



Business Paper

Independent Hearing and Assessment Panel

Tuesday, 22 August 2017

6:00pm

**Council Chambers,
Level 2, Administration Building
4-20 Eton Street, Sutherland**

ORDER OF BUSINESS

1. DISCLOSURES OF INTEREST

2. REPORTS FROM OFFICERS

IHAP002-18 Demolition of existing structures, construction of a multi dwelling housing development containing 4 dwellings including basement car parking and two swimming pools - Actinotus Avenue, Caringbah South (DA17/0135)

**IHAP002-18 PROPOSAL: DEMOLITION OF EXISTING STRUCTURES,
CONSTRUCTION OF A MULTI DWELLING HOUSING
DEVELOPMENT CONTAINING 4 DWELLINGS
INCLUDING BASEMENT CAR PARKING AND TWO
SWIMMING POOLS - ACTINOTUS AVENUE,
CARINGBAH SOUTH**

**PROPERTY: LOT 132 DP 5606, (NO.26) ACTINOTUS AVENUE,
CARINGBAH SOUTH**

APPLICANT: STEVEVEN VOJVODIC, SASA MADZA

FILE NUMBER: DA17/0135

Attachments: Appendix A, Appendix B

REASON FOR REPORT

This application is referred to the Independent Hearing and Assessment Panel (IHAP) because the application was called up by Councillors Foreshore, Provan and Simone.

PROPOSAL

An application has been received for the construction of a dual occupancy and inclinor with two lot strata subdivision.

THE SITE

The site is located on the southern side of Actinotus Avenue. The site is 1 lot that currently comprises a dwelling house and ancillary structures.

ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

1. That Development Application No. 17/0135 for demolition of existing structures, construction of a multi dwelling housing development containing 4 dwellings including basement car parking and two swimming pools at Lot 132 DP 5606 26 Actinotus Avenue, Caringbah South be approved, subject to the conditions contained in Appendix "A" of the report.

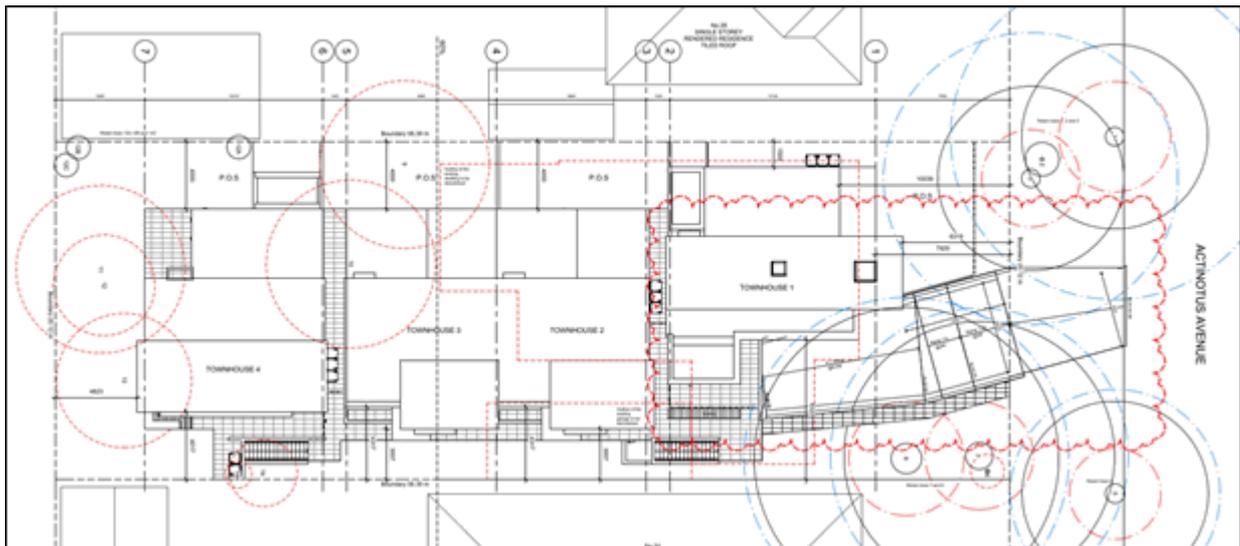
ASSESSMENT OFFICER'S COMMENTARY

DESCRIPTION OF PROPOSAL

The proposal is for demolition of all existing structures, removal of 10 trees and construction of multi dwelling housing comprising 4 dwellings with basement parking including the following:

- Basement Floor Plan
 - 4 double garages including storage and internal stairs providing private access to each dwelling.
 - 1 visitor car space.
 - Electrical and plant rooms.
 - fire stairs providing access up to the ground level on the eastern side.
- Ground Floor Plan
 - Dwellings 1 to 4 – combined living, dining and kitchen area, bedroom, bathroom, laundry and store area.
 - An internal lift provided to dwellings 1 and 3.
 - An inground swimming pool within the private open space areas of dwellings 1 and 4 only.
- Tree removal/retention
 - 10 trees within the rear of the site are proposed to be removed.
 - 7 trees at the front of the site are to be retained (3 trees within the front setback and 4 trees within the road reserve)

A site plan is provided below.



SITE DESCRIPTION AND LOCALITY

The site has a north-south orientation and is rectangular in shape. It has a frontage of 20.115m and depth of 56.39m with a total site area of 1,132m². The site is relatively flat with a slight fall to the rear. Existing development on the site comprises a single dwelling house and an inground swimming pool.

Vegetation that exists on the site comprises 10 trees in the rear and 3 trees within the front setback and 4 trees within the road reserve.

Development that exists on the eastern and western adjoining properties comprise single dwelling houses with ancillary structures. Development to the rear (south) comprises a multi dwelling housing development with 2 x townhouses and 4 x villas.

The streetscape within the immediate vicinity of the site is characterised by mature trees and low density development including multi dwelling houses, dual occupancies, and dwelling houses. The multi dwelling development recently constructed at the eastern end of Actinotus Avenue presents as two single dwellings to the street. Caringbah Public School exists opposite the site on the northern side of Actinotus Avenue.

A locality plan and an aerial photo are provided below.





BACKGROUND

A history of the development proposal is as follows:

- The current application was submitted on 14 February 2017.
- The application was placed on exhibition, with the last date for public submissions being 9 March 2017.
- A letter was provided to the applicant dated 10 April 2017 requesting additional matters to be addressed including floorspace ratio, landscaped area, building setbacks, solar access, privacy, building layout/landscaping and engineering matters to be addressed.
 - Council officers met with the applicant on 27 April and 4 July 2017.
 - Revised architectural plans were received 26 June 2017.
 - Revised stormwater design was received 12 July 2017.

ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to Council to enable an assessment of this application.

PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 41 of draft Sutherland Shire Development Control Plan 2015 (draft SSDCP 2015).

Council notified 12 adjoining or affected owners of the proposal and 4 submissions were received and raised the following issues:

Address	Date of Letter/s	Issues
24 Actinotus Avenue	27 February 2017	Out of Character/Streetscape Bulk and Scale/Overdevelopment Privacy Impacts Overshadowing

		60% Lot Depth Boundary Fence Car Parking Traffic Impacts Tree Loss
52-70 Northcote Avenue	15 March 2017	Car parking Traffic Impacts
28 Actinotus Avenue	23 February 2017	Privacy Impacts Overshadowing Height Street Setback Side setback
22 Actinotus Avenue	9 March 2017	Out of Character / Streetscape Bulk and Scale / overdevelopment Car Parking Traffic Impacts Tree Loss

The matters raised with regards to *privacy impacts, overshadowing, side setback* and the proposal being *out of character/streetscape*, are dealt with in the 'Assessment Section' of the report.

The development complies with SSLEP 2015 and DSSDCP2015 in relation to *height, bulk and scale/overdevelopment, street setbacks, 60% Lot Depth and car parking*.

Additional issues identified include the following:

Boundary Fence

Comment :

- Whilst the proposed development is under construction, the site is required to be kept secure to prevent unauthorised persons from accessing the site.
- The erection and replacement of boundary fencing is a civil matter and is to be resolved between both parties.

Traffic Impacts

Comment : The proposed development was considered by Council's Traffic Manager and no significant concerns were raised with regards to traffic impacts from the development.

Tree Loss

Comment : The impact on trees from the proposed development was considered by Council's Tree Assessment Officer. No objection was raised to the removal of the trees at the rear of the site, subject to replacement planting in accordance with Council's tree replacement policy.

Impact on property prices

Comment : The value of property is not a head of consideration under the Environmental Planning and Assessment Act 1979.

Revised Plans

The applicant lodged revised plans on 26 June 2017 and 12 July 2017. In accordance with the requirements of Draft SSDCP2015 these plans were not publicly exhibited as, in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.

Submission Review Panel (SRP)

Prior to the application being reviewed by Council's SRP, the application had already been called up by Councillors Foreshore, Provan and Simone. The SRP concluded that the bulk of the issues raised could be dealt with by design changes or could be satisfactorily addressed by conditions of consent. The concern in relation to overdevelopment of the street is considered relevant and reasonable and this is discussed in this report.

STATUTORY CONSIDERATIONS

The subject land is located within Zone *R2 Low Density Residential* pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being *multi dwelling housing*, is a permissible land use within the zone with development consent from Council.

The following Environmental Planning Instruments (EPI), Development Control Plans (DCP), Codes or Policies are relevant to this application:

- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015).

Section 94 and Section 94A

- S94A 2016 Plan - Sutherland Shire

STATEMENT OF COMPLIANCE

The compliance table below contains a summary of applicable development standards and controls.

Standard/Control	Required	Proposed	Complies? (% Variation)
Sutherland Shire Local Environmental Plan 2015			
Building Height	8.5m max	8.5m	Yes
Building Density	0.55:1 max (622.6m ²)	0.54:1 (614.6m ²)	Yes

Landscaped Area	35% min (396.2m ²)	36% (407.6m ²)	Yes
Sutherland Shire Development Control Plan 2015			
Streetscape and Building Form			
Site Width	20m min	20.11m	Yes
Designed and sited so that it addresses the street.	Must have clear identifiable entry.	Dwelling 1 addresses the street with a separate entry. A separate path is provided on the eastern side providing access to dwellings 2 to 4.	Yes
Individual dwelling entries	Designed to ensure safe pedestrian access and easy way finding.	Pathways provided to all dwellings	Yes
No of storeys	3	3 (including basement)	Yes
Building form	To be articulated to avoid large expanses of unbroken wall and to reduce visual bulk.	Acceptable	Yes
	Highly reflective materials are not acceptable for roof or wall cladding.	Acceptable	Yes
	Designed to fully or in part maintain view corridors.	No significant view corridors to be maintained.	Yes
	Private open space maybe in front setback integrated into a well designed landscape solution.	POS for Dwelling 1 provided within the front setback.	Yes
	Basement car parking	2 storeys when	Yes

	must not result in the building having a 3 storey appearance when viewed from the street.	viewed from the street. Basement entrance setback behind the façade of the development.	
	Where a basement extends above the natural ground level, it must be designed to ensure the vehicular entry does not dominate the overall design of the building or the streetscape.	370mm - the highest point of the basement out of the ground.	Yes
Landscape setback to driveways and basement car parks.	1m	<1m	Yes
Building Setbacks			
Front Setback	7.5m or established street setback	7.92m	Yes
Side Setback	Ground 0.9m (front 60% of site) 4m (rear 40% of site)	1.5m 3.81m (front door of dwelling 3)	Yes No – 4.75% (19mm) See Assessment Section of Report
	Second 1.5m (front 60% of site) 4m (rear 40% of site)	1.5m 3m	Yes No – 25% (1m) See Assessment Section of Report
Rear Setback	4m	5.28m – basement and ground floor 4.82m – first floor	Yes
Basement setback	3m (basement beyond	0.9m - fire	No – 70% (2.1m)

	the building footprint)	stairs	See Assessment Section of Report
Articulation	Building elements may encroach 1.5m into the front setback for a maximum of 1/3 of the area of the facade.	31% (19.2m ²)	Yes
	Garages and lift shafts are not permitted within the articulation zone.	Setback behind the front façade.	Yes
	Garages and garage doors are not to be located within the articulation zone.	Provided in the basement.	Yes
Second storey wall	If exceeds 15m in length, the side setback shall be increased by further 500mm or more for that part of the wall.	Articulated with setbacks and materials	Yes
	Where an increased side setback for a part of a wall is employed for articulation, the roof line must follow the change in wall plane.	Acceptable.	Yes
Landform			
	Buildings be designed with the natural slope of the land.	Acceptable	Yes
Landscaping			
Hard Surface areas within the street frontage	50% of the area max (75.4m ²) required)	62% (93.7m ²)	Yes
Building Layout, Solar Access and Private Open Space			
Living rooms and private open spaces should receive a min of 3 hours direct sunlight between 9am and 3pm in	75% of the development	Complies	Yes

midwinter.			
Private open space at or near ground level	36m ² (min dimension 6m x 6m) 9m ² must be paved	>36m ² (POS) > 9m ² (paved)	Yes
	Primary living area must have direct access to private open space.	Complies	Yes
	10m ² of POS has 3 hours of solar access between 9am and 3pm.	Complies	Yes
	Windows of living areas have 3 hours of solar access between 9am and 3pm.	Complies	Yes
Storage Space	Three bedroom unit – 10m ³	Complies	Yes
Parking			
Car Parking	3 bed / 2 spaces	8 spaces	Yes
Visitor Parking	1 space / 4 dwellings	1 space	Yes
Adaptable and Liveable Housing			
Adaptable Housing	6 or more dwellings – 20%	n/a	
Liveable Housing	3-5 dwellings – 1	Dwelling 4	Yes
Waste Management Requirements			
	Must be integrated with the overall building design.	Garbage storage areas provided with each dwelling.	Yes
Swimming Pools			
Setback	1m – no landscaping or where landscaping is non climbable 1.8m – where landscaping is climbable	Dwelling 1 – 1.5m Dwelling 4 – 1.8m	Yes – condition non climbable plants for dwelling 1.
	500mm max above existing ground level	Dwelling 1 – 200mm Dwelling 4 – 350mm	Yes

SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal specialists for assessment and the following comments were received:

Architect

The application was considered by Council's Architect who raised no significant concerns to the revised plans, however recommended that further consideration could be given to the following:

- *Dwelling 4 be lowered closer to natural ground level.*

The ground floor level of Dwelling 4 is proposed 370mm above natural ground level. This together with the setbacks provided from the side and rear boundaries are acceptable.

- *Location of the bedrooms provided on the ground floor level of dwellings 2, 3 and 4.*

High sill windows have been provided to these bedrooms to minimise amenity impacts on future occupants of the building.

- *An identifiable entry be provided to Dwelling 4 from within the site.*

A 1m high gate to Dwelling 4 only is shown at the southern end of the pathway adjacent to the basement stairs.

Engineering (Assessment Team)

The application was considered by Council's Assessment Team Engineer who raised concerns in relation to the driveway grade and stormwater management. Revised plans have addressed Council's concerns in relation to the driveway.

The applicant has lodged a stormwater design which is compliant with the requirements of the DCP and includes on site detention (OSD) and a water quality treatment device. The design also requires a pipeline (approximately 120m in length) to be constructed within the street.

Whilst compliant, the applicant's design will adversely impact on trees within the subject site and the pipeline within the street will impact on existing street trees and will require on going asset management.

Council's assessment engineer recommends that an alternate design should be conditioned. The alternative will increase the size of the rainwater tanks, delete the OSD and treatment device and discharge to the gutter, eliminating the need for the pipeline within the road.

The conditioned design will capture all roof water, re use and the overflow will discharge to the street gutter. Surface water will be uncaptured (as it is now) albeit far reduced from the current surface flow.

The conditioned design is a better environmental outcome as it protects the health of significant trees on the site and within the road reserve and is therefore supported.

Landscape Architect (Assessment Team)

The application was considered by Council's Landscape Architect. Concerns were raised with regards to the impact excavation from the driveway and basement may have on existing trees within the front north eastern corner of the site. Additional information including root mapping of the trees was provided, demonstrating that the trees could be retained with the development. No objection was raised to the removal of 10 trees within the rear of the site, subject to conditions requiring replacement planting in accordance with Council's Tree Replacement Policy.

Traffic Manager

The application was considered by Council's Traffic Manager who raised no significant concerns with regards to traffic impacts from the development.

ASSESSMENT

A detailed assessment of the application has been carried out having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979. The following matters are considered important to this application.

Out of Character with the Low Density Residential Zone

The site is located within *Zone R2 Low Density Residential* pursuant to Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) and multi dwelling housing is permissible development within the zone. Concerns were raised by surrounding residents that the proposal is inconsistent with the objectives of the low density zone. The proposed development has been assessed against the objectives of the zone:

- *To provide for the housing needs of the community within a low density residential environment.*
The proposal has been designed including 3 and 4 bedroom dwellings that are capable of catering for the needs of the local community, including the aging population, as Dwellings 1 and 4 include an internal lift from the basement.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
Not applicable.
- *To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration particularly along ridgelines and in areas of high visual significance.*
The proposal has been designed to retain 7 trees at the front of the site, maintaining the landscape character of the area. New landscaping provided throughout the site contributes to the landscape quality of the area.
- *To allow the subdivision of land only if the size of the resulting lots retains natural features and allows a sufficient area for development.*
Not applicable.

- *To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.*

Development in close vicinity to the site comprises single dwelling houses, dual occupancy development and Carlingbah Public School opposite the site. The existing character of the street comprises single dwellings fronting the street with mature vegetation at the front of the site.

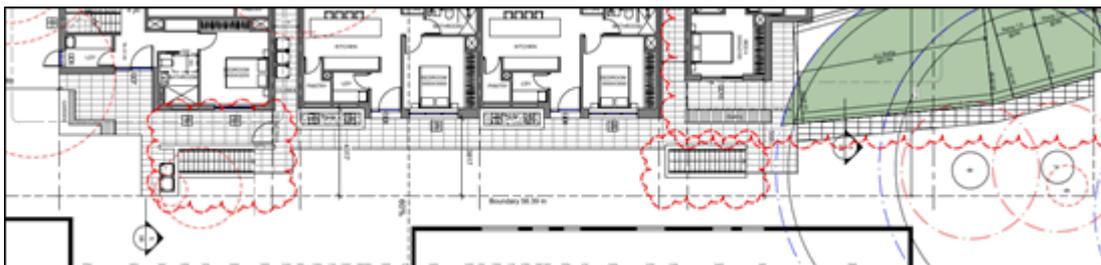
The design is consistent with the single dwelling and landscape character of the street and zone. The development retains 7 mature trees within the frontage and dwelling 1 has been designed with its front door addressing Actinotus Avenue. Whilst the proposal is for multi dwellings, the design of the proposal presents as low density development and maintains vegetation at the front of the site consistent with the objectives of the zone.

Setbacks

The minimum side setbacks required for multi dwelling housing in the rear 40% of the site is 4m for both the ground floor and second storey of the development and 3m is required for the basement. Three minor non compliances are proposed with the development and are supported for the reasons discussed below:

Basement setback

The stair case leading up from the basement toward the rear of the site is proposed with a reduced setback of 900mm from the eastern side boundary for a length of 3.9m. See plan below:

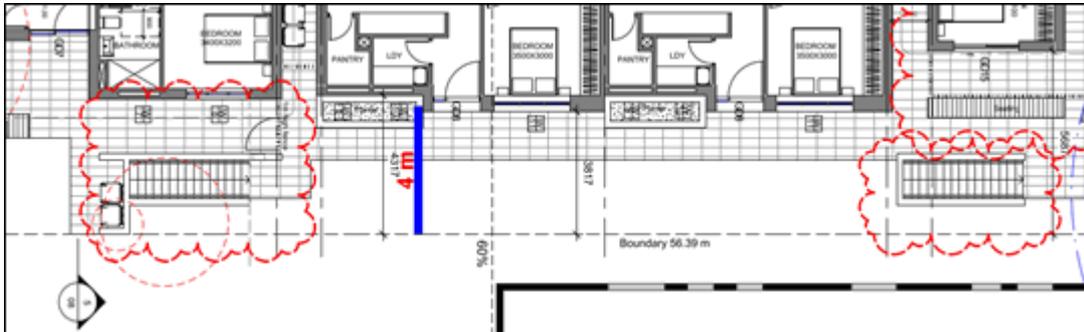


A section of the ground floor plan showing the rear basement stair case setback 900mm from the eastern side boundary of the site.

New screen planting along the side boundary and the boundary fence will obscure the stair structure from the adjoining property. The basement stair landing will be no more than 300mm above the existing ground level and therefore the location and use of the structure will unlikely result in significant amenity impacts on the adjoining property. Particularly given that it is unlikely to be heavily trafficked, as each unit has internal access from each garage.

Ground floor setback

The front door/entrance to Dwelling 3 is proposed setback 3.81m from the eastern side boundary. See plan below:

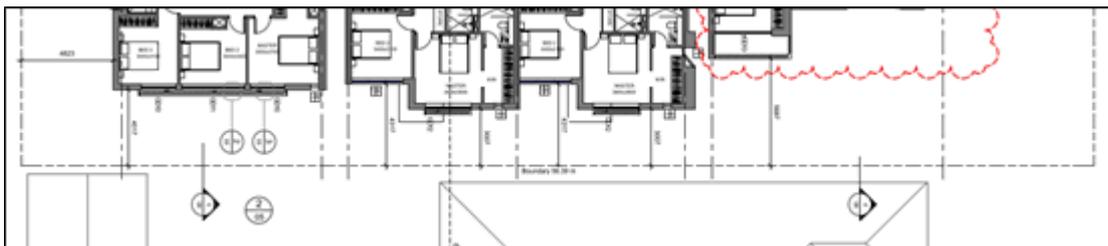


A section of the ground floor showing the entrance to Dwelling 3, setback 3.81m from the eastern side boundary.

A wide dense landscape strip including screen planting, shrubs and grasses will be provided adjacent to the eastern boundary creating a buffer between the adjoining property and entrance. This landscaping (once established) and boundary fence will obscure the entrance from the eastern adjoining property, mitigating potential visual and acoustic impacts.

First floor setback

The south eastern wall of the master bedroom of Dwelling 3 is setback 3m from the eastern side boundary, for a length of 2.2m and includes part of the 3m high window for a length of 1.4m. See plan below:



A section of the second storey level showing the north eastern corner of Dwelling 3, setback 3m from the eastern side boundary.

To minimise overlooking impacts on the private open space of adjoining properties, external privacy screens comprising vertical louvres are proposed. In addition, shadow diagrams provided demonstrate that the minor encroachment will have no significant shadowing impacts on the eastern adjoining property. The articulation and varied materials used with the design, breaks up the length of this elevation and softens the bulk and scale of the development.

Privacy Impacts

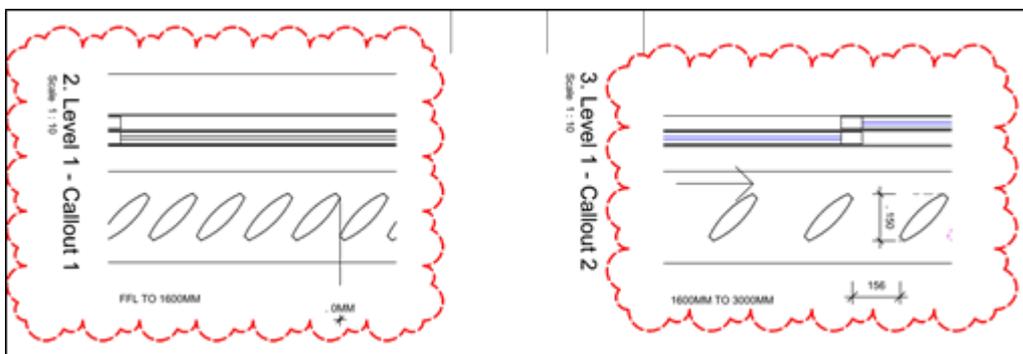
Neighbours are concerned with the potential privacy impacts from the second storey windows.

Eastern Elevation

There are a number of windows on the second storey along the eastern elevation, some of which are located well above eye level and setback over 4.3m from the boundary. Four windows along the eastern elevation are 400mm wide and 3m high, but are translucent and positioned within wardrobes and a main bedroom for natural light and visual interest along the façade. These windows will not cause any overlooking or privacy impacts.

Bedroom 3 of Dwelling 1 is oriented to the east with a small balcony setback 5.68m from this side boundary. Typically, balconies are not encouraged on the first floor level that allows overlooking of side boundaries. However in this case, the balcony will be screened with fixed vertical louvres to prevent overlooking, whilst still providing articulation and visual interest when viewed from the street and neighbouring property. Similarly, the full height east facing windows to the master bedrooms of Dwellings 2 to 4 and bedrooms 2 and 3 of Dwelling 4 will also be heavily screened, minimising overlooking and privacy impacts into the adjoining property.

The screen detail provided shows the screens up to 1600mm above the finished first floor level angled to prevent occupants from looking straight out and down. The screening above 1600mm is on the same angle with larger spacing provided between each louvre. Based on this information, to prevent any overlooking from the first floor windows and balcony, it is recommended that the screen detail provided below in Callout 1 continue up to 1700mm above the first floor level on the windows and balcony. See screen detail below:



Western Elevation

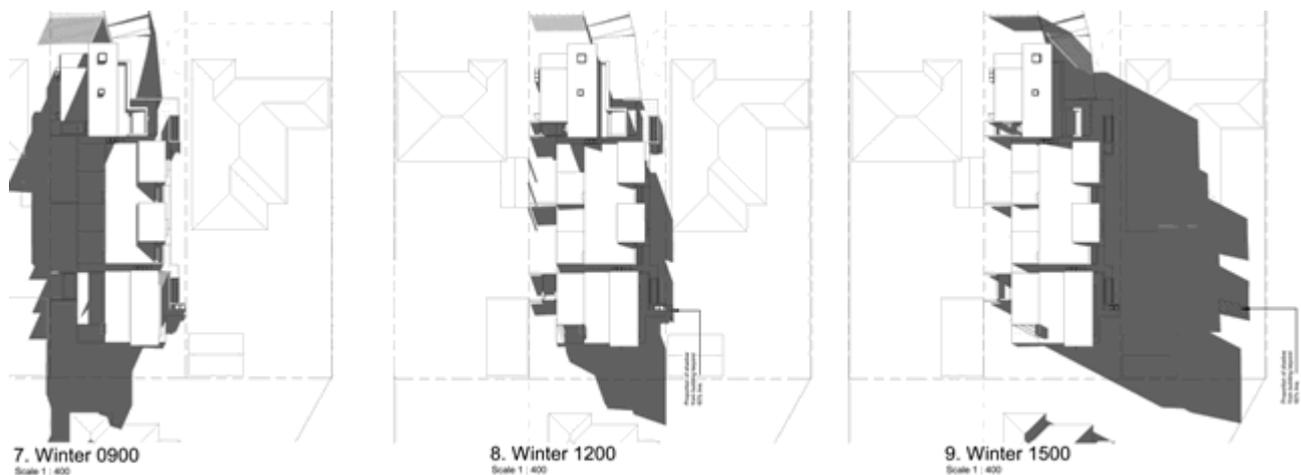
The second storey windows are setback between 5.61m (Dwelling 1) to 8.11m (dwellings 2 – 4) from the western side boundary. The windows are provided to low use rooms within each dwelling, are not large in area and are positioned to provide light and break up the length of the facade. The location of the windows with the generous setbacks will unlikely result in significant impacts on the western adjoining property with respect to privacy and overlooking and therefore is acceptable.

Solar Access

Concerns were raised with regards to overshadowing impacts from the proposed development. In particular, that the shadow from the proposal will impact on solar panels that the eastern adjoining property would like to install on the roof of their dwelling in the future.

Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015) requires new development to be designed ensuring that 10m² of private open space and the windows of living areas of neighbouring properties receives 3 hours of solar access between 9.00am and 3.00pm at the winter solstice.

Given the orientation of the lot, it is inevitable that any form of two storey development erected on the site will cast some shadow during winter. Shadow diagrams were provided demonstrating that the eastern adjoining property will receive 3 hours of solar access, as the development will not cast a shadow on this property until 12pm during winter, satisfying Council's controls. See shadow diagrams below:



Diagrams provided showing overshadowing from the proposal on adjoining properties.

Earthworks

The proposal includes earthworks and clause 6.2 of SSLEP 2015 requires certain matters to be considered in deciding whether to grant consent. These matters include impacts on drainage; future development; quality and source of fill; effect on adjoining properties; destination of excavated material; likely disturbance of relics; impacts on waterways; catchments and sensitive areas and measures to mitigate impacts. The relevant matters have been considered and the application is acceptable.

Stormwater Management

Clause 6.4 requires Council to be satisfied of certain matters in relation to stormwater management prior to development consent being granted. These matters include maximising permeable surfaces; on-site stormwater retention minimising the impacts on stormwater runoff. These matters have been addressed to Council's satisfaction.

Energy Efficiency and sustainable building techniques

Clause 6.15 of SSLEP 2015 contains matters for consideration relating to ecologically sustainable development and energy efficiency and sustainable building techniques. The relevant matters have been considered as a part of the assessment of the application and the proposal is considered to be acceptable.

Urban Design (Residential Buildings)

Clauses 6.16 and 6.17 of SSLEP 2015 contain certain matters of consideration relating to urban design. The relevant matters have been considered as a part of the assessment of the application and the proposal is considered to be acceptable.

Archaeological Sensitivity

Council records indicate that the subject site is rated low in terms of Archaeological Sensitivity. A site inspection did not reveal any evidence of shell material or significant sandstone features within the development zone. The proposal does not warrant an Aboriginal Archaeological Study being undertaken.

SECTION 94 CONTRIBUTIONS

The proposed development will introduce additional residents to the area and as such will generate Section 94 Contributions in accordance with Council's adopted Section 94 Development Contribution Plan. These contributions include:

Local Contribution: \$20,175.00

These contributions are based upon the likelihood that this development will require or increase the demand for regional and local recreational space and infrastructure facilities within the area. It has been calculated on the basis of 4 new residential units with a concession of 1 existing allotments.

DECLARATIONS OF AFFILIATION, GIFTS AND POLITICAL DONATIONS

Section 147 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations/gifts in excess of \$1000. In addition Council's development application form requires a general declaration of affiliation. In relation to this development application no declaration has been made.

CONCLUSION

The subject land is located within *Zone R2 Low Density Residential* pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a *multi dwelling housing*, is a permissible land use within the zone with development consent.

In response to public exhibition, 4 submissions were received. The matters raised in these submissions have been discussed in this report. The proposal includes minor variations to the basement and side setback controls. These variations have been discussed and are considered acceptable.

Adequate setbacks and screening have been provided to the second storey to minimise overshadowing and privacy impacts from the development. The proposal has been designed with a two storey dwelling addressing the street and retaining trees at the front of the site, consistent with the single dwelling and landscape character of the street and zone. The proposal is unlikely to result in significant impacts on the low density character of the area and therefore is supported.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979. The application will not result in any significant impact on the environment or the amenity of nearby residents. Following assessment, Development Application No. 17/0135 may be supported for the reasons outlined in this report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Major Development Assessment (MA).

File Number: DA17/0135

APPENDIX "A"

DRAFT CONDITIONS OF CONSENT
Development Application No. DA17/0135

1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings in the table below:

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
00/E	Cover Sheet	Couvaras Architects	5/7/17
02/C	Site Plan	Couvaras Architects	9/6/17
03/D	Basement Floor Plan	Couvaras Architects	20/6/17
04/F	Ground Floor Plan	Couvaras Architects	18/7/17
05/E	First Floor Plan	Couvaras Architects	5/7/17
06/C	Roof Plan	Couvaras Architects	9/6/17
07/D	Elevations	Couvaras Architects	20/6/17
08/C	Sections	Couvaras Architects	9/6/17
14/C	Pool Plan	Couvaras Architects	9/6/17
01-71 ACTIN/A	Landscape Plan for DA - Attachment A_Tree Protection Dated 18/5/17	Cabarita Landscapes	21/1/17
01-71A ACTIN/a	Landscape Plan Details	Cabarita Landscapes	21/1/17
16066-DA-C3.01/6	Concept Stormwater Management Plan - Ground - Sheet 1	Dawes Consulting Engineers	16/7/17
16066-DA-C6.01/6	Details Sheet	Dawes Consulting Engineers	16/7/17

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building work.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.
- iii) Notification of the commencement of building works with a minimum of 2 days' notice of such commencement.

2. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) The screen detail shown in 'Callout 1' for the windows and balcony on the eastern elevation must continue up to 1700mm above the finished first floor and must be fixed at all times.

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

3. Public Place Environmental, Damage & Performance Security Bond

A. Before Issuing of any Construction Certificate

Prior to the issue of a Construction Certificate or the commencement of any works on site, whichever occurs first, the person acting on this consent must provide security to Sutherland Shire Council against damage that may be caused to any Council property and/or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with Council or a bank guarantee. A non-refundable inspection/administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least 2 days prior to the commencement of works.

In the event that the dilapidation report is not submitted 2 days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and/or the environment sustain damage as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond is \$10,210.00.

Note: Bond amount includes a non-refundable administration fee which must be paid separately if security is provided by way of a deposit with Council or a bank guarantee.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount/bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiple bank guarantees to be lodged.

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

Section 94 Contributions

The following dedication of land and/or monetary contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

4. S94A 2016 Plan - Sutherland Shire

A. Before Construction

Pursuant to s.80A(1) of the Environmental Planning and Assessment Act 1979, and Sutherland Shire Council Section 94A Plan 2016, a contribution of **\$20,175.00** must be paid to Sutherland Shire Council towards the cost of works contained in the contribution plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

The rate used to index the contribution rate and outstanding contributions is the Consumer Price Index (All Groups Index) for Sydney. Outstanding levies will be adjusted on the first of July each year in accordance with the following formula:

The formula to review a contribution rate is:

		<i>Current CPI</i>
<i>Adjusted Contribution =</i>	<i>Current Contribution x</i>	<i>Previous year's CPI</i>

Payment must be made before whichever is the first to occur:

- the issue of a construction certificate, or
- the release of the subdivision certificate/ linen plan, or
- the commencement of the use/occupation of the premises.

5. Approvals Required under Roads Act or Local Government Act

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993. These approvals must be to the satisfaction of Council for the required development works and may include but are not limited to the following:

- Detailed Frontage Works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and Hoardings.
- Skip Bins.
- Shoring / Anchoring.
- Standing of cranes, concrete pumps, etc.

Note: All Plans and Permits are required to be on site, at all times and may be requested by council officers at any time.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

6. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire (Draft) Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i) Safe access to and from the site during construction and demolition.
- ii) Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting.
- iii) Method of loading and unloading excavation machines, building materials.
- iv) How and where, construction materials, excavated and waste materials will be stored.
- v) Methods to prevent material being tracked off the site onto surrounding roadways.
- vi) Erosion and sediment control measures.

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

7. Pre-commencement Inspection**A. Before Works**

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Public Domain Assets Branch, the Principal Certifying Authority, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

Note: An inspection fee must be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

8. Supervising Engineer**A. Before Construction**

The applicant must engage an Accredited Certifier in civil engineering works or a Charter Civil Engineer to supervise construction of any:

- i) Road frontage works.
- ii) Construction / installation of stormwater drainage.
- iii) Rainwater harvesting & reuse.
- iv) All other works that form part of a subdivision.

B. During Construction

The engineer must supervise the works as listed above to ensure compliance with:

- i) All relevant conditions of development consent.
- ii) Any Consent issued under the Roads Act for this development.

C. Before Occupation

The supervising engineer must certify the works required in “A” above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction.

9. Works Required in the Road Reserve**A. Design**

An Access Application must be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area. The proposal must comply with the levels issued by Council and a copy of the issued levels must accompany the application for a Construction Certificate. The design of works within the road reserve must include the following:

- i) The crossing must be 4.5m wide at the kerb and 6.3m wide at the property boundary.
- ii) The redundant crossing must be removed.

B. Construction

All works within the Road Reserve must be undertaken in accordance with the requirements of the Roads Act approval issued by Council.

C. Prior to Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate the works required by the Roads Act approval must be completed to the satisfaction of Council or the Supervising Engineer (where one has been appointed).

10. Damage to Adjoining Properties**A. Before Works**

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report must be implemented.

11. Public Utilities

This condition is imposed to facilitate the provision of services to the development and reduce conflicts between services and lot boundaries, buildings or associated facilities.

A. Before Construction

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications and the like, and any necessary underground conduits are provided.

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.96 of the Environmental Planning and Assessment Act.

12. Stormwater Drainage

A. Design

The stormwater drainage, rainwater harvesting and rainwater reuse systems shall accordance with the approved stormwater drainage design drawings Australian Standard AS3500.3:2003 and the BASIX Certificate issued against this development, except where modified by the following;

- i) Layout of the drainage system showing the alignment of all pipelines, detention facilities and associated structures, including finished surface levels.
- ii) The development must discharge to the street kerb in Actinotus Avenue.
- iii) Council's stormwater drainage infrastructure must not be extended up Actinotus Avenue.
- iv) Each dwelling must be provided with a 3m³ above ground rainwater tank. The top of the tank shall function as a 1m³ OSD system. The rainwater tanks shall harvest rainwater from 100% of the roof area. Harvested rainwater shall be used for toilet flushing, irrigation, a tap provided in the laundry for clothes washing and swimming pool replenishment water.
- v) There shall be no pipelines within the front yard on the eastern side of the driveway ramp.
- vi) Construct an inlet / junction pit adjacent to the front boundary and the western side of the driveway. The overflow from each of the four rainwater tanks shall discharge to this pit. The pipeline/s within the footpath verge of Actinotus Avenue, from the aforementioned inlet / junction pit, shall be a hot dipped galvanised hollow steel section 125x50x4, placed on a grade of 1%. The horizontal alignment of this pipeline shall be 70° to the front boundary line.
- vii) Provide flush point pits to enable maintenance of the "charged" lines.
- viii) The OSD and water quality chambers shown adjacent to the eastern side boundary must be deleted.
- ix) Delete the gross pollutant trap.
- x) Delete the inlet pit adjacent to the south west corner of the property and the court drainage pits. There is no need to capture stormwater that falls upon the landscape curtilage area.

B. Before Construction

Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the stormwater drainage system design was prepared having regard to the conditions of development consent and to their satisfaction, shall accompany the application for the Construction Certificate.

C. Before Occupation

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system shall be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, tanks and the detention facilities. An original or a colour copy shall be submitted to Sutherland Shire Council.
- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner shall submit to Council a copy of the aforementioned letter of certification.

D. Ongoing

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

Note: Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by stormwater detention facilities.

13. Parking Layout and Vehicle Access**A. Design**

The vehicular access-way and car park layout shall comply with the approved architectural design drawings and Australian Standard AS2890.1:2004, except where modified by the following;

- i) Align with Council's issued vehicular crossing levels,
- ii) The vertical alignment of the vehicle access-way must comply with AS2890.1(2004) for a B85 vehicle,
- iii) The maximum longitudinal grade of the driveway ramps shall be 25%,
- iv) Provide a minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position in accordance with clause 5.3 of AS2890.1,
- v) The garages must be provided with a minimum door opening of 5.2m wide clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.

- vi) The first 3m of ramp from the front boundary line shall have a maximum grade of 5%, and
- vii) The security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.

B. Before Construction

Certification from an Accredited Certifier or a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design was prepared having regard to the conditions of development consent, shall accompany the application for the Construction Certificate.

C. Before Occupation

A Civil Engineer or Registered Survey must certify that the car park and associated access-way were constructed to their satisfaction and in accordance with the Development Consent.

Note 1: Be advised that this condition is based on a B85 vehicle (Ford Falcon Sedan). The recommended condition will not necessarily protect exotic or altered cars from “scraping” the vehicular access-way.

Note 2: Please be aware that the longitudinal grade of the driveway ramp is steep and that slip/traction may be an issue, it is recommended that you seek specialist advice in this regard.

14. Approved Landscape Plan

A. Design Changes

The landscape works on the site must be carried out in accordance with the approved Landscape Plan except as amended by the following:

- i) The landscape plan is to be amended to reflect the approved ground floor plan.
- ii) The turfed and vegetated areas of each private open space are to be kept at existing ground level.
- iii) The turfed area east of the basement driveway is to be replaced with an informal mix of shrubs, grasses and ground covers including the retention of trees 6, 7 and 8.
- iv) The turfed area east of dwellings 2 and 3 is to be replaced with mass planting of shrubs, grasses and/or ground covers.
- v) Screen planting that is capable of reaching a minimum height of 3m must be provided adjacent to the eastern and western side boundaries.
- vi) Replace two *Cupaniopsis anacaroides* (Tuckeroo) proposed within the front setback with one *Syncarpia glomulifera* (Turpentine) and one *Glochidion ferdinandi* (Cheese Tree).
- vii) Replace the two *Cupaniopsis anacaroides* (Tuckeroo) within the south east and south western corners with two *Angophora costata* (Sydney Red Gum).

- viii) Plant one *Glochidion ferdinandi* (Cheese Tree), *Elaeocarpus reticulatus* (Blueberry Ash) or *Acacia implexa* (Hickory) immediately south of the basement stairs opposite the entry to Townhouse 4. Provide understorey planting where appropriate.
- ix) Replace all *Pyrus calleryana* (Ornamental Pear) within the site with *Glochidion ferdinandi* (Cheese Tree), *Elaeocarpus reticulatus* (Blueberry Ash) or *Acacia implexa* (Hickory).
- x) The private open space of each townhouse must be provided with a clothes line easily accessible from the laundry.
- xi) Plant one *Syncarpia glomulifera* (Turpentine) or *Eucalyptus paniculata* (Ironbark) to both sides of the proposed driveway within the verge. Ensure street tree planting is in accordance with Sutherland Shire Council's Street Tree Planting Specification and are located a minimum distance of 3m from the edge of the driveway.
- xii) Plants provided adjacent to the swimming pool provided to dwelling 1 must be non climable.
- xiii) To preserve the trees numbered 1, 2, 3, 5, 6, 7 and 8 the footings of the proposed fence line within the front setback must be isolated pier and beam construction. The piers must be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam must be located on or above the existing soil levels. The location and details of any footings within the Tree Protection Zone (TPZ) shall be detailed in accordance with i) above and on the Construction Certificate Plans.
- xiv) Tree Protection Zones (TPZ) must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- xv) The communal open space areas and all planter boxes on slab must be provided with a water-efficient irrigation system, connected to a pump and the rainwater or mains, to enable effective landscape maintenance.
- xvi) The private open space of each dwelling must be provided with one tap with a removable water key, connected to a pump and the rainwater tank or mains.

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

Notes:

A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

If demolition works to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that all landscaping works and the deep soil percentage requirements have been carried out in accordance with 'A' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date.

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gymea
Ph: 02 9524-5672

15. Trees on Private Land (Projects Dual Occupancies and Larger)**A. Tree Removal**

The removal of the following trees is approved:

- i) Trees identified on the approved Landscape Plan as "existing tree to be removed" and/or as listed below:

Tree No.	Tree Species (botanical and common name)	Location
9	<i>Eucalyptus paniculata</i> (Grey Ironbark)	SW boundary
10	<i>Eucalyptus paniculata</i> (Grey Ironbark)	SW boundary
11	<i>Angophora costata</i> (Sydney Red Gum)	Southern boundary
12	<i>Angophora costata</i> (Sydney Red Gum)	Southern boundary
12a	<i>Callistemon citrinus</i> (Bottlebrush)	SW boundary
12b	<i>Callistemon citrinus</i> (Bottlebrush)	SW boundary
12c	<i>Callistemon viminalis</i> (Bottlebrush)	Southern boundary

13	<i>Angophora costata</i> (Sydney Red Gum)	SE boundary
14	<i>Ravenea rivularis</i> (Majestic Palm)	SE boundary
14a	<i>Howea fosteriana</i> (Kentia Palm)	SE boundary

- ii) Trees growing within the 3 metres of the building footprint of the approved structures.
- iii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iv) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

All other vegetation that would require approval to be removed must be protected.

B. Design

- i) Ten (10) trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council's (Draft) Development Control Plan 2015 requires indigenous replacement canopy tree planting at a ratio of 8:1 on private land.
- ii) Eighty (80) replacement trees are required to be planted.
- iii) A minimum number of fifteen (15) indigenous trees must be planted on the site as per approved landscape plan and associated conditions of consent.
- iv) Trees must have a minimum container size of 5 litres.

An amended Landscape Plan/Tree Location Plan showing the location of all replacement trees on the site and/or in the street must be provided prior to the release of the Construction Certificate.

Note: For the remaining sixty five (65) replacement trees required by "B ii)" above, Council offers offsite planting under a 'Deed of Agreement' as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council's Green Street Program. 'Deed of Agreement' forms can be downloaded from Council's website at:

www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement.

A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

C. Prior to Occupation/Occupation Certificate

The replacement tree planting must be completed in accordance with the approved Landscape Plan/Tree Location Plan. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that tree planting has been carried out in accordance with 'B' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

D. Ongoing

Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSC(Draft)DCP 2015 Chapter 38). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

Note: If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from local provenance seed may be available from:

Sutherland Shire Council Nursery

345 The Boulevard, Gympie

Ph: 02 9524 5672

Opening hours - Monday to Friday 7.00am-3.00pm (excluding public holidays).

16. Tree Retention and Protection

A. Before Works

Prior to the commencement of any demolition, excavation or construction works on site the applicant shall engage a suitably qualified and experienced Arborist to oversee the measures for the protection of existing trees as listed below.

Note: An Arborist is a person with a current membership of the National Arborist's Association of Australia at a grade of General Member, Affiliate Member or Life Member, or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

Prior to the commencement of any works, including demolition, the supervising Arborist must oversee the protection of the following tree/s as listed in the table below / as marked on Annexure B: Tree Location Plan of the Arboricultural Impact Assessment Report prepared by Jacksons Nature Works (dated 12th Feb, 2017) to ensure the installation and adequacy of all tree protection measures.

Tree No.	Tree Species (botanical and common name)	Location
1	<i>Eucalyptus globoidea</i> (White Stringybark)	Verge
2	<i>Angophora costata</i> (Sydney Red Gum)	NW corner
3	<i>Eucalyptus paniculata</i> (Grey Ironbark)	NW corner
5	<i>Eucalyptus globoidea</i> (White Stringybark)	Verge
6	<i>Angophora costata</i> (Sydney Red Gum)	NE corner
7	<i>Eucalyptus globoidea</i> (White Stringybark)	NE corner
8	<i>Eucalyptus paniculata</i> (Grey Ironbark)	NE corner

The trees identified for retention must be protected by the following measures:

- i) To preserve the trees numbered 1, 2, 3, 5, 6, 7 and 8 the footings of the proposed fence line within the front setback must be isolated pier and beam construction. The piers must be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam must be located on or above the existing soil levels. The location and details of any footings within the Tree Protection Zone (TPZ) shall be detailed in accordance with i) above and on the Construction Certificate Plans.
- ii) The communal pedestrian pathway immediately west of Trees 6, 7 and 8 must be constructed above grade with 80mm layer of gravel to allow gaseous and moisture exchange with the roots.
- iii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with Attachment A_Tree protection Fencing dated 18/05/17. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iv) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- v) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- vi) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

- vii) The supervising Arborist must maintain a record of the tree protection measures throughout the construction process. Each hold point below must be signed and completed progressively by the supervising Arborist and included as part of the final certification. A copy of the final certification is to be made available to Council prior to the issue of the interim/final Occupation Certificate:

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1.	Indicate clearly with spray paint trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2.	Establishment of tree protection fencing	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4.	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5.	Final inspection of trees by project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation.
- iii) The supervising Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm in diameter.
- iv) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

17. Noise Control - Residential Air Conditioning Unit

To minimise the noise impact on the surrounding environment:

A. Design

The unit must be designed and/or located so that noise generated does not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level when measured on or within any residential property.

B. Ongoing

- i) The unit must be operated in accordance with 'A' above.
- ii) Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

18. Demolition Work

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

A. Before Commencement

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact SafeWork NSW.

B. During Works

- i) The demolition of the existing building must be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- ii) The applicant must ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.

To ensure that the removal and transportation of any asbestos material, regardless of the quantity, is carried out in an environmentally acceptable and safe manner, all work must comply with the following:

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) SafeWork NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

19. Swimming Pools (including Spas)

To minimise the impact of the swimming pool on the amenity of adjoining properties and to ensure safety.

A. Design

The design of the swimming pool and associated equipment must comply with the following requirements:

- i) The Swimming Pools Act & Regulations.
- ii) Australian Standard 1926 Swimming Pool Safety as prescribed under the Building Code of Australia.
- iii) The pump and associated equipment must be sound insulated and/or isolated so that the noise emitted does not exceed an LAeq (15min) of not more than 5 dB(A) above the background level in any octave band from 31.5Hz to 8KHz centre frequencies inclusive at the boundary of the site.

Note:

- The measurement of sound must be carried out in accordance with Australian Standard 1055.1.
- Landscaping and ancillary structures must not intrude into the child-resistant barrier Non-Climbable Zone.
- Only structures associated with the pool may be located within the pool area. Clothes lines, barbeque, sheds, entertainment structure, outside toilets or any other non pool-related structures are not permitted within the pool area.

B. Before Construction

Details of all child-resistant barriers (existing and proposed) to be utilised to comply with the requirements of the Swimming Pools Act and Regulations applicable at the time must be shown on the Construction Certificate plans.

C. During Works

The swimming pool excavation and/or swimming pool must be provided with a suitable barrier to prevent a risk of falling into the excavation or pool at all times throughout the construction phase.

D. Before Occupation

Before the issue of any Occupation Certificate;

- i) The child resistant barrier must be installed in accordance with A above.
- ii) The swimming pool is to be registered in the NSW Swimming Pool Register.

E. Ongoing

- i) The pump and associated equipment must be maintained and operated in accordance with the noise levels described above.
- ii) The child resistant barrier must be maintained in accordance with the Australian Standard as described above.

20. Design Requirements for Adaptable Housing**A. Design**

A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

21. Sydney Water Requirements & Section 73 Compliance Certificate**A. Before Any Works**

Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the Construction Certificate must also be approved by Sydney Water. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the Construction Certificate documentation.

Please refer to the web site www.sydneywater.com.au.

B. Before Occupation / Subdivision Certificate

Prior to the issue of an Occupation Certificate or a Subdivision Certificate a Compliance Certificate under Section 73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges. This assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

Sydney Water Advice on Compliance Certificates:

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Please make early contact with the Coordinator, since building of water / sewer extensions can be time-consuming and may impact on other services as well as building, driveway or landscaping design.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

22. Dial Before You Dig**A. Before Construction**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

23. Noise Control and Permitted Hours for Building and Demolition Work**A. During Works**

To minimise the noise impact on the surrounding environment:

- i) The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.
- ii) All building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

24. Toilet Facilities**A. During Works**

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
- ii) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii) be a temporary chemical closet approved under the Local Government Act 1993]

25. Containment of Fill

A. Design

Fill must not extend beyond the perimeter of the building. (The use of a dropped edge beam is a method of complying with this condition.)

B. Before Construction

Details of the finished levels around the perimeter of the building must accompany the application for a Construction Certificate.

26. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- i) Street / unit / shop numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The dwellings must have the following street address format: Dwelling One must be No.1/26 Actinotus Avenue, Caringbah South through to dwelling four must be No.4/26 Actinotus Avenue, Caringbah South

Attached are the prescribed conditions that must be complied with under the Environmental Planning and Assessment Regulations 2000.

PRESCRIBED CONDITIONS

Division 8A of the Environmental Planning and Assessment Regulation Prescribes the following conditions of development consent

S98 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

S98A Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

S98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and

- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

S98E Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Please be advised if this consent is for an entertainment venue, then there are further prescribed conditions that apply under clauses 98C and 98D of the Environmental Planning and Assessment Regulation.

APPENDIX B

