

MINUTES

Georges River Local Planning Panel

Thursday, 20 March 2025

4:00 PM

Blended Meeting

Online and Council Chambers, Civic Centre,
Hurstville

THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

PANEL MEMBERS:

Ms Donna Rygate	(Chairperson)
Mr Graham Brown	(Expert Panel Member)
Mr Wayne Carter	(Expert Panel Member)
Ms Georgia Kissa	(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 4.06pm

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. It pays its respects to Elders past and present and extends 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. DECLARATION OF PECUNIARY INTEREST

There were no declarations of Pecuniary Interest.

7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

The one registered speaker was invited to address the panel by the Chair.

The speaker concluded at 4.15pm and the LPP Panel proceeded into Closed Session to deliberate on the items listed below.

8 CLOSED SESSION – DELIBERATION OF REPORTS

LPP005-25 118-124 Princes Highway BEVERLEY PARK (Report by Consultant Planner)

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

Speakers

- Kristy Hodgkinson (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

The Panel noted the applicant's very recent production of a document to satisfy draft condition 19. As this document has not been lodged on the NSW Planning Portal, it can not be considered formally as part of this meeting, but the Panel notes the matter will be dealt with at Construction Certificate stage.

The Panel noted that since the publication of the agenda, discussions between Council and the applicant have resulted in slight modifications to the draft conditions of consent, to address minor issues and to acknowledge that construction of this development will be staged, necessitating more than one construction certificate. The panel examined the proposed amendments and accepted them.

That Georges River Local Planning Panel supports the request for variation under Clause 4.6 of Georges River Local Environmental Plan 2021, in relation to the Height of Building (Clause 4.3) development standard, as the variation sought satisfies the objectives of the standard and sufficient environmental planning grounds have been provided in the written request for variation justifying that compliance would be unnecessary and unreasonable in the circumstances of the case. The proposal is also in the public interest and it satisfies the objectives of the zone resulting in no adverse environmental impacts.

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2023/0491 for internal and external alterations to a registered club at Lot 10 DP16229 known as 118-124 Princes Highway Beverley Park, is granted Development Consent subject to the following Conditions:

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	Ref No.	Date	Rev	Prepared by
Architectural Plans				
Site Analysis Plan	A011	1/8/24	B	Cullinan Ivanov
Site Ground Plane Plan	A012	25/2/25	C	Studio SC

Site Plan – Existing and Demolition	A013	25/2/25	C	Studio SC
Existing + Demolition Plan – Lower Ground	A100	1/8/24	C	Cullinan Ivanov
Existing + Demolition Plan – Ground Floor + A3 Staff	A101	1/8/24	B	Cullinan Ivanov
Existing Demolition B - Level 1 + A5	A102	1/8/24	B	Cullinan Ivanov
Existing + Demolition Plan Roof	A103	1/8/24	B	Cullinan Ivanov
GA Plan – Lower Ground Floor	A120	1/8/24	B	Cullinan Ivanov
GA Plan – Ground Floor + A3 Staff	A121	1/8/24	B	Cullinan Ivanov
GA Plan – Level 1 +A5 Mahogany	A122	1/8/24	B	Cullinan Ivanov
GA Plan – Roof	A123	1/8/24	B	Cullinan Ivanov
Proposed Building Elevation 1	A201	1/8/24	B	Cullinan Ivanov
Proposed Elevations 2	A202	1/8/24	B	Cullinan Ivanov
Streetscape Elevations	A203	1/8/24	A	Cullinan Ivanov
Proposed Building Sections – 1	A207	1/8/24	B	Cullinan Ivanov
Proposed Building Sections – 2	A208	1/8/24	A	Cullinan Ivanov
GFA Lower	A610	26/6/23	A	Cullinan Ivanov
GFA Ground	A611	26/6/23	A	Cullinan Ivanov
GFA Level 1	A612	26/6/23	A	Cullinan Ivanov
Landscape Plan		25/7/24	E	Site Image
Cover Sheet, Legends and Drawing Index	C101-0001	4/3/2025	D	Acor
Notes Sheet	C101-0101	4/3/2025	D	Acor
Civil Works Plan	C105-0001	4/3/2025	D	Acor
Easement Layout Plan	C105-0010	4/3/2025	D	Acor
Typical Details	C106-0601	4/3/2025	D	Acor
Stormwater Longitudinal Section	C108-0101	4/3/2025	D	Acor
Soil Erosion and Sediment Control Plan	C03-0001	14/05/2024	B	Acor
Soil Erosion and Sediment Control Notes and Details	C03-0101	14/05/2024	B	Acor

Documents Relied Upon in Assessing

Description	Ref No.	Date	Rev	Prepared by
Acoustic Report	SP01	1/7/24	5	Northrop
BCA Report		23/7/23	D	Mckenzie Group
Clause 4.6 Report		6/02/2025		Hamptons Property Services
Plan of Management		15/9/23		Hamptons Property Services
Preliminary Site Investigation	E36068BWrp t-Rev1	31/8/23		JK Environments
Traffic & Parking Assessment Report	23089	6/09/23		CJP Consulting Engineers
Arboricultural Impact Assessment		18/2/24	C	Birds Tree Consultancy
Tree Protection Plan		25/1/25		Birds Tree Consultancy
Operational Waste Management Plan	4289	24/8/23	B	EF Consulting
Statement of Environmental Effects		15/9/23		Hamptons Property Services
CPTED Assessment		Sept 23		Sarah George Consulting
SIA Assessment		Sept 23		Sarah George Consulting
QS Report		8/9/23		Napier & Blakeley
Geotechnical Investigation	36068BCrpt	09/08/2023		JK Geotechnics

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, relating to the relevant construction certificate;

- (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 relevant 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. **Road Opening Permit** – A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the TfNSW, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.
4. **Transport for NSW Requirements** –
 - a. The redundant driveways on the Princes Highway boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter, the new vehicle crossings/driveways and associated works on the Princes Highway shall be in accordance with Australian Standard (AS) 2890.2-2018 and TfNSW requirements.
 - b. Detailed design plans are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.
 - c. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon the Princes Highway including changes to the drainage system in the Princes Highway are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
 - d. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the issue of a Construction Certificate and the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

- e. The developer is required to enter a Works Authorisation Deed (WAD) with TfNSW, or other suitable arrangement as agreed to by TfNSW, for the works required by Conditions 1, 2 and 3 that impact the Princes Highway.
- f. A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on the Princes Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- g. For the life of the completed development no service vehicles (e.g. garbage trucks, vehicles delivering and/or collecting material from the development site, etc) are permitted to service the site directly from the Princes Highway frontage.

Should you have any further inquiries in relation to this matter, please contact Shengxi Lin, Development Assessment Officer, via email at development.sydney@transport.nsw.gov.au.

5. Driveway Crossing - Minor Development – Constructing a driveway crossing and/or footpath requires a separate approval under Section 138 of the [Roads Act 1993](#) prior to the commencement of those works.

To apply for approval, complete the 'Application for Driveway Crossing and Associated Works on Council Road Reserve issued under Section 138 Roads Act' which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted Fees and Charges for the administrative and inspection charges associated with driveway crossing applications.

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

The design boundary level is to be received from Council prior to construction of the internal driveway.

PRIOR TO THE ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE

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

Payments must be made prior to the issue of the first Construction Certificate.

Please contact council prior to the payment of Section 7.11 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	\$ 1,900.00
Inspection Fee for Refund of Damage Deposit	\$ 170.00
DEVELOPMENT CONTRIBUTIONS	
Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.12)	\$277,583.60

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

Timing of Payment

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

Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Civic Centre, MacMahon Street, Hurstville and 2 Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

7. **Site Management Plan** – A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the relevant Construction Certificate.
8. **Erosion & Sedimentation Control** – Erosion and sediment controls must be provided to ensure:
 - (a) Compliance with the approved Erosion & Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) All clean water run-off is diverted around cleared or exposed areas
 - (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

9. **Fire Safety Measures** – Prior to the issue of the relevant 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 the relevant 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.
10. **Structural details** – Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & 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.
11. **Engineer's Certificate** – A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.
12. **Access for Persons with a Disability** – Access and/or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the relevant Construction Certificate Application for approval.
13. **Commonwealth Disability (Access to Premises) Standard** – The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.
14. **Sydney Water – Tap in**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the relevant Construction Certificate.
15. **Acoustic Report Compliance** – The relevant Construction Certificate plans must demonstrate compliance with the Acoustic Report submitted and approved by Council as referenced in this consent.

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

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

- 16. Acoustic Report – Commercial/Industrial - Mechanical plant –** The use of the premises and the operation of all mechanical plants and equipment must comply with the Protection of the Environment Operations Act 1997 (as amended) and Regulations.

Prior to the release of the relevant Construction Certificate, an Acoustic Report must be prepared by a suitably qualified acoustic consultant in accordance with the NSW Environment Protection Authority's Noise Policy for Industry (2017).

The recommendations of the Acoustic Report must be incorporated into the relevant Construction Certificate plans, and the plans are to be certified to this effect by a suitably qualified and experienced Acoustic Consultant.

The Acoustic Report and certified plans must be incorporated into the relevant Construction Certificate documentation.

- 17. Food Premises – Details and Fit-Out –** Details of the construction and fit-out of food premises must be submitted to the satisfaction of the Principal Certifier. The plans and specifications must demonstrate compliance with the:

- (a) *Food Act 2003* (NSW) (as amended),
- (b) *Food Regulation 2015* (NSW) (as amended),
- (c) Food Standards Code – Standard 3.2.3 (as amended) - published by Food Standards Australia,
- (d) Australian Standard AS4674 - Design, Construction and fit out of food premises (as amended), and
- (e) Sydney Water – Trade Waste Requirements.

- 18. Stormwater Works Approval -** Prior to the issue of the relevant Construction Certificate, a section 68 application to undertake the stormwater works shall be lodged with Council. Existing pits along the frontage of the property in Princes Highway will need to be enlarged. This requirement will be specified in the Section 68 approval from Council.

- 19. Pipeline Works –** Prior to the issue of the relevant Construction Certificate, the following requires are to be submitted to the satisfaction of the Principal Certifying Authority and a copy shall also be provided to Council.

- (a) All curved pipes shall be removed and replaced with straight section.
- (b) Sealed accessible pits shall be provided in each directional change of pipe alignment. All pits shall be benched to half width of the pipe.
- (c) An easement plan shall be prepared based on the revised alignment. The easement width shall be in accordance with the stormwater policy of Georges River Council.
- (d) Longitudinal section of pipe shall be provided with the services.

- 20. Car Park Civil Drawings –** Prior to the issue of the relevant Construction Certificate, fully detailed engineering drawings for the reconfigured car parking area(s) shall be submitted to the Principal Certifying Authority for approval. The drawings shall:

- (a) Be prepared by a suitably qualified and experienced civil or structural engineering professional.

- (b) Show existing linemarking to be removed and new linemarking installed to cater for the approved number of onsite parking spaces and loading area facilities.
- (c) Show existing pavement markings to be removed by grinding off the pavement and new pavement markings to be installed.
- (d) Provide details of new pavement areas to be constructed within the site including materials of construction and sectional profiles.

Show redundant vehicle crossings being replaced with kerb and gutter, paving and turf as applicable.

21. Construction vehicle and pedestrian plan of management – Prior to the issuing of the relevant 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:

22. Pre-Construction Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

23. Stormwater System

Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the relevant Construction Certificate.

- (a) The PCA shall ensure that all stormwater runoff from the proposed development area shall drain by gravity to existing satisfactory on-site drainage system to Council's stormwater pipe system without any nuisance flooding to adjoining property owners and the drainage system must be in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- (b) 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 Management Policy, shall accompany the application for the relevant Construction Certificate.
- (c) Details of all the pipe drainage diversion works and within public domain area must be submitted to Council's Assets and Infra-structure unit for S68 approval.

24. Driveway Construction Plan Details

Detailed engineering plans for the driveway shall be submitted with the relevant Construction Certificate application for approval that show:

- (a) Longitudinal and cross sections, gradients, type of construction materials designed in accordance with AS/NZS2890.1-2004.
- (b) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

25. Council Property Shoring

Prior to the issue of the relevant 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.

26. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993

This Development Consent does not give approval to undertake works on public infrastructure. A separate approval for 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:

- (a) Existing pipe diversion & ancillary works within the property & road reserve. This includes connections to Council's system upstream and downstream
- (b) Stormwater & ancillary works to public infrastructure on private land

To apply for approval under Section 138 of the [Roads Act 1993](#) and/or Section 68 Local Government Act 1993:

- (a) Complete the 'Stormwater Drainage Application Form' which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2020/****) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system required to carry out the approved development. These will include but are not limited to costs associated with applications, design, construction, any required modifications to public service utilities, inspections, preparation of Work-as-Executed plans, preparation of dilapidation reports including CCTV footage of the stormwater system both before and upon completion of the works.

A stormwater bond in accordance Council's adopted Fees and Charges shall also be required to be lodged prior to the commencement of works on Council's stormwater system.

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 are to be arranged by the applicant.

The Stormwater Drainage Application approval must be obtained and evidence of the approval provided to the relevant 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.

NOTE: A minimum of four weeks should be allowed for assessment

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

- 27. 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.

- 28. 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 relevant Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.
- 29. Utility Arrangements** – Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.
- 30. 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:
- (a) Footpaths, Kerb and gutter and roadways
 - (b) Stormwater drainage pits and pipes

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 PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA 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

31. 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 run-off 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.

32. 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 2024 may be removed, pruned or otherwise damaged without Council consent.

33. 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.

34. **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.
35. **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.
36. **Damage within Road Reserve and Council Assets** – The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
37. **Worksite Traffic and pedestrian control** – Traffic and pedestrian control shall be in accordance with TfNSW '*Traffic Control at Work Sites – Technical Manual*' version 6.1.
38. **Contaminated Land** – Unexpected Contaminants Found During Demolition or Construction – 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 Certifying Authority, then a copy of the Remedial Action Plan and the Validation Report is to be provided to Council.

39. **Site Maintenance** – The premises shall be maintained in a manner that will not adversely impact upon public health and safety until such time as the relevant Occupation Certificate is issued. The premises shall be maintained during construction in accordance with the following:
 - (a) There must be no burning of any material.
 - (b) All putrescible waste must be removed daily.
 - (c) All grass and vegetation must be maintained so the grass and vegetation (excluding trees) does not exceed a height of 100 mm above ground level.

- (d) Any accumulated or ponded water must be removed within 5 days (weather permits). The removal of any water must comply with the Protection of the Environment Operations Act 1997 (NSW) so as to not cause a pollution incident.
- (e) Fencing must be provided and installed within the boundary of the premises. Fencing must be maintained so to eliminate access to the public.
- (f) All Activity associated with the development including storage or depositing of any goods or maintenance of any machinery and equipment must be conducted within the premises.

40. Approved Tree Removal – Permission is granted for the removal of the following trees as shown in Table 1:

Table 1: Trees to be removed

Tree No.	Species	Location
7-12	<i>Livistona australis</i> (Cabbage Palm Tree)	Within the subject site – Refer to Arboricultural Impact Assessment (AIA) prepared by <i>Birds Tree Consultancy</i> dated 18 February 2024 'Rev C' for approximate tree location.
13, 14	<i>Magnolia grandiflora</i> (Magnolia)	
17-28	<i>Nerium oleander</i> (Oleander)	
45	<i>Plumeria rubra</i> (Frangipanni)	

- 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)*.

41. Tree Protection

- 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
29	<i>Mangifera indica</i> (Mango)	136 Princes Highway
31	<i>Syzygium australe</i> (Lillypilly)	138 Princes Highway
35	<i>Robinia pseudoacacia</i> (Robinia)	144 Princes Highway
36	<i>Chamaecyparis obtusa cv.</i> (Cypress)	9 Harslett Crescent
37	<i>Lagerstroemia indica</i> (Crepe myrtle)	11 Harslett Crescent
38	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	11 Harslett Crescent

Note: Refer to Arboricultural Impact Assessment (AIA) prepared by *Birds Tree Consultancy* dated 18 February 2024 'Rev C' for approximate tree location.

- c) The following trees in Table 3 below must be **retained** in accordance with the conditions of consent throughout the construction and development.

Table 3: Trees that must be retained

Tree No.	Species	Location
1 & 16	<i>Magnolia grandiflora</i> (Magnolia)	Within the subject site – Refer to Arboricultural Impact Assessment (AIA) prepared by <i>Birds Tree Consultancy</i> dated 18 February 2024 'Rev C' for approximate tree location.
2-6	<i>Livistona australis</i> (Cabbage Palm Tree)	
15	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	
30	<i>Melaleuca bracteata</i> (Black Tea-tree)	
32-34	<i>Syzygium australe</i> (Lillypilly)	
39-41	<i>Lagerstroemia indica</i> (Crepe Myrtle)	
42 & 43	<i>Syzygium australe</i> (Lillypilly)	
44	<i>Plumeria rubra</i> (Frangipani)	

- d) 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*.
- e) Nothing is to be attached or fixed to any tree.
- f) 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 8 meters of the trunk of any tree (inc. neighbouring trees).
- g) 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.
- h) 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.
- i) 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.
- j) 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.
- k) 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.
- l) 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.

- m) Site Arborist must ensure that any exposed tree roots are adequately covered to prevent drying out.
- n) 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.
- o) 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.
- p) 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 with the TPZ areas of tree 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 that the 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 relevant Occupation Certificate.
4. Prior to issue of the relevant 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 the relevant occupation certificate for the development

42. 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.

43. Landscape Works

All landscape works shall be carried out in accordance with the approved landscape plans prepared by *Site Image* dated 25 July 2024 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 200L 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.
- 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. staked).

44. Removal of Existing Stormwater Asset - Prior to the removal of the existing stormwater asset, new stormwater infrastructure shall be constructed to avoid flooding and major erosion during a flood event.

PRIOR TO THE ISSUE OF THE RELEVANT OCCUPATION CERTIFICATE

45. Acoustic Certification – Prior to the issue of the relevant 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 relevant Occupation Certificate documentation and provided to Council.

46. **Acoustic Compliance – Commercial/Industrial - General Operation of Premises –** The proposed use of the premises and the operation of all mechanical plants and equipment must comply with the *Protection of the Environment Operations Act 1997* (NSW) (as amended) and Regulations.

A suitably qualified acoustic consultant or engineer must certify that the operation of the plant and equipment complies with the NSW Environment Protection Authority's "NSW Noise Policy for Industry (2017)" (as amended).

The Acoustic Certification must be submitted to the Certifying Authority prior to the issue of any of the relevant Occupation Certificate or use of the premises.

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

47. **Fire Safety Certificate before Occupation or Use –** In accordance with Clause 41 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), on completion of building works and prior to the issue of the relevant Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 83 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 86 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation, 2021](#). 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.

48. **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:

Within 12 months after the date on which the fire safety certificate was received.

- (a) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (b) 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.
- (c) 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.

49. **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 the relevant 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;
50. **Completion of all 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 a final Occupation Certificate.
51. **Stormwater Works** - Prior to the issue of the relevant Occupation Certificate, the following works must be completed:
- a drainage easement shall be created over the new location of stormwater pipe in favour of Council.
 - a positive covenant shall be created to retain the exiting overland flow path over the site.
 - a detailed CCTV recording and report in conformance with WSA 05 – includes a full 360 degree recording for all joints and defects shall be submitted to Council for review. This should also include images of all pits and stormwater connections.
 - GIS shp files of all pits and pipes, Autocad drawing file, Works as Executed plans (red marked pdf) shall be submitted during the handover of the stormwater asset. Pits and pipe attributes shall include all features such as surface level, invert level, depth, construction date, coordinates and condition of the asset.
52. **Council Pipe Drainage Easement**
The applicant must create 3500mm wide Easement to Drain Water along the proposed pipe diversion alignment with the subject property. The easement must allow for a piped, gravity fed system of drainage of stormwater from the subject site with direct, underground connection to Council's culvert downstream.
- Evidence of registration of the easement to drain water benefitting Council and burdening the title of the subject property is to be provided to Council prior to the Issue of the relevant Occupation Certificate.
53. **Requirements prior to the issue of the relevant Occupation Certificate - Stormwater Works**
The following shall be completed and or submitted to the PCA prior to the issue of the relevant Occupation Certificate:
- All the stormwater/drainage works including the pipe diversion works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the relevant Occupation Certificate.

54. Restriction on use of land for overland flow - An additional Restriction of Use of the Land is to be created using Section 88E of the Conveyancing Act 1919 over the subject property on which this development is to be carried out. This Restriction shall ensure that the stormwater overland flow-path, as determined by Council, be maintained free from obstructions at all times and shall be worded as follows: In relation to the stormwater overland flow path as identified by Flood Impact Assessment Report, Prepared by ACOR Consultants, Dated 03/06/2024, the following Restrictions on The Use of The Land will apply to all areas of the lot located below 1% AEP flood Levels in accordance with the flood report:

- (a) New property boundary fencing is not to obstruct the free flow of surface waters across the overland flow path in any way.
- (b) No new building structures, walls, fences, trees, shrubs, grass or other vegetation shall be erected or planted within the site of the overland flow path and/or easement to drain water (where existing or proposed on site), except with the approval of Council.
- (c) The existing natural ground levels of the site shall not be raised or lowered or retaining walls constructed unless specified detailed plans are first submitted to and approved by Council.
- (d) The overland flow path must be kept clear of obstructions at all times and maintained to the satisfaction of Council.

This Restriction shall benefit Georges River Council and Georges River Council is to be nominated as the Authority to release, vary or modify this Restriction. This Restriction on Use of Land shall be registered on the title of the land, prior to the issue of the relevant Occupation Certificate for the development (Interim or Final Occupation Certificate).

Documentary evidence of the registration of this Restriction on title is to be supplied to the Principal Certifying Authority when application for the relevant Occupation Certificate is made.

55. Stormwater drainage works – Works As Executed

Prior to the issue of the relevant Occupation Certificate, storm water drainage works are to be certified by a qualified professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) Pipe invert levels and surface levels to Australian Height Datum;
- (c) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

56. Requirements prior to the issue of the relevant Occupation Certificate

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

- (a) All the stormwater/pipe drainage diversion works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the relevant 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 relevant 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) Work as Executed Plans prepared jointly and duly signed by a Chartered Professional Engineer and Registered Surveyor when all the site engineering works and Pipe Drainage Diversion works plans are all complete shall be submitted to the PCA prior to the issue of the relevant Occupation Certificate.
- (f) The construction of the drainage construction works shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval.

57. 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 relevant Occupation Certificate. Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

58. Traffic Control Devices

The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with Australian Standard - AS1742, Manual of Uniform Traffic Control Devices.

59. 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:

- (a) Footpaths, Kerb, and gutter
- (b) Drainage Infrastructure

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 PCA 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 Assets and Infrastructure Division must advise in writing that the works have been completed to their satisfaction prior to the issue of the relevant Occupation Certificate.

- 60. **Internal Roads** - 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 TfNSW.
- 61. **Carpark Layout, Design and Certification** - 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.

Prior to the issue of the relevant Occupation Certificate, documentation from a suitably qualified and experienced Traffic Engineering consultant shall be submitted to the Principal Certifying Authority certifying the carparking facilities have been constructed in accordance with the approved plans and the above Australian Standard.

- 62. **Marking of parking spaces and certification** - Prior to the issue of the relevant Occupation Certificate, all parking spaces shall be clearly designated and linemarked to comply with *AS1742, Manual of uniform Traffic Control Devices*.

Documentation from a suitably qualified and experienced Traffic Engineering consultant shall be submitted to the Principal Certifying Authority certifying the carparking spaces have been marked in accordance with the approved plans and the above Australian Standard.

OPERATIONAL CONDITIONS (ON-GOING)

- 63. **Hours of operation** – The approved hours of operation for the operation of public entertainment on site shall be restricted to the following:
 - Monday to Saturday: 7am to 1am and;
 - Sundays 12 noon to 12 midnight
- 64. **Operational Restrictions**
Alfresco (Western Elevation)
 - Operable windows open until 10pm with 540 patrons,
 - Operable windows closed from 10pm to 12am (Monday to Sunday)

External Smoking Terrace (Eastern Elevation)

- Limited to 50 patrons up until 12am and then limited to 10 patrons between 12am to 7am.

65. **Offensive Noise** – 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* (NSW) (as amended).
66. **Acoustic Report – Commercial/industrial** - Verification of Noise report – Within three months from the date of issue of the relevant Occupation Certificate, an acoustic assessment must be carried out by an appropriately qualified acoustic consultant, in accordance with the NSW Environment Protection Authority’s “Noise Policy for Industry (2017)” and must be submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the approved acoustic report referenced in this consent have been achieved and if not, provide further works required to achieve the required outcome/s.

Where the noncompliance result in breach of the above Policy, the uses must cease, and the rectification works must be completed prior to the use recommencing.

Note: Where rectification works require further development consent or owners’ consent these must be sought prior to such works being carried out.

67. **Acoustic mitigation infrastructure** – Maintenance – Noise mitigation treatments must be maintained at all times to ensure their acoustic performance is not diminished and noise emission remains compliant and in accordance with these conditions.
68. **Food Premises – Maintenance** – **The food premises must be maintained in accordance with the:**
- (a) *Food Act 2003* (NSW) (as amended),
 - (b) *Food Regulation 2015* (NSW) (as amended),
 - (c) Food Standards Code published by Food Standards Australia & New Zealand (as amended); and
 - (d) the current or latest version of Australian Standard AS 4674: *Design, construction and fit out of food premise*.
69. **Retail/Commercial** - Outdoor Gaming/Smoking Area – Smoke-Free Compliance – This development consent does not imply or otherwise verify compliance with the *Smoke-Free Environment Act 2000* (NSW) (as amended) and/or the *Smoke-Free Environment Regulation 2016* (NSW) (as amended). The applicant and/or owner of the premises should seek their own legal advice as to compliance with Act and/or Regulation if proprietors of the premises intend to allow smoking in any area of the premises, including that area subject to this consent.
70. **Outdoor Gaming/Smoking Area** – Air Lock Entry – A control system must be installed to ensure that smoke from areas where smoking is permitted does not penetrate into the smoke free areas. This may be in the form of a self-closing device with an air lock or air curtain system or the like (either side of the self-closing device).

71. **Lighting – General Nuisance** – To protect neighbourhood amenity and road safety, any lighting on the premises must be designed so as not to cause a nuisance to other residences in the area or motorists on nearby roads by ensuring there are no adverse impacts on the amenity of the surrounding area by light overspill or glare and must comply with:
- (a) The current or latest version of AS4282-1997: Control of the obtrusive effects of outdoor lighting
72. **General amenity of the neighbourhood** – The implementation of the development must 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, wastewater, waste products, grit, oil or other harmful products.
73. **Activities and storage of goods outside buildings** – Any work or activity associated with the development including storage or depositing of any goods or maintenance of any machinery shall be conducted within the building. External storage shall be limited to waste receptacles.
74. **Ongoing Tree and Landscape Maintenance Works** –
- a) 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.
- b) 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.
- c) 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.
75. **Traffic Management Requirements** – The following must be complied with:
- Traffic and pedestrian control shall be in accordance with TfNSW *'Traffic Control at Works Sites- Technical Manual'* version 6.1.
 - Vehicular entry/exit movements shall be carried out in a forward direction at all times.
 - Loading and unloading of vehicles and delivery of goods to the building are to be carried out fully within the confines of the site.
 - The maximum size of vehicle using the proposed development shall be limited to Medium Rigid Vehicle (MRV) as denoted in AS2890.2-2018: Parking Facilities – Part 2- Off-street commercial vehicle parking
 - All plantings in the landscaped areas on both sides of the exit driveway to the Princes Highway shall be maintained at heights that provide minimum sightlines for pedestrians in accordance with s3.2.4 of AS/NZS2890.1:2004 Parking Facilities, Part 1- off street car parking.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

76. **Requirement for a Construction Certificate** – The erection of a building must not commence until the relevant Construction Certificate has been issued.
77. Appointment of a PCA – The erection of a building must not commence until the applicant has:
- appointed a PCA for the building work; and
 - if relevant, advised the PCA that the work will be undertaken as an Owner -Builder. If the work is not going to be undertaken by an Owner - Builder, the applicant must:
 - appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
 - notify the PCA of the details of any such appointment; and
 - notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

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

78. **Notification of Critical Stage Inspections** – No later than two days before the building work commences, the PCA must notify:
- the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
79. **Notice of Commencement** – The applicant must give at least two days' notice to the Council and the PCA of their intention to commence the erection of a building.
80. **Critical Stage Inspections** – The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia.
81. **Notice to be given prior to critical stage inspections** – The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out. Where Georges River Council has been appointed as the PCA, 48 hours' notice in writing, or alternatively 24 hour's notice by facsimile, email or telephone, must be given when specified work requiring inspection has been completed.
82. **Occupation Certificate** – A person must not commence occupation or use of the whole or any part of a new building unless the relevant Occupation Certificate has been issued in relation to the building or part. Only the PCA appointed for the building work can issue the relevant Occupation Certificate. An Occupation Certificate Application Form is attached for your convenience.

END CONDITIONS

NOTES / ADVICES

- 1. 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.

- 2. 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.

- 3. 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.

- 4. 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/nlg.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).

5. **Council as Principal Certifier** - Compliance with the BCA - Should the Council be appointed as the Principal Certifying Authority in determining the relevant Construction Certificate, the building must comply with all the applicable deemed to satisfy provision 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 justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
6. **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 feature 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 the relevant 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.
7. **Compliance with Access, Mobility and AS4299 - Adaptable Housing** - Should the Council be appointment as the Principal Certifier, the relevant 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.
8. **Council as Principal Certifier** - Total Conformity with BCA - Should the Council be appointed as the Principal Certifying Authority, the relevant 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 relevant 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 relevant Construction Certificate.

- 9. 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).

- 10. 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.

- 11. 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.
- 12. 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.
- 13. 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.

14. 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 the relevant 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 the relevant Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment.

LPP006-25 8 Cook Street, Mortdale NSW 2223
(Report by Principal Planner)

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

Speakers

There were no speakers for this item.

Voting of the Panel Members

The decision of the Panel was unanimous.

Pursuant to Section 8.2 and Section 4.16 (1) of the Environmental Planning and Assessment Act 1979, Review Application No. REV2024/0036 for the Review of Determination of MOD2024/0021 - Modification of DA2018/0350 demolition works and construction of small lot housing - amendments include internal layout changes and front facade amendments at Lot 30 and 31 DP21444, known as 8 Cook Street Mortdale, is refused Development Consent for the following reasons:

1. **Refusal Reason -- Lack of Owners Consent** - The proposed development has no owners consent for the making of the application in accordance with Section 23(1) of the Environmental Planning and Assessment Regulation 2021.
2. **Refusal Reason – Environmental Planning Instrument** – Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of State Environmental Planning Policy (Sustainable Building) 2021:
 - a) Clause 2.1 – Standards for BASIX development and BASIX optional development. The proposal is accompanied by an updated BASIX Certificates alongside revised plans, however both certificates contain numerous errors relating to dwelling number, street number (as conditioned under DA2018/0350), and number of bedrooms. Therefore, the proposal has not provided adequate and correct information which would demonstrate that the embodied emissions attributable to the development have been quantified.
3. **Refusal Reason – Acoustic Impacts on Residential Amenity** – Pursuant to Division 15 Railways, Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors, of SEPP (Transport and Infrastructure) 2021, the proposal has adverse impact on residential amenity including privacy and acoustic impacts between the two dwellings, and in relation to neighbours. An amended acoustic assessment was not submitted with the Review as required due to its proximity to the railway corridor. The original acoustic report is dated 2018, and both dwelling designs have been amended, so an updated acoustic assessment is required to satisfy the requirements of SEPP (Transport and Infrastructure) 2021.
4. **Refusal Reason - Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Georges River Local Environmental Plan 2021:

- a) Clause 1.2(2)(f) Aims of the Plan: to promote a high standard of urban design and built form: is not met.
- b) Clause 2.3 – Zone objectives and Land Use Table. The proposal is not consistent with the zone objectives as the exceedance in floor space proposed contributes to the overall bulk and scale of the dwellings, which does not meet the objectives of retaining the low-density residential character of the area nor enhancing high level of amenity of the area
- c) Clause 4.3 – Maximum Height of Building: insufficient verification provided on survey and architectural plans to demonstrate that the proposed dwellings indeed comply with the maximum height of building of 9m.
- d) Clause 4.4A – Floor Space Ratio. The proposed FSR under this modification exceeds the permitted FSR control of 0.55:1 for each dwelling. Dwelling on Lot 30 DP 12444 exceeds the FSR control by 15 per cent, being 0.63:1. Dwelling on Lot 31 DP 12444 exceeds the FSR control by 11 per cent, being 0.615:1.
- e) Clause 6.2 – Earthworks. The cut and fill exceed the 1m controls, proposing 1.1m and 1.4m which is excess of that proposed under DA2018/0350.

5. Refusal Reason – Impact on the Environment – Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:

- a) Natural Environment. The proposal may result in the removal of street trees which is not supported. Therefore, the proposed modification does not respond well to retaining nor enhancing the natural environment of the locality.
- b) Built Environment. The architectural plans submitted to Council propose modifications which increase floor space within the dwellings that does not comply with FSR standards at Clause 4.4A GRLEP 2021. The extension of alfrescos and balconies contributes to the overall bulk and scale of the development. Additionally, the dwellings fail to demonstrate compliance with front and rear setback requirements, giving rise to a built form which is inconsistent with street form and desired streetscape. Therefore, the overall modified design does not enhance the built environment of the locality or meet the character requirements of the area.

6. Refusal Reason – Development Control Plan - Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Georges River Development Control Plan 2021:

- a) Section 3.2.1 – Trees and Vegetation. Removal of street trees due to proposed driveway is not supported, and insufficient information has been submitted in relation to whether there is a conflict between the location of the driveway and the existing mature street tree.
- b) Section 3.5.1 – Earthworks. The modification seeks to propose excavation more than 1m. Cut and fill both exceed the 1m control. Therefore, this application failed to demonstrate compliance with this control.

- c) Section 6.1.2.2 – Building Scale and Height. The proposal exceeds the maximum Floor Space Ratio allowed such that the excessive building bulk and scale would result in additional visual impact compared to the approved development. The proposed height of 9m cannot be verified with accuracy given the paucity of information on the architectural plans which do not provide sufficient details relating to RLs at NGL and ridge height measurements over the roof and noting that a Survey Plan was not lodged with the application. Furthermore, the exceedance of protrusion of the garage entrance from Lot 30 and the inclusion of a side balcony will contribute to the visual dominance of the buildings. Therefore, the proposal fails to demonstrate compliance with this control.
- d) Section 6.1.2.3 – Setbacks. The modification failed to demonstrate compliance with front and rear setbacks requirements and does not meet the side setback controls (1.2m) on Lot 30 proposing 900mm. Furthermore, both proposed balconies encroach into the front and side setback spaces, which are not supported, and the setback to the basement garage does not comply.
- e) Section 6.1.2.6 – Excavation (Cut and Fill). The modification seeks to propose excavation more than 1m and fill greater than 1m. Therefore, this application fails to demonstrate compliance with this control.
- f) Section 6.1.2.7 – Vehicular Access, Parking and Circulation. The proposed driveways may result in the removal of street trees, which is not supported. There is a deficiency of car parking spaces as Lot 30 provides only one car space, whereas two are required per dwelling.
- g) Section 6.4.1 – Fences and Walls. No sufficient plans are provided to address the full details of the proposed front and inter-allotment fence between Lot 30 and Lot 31, or the rear fence. Information is not provided to identify if existing side and rear fences are being retained or replaced.

7. Refusal Reason – Suitability of the Site – Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the suitability of the subject site to accommodate the proposed development is not demonstrated.

8. Refusal Reason – The Public Interest – Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

9 CONFIRMATION OF MINUTES

GEORGES RIVER LOCAL PLANNING PANEL MEETING-20 MARCH 2025


RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel Meeting held on 20 March 2025, be confirmed.

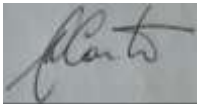
The meeting concluded at 5.01 pm.



Donna Rygate
Chairperson



Graham Brown
Expert Panel Member




Wayne Carter
Expert Panel Member



Georgia Kissa
Community Representative


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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Donna Rygate
Meeting Date:	20 March 2025
Item Numbers:	<ul style="list-style-type: none"> • LPP005-25 – 118-124 Princes Highway Beverley Park • LPP006-25 – 8 Cook Street Mortdale
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:	
Key of Terms: <ol style="list-style-type: none"> 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. 	


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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Graham Brown
Meeting Date:	20 March 2025
Item Numbers:	<ul style="list-style-type: none"> • LPP005-25 – 118-124 Princes Highway Beverley Park • LPP006-25 – 8 Cook Street Mortdale
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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.	


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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Wayne Carter
Meeting Date:	20 March 2025
Item Numbers:	<ul style="list-style-type: none"> • LPP005-25 – 118-124 Princes Highway Beverley Park • LPP006-25 – 8 Cook Street Mortdale
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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:	
<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>	

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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Georgia Kissa
Meeting Date:	20 March 2025
Item Numbers:	<ul style="list-style-type: none"> • LPP005-25 – 118-124 Princes Highway Beverley Park • LPP006-25 – 8 Cook Street Mortdale
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Signature:	
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