree roots exposed in the soil profile 'bridged over' by the structure, unless an arborist confirms that root trimming will not damage the tree.

Concluding Remarks

The Arboricultural Root Investigation Report and Arboricultural Pruning Assessment Report was examined by Council's consultant arborist who advised that he has no objection to the contents of the report and the recommendations of the report subject to the pavilion being located 3.5m to the east as recommended by the applicant's arborist. This can be achieved as there is ample area between the tree and dwelling.

In relation to the geotechnical information submitted, the report concludes that the existing trees will be stable subject to the recommendations of the report being implemented to ensure the stability of the retaining walls so to retain the trees.

The recommended conditions of consent have been updated, where relevant, to reference the recommendations of the reports submitted and to require the pavilion to be 3.5m east of the tree. The implementation of the recommendations and relocation of the pavilion will ensure that the trees will be retained and stable.

D NEIGHBOUR NOTIFICATION

The additional information submitted did not warrant re-notification of the development application because the proposal would result in similar or reduced impacts for adjoining properties.

E CONCLUSION

Development consent is sought for alterations and additions to the existing dwelling including two (2) new levels to the existing dwelling to form a multi-level dwelling with a lift, new terrace and pavilion to the rear and a new garage to the front of the subject site and open style front fence with a height up to 1.8m above the existing ground level.

The application (including additional information) has been assessed having regard to the Heads of Consideration under Part 4.15 of the Environmental Planning and Assessment Act, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans. The proposed development achieves an acceptable level of compliance with those requirements and does not cause any unreasonable impacts upon neighbouring properties and/or existing vegetation.

The application is recommended for approval.

F RECOMMENDATION

THAT pursuant to Part 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, the Council grants approval to Development Application DA2017/0114 for alterations and additions to the existing dwelling including two (2) new levels to the existing dwelling to form a multi-level dwelling with a lift, new terrace and pavilion to the rear and a new garage to the front of the subject site and open style front fence with a height up to 1.8m above the existing ground level on Lot 154 DP 11934 and known as 18 Marine Drive OATLEY, subject to the attached 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
Site Analysis Plan	DA01	15/11/17	E	Those Architects
Site Plan	DA02	15/11/17	E	Those Architects
Floor Plans (Demolition)	DA03 - DA06	15/11/17	E	Those Architects
Ground Floor Plan (Proposed)	DA07	15/11/17	G	Those Architects
First Floor Plan (Proposed)	DA08	15/11/17	G	Those Architects
Second Floor Plan (Proposed)	DA09	15/11/17	G	Those Architects
Third Floor Plan (Proposed)	DA10	15/11/17	H	Those Architects
Garage Floor Plan (Proposed)	DA11	15/11/17	H	Those Architects
Roof Plan (Proposed)	DA12	15/11/17	H	Those Architects
Section (AA)	DA13	15/11/17	G	Those Architects
Section (BB)	DA14	15/11/17	G	Those Architects
Section (CC)	DA15	15/11/17	F	Those Architects
Elevation (North)	DA16	15/11/17	G	Those Architects
Elevation (South)	DA17	15/11/17	G	Those Architects
Elevation (East)	DA18	15/11/17	G	Those Architects

Elevation (West)	DA19	15/11/17	H	Those Architects
Pavilion Plan	DA20	15/11/17	D	Those Architects
Pavilion Elevations	DA21	15/11/17	D	Those Architects
GFA Calculations	DA22 - DA24	15/11/17	D	Those Architects
Shadow Diagrams	DA25 - DA30	15/11/17	D	Those Architects
Elevational Shadow Diagrams	DA31 - DA36	15/11/17	C & D	Those Architects
View Analysis Montages	DA52 - DA56	15/11/17	B	Those Architects
Schedule of Colours and Finishes	--	28/04/17	--	Those Architects
Survey Plan	19220-1	02/09/16	--	Norton Survey Partners
Waste Management Plan	DA51	--	A	Those Architects
18/02/19/18MDO	Arboricultural Root Investigation Report	23 Feb 2018	A	Urban Arbor
17/12/20/18MDO	Arboricultural Pruning Assessment Report	15 Jan 2018	A	Urban Arbor
31272ZRrpt	Geotechnical Assessment	7 March 2018	1	JK Geotechnics

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

3. **APR7.3 - Vehicular Crossing - Minor Development** - Constructing a vehicular crossing and/or footpath requires a separate approval under Section 138 of the Roads Act 1993 prior to the commencement of those works.

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

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

4. **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.

5. **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 then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in TM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

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

6. The recommendations of the Arboricultural Pruning Assessment Report prepared by Urban Arbor, dated 15 January 2018 as referenced in the above table and the Arboricultural Root Investigation Report prepared by Urban Arbor, dated 23 February 2018 are to be adopted in the design of the development. The implementation/completion of these recommendations are to be certified by Urban Arbor as being satisfactory and consistent with the recommendations.
7. The recommendations of the Geotechnical Assessment prepared by JK Geotechnics dated 7 March 2018 as referenced in the above table are to be adopted in the design of the development. The implementation/completion of these recommendations are to be certified by JK Geotechnics as being satisfactory and consistent with the recommendations.
8. The pavilion is to be relocated so that it is minimum 3.5m to the east of the trunk of the tree (tree 2) as detailed in the referenced Arboricultural Root Investigation Report.
9. **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).

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$150.00
Georges River Council Section 94A Development Contributions Plan 2017	\$8,845.19

General Fees

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

Development Contributions

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

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

Indexation

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

Timing of Payment

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

Further Information

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

10. 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.
11. 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.

12. 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.

13. 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 directly to Georges River in a drainage system in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

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

14. CC9.36 - **Detailed Stormwater Drainage Design** - The submitted stormwater plan has been assessed as a concept plan only. Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, **shall accompany the application for the Construction Certificate.**

15. 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: **\$150.00**

- (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.

16. 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.

17. CC9.51 - **Engineer's Certificate** - A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

18. 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 all properties with a common boundary to the site prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.

(c) On-site guidance by a vibration specialist during the early part of excavation.

(d) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.

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

19. **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.
20. **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.
21. **CC9.83 - Landscape Plan** - A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:
 - (a) Location of existing and proposed structures, services and existing trees;
 - (b) Details of earthworks including mounding and retaining walls and planter boxes;
 - (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
 - (d) Details of planting procedure and maintenance;
 - (e) Landscape specification;
 - (f) Details of drainage and watering systems;
 - (g) Details of garden edging and turf; and
 - (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.
22. **CC9.85 - Tree Removal prohibited** - This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.
23. **CC9.87 - Tree Protection and Retention** - The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No
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1 x Eucalyptus tree	Rear of the dwelling on the subject site
1 x Eucalyptus tree	No 20 Marine Drive to the south of the subject site

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

General Tree Protection Measures

(a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.

(b) The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.

(c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).

(d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.

(e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.

(f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

Excavation works near tree to be retained

(g) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.

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

(i) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

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

Pier and Beams

(j) To preserve the as marked on prepared by dated, the footings of the proposed shall be isolated pier and beam construction within a metre radius of the trunk. The piers shall be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam shall be located on or above the existing soil levels.

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

24. CC9.9 - **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. A277273_05 must be implemented on the plans lodged with the application for the Construction Certificate.

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

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

25. 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.

26. **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.
27. **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.

28. **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.
29. **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.

30. **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.

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. **CON11.1 - 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.
32. **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 directly to Georges River via effective erosion control fully located on the development site.
33. **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.

34. **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.
35. **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.

36. **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.

37. **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.

38. **CON11.3 - Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

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.

39. **OCC12.19 - Works as Executed and Certification of Stormwater works** -

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

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

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Certifying Authority.

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

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

40. **OCC12.27 - Vehicular crossing - Minor development** - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Vehicular Crossing Approval issued by Council's Engineering Services Division and in accordance with Council's Specification for Vehicular Crossings and Associated Works and the issued.

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

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

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

41. **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.
42. **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.
43. **OCC12.6 - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
44. **OCC12.7 - Post Construction Dilapidation report - Private Land** - At the

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

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

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

45. 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.

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.

46. ONG14.27 - **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.
47. 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.

48. 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).

49. **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.

50. **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.

51. **ADV17.7 - Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

Schedule B – Prescribed Conditions

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

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

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

52. **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.
53. **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.
54. **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.
55. **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.
56. **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.

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

57. 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.

58. 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.

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

59. 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.

60. 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.

A **Notice of Commencement Form** is attached for your convenience.

61. 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.
62. 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.

63. 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.

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

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