

MINUTES

Georges River Local Planning Panel

Thursday, 06 February 2025

4:00 PM

Blended Meeting

Online and Council Chambers, Civic Centre,
Hurstville

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PANEL MEMBERS:

| | |
|-------------------|----------------------------|
| Mr Anthony Hudson | (Chairperson) |
| Mr Stephen Davies | (Expert Panel Member) |
| Mr David Epstein | (Expert Panel Member) |
| Ms Jenny Simpson | (Community Representative) |

1. ON SITE INSPECTIONS

Prior to this meeting the Panel carried out an inspection of the sites and nearby localities.

2. OPENING

The meeting commenced at 4.00pm

3. ACKNOWLEDGEMENT OF COUNTRY

The Georges River Local Planning Panel acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. I pay my respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live, work and meet on these lands.

4. APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received

5. NOTICE OF WEBCASTING**6. DECLARATIONS OF PECUNIARY INTEREST**

There were no declarations of Pecuniary Interest

7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

Registered speakers were invited to address the panel by the Chair.

The public speakers concluded at 4.13pm and the LPP Panel proceeded into Closed Session to deliberate on the items listed below.

8 CLOSED SESSION – DELIBERATION OF REPORTS

LPP001-25 1-5 Lacey Street and 1a John Street KOGARAH BAY NSW 2217 (Report by Consultant Planner)

The Panel carried out an inspection of the site and nearby locality.

Speakers

- Tahnee Ironside (architect)
- Peter Smith (architect)

Voting of the Panel Members

The decision of the Panel was unanimous.

The Panel has considered the applicant's written request under clause 4.6(3) of the Georges River LEP 2021 (the LEP) prepared by Planning Ingenuity (Annexure D to SEE dated 20 December 2023) to contravene the 21m Height of Buildings development standard in clause 4.3 of the LEP (the development standard) by 1.761m.

In accordance with clause 4.6(3) of the LEP the Panel is satisfied that the applicant has demonstrated that-

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of this case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel supports the request for the variation of the development standard.

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2023/0624 for demolition of existing structures and construction of a residential flat building consisting of 35 residential apartments, above two (2) basement levels of parking, containing 51 car parking spaces plus tree removal, landscaping and associated site works on Lot A and B 300365 and Lot 241 and 242 DP 851296 also known as 1, 3, 5 Lacey Street and 1a John Street, Kogarah Bay, is granted Development Consent subject to the conditions referred to below:

The following Conditions recommended at the Georges River Local Planning Panel meeting of 6 February 2025.

Development Details

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

| Description | Reference No. | Date | Revision | Prepared by |
|--------------------------------|---------------|------------|----------|-----------------|
| Notes | 001 | 09/10/2024 | B | Smith & Tzannes |
| Site Plan | 010 | 09/10/2024 | B | Smith & Tzannes |
| Demolition Plan | 011 | 09/10/2024 | B | Smith & Tzannes |
| Basement C2 | 100 | 09/10/2024 | B | Smith & Tzannes |
| Basement C1 | 101 | 09/10/2024 | B | Smith & Tzannes |
| Ground Level | 102 | 09/10/2024 | B | Smith & Tzannes |
| Level 1 | 103 | 09/10/2024 | B | Smith & Tzannes |
| Level 2 | 104 | 09/10/2024 | B | Smith & Tzannes |
| Level 3 | 105 | 09/10/2024 | B | Smith & Tzannes |
| Level 4 | 106 | 09/10/2024 | B | Smith & Tzannes |
| Level 5 | 107 | 09/10/2024 | B | Smith & Tzannes |
| Roof | 108 | 09/10/2024 | B | Smith & Tzannes |
| Adaptable Apartments | 109 | 09/10/2024 | B | Smith & Tzannes |
| Liveable Apartments | 110 | 09/10/2024 | B | Smith & Tzannes |
| Excavation Plan | 111 | 09/10/2024 | B | Smith & Tzannes |
| NE Elevation | 200 | 09/10/2024 | B | Smith & Tzannes |
| SE Elevation | 201 | 09/10/2024 | B | Smith & Tzannes |
| SW Elevation | 202 | 09/10/2024 | B | Smith & Tzannes |
| NW Elevation | 203 | 09/10/2024 | B | Smith & Tzannes |
| Section A | 204 | 09/10/2024 | B | Smith & Tzannes |
| Section B | 205 | 09/10/2024 | B | Smith & Tzannes |
| Section C | 206 | 09/10/2024 | B | Smith & Tzannes |
| Driveway Section | 207 | 09/10/2024 | B | Smith & Tzannes |
| Driveway Section 2 | 208 | 09/10/2024 | B | Smith & Tzannes |
| Area Calculations | 800 | 09/10/2024 | B | Smith & Tzannes |
| Deep Soil Calculation | 801 | 09/10/2024 | B | Smith & Tzannes |
| Storage Calculation | 802 | 09/10/2024 | B | Smith & Tzannes |
| Storage Calculation | 803 | 09/10/2024 | | |
| Solar & Cross Ventilation | 804 | 09/10/2024 | B | Smith & Tzannes |
| Height Plane | 805 | 09/10/2024 | B | Smith & Tzannes |
| Communal Open Space | 806 | 09/10/2024 | | |
| Site and Context Analysis Plan | 807 | 09/10/2024 | B | Smith & Tzannes |
| Public Domain Plan | 808 | 18/12/2024 | - | Smith & Tzannes |

| | | | | |
|------------------------------|---|---------------|-----|---------------------------------|
| Shadow Diagram | 850 | 09/10/2024 | B | Smith & Tzannes |
| Stormwater Upgrade Plan | R1, R2, R3, R4 & R5 | 18/12/2024 | D | Hydracor Consulting Engineers |
| Stormwater Management Plan | C1, C2, C3, C4, C5, C6, C7, C8, C9, C10 | 16/12/2024 | B | Hydracor Consulting Engineers |
| Arboricultural Impact Report | 1-28 | 19/12/2024 | - | Naturally Trees – Andrew Scales |
| BASIX Certificate | 1731478M_02 | 22/11/2024 | - | Tonuja Constructions Pty Ltd |
| Access Report | 23237 | - | - | Vista Access Architects |
| Acoustic Report | 20230786.1 | 11/12/2023 | 0 | Acoustic Logic |
| Waste Management Plan | | December 2023 | 1.3 | Auswide Consulting |
| Traffic Report | 23269 | 14/12/2023 | - | Varga Traffic Planning |

Separate Approvals Required Under Other Legislation

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (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. Vehicular Crossing - Major Development - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- (a) Construct a new concrete footpath in accordance with Council's Specifications applying at the time construction approval is sought.
- (b) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering, applying at the time construction approval is sought.
- (d) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.
- (e) Relocation of the existing power pole is to be approved by the relevant authority.

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

4. Road Opening Permit - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

5. Building - Hoarding Application - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/road reserve, where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under s68 of the Local Government Act and s138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and

- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party; and
- (e) The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.

6. Below ground anchors - Information to be submitted with Section 68 Application under LGA 1993 and Section 138 Application under Roads Act 1993 - In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under the Roads Act 1993 for approval, prior to commencement of those works. The following details must be submitted.

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

7. Dewatering of Site – Prior to the dewatering of groundwater on the site, an appropriate Water Access Licence, from Water NSW is to be obtained with evidence of this to be provided to the Certifying Authority.

Dewatering carried out on site must comply with the:

- (a) [Protection of the Environment Operations Act 1997](#) (NSW) (as amended) and
- (b) [Protection of the Environment Operations \(General\) Regulation 2022](#) (NSW) (as amended).

8. **Asbestos** – The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the “Code of Practice: How to Safely Remove Asbestos” published by Safe Work Australia. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.
9. **Contaminated Land** –Any new information that is identified during demolition, excavation or construction which has the potential to alter previous conclusions about site contamination and remediation, must be notified to the Certifying Authority (and Council if Council is not the Certifying Authority) immediately. All works must cease and a qualified Land Contamination Consultant (certified under the consultant certification schemes recognised by the NSW EPA), must be engaged to assess and provide a Remedial Action Plan on the management of the contamination in accordance with any relevant NSW EPA adopted guidelines.

Works on site must not recommence until such time as the contaminants are managed in accordance with:

- (a) the Remedial Action Plan, and
- (b) a Validation Report and or Environmental Management Plan is obtained, and
- (c) both Remedial Action Plan and Validation Report are provided to the Certifying Authority. If the Council is not the Council, then a copy of the Remedial Action Plan and the Validation Report is to be provided to Council.

Requirements of Concurrence, Integrated & Other Government Authorities

10. **Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the ‘Plumbing, building and developing’ section of the web site www.sydneywater.com.au then refer to ‘Providers’ under ‘Developing’ or telephone 13 20 92 for assistance.

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

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

11. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

- 12. Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.

Prior to the Issue of a Construction Certificate

- 13. 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 S7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

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

| Fee Type | Fee |
|---|--------------|
| GENERAL FEES | |
| Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/ | |
| Builders Damage Deposit | \$98,831.79 |
| Inspection Fee for Refund of Damage Deposit | \$371.00 |
| Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11) | \$595,182.42 |

General Fees

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

Development Contributions

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

A Section 7.11 contribution has been levied on the subject development pursuant to the Georges River Council Section 7.11 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 7.11 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.

14. **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Principal Certifier. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Principal Certifier will then issue a Fire Safety Schedule for the building.
15. **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 Principal Certifier.
16. **Access for Persons with a Disability** - Access for persons with disabilities must be provided throughout the site, including to all common rooms, lobby areas, commercial premises and sanitary facilities in accordance with the requirements of the Premises Standards, the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application.

In regards to the above, pedestrian access throughout basement levels shall be highlighted/line marked and sign posted to safeguard egress.

17. **Geotechnical report** - Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Design and Building Practitioners Act 2020 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 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 Certifying Authority 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) Rock breaking techniques. Rock excavation 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 pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

- 18. Vibration Damage** - To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. The report shall be submitted with the Construction Certificate application.

- 19. Slip Resistance** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.

- 20. Building** - Prior to the issue of a Construction Certificate the applicant may be required, under the Environmental Planning & Assessment Regulation 2021 to seek written comment from FR NSW about the location of water storage tanks, construction of hydrant/booster pump and valve rooms, and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator / mimic Panels.

- 21. 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).

- 22. 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.

23. 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.

- (a) All stormwater shall drain by gravity to Council's stormwater system in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

24. All roof water and surface water from paved or concreted areas are to be disposed of in accordance with the Stormwater Plan by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3:2015.

25. Stormwater Drainage Plan Details - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (2016) and Council's stormwater management policy.

26. On Site Detention - 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.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) Maximum Site Discharge to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.
- (b) Peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,
- (c) At Annual Recurrence Intervals of 2 years and 100 years.

Refer to Flow Controls in Council's Draft/Adopted Stormwater Drainage Policy.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

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

Full details shall accompany the application for the Construction Certificate.

- 27. Pump-Out System Design for Stormwater Disposal** The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:
- The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm;
 - The pump system shall be regularly maintained and serviced, every six (6) months; and
 - Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.
- 28. Detailed Stormwater Drainage Design** - The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) must be submitted with the Construction Certificate application.
- 29. Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times. Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.
- 30. Stormwater Drainage Application** - Development Consent does not give approval to undertake works on public infrastructure. A separate approval of a Stormwater Drainage Application is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 to undertake:
- Stormwater & ancillary works in the road reserve. This includes connections to council.
 - Stormwater & ancillary to public infrastructure on private land

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

The Application Form for this activity can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

- 31. 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 Principal Certifier.
- 32. Site Management Plan** - A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:
- (a) location of protective site fencing;
 - (b) location of site storage areas/sheds/equipment;
 - (c) location of building materials for construction, e.g. stockpiles
 - (d) provisions for public safety;
 - (e) dust control measures;
 - (f) method used to provide site access location and materials used;
 - (g) details of methods of disposal of demolition materials;
 - (h) method used to provide protective measures for tree preservation;
 - (i) provisions for temporary sanitary facilities;
 - (j) location and size of waste containers/skip bins;
 - (k) details of proposed sediment and erosion control measures;
 - (l) method used to provide construction noise and vibration management;
 - (m) construction and demolition traffic management details.

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

33. Acoustic Requirements - Compliance with submitted Acoustic Report –

The Report submitted to Council as referenced in the Application must demonstrate compliance with the Acoustic Report referenced in this consent.

Certification provided by a suitably qualified and experienced acoustic consultant, referencing the Construction Certificate Plans and confirming that the requirements of the Acoustic Report are met must be provided to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate.

The Acoustic Report Compliance Certificate must be incorporated into the Construction Certificate documentation.

34. Hazardous Material Survey Report

Prior to the issue of the Construction Certificate a Hazardous Material Survey must be prepared by a suitable qualified occupation hygienist and must be submitted to the satisfaction of the Certifying Authority.

35. Car Wash Bays - Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

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

36. Design Modifications -The design must be modified as follows prior to the issue of a construction certificate (CC):

- a) The installation of stormwater infrastructure within the Tree Protection Zone (TPZ) of Councils street tree number T9 on Lacey Street must be under-bored at a minimum depth of 800mm to avoid tree roots and affect tree stability.
- b) The design of the new front boundary wall within the Tree Protection Zone (TPZ) of existing street trees must use the existing wall footings or be constructed without the use of a continuous strip footing.

The construction method without a continuous strip footing shall include pier and beam footings to ensure tree roots greater than 25mm in diameter are not damaged, pruned or removed during construction of the boundary wall. A minimum of 150mm clearance must be provided between the footing/piers/posts and tree root.

- c) The proposed stormwater pipe along the western boundary must be relocated closer to the building to meet the replacement vegetation shown on the landscape plan.

The amended plans must be lodged for approval by Councils Senior Landscape and Arboricultural Assessment Officer prior to the issue of a CC.

37. Landscape Plan – Plans submitted with the construction certificate must illustrate that the landscape plan has been amended to incorporate the following changes:

- a) That the landscape plan is updated based on the Public Domain Plan (and as amended in accordance with condition 38) and final approved Stormwater Plans.
- b) All new trees shown on the Landscape Plans must be a minimum of 75L and fully self-supporting without being tied to a prop (i.e. staked) at the time of planting.
- c) New tree plantings must be grown to AS2303 – 2018, Tree stock for landscape use and be planted by a Horticulturalist or AQF level 3 Arborist.

The amended landscape plan must be lodged for approval by Councils Senior Landscape and Arboricultural Assessment Officer prior to the issue of a construction certificate.

38. Street Tree Planting –

- a. Two (2) street tree of species to be determined by Council must be provided in Lacey Street.
- b. Council must be appointed to plant the tree on public land. All costs associated with the tree planting shall be met by the applicant. Fees and charges for street tree planting are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment. This fee must be paid to Council prior to obtaining a Construction Certificate (CC), with the receipt viewed by the Principal Certifier.
- c. The fees must be paid in accordance with the conditions of this consent. The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

39. Waste Management Plan - Prior to the application for construction certificate the Applicant shall submit to Council for approval an updated Waste Management Plan which complies with demolition and construction requirements and general waste management requirements as outlined in the Georges River Development Control Plan and Conditions of Consent The approval from Council is to be submitted to the Certifier prior to the issue of the construction certificate.

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

41. SEPP (Housing) 2021 Chapter 4 - A design verification statement, prepared by Peter Smith, shall be submitted to the Certifying Authority verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of State Environmental Planning Policy (Housing) – Chapter 4

42. 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 with a common boundary to the subject site

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 Principal Certifier.

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.

- 43. Mechanical Ventilation** - To ensure that adequate provision is made for ventilation of the commercial portions of the building mechanical and/or natural ventilation systems adequate for commercial kitchen for restaurants/café cooking facilities are required to be shall be designed, constructed and installed centrally within the building (not externally) in accordance with the provisions of the Building Code of Australia and Australian Standard 1668.

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

- 44. Noise from Buildings Containing Housing Above Shops or Adjacent to Housing** - A certificate from an Acoustic Engineer is to be submitted with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00am) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy.

The development is not to give rise to an offensive noise as defined under the Protection of the Environment Operations Act 1997.

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

- 45. Construction Traffic Management Requirements** - prior to the issuing of a Construction Certificate, a Construction Vehicle and Pedestrian Plan of Management (CVPPM) shall be submitted to Council for the approval of Council's Senior Traffic and Parking Assessment Officer. The CVPPM shall be prepared for the various stages of the development and include, but not be limited to, the following:

- (a) Details of the scope of works to be undertaken during the demolition, excavation, construction stages etc., and the duration of each.
- (b) Indicate the consent approved hours of work.
- (c) Identify the routes to be travelled within the Council area for trucks travelling to and from the site.
- (d) Identify other developments occurring concurrently in the area including those within the street and up to 500m from the site.
The developer/builder shall liaise fortnightly with other identified developers/builders to minimize any cumulative traffic impacts.
- (e) Include a plan showing the location of any schools, pre schools and long day care centres within 200m of the site.
- (f) Detail the number of and where construction worker vehicles will be parked during the various stages of the development.
- (g) Identify any proposed temporary road closures, temporary changes to traffic flow and loss of pedestrian or cyclist access likely to occur as a result of works being undertaken during the various work stages.

- (h) Detail the size (including dimensions), number and frequency of trucks movements to and from the site during the various stages of work.
- (i) Include copies of all required Traffic Control Plans (TCPs). All TCP's shall be prepared by RMS accredited persons.
- (j) Provide swept wheel path drawings for the different types of vehicles accessing the site. The swept wheel path drawings:
 - Are required to confirm truck movements into and out of the site associated with the various stages of development will not damage public or private infrastructure/property.
 - Are required to confirm truck movements into and out of the site can be carried out without a loss of on street vehicle parking spaces either in close proximity to or removed from the site.
 - Shall be prepared by a suitably qualified and experienced traffic engineering consultant.
- (k) Show the location and length of any proposed Works Zones including any adjustments required to Council's infrastructure, parking control signs etc. to implement the zones. NOTE: Works Zones require the approval of the Georges River Council Traffic Committee prior to installation.
- (l) Show the locations of where it is proposed to stand trucks remote from the site should they be unable on arrival to immediately enter the site or an approved Works Zone. Double parking, parking in NO STOPPING/NO STANDING zones or across neighboring property driveways is not permitted.

NOTE: A copy of the approved CVPPM must be kept at the site and made available to the Principal Certifying Authority or Council on request:

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

- 46. 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 Principal Certifier 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.

- 47. 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.

- 48. Registered Surveyors Report - During Development Work** - A report must be submitted to the Principal Certifier 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 Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

- 49. 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.
- 50. 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.

- 51. 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.
- 52. Structural Engineers Details - Supporting Council road/footway** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.
- 53. Dilapidation Report on Public Land - Major Development Only** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including:

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the structural engineer.
- (g) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Principal Certifier and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the Principal Certifier and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

During Construction

- 54. 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.

- 55. 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.
- 56. 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.
- 57. 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.

- 58. 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 Principal Certifier and Council, where Council is not the Principal Certifying Authority.

- 59. 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.

- 60. 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.

- 61. Building - Structural Certificate During Construction** - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.
- 62. 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.
- 63. Tree Removal prohibited**
No tree on Council's public footway, public reserves or on neighbouring properties and protected under the Georges River Tree Management Policy 2019 may be removed, pruned or otherwise damaged without Council consent.
- 64. Tree Removal**
Permission is granted for the removal of the following trees as shown in the table.

| Tree No. | Species | Location |
|----------|--|-------------------------|
| 3 & 8 | <i>Citrus limon</i> (Lemon Tree) | Within the subject site |
| 5 | <i>Prunus sp.</i> (Plum Tree) | |
| 7 | <i>Olea sp.</i> (Olive Tree) | |
| 10 | <i>Plumeria acutifolia</i> (Frangipani Tree) | |
| 11 | <i>Camellia sp.</i> (Camellia Hedge) | |

Note: Refer to Arborist Report prepared by Naturally Trees dated 19 December 2024 'REV C' for tree numbering and location only. Tree no. 11 was not assessed/included within the AIA.

- a) All tree removal shall be carried out by a minimum AQF Level 3 Arborist with appropriate insurance. Tree removal is to be undertaken safely and in compliance with AS 4373-2007 - *Pruning of Amenity Trees* and *Tree Works Industry Code of Practice* (Work Cover NSW 1.8.98).

65. Tree Removal

- a) The tree protection measures must be implemented throughout the relevant stages of construction in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.
- b) The following trees in Table 2 below must be **protected** in accordance with the conditions of consent throughout the construction and development.

Table 2: Trees that must be protected

| Tree No. | Species | Location |
|----------|--|-----------------------------------|
| 1 & 2 | <i>Callistemon viminalis</i> (Bottlebrush) | Council street tree - John Street |
| 4 | <i>Lophostemon confertus</i> (Brush Box) | |

| | | |
|-------|--|---------------------------------------|
| 6 & 9 | <i>Callistemon viminalis</i> (Bottlebrush) | Council street tree - Lacey Street |
|-------|--|---------------------------------------|

Note: Refer to Arborist Report prepared by Naturally Trees dated 19 December 2024 'REV C' for tree numbering and location only.

- c) Tree protection fencing must be installed around the Tree Protection Zone (TPZ) prior to the commencement of any development related works onsite. The fencing must be installed by a qualified AQF Level 5 Arborist and in accordance with - *Australian Standard AS 4970-2009: Protection of trees on development sites.*
- d) Nothing is to be attached or fixed to any street tree.
- e) The storage or mixing of materials, washing equipment, disposal of liquids or building materials, site sheds etc. must not occur under/around the tree canopy or within 5 meters of the trunk of any tree (inc. neighbouring trees).
- f) Any excavation works (including stormwater infrastructure) within the Tree Protection Zone (TPZ) of any tree must be referred to the Site Arborist with regards to tree protection, prior to the commencement of the works.
- g) All excavation works within the TPZ of any tree must be undertaken using non-destructive methods (by hand/ Airspade/ hydro-vac etc.) to ensure no tree root greater than 25mm diameter is damaged, pruned or removed.
- h) Alternative installation methods for services such as redirection of services or directional boring must be employed where roots greater than 25mm diameter are encountered during the installation of any services within the TPZ of any tree.
- i) Footings/piers/posts must be relocated / realigned if any tree root greater than 25mm diameter is present. A minimum of 150mm clearance must be provided between the footing/piers/posts and tree root.
- j) The removal of the existing footpath within the Tree Protection Zone (TPZ) of street trees must be undertaken using hand tools to avoid damaging the street trees – the use of an excavator or other heavy-duty equipment is not approved.
- k) The new concrete footpath must use the existing sub-base to ensure tree roots are not damaged. The excavation of the sub-base and below soil is not approved without Council consent.
- l) Site Arborist must ensure that any exposed tree roots are adequately covered to prevent drying out.
- m) Existing kerb sections adjacent to any street tree must not be removed without approval from Council. Removal of kerbs adjacent to mature trees can cause trees to become unstable.
- n) Any damage to street trees as a result of construction activities must be immediately reported to Council's Landscape & Arboriculture Assessment Officer. Any damage to trees as a result of construction activities may result in a prosecution under the Local Government Act 1993 and/or the Environmental Planning Assessment Act 1979.

- o) Trees specified for retention are to be inspected, monitored and remedial work undertaken as required during and after completion of development works by a qualified AQF Level 5 Project Arborist. Regular inspections and documentation from the Arborist to the Principal Certifier and Council's Tree Compliance Officer are required at the following hold points:

| Hold Point | Action Required by AQF Level 5 Project Arborist |
|---|---|
| 1. a) Prior to commencement of demolition/construction works. | Site meeting with builder to discuss and confirm understanding of tree protection measures required. |
| 1. b) Prior to commencement of demolition/construction works. | Supervise and certify installation of tree protection measures. Tree protection measures are to be installed as per the approved Tree Protection Plan. Clear and dated photographs of the installed tree protection fencing must be submitted to Council. |
| 2. Works within the TPZ areas of trees to be retained. | Supervise, direct and photograph all approved works within the TPZ areas of trees to be retained. <ul style="list-style-type: none"> a) During demolition of any existing structure within close proximity to Tree Protection Zones (TPZ); b) During any excavation, trenching or construction that has been approved by Council within the TPZ of any tree to be retained; c) During any landscape works within the TPZ of any tree to be retained. |
| 3. Arboricultural Compliance Report. | Inspect, photograph and report on tree health and condition, maintenance of tree protection measures and remedial tree works as required. <ul style="list-style-type: none"> a) Certification tree protection measures have been installed in accordance with the conditions prior to the commencement of works; b) Certification of compliance with each key milestone listed above within 48 hours of completion; c) Details of any other works undertaken on any tree to be retained or with TPZ(s); d) A final compliance report shall be submitted prior to the issuing of the Occupation Certificate. |
| 4. Prior to issue of Occupation Certificate | Final inspection of trees to be retained and provision of follow up report detailing activities during construction including any damage to the trees and any remedial work required to ensure the ongoing health and structural stability of the trees and/or replacement trees required. Any recommendations for remedial work and/or replacement trees will be required to be approved by Council's Tree Compliance Officer and actioned prior to the issue of an occupation certificate for the development |

66. Tree Pruning

The consent from Council must be obtained prior to the undertaking of any tree pruning, including tree roots greater than 25mm in diameter. Only minor pruning will be permitted by Council.

67. Landscape Works

All landscape works shall be carried out in accordance with the approved landscape plans (submitted at CC), subject to the following -

- a) The applicant must engage a licensed and reputable nursery grower early within the build phase and order all trees and plant material early to ensure that all tree and plant material, pot/bag sizes and quantities are guaranteed at the time of the landscape and planting phase.
- b) All new trees shown on Landscape Plans must be a minimum of 75L and fully self-supporting without being tied to a prop (i.e. steaked) at the time of planting.
- c) New tree plantings must be grown to AS2303 – 2018, Tree stock for landscape use and be planted by a Horticulturalist or AQF level 3 Arborist.
- d) All trees proposed upon the approved landscape plan shall comply with AS 2303 – 2018, Tree Stock for Landscape use and be fully self-supporting without being tied to a prop (i.e. steaked).

Prior to the issue of the Occupation Certificate

- 68. Restriction to User and Positive Covenant for On-Site Detention Facility** - A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows;

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system".

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council.

Positive Covenants

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
 - a) *keep the system clean and free from silt, rubbish and debris*
 - b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*

- c) *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
- d) *comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*

2. *Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*

- a) *in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*
- b) *the Council may recover from the registered proprietor in a Court of competent jurisdiction:*
 - i. *any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*
 - ii. *legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.*

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

70. Works as Executed and Certification of Stormwater works - Prior to the issue of an Occupation Certificate, the Principal Certifier 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 Certifier and Council, from a professional engineer specialising in hydraulic engineering.

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

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable)
- (c) Volume of storage available in any detention areas;
- (d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- (e) The orifice size/s (if applicable);
- (f) Details of any infiltration/absorption systems; and (if applicable);
- (g) Details of any pumping systems installed (including wet well volumes) (if applicable).

71. Dilapidation Report on Public Land for Major Development Only - Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site including:

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (a) Photographs showing the condition of the road pavement fronting the site
- (b) Photographs showing the condition of the kerb and gutter fronting the site
- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the professional engineer.

The report must be provided to the Principal Certifier and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

NOTE: Council will use this report to determine whether or not to refund the damage deposit.

Council's Engineering Services Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

72. 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 Principal Certifier prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the Principal Certifier, 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 Principal Certifier prior to the issue of any Occupation Certificate.

73. Requirement prior to the issue of the Occupation Certificate –

The following shall be completed and or submitted to the Principal Certifier prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the Principal Certifier prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.
- (g) The construction of the stormwater drainage new pits and pipe shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval .

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

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

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

- 75. Allocation of street addresses** - Prior to issue of an Occupation Certificate, All house numbering are to be allocated in accordance with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council's requirements. Council must be contacted in relation to all specific requirements for street numbering.
- 76. Fire Safety Certificate before Occupation or Use** - In accordance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with the aforesaid Regulation. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:
- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
 - (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.
- A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.
- 77. Building - Structural Certificates** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate.
- 78. Slip Resistance** - At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.
- 79. 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.
- 80. BASIX Compliance Certificate** - A Compliance Certificate must be provided to the Principal Certifier regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.
- 81. Electricity Supply** - Evidence shall be provided demonstrating that the development has been connected to the Ausgrid, if required.

- 82. Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
- 83. Allocation of car parking spaces** - Car parking associated with the development is to be allocated as follows:
- (a) Residential dwellings: 44 car spaces (1 car space/1 or 2 bedroom unit, 2 car spaces per 3 or more bedroom unit)
 - (b) Residential visitors: 4 car spaces which shall remain as common property.
 - (c) Carwash bay: 1 car wash bay (which can be within a visitor's space)
 - (d) Bicycle spaces: 16 spaces

Any strata consent or certificate must allocate the carparking spaces to, and form part of, the relevant lots in accordance with this condition

- 84. Major Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.
- 85. SEPP (Housing) 2021 Chapter 4** - The Principal Certifier must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless the Principal Certifier has received a design verification from Peter Israel, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in SEPP (Housing) 2021 Chapter 4.
- 86. Acoustic Compliance - General Operation of Premises** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 (as amended) and Regulations.

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's "NSW industrial Noise Policy.

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

- 87. Acoustic Certification** - Prior to the issue of any Occupation Certificate, or use of the premises, a report prepared by a suitably qualified acoustic consultant or engineer must be submitted to the Certifying Authority, certifying that the construction has incorporated the recommendations in the Acoustic Report as referenced in this consent.

The Acoustic Certification must be incorporated into the Occupation Certificate documentation and provided to Council.

- 88. Certification – Car Wash Bays** Prior to the issue of any Occupation Certificate for works incorporating a car wash bay, certification from Sydney Water must be submitted to the satisfaction of the Certifying Authority verifying that the car washing system (including pre-treatment) is constructed in accordance Sydney Water approval. The certification must be incorporated into the Occupation Certificate documentation and provided to Council.
- 89. Certification - Air handling systems (including water-cooling system, hot-water systems and warm-water systems)** - Certification by a suitably qualified person engineer '2012 must be submitted to the Principal Certifier prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:
- Public Health Act 2010 (as amended)
 - Public Health Regulation 2012 (as amended)
 - AS/NZS 3666.1:2011 Air-handling and water systems of buildings -Microbial control -Design, installation and commissioning
- 90. Arborist Supervision and Reporting**
An Arboricultural Compliance Report prepared by an AQF Level 5 Arborist which includes photographic evidence and details of the health and condition of trees, must be submitted to Council's Senior Landscape and Arboricultural Assessment Officer for approval prior to the issue of an Occupation Certificate. The Arborist must certify compliance with each key milestone below:
- Installation of tree protection measures in accordance with conditions;
 - During demolition of structures and/or excavation of ground surfaces that has been approved by Council within the TPZ of any tree to be retained;
 - During any other works including landscaping within the TPZ of any tree to be retained
- 91. Completion of Landscape Works**
All landscape works, the planting of all tree and plant material in accordance with approved landscape plans (at CC) and specifications and conditions of consent, must be completed prior to the issue of a final occupation certificate for the site. A certificate of compliance for the planting of all trees and shrubs proposed for the site must be prepared by a qualified Horticulturist, Landscape Designer or AQF Level 5 Arborist and forwarded to the Principal Certifier for approval prior to the issue of an occupation certificate.

Operational Conditions (Ongoing)

- 92. Bin Provision- The applicant must allow bin storage at the following ratios:**
- 120L general waste per unit per week – equivalent to 18 x 240L general waste bins per week, serviced once weekly, OR 7 x 660L general waste bins per week, serviced once weekly, OR 4 x 1,100L general waste bins per week, serviced once weekly,
 - 120L recycling per unit per week – equivalent to 18 x 240L general waste bins per week, serviced once weekly, OR 7 x 660L general waste bins per week, serviced once weekly, OR 4 x 1,100L general waste bins per week, serviced once weekly,
 - 96L organics per unit per week equivalent to 14 x 240L organic waste bins per week, serviced once weekly.

93. Bin Storage Room Requirements –

- All storage areas must be well-lit and fitted with artificial sensor lighting. Provision for appropriate lighting must be made to enable the residents to dispose of their waste and allow collection staff to perform the service safely.
- All waste and bin storage areas must be constructed from approved materials, that are smooth, easily cleanable, non-absorbent, impervious, water resistant and durable. All surfaces should be finished with a light colour.
- Doors in waste and bin storage areas should always be able to be opened from the inside. It is preferable that doors open outwards. Doors should be able to be locked in an open position to facilitate the movement of bins and bulky waste. For handling bulky waste and bulk bins, it is recommended to fit doorways with galvanised iron to protect them from damage.
- The bin storage room floor must be graded and drained to the appropriate drainage outlet connected to the sewer, the water must not be discharged into stormwater drainage
- A bin wash area of at least 3m² must be provided inside residential bin rooms to allow for the mobile garbage bins to be maintained in hygienic conditions to prevent odour and vermin issues. The bin wash area must allow for hot and cold water access, with suitable drainage to the sewer and be constructed as per Sydney Water requirements and other applicable regulations.
- A Dual chute system for general waste and recycling waste, using either rotating or linear tracks at the discharge point. In addition to the Dual chute system for general waste and recycling waste one of the following two options must be provided for the appropriate disposal of organic waste.
 - Option 1. A third chute system (to support a dual chute system) suitable for Food Organics and Garden Organics.
 - Option 2. The storage of at least 2 days' worth of organics on each occupied floor calculated at a ratio of 13.71 per unit, per day.
- Any bin storage areas on each occupied floor must be adjacent to a chute system inlet. The mobile garbage bins are to be rotated with empty bins daily by the managing body (with bins from a central bin storage area).
- Bin and waste storage areas must be designed to be accessible for people with disability and comply with all relevant regulations, including to the Disability Discrimination Act 1992.
- Chutes are to be provided with an opening on each occupied floor, designed to be used by all residents and enclosed within a chute room. Chutes are not to open onto any habitable space and chute openings are to have an effective self-sealing system.
- Chutes are to terminate in a bin storage area and discharge directly into a waste garbage bin in a manner designed to avoid spillage and overflow. Protective skirting between chute and bins are permitted to prevent spillage and minimise dust or spray.
- For safety reasons, residents are not permitted to access the area where the chute discharges. All chute discharge rooms must be secured and locked or, alternatively, all mechanical parts of waste management equipment must be securely screened.
- The chute room shall include (in addition to space for recycling mobile garbage bins as required):
 - The chute inlet hopper;
 - Space for spare mobile garbage bins (in case of chute failure) allowing for at least one 240L mobile garbage bin per waste stream for every six residences serviced by that chute – which in the event of a chute failure would be required to be rotated up to twice daily by the managing body; and

- Space for large cardboard and/or kerbside clean-up materials to reduce the likelihood of blockages in chutes.
- Chute rooms are to allow sufficient space to permit easy opening of the chute and chute room door and the storage and manoeuvring of mobile garbage bins. The floor must be sealed and free from steps.
- Chute access/inlet areas or rooms are to display instructions on the use of the chutes for each relevant waste stream, including instructions on the correct use of the chute, waste material separation guide, instructions not to dispose of hazardous and large bulky waste materials into the chute, and what materials can be placed in the bin(s) provided.
 - Responsibility for cleaning and operating chute rooms rests with the managing body. The applicant can consider linear/rotating tracks at the chute discharge area to assist with bin management in order to maintain a clean and sanitary chute discharge room.
 - Chutes if installed must be certified in design to be constructed to meet the minimum performance requirements for both airborne and impact noise protection, to avoid excessive noise and vibration to habitable areas.
 - Chute systems must be cylindrical with a diameter of 500 mm or greater and free from bends or corners to prevent waste blockages. Management, operation, and cleaning of the chutes is the responsibility of the Body Corporate/Building Manager.
 - Chutes, hoppers, and service openings are to be constructed with aluminium, stainless steel or other approved metal or material that is non-combustible, durable impervious, non-corrosive, distortion and fire resistant.
- The applicant must make provisions for equipment (such as bin tugs, bin lifters) to assist with the manual labour associated with moving Mobile Garbage Bins around the site to the collection location. Further, the use of technology such as tugs, trolleys or lifters should be considered when proposing movement of bulky waste materials from the required storage area to the collection location.
- For a development of 35 residential units, 8m² of storage space must be provided. The bulky waste storage area must be secured, and only permitted to be used by the Body Corporate/Building Manager to prevent illegal dumping of waste. The management of access to the designated bulky waste storage area will be the responsibility of the Body Corporate/Building Manager. The access into the storage area must be double door width, and/or use roller doors where space is constrained. Any double-width doors must have a wide hinge to open flush with walls so as to restrict manoeuvrability of large or heavy bulky waste items.
- All bin and bulky waste storage areas are to be sufficiently dimensioned to allow for the easy movement of bins to and from the kerbside/interim storage area during collection, and must have appropriately sized doors for the size of bin to be used. The path of travel for bins must be level, at an appropriate grade, well-lit and without stairs, in addition to being in accordance with the BCA. The designated bin and waste storage areas are required to be a size appropriate for the storage of the waste volumes generated at the site. All bin and waste storage areas are to be appropriately lit (sensor lighting recommended), drained to sewer with a water outlet for bin washing/cleaning and not visible from the public domain unless secured behind wall/roof.
- Additional space must be provided for residential special waste streams such as electrical waste, polystyrene and textile waste. A minimum area of 4m² is required. This space must be in or attached to the waste storage or bulky waste materials storage area and be accessible for all residents.

- Double door access (at least 2500mm) must be provided into the bulky waste storage area, with a wide range of openings to enable ease of manoeuvring large bulky waste such as furniture without doors as obstructions. Bin storage area door access must be at least 1700mm for 240L bins and 2500mm for 660L and 1100L bins. For any developments of 20 or more units, a minimum of 2500mm must be provided for the bin and bulky waste storage area access and for the entire path of bin travel.
- The path of bin travel must be free from stairs, well-lit (sensor lighting recommended) at an appropriate grade for a ramp as per the Building Code of Australia and be a width appropriate for the movement of bins up to 1,100L in width in accordance with AS 4123.1—2008 Mobile Waste Containers.
- Private waste collection services are restricted to a maximum of twice weekly between Monday – Friday and within the hours of 6am – 10pm. Private waste collection services are to occur entirely within the confines of private property with bins or waste prohibited from being placed on Council land. Private waste collection services must occur in a source separated manner with all wastes collected separately according to the following streams: general waste, commingled recycling and organics at a minimum.
- Receptacles for the management of any litter from communal areas must be contained in bins with lids. Bins enabling the source separation of: general waste, commingled recycling and organics are to be provided in all common areas and will be the responsibility of the Body Corporate/Building Manager to rotate and empty as required. The bins must be secured so as to prevent the dispersal of litter by wind or animals.

94. Activities and storage of goods outside buildings - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.

95. Ongoing Tree & Landscape Maintenance Works

- All newly planted trees and plants must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying trees and plants and other operations required to maintain healthy trees, plants and turfed areas.
- Trees must be maintained until they reach a height where they are protected by Councils Tree Management Controls. If any trees are found to be faulty, damaged, dying or dead before they are protected by Councils Tree Management Controls then they must be replaced with the same species and pot/bag size.
- Mature trees shall be inspected for health and structural integrity by an AQF Level 5 Arborist 12 month post completion of works. A certificate of compliance and/or report with recommendations for remedial work will be required to be approved by Council's Tree Compliance Officer.

96. Noise Control - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).

97. Operation of Air Handling Systems - The occupier must operate air handling systems in compliance with Part 2 of the Public Health Regulation 2012 (as amended).

Where there is any change in the air handling system the occupier must register the changes in the regulated systems with Council.

Water cooling systems must be certified annually by a competent person as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected.

- 98. Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.
- 99. Lighting – General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.
- 100. Inclined Passenger Lift** - The inclined passenger lift must be used in a manner that does not emit noise exceeding 5dB(A) above the background noise level when measured at the nearest neighbouring boundary and must be maintained at all times to ensure the acoustic performance of the lift does not diminish and continue to comply with the [Protection of the Environment Operations Act 1997](#) (as amended) and Regulations.
- 101. 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.
- 102. Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
- (a) Within 12 months after the date on which the fire safety certificate was received.
 - (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
 - (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
 - (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.
- 103. Traffic and Parking Requirements**
Documentation from a suitably qualified and experienced Traffic Engineering consultant shall be submitted to the Principal Certifier certifying the following have been constructed in accordance with the approved plans and the relevant Australian Standard:
- The vehicle turning bay in Basement C2 shall be suitably signposted and marked and not used for the storage of goods, materials or the parking of vehicles at any time.
 - Provision shall be made within Basement C1 or C2 for the secure parking of four (4) visitor bicycles.

- Landscaping elements proposed adjacent to the access driveway on Lacey Street shall be constructed and maintained to satisfy sightlines for pedestrian safety as per s3.2.4 of AS/NZS 2890.:2004 *Parking Facilities, Part 1 – off street car parking*. Details of how it is proposed to provide adequate sightlines on an ongoing basis shall be submitted to the Principal Certifier for approval and the approved elements of landscaping installed prior to the issue of the Occupation Certificate.
- Facilities for the parking of bicycles shall comply with the requirements of AS2890.3: 2015 *Parking Facilities, Part 3: Bicycle parking*.
- the design and construction of the footpath crossing/driveway and internal driveways and ramps shall comply with the requirements of AS/NZS 2890.1:2004 *Parking Facilities, Part 1- Off street car parking*.
- The design and construction of the footpath crossing/driveway and internal driveways and ramps shall comply with the requirements of AS/NZS 2890.1:2004 *Parking Facilities, Part 1- Off street car parking*.
- The layout and design of off street car parking areas shall comply with the requirements of AS/NZS 2890.1:2004 *Parking Facilities, Part 1- off street Car parking* and other Australian Standards as applicable.
- An intercom system for use by visitor vehicles and others shall be installed at the roller door providing access to Basement C1.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

- 104. 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.

- 105. 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 Certifier for the building work; and
- (b) if relevant, advised the Principal Certifier 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 Principal Certifier 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.

- 106. Notification of Critical Stage Inspections** - No later than two (2) days before the building work commences, the Principal Certifier 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.

- 107. Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the Principal Certifier of their intention to commence the erection of a building.

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

- 108. 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.

- 109. 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 Principal Certifier, 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.

- 110. 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.

Prescribed Conditions

- 111. Clause 75 – Environmental Planning and Assessment Regulation 2021: BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
- 112. Clause 69 – Environmental Planning and Assessment Regulation 2021 – 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.

- 113. Clause 70 – Environmental Planning and Assessment Regulation 2021– 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.
- 114. Clause 71 – Environmental Planning and Assessment Regulation 2021 – 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.
- 115. Clause 74 – Environmental Planning and Assessment Regulation 2021 – 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.

END CONDITIONS

NOTES / ADVICES

- 116. Review of Determination – Part 8** Section 8.2A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

- 117. Appeal Rights** - Division 8 (Appeals and Related matters) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
- 118. Lapsing of Consent** - This consent operates from the date the original consent was determined, ie 21 June 2018, except as qualified by Section 4.50 of the Act.

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

119. 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>) published by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

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

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

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

122. Compliance with Access, Mobility and AS4299 - Adaptable Housing - Should the Council be appointment as the Principal Certifier, the Construction Certificate Application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Council's DCP and AS 4299 Adaptable Housing.

123. Council as Principal Certifier - Total Conformity with BCA - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
- Provision of natural light to all habitable areas.
- Fire-fighting services and equipment including hydrant and booster assembly systems, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems and sound & warning systems.
- Emergency lighting and exit signs throughout, including terrace areas, lobby and basement areas.
- Construction of all fire (smoke) doors including warning and operational signage to required exit and exit door areas.
- Egress, travel distance and the discharge from an exit including the swing of exit doors.
- The protection of openings including spandrel separation.
- Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- Protection of openings including paths of travel from fire isolated exists
- Re-entry facilities from fire isolated exit stairways.
- Sound transmission and insulation details.
- Window schedule is to include the protection of openable windows.
- The location of sanitary facilities for employees in accordance with Table F2.1

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

124. 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).

125. 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.

126. Sydney Water Section 73 Certificates - The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

127. Electricity Supply - This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

128. Development Engineering - Conditions relating to future Strata Subdivision of Buildings

No approval is expressed or implied for the subdivision of the subject building(s). For any future Strata subdivision, a separate Complying Development Certificate shall be approved by Council or an Accredited Certifier.

Prior to the issue of any Strata Certificate of the subject building(s) the following conditions shall be satisfied:

(a) Unit Numbering

Apartment type numbers shall be installed adjacent or to the front door of each unit.

The unit number shall coincide with the strata plan lot numbering.

(b) Car Parking Space Marking and Numbering

Each car space shall be line marked with paint and numbered in accordance with the strata plan lot numbering.

"Visitor Parking" signs shall be installed adjacent to any and all visitor car spaces prior to the issue of any Strata Certificate.

(c) Designation of Visitor Car Spaces on any Strata Plan

Any Visitor car spaces shall be designated on the final strata plan as "Visitor Parking - Common Property".

(d) Allocation of Car Parking Spaces, Storage Areas and Common Property on any Strata Plan

- i. All car parking spaces shall be created as a part lot of the individual strata's unit lot in any Strata Plan of the subject building.
- ii. All storage areas shall be created as a part lot of the individual strata's unit lot or a separate Utility Lot (if practical) in any Strata Plan of the subject building.
- iii. The minimum number of parking spaces required to be allocated as a part lot to each individual strata's unit lot shall be in accordance with the car parking requirements of Council's Development Control Plan and as required by the relative development consent for the building construction.
- iv. No parking spaces shall be created as an individual strata allotment on any Strata Plan of the subject building unless these spaces are surplus to the minimum number of parking spaces required.

If preferred the surplus car spaces shall be permitted to be created as separate Utility Lots, (instead as a part lot of the individual strata's unit lot), in accordance with section 39 of the Strata schemes (freehold development Act 1973).

The above requirements regarding car parking spaces and storage areas may only be varied with the conditions of a separate Development Application Approval for Strata Subdivision of the Building(s).

(e) On Site Detention Requirements

The location any on-site detention facility shall be shown on the strata plan and suitably denoted.

(f) Creation of Positive Covenant

A Positive Covenant shall be created over any on-site detention facility by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

"It is the responsibility of the Owner's Corporation to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The on-site detention facilities shall not be modified in any way without the prior approval of Georges River Council."

Georges River Council is to be nominated as the Authority to release, vary or modify this Covenant.

- 129. 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.

130. 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.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2017/0491) 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.

Statement of Reasons

The reasons for this decision is that:

- The development proposed is permissible in the R4 zoned land.
- The proposed development is not considered to be incompatible with surrounding development and surrounding land uses.
- The proposed development complies with the requirements of the relevant environmental planning instruments except in the height of the development and setbacks. Clause 4.6 exception has been submitted in support of the application which is considered to be acceptable having regard to the justification provided in the report above.
- The building will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, privacy, overshadowing or view loss.
- The proposed development is well considered and sensitively designed so that it will not result in any unreasonable impact on the natural and built environment.
- The proposed development is not considered incompatible with the character of the locality and is capable of existing harmoniously with its surroundings.
- The Panel supported a Clause 4.6 variation for a height variation.

LPP002-25 36 Woronora Parade Oatley
(Report by Development Assessment Planner)

The Panel carried out an inspection of the site and nearby locality.

Speakers

- Keith McRorie (submitter)
- Jennifer McRorie (submitter)

Voting of the Panel Members

The decision of the Panel was unanimous.

Panel Comment

The Panel heard from 34 Woronora Parade Oatley primarily about privacy impacts and a concern about not receiving a copy of the amended plans. The Panel is satisfied the concerns were addressed in the report at paragraph 46 as follows:

“46. The plans were amended that relocated the first floor addition and reducing the impact of the dwelling to the northern boundary at ground floor level. It was considered that the amendments would not result in an increased environmental impact on the adjoining allotments and was required to be undertaken to address heritage related criteria.”

In addition the Panel was able to leave with the objectors a copy of the elevations and site plan at the site inspection.

The Panel is satisfied that the privacy impacts of concern to the neighbours are addressed in the amended plans.

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2024/0257 for alterations and additions to a heritage listed dwelling house on Lot A DP 378215 being land known as 36 Woronora Parade, Oatley NSW 2223, is granted Development Consent subject to:

The Conditions recommended in the report to the Georges River Local Planning Panel meeting of 6 February 2025, subject to the amendments as follows:

Amend condition 13, 14, 56, 57, 58, 59, 60 and 61 to read as follows:

13. Required Design Changes – The PC shall ensure that the following changes are required to be made and shown on the Construction Certificate plans:

Prior to the issue of the construction certificate, the stormwater plan shall be reviewed to the address the following design issue:

- (a) The Acacia Street site frontage is a roll kerb frontage with 90mm deep not 150mm. The invert level of the boundary pit (IL 43.87) is lower than the roll kerb gutter (IL 43.89), preventing proper drainage by gravity.
- (b) It is required to amend the stormwater plan to raise the invert level of the boundary pit above IL 43.89. Recalculate the levels for the stormwater system to ensure all components (boundary pit, pipe gradients, etc.) comply with gravity flow requirements. The invert level of the boundary pit shall be higher than the street roll kerb gutter invert IL43.89.

- (c) The plan should demonstrate the surface and invert levels achieve a 1% gradient across the nature strip to the roll kerb, in accordance with Council's stormwater management policy. An RHS galvanised pipe should be used due to insufficient pipe cover.
- (d) The surface and invert levels specified in the submitted stormwater plan must be verified by a registered surveyor prior to the issue the commencement of works in order to ensure that the proposed stormwater system drain by gravity to the street.

Failure to comply with the above issues, a modification application is required to be submitted to Council.

Reason: To require minor stormwater amendments to the stormwater concept plan following the assessment of the development.

14. 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.

- (a) All stormwater shall drain by gravity to Council's roll kerb and gutter in Acacia Street in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended) and Council's stormwater management policy.
- (b) The PC shall ensure that the stormwater discharge pipe across the nature strip is not exposed.
- (c) Prior to the commencement of works, the registered surveyor shall ensure to the PC that the stormwater discharge pipe across the footpath strip is laid with minimum disturbance at 1% grade to the street kerb and gutter and is made in good working condition. The stormwater discharge pipe across the footpath shall not connect against the flow in the street.
- (d) The stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

Reason: To ensure a detailed construction stormwater design is completed prior to release of a Construction Certificate

56. Clause 75 - BASIX Commitments - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

57. Clause 69 - 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.

58. Clause 70 - 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 PC and the Principal Contractor.

59. **Clause 71 - 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](#).

60. **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.

61. **Clause 74 - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

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

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

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

Statement of Reasons

The reasons for this decision is that:

- The proposal does not undermine the heritage significance of Heritage Item I253 – ‘Pair of semi-detached Federation cottages and settings’. The proposal has been supported by Council’s Heritage Advisor and Development Engineer, subject to recommended conditions.
- The development is permissible in the zone and aligns with the objectives of R2 Low Density Residential Zone.
- The development complies with the relevant State Environmental Planning Policies, the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021.
- The proposal will not result in unacceptable impacts to the locality.

9 CONFIRMATION OF MINUTES

GEORGES RIVER LOCAL PLANNING PANEL MEETING-06 FEBRUARY 2025

RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel Meeting held on 06 February 2025, be confirmed.

The meeting concluded at 4.54pm.



Anthony Hudson
Chairperson



Stephen Davies
Expert Panel Member




David Epstein
Expert Panel Member



Jenny Simpson
Community Representative


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Declaration of Interest Georges River Local Planning Panel


| | |
|---|--|
| Panel Member Name: | Anthony Hudson |
| Meeting Date: | 6 February 2025 |
| Item Numbers: | <ul style="list-style-type: none"> • LPP001-25 – 1-5 Lacey Street and 1a John Street Kogarah Bay • LPP002-25 – 36 Woronora Parade Oatley |
| In relation to the matters on this agenda, I declare that I have: | <input checked="" type="checkbox"/> No known conflict of interest |
| In relation to item number I have an actual¹ conflict of interest | <input type="checkbox"/> Conflict Details |
| In relation to item number I have a potential² conflict of interest | <input type="checkbox"/> Conflict Details |
| In relation to item number I have a reasonably perceived³ conflict of interest | <input type="checkbox"/> Conflict Details |
| Name of Panel Member | |
| Signature: |  4 Feb 2025 |
| Key of Terms: | |
| <p>¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.</p> <p>² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.</p> <p>³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.</p> | |

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Declaration of Interest Georges River Local Planning Panel

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| Panel Member Name: | Stephen Davies |
| Meeting Date: | 6 February 2025 |
| Item Numbers: | <ul style="list-style-type: none"> • LPP001-25 – 1-5 Lacey Street and 1a John Street Kogarah Bay • LPP002-25 – 36 Woronora Parade Oatley |
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| Name of Panel Member | |
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Declaration of Interest Georges River Local Planning Panel

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|---|--|
| Panel Member Name: | David Epstein |
| Meeting Date: | 6 February 2025 |
| Item Numbers: | <ul style="list-style-type: none"> • LPP001-25 – 1-5 Lacey Street and 1a John Street Kogarah Bay • LPP002-25 – 36 Woronora Parade Oatley |
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| In relation to item number I have a potential² conflict of interest | <input type="checkbox"/> Conflict Details |
| In relation to item number I have a reasonably perceived³ conflict of interest | <input type="checkbox"/> Conflict Details |
| Name of Panel Member | David Epstein |
| Signature: |  |
| <p>Key of Terms:</p> <p>¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.</p> <p>² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.</p> <p>³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.</p> | |

Declaration of Interest Georges River Local Planning Panel

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|--|--|
| Panel Member Name: | Jenny Simpson |
| Meeting Date: | 6 February 2025 |
| Item Numbers: | <ul style="list-style-type: none"> • LPP001-25 – 1-5 Lacey Street and 1a John Street Kogarah Bay • LPP002-25 – 36 Woronora Parade Oatley |
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| In relation to item number I have a reasonably perceived³ conflict of interest | <input type="checkbox"/> Conflict Details |
| Name of Panel Member Signature: |  |
| Key of Terms: ¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties. ² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future. ³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case. | |