

Sutherland Shire
COUNCIL



Luke Murtas - 9710 0485
File Ref: DA11/0218

11 August 2011



Panel Secretariat
Joint Regional Planning Panels
GPO Box 3415
SYDNEY NSW 2001

SCANNED

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Dear Sir/Madam

Reference No. 2011SYE034

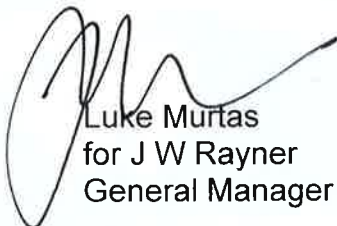
Development Application No. DA11/0218

**Proposal: Demolition of Existing Dwellings, Construction of a Dwelling,
Swimming Pool, Front Fence and Removal of a Fuel Tank**

Property: 321, 325 & 327A Woollooware Road BURRANEER NSW 2230

Council wishes to advise that the determination notice in relation to the
abovementioned development application has now been finalised and sent to the
applicant. A copy of the notice of determination is enclosed for your information.

Yours faithfully



Luke Murtas
for J W Rayner
General Manager

Encl:

DEFERRED COMMENCEMENT CONSENT

Environmental Planning and Assessment Act 1979

DATE OF DETERMINATION 20 July 2011

AUTHORITY Joint Regional Planning Panel

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA11/0218

LAND DESCRIPTION:

Lot 2 DP 600577, Lot 9A DP 307110, Lot 2 DP 562829
321, 325 & 327A Woollooware Road BURRANEER NSW 2230

APPLICANT:

Innovative Architects Pty Ltd
PO Box 214
OATLEY NSW 2223

Sutherland Shire Council, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, hereby notifies that the abovementioned Development Application for development described below has been determined by the granting of a **"DEFERRED COMMENCEMENT"** consent subject to the conditions specified in this notice. This consent does not become operational until the applicant satisfies Council, in accordance with the Regulations, as to any matter specified in the following conditions of development consent.

PROPOSED DEVELOPMENT:

Demolition of Existing Dwellings, Construction of a Dwelling, Swimming Pool, Front Fence and Removal of a Fuel Tank

The conditions of this Consent which have been imposed to reduce or eliminate any detrimental effects that the proposed development might have on the environment including the amenity of the area are described on the following pages.

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent. The Consent shall not operate until the applicant satisfies the Council as to the following matters. The required information shall be submitted within twelve (12) months of the date of issue of this development consent.

Note: Under the provisions of Clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council shall advise in writing whether or not it is satisfied as to the relevant matters.

1. Removal of Waterfront Structures

- a) A plan for the removal of the existing 'boathouse' and associated structures located at the western water frontage of the land known as 325 Woollooware Road shall be prepared and submitted for Council's approval. The plan shall include details of all demolition work required and measures to restore the foreshore of No. 325 Woollooware Road to as 'natural' a state as practically possible. The plan and any drawings, and parts (b) and (c) of this condition shall be incorporated into Condition 4 ('Approved Plans and documents') of the operative development consent below once all deferred commencement conditions have been satisfied.

Note: For the purposes of deferred commencement, only Part (a) of this condition is required to be satisfied – Parts (b) and (c) of this condition need not be satisfied to make the development consent operational.

- b) Prior to the commencement of any works, the proponent shall obtain the approval of the relevant NSW Crown Lands property management authority and comply with any conditions imposed by that authority.
- c) Written notification of the aforementioned works and photographs showing the removal of the structures shall be provided to Council prior to the issue of any Occupation Certificate for the development.

2. Conservation Management Plan – Attwell's Boatshed

- a) The proponent shall commission a Conservation management Plan (CMP) for the heritage-listed waterfront building known as 'Attwell's Boatshed'. The plan shall include any immediately required restorative or repair works required and provide a schedule of ongoing maintenance to be undertaken by the owner of the property known as 321 Woollooware Road. The plan shall also detail a contingency plan for the potential adaptive reuse of the building in future, in the event that the commercial use ceases. The plan and any drawings, and parts (b) and (c) of this condition shall be incorporated into Condition 4 ('Approved Plans and documents') of the operative development consent below once all deferred commencement conditions have been satisfied.

Note: For the purposes of deferred commencement, only Part (a) of this condition is required to be satisfied – Parts (b) and (c) of this condition need not be satisfied to make the development consent operational.

- b) The immediately required works shall be undertaken prior to the commencement of any work associated with the new dwelling, apart from earthworks or demolition. Prior to the commencement of any works, the proponent shall obtain the approval of the relevant NSW Crown Lands property management authority and comply with any conditions imposed by that authority.
- c) The Conservation management Plan shall be registered on the title of the land during the process of amalgamating the three lots subject of this development application.

PART 2 - CONDITIONS OF CONSENT

Upon the satisfactory resolution of those matters listed above in Part 1 – Deferred Commencement Conditions and the receipt of written verification of this from Council, this Consent shall operate subject to the following conditions of development consent.

GENERAL CONDITIONS

These general conditions are imposed to ensure that the development is carried out in accordance with the development consent, having regard to the environmental circumstances of the site.

3. Approved Plans and Documents

The development shall be implemented substantially in accordance with the details and specifications set out on the Plans in the following table and any details on the application form and on any supporting information received with the application except as amended by the conditions specified and imposed hereunder.

Approved plans

Drawing	Prepared by	Date
2185-01 Issue C: Site Analysis etc.	Innovative Architects	Jan 2011
2185-02 Issue C: Porte Cochere Entry Level	Innovative Architects	Jan 2011
2185-03 Issue C: Bedroom/ Upper Court Level	Innovative Architects	Jan 2011
2185-04 Issue C: Living/ Entry Level	Innovative Architects	Jan 2011
2185-05 Issue C: Lower Entertainment Level	Innovative Architects	Jan 2011
2185-06 Issue C: Site/ Roof Plan	Innovative Architects	Oct 2010
2185-07 Issue C: Elevations, Sections & Fence Details	Innovative Architects	Jan 2011
2185-09 Issue C: Proposed Landscaping Map	Innovative Architects	Jan 2011
2185-13 Issue C: Height Model	Innovative Architects	Jan 2011
[Landscape] Site Plan Issue C	SiteDesign	28/02/11
Landscape Plan – Streetside Issue C	SiteDesign	28/02/11
Landscape Plan – Waterside Issue C	SiteDesign	28/02/11
[Landscape] Details and Schedules Issue C	SiteDesign	28/02/11
[Landscape] Sections	SiteDesign	28/02/11
09132-C01: Bedroom/Upper Court Level Concept Plan of Site Drainage and Erosion & Sediment Control Plan	CPM Engineering	12/02/11
09132-C02: Lower Entertainment Level Concept Plan of Site Drainage and Erosion & Sediment Control Plan	CPM Engineering	12/02/11
2185 Issue D Sheet 17 – 'Driveway/ Access Option 04' <i>Only insofar as it relates to site access and parking</i>	Innovative Architects	July 2011

Note 1:

Nothing in this development consent whatsoever approves or authorises the commencement, erection or construction of any building, construction or subdivision works.

Note 2:

Prior to the commencement of any building, construction, or subdivision work being carried out a 'construction certificate' shall be obtained from Council or an Accredited Certifier.

Note 3:

Should the development the subject of the consent involve the subdivision of land and the issue of a subdivision certificate as defined under section 109c(1)(9) of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

Note 4:

Prior to any work being carried out relating to the development the subject of the consent, the person implementing the consent shall provide Council with:

- a) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from the PCA.
- b) Notification of the commencement of building and/or subdivision works with a minimum of 2 days notice of such commencement.

Note 5:

Should the development have a BASIX Certificate, your attention is drawn to the commitments made in the BASIX Certificate which forms part of the development consent and the necessity to comply with these as required under the Environmental Planning and Assessment Act 1979.

Note 6:

The following works or activities shall not be carried out within the Road Reserve associated with this development without approval under the *Roads Act 1993*:

- a) Placing or storing materials or equipment;
- b) Placing waste containers or skip bins;
- c) Pumping concrete from a public road;
- d) Standing a mobile crane;
- e) Pumping stormwater from the site into Council's stormwater drains;
- f) Erecting a hoarding;
- g) Establishing a construction zone;
- h) Opening the road reserve for the purpose of connections including telecommunications, water, sewer, gas, electricity and stormwater;
- i) Constructing a vehicular crossing or footpath.

Note 7:

Nothing in this consent authorises the use of the rights of way/easements which affect certain parts of the subject site and neighbouring properties in such a way which is contrary to the registered terms of those rights/easements. Any amendment to the terms of the easements is a private matter between the affected property owners, but should any changes be made in future, development consent may be required from Council.

4. Prescribed Conditions - General

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

A. Compliance with the Building Code of Australia

The development must be carried out in accordance with the provisions of the Building Code of Australia.

B. Residential building work

1. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority (PCA) for the development to which the work relates:
 - a) in the case of work to be done by a licensee under that Act:
 - i) has been informed in writing of the licensee's name and contractor license number, and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
 - b) in the case of work to be done by any other person:
 - i) has been informed in writing of the person's name and owner-builder permit number, or
 - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of "owner-builder work" in section 29 of that Act,
 - iii) and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
2. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

C. Details to be provided to Council with the Notice of Commencement

Builders and Insurance details required under part B above shall be provided to Council with the Notice of Commencement. In relation to non-residential building work Builders details shall be provided to Council with the Notice of Commencement.

5. Removal and Disposal of Fuel Infrastructure

All fuel infrastructure removed from the site shall be removed and disposed of in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 and Australian Standard 4897-2008: The design, installation and operation of underground petroleum storage systems. Evidence of correct disposal must be submitted as part of the validation report required by the conditions of this consent.

The site must be remediated and validated in accordance with the NSW EPA document "Guidelines for Assessing Service Station Sites" (NSW EPA, 1994) and the NSW DECC document "Guidelines for the NSW Site Auditor Scheme (2nd Edition) (NSW DECC, 2006).

Certification from an appropriately qualified person verifying that the site has been fully remediated in accordance with aforementioned NSW DECC & EPA guidelines shall be completed and submitted to Council within 30 days of the completion of the remedial works.

6. Site Access/ Rights of Way

In close proximity to the front boundary of No.327 Woollooware Road, the Right-Of-Way shall be widened so that the driveway is wholly located within the Right-Of-Way. If some other arrangement is proposed to 'correct' the misalignment of the driveway, plans shall be presented for the approval of Sutherland Shire Council.

Bonds and Contributions

The following security bonds and contributions have been levied in relation to the proposed development.

7. Environmental, Damage & Performance Security Bond

Before the commencement of any works (including demolition) or the issue of a Construction Certificate, the applicant shall provide security to Council against damage 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 the Council or a satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information shall be submitted to Council at least 2 days **prior** to the commencement of works.

Should any public property and/ or the environment sustain damage during the course of and as a result of construction, or if the construction 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 shall be deducted from the security.

A request for release of the security deposit may be made to Council after all works relating to this consent have been completed. Such a request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent.

The value of the bond shall be determined as follows:

Development Value	Refundable Deposit ♦
Less than \$50,000 ♦♦	\$2,110.00
\$50,000 - \$150,000	\$2,110.00
\$150,001 - \$300,000	\$3,110.00
Greater than \$300,000	\$5,110.00
Swimming Pools	\$2,110.00
Demolition / Earthworks	\$3,110.00

- ♦ The Bond amount includes a non refundable administration fee of \$110. Where the bond takes the form of a Bank Guarantee, the \$110 administration fee must be paid separately.
- ♦♦ Development valued at less than \$50,000 only where:
 - deliveries or removal of materials occur in vehicles of Small Rigid Vehicle (4.0 tonnes) size or larger and / or
 - there is delivery or removal of construction machinery, and
 - a constructed footpath or a stormwater pit exists along the frontage of the property or within 10 metres on either side of the property.

Note: All enquiries in relation to bonds should be directed to Council's Civil Assets Manager on 97100134.

8. Public Liability Insurance

Prior to the commencement of work or the issue of a Construction Certificate, the owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. Evidence of this policy shall be submitted to Council prior to commencement of work or the issue of a Construction Certificate.

MATTERS RELATING TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions involve either modification to the development proposal or further investigation prior to the issue of a Construction Certificate, so as to ensure that there will be no adverse impact on the environment or adjoining development. This information shall be submitted with the Construction Certificate.

9. BASIX Requirements

The Construction Certificate shall comprise all necessary documentation and information sufficient to verify that all commitments contained within the BASIX Certificate relevant to the issue of a Construction Certificate for works approved by this development consent have been included in the development.

10. Design Changes Required

To reduce the environmental and/or ecological impact of the development proposal, the following design changes shall be implemented:

- a) The landscape plan shall be modified to incorporate the following changes:
 - i. Trees 8 (*Olea africana* – black olive) and 32 (*Cotoneaster lacteus* – cotoneaster), which are proposed to be retained, shall be removed and replaced with a suitable native species.
 - ii. The proposed planting of *Raphiolepis indica* – Indian hawthorn shall be deleted and replaced with a suitable native species.
 - iii. The proposed removal of Tree 19: the *Angophora costata* – smooth bark apple within the Riparian Zone Buffer is not supported. This tree is to be retained and protected.
 - iv. Tree 25 (*Jacaranda mimosifolia* – jacaranda) and Tree 27 (*Agonis flexuosa* – Western Australian weeping myrtle) which are proposed to be retained, shall be removed and replaced with a suitable native species.
 - v. The proposed waterfront planting of *Cupaniopsis anacardioides* – tuckeroo; *Eucalyptus botryoides* – bangalay and *Tristaniopsis* 'Luscious' cultivar shall be replaced by species with less dense crowns that facilitate viewing through their canopies. Appropriate alternatives include: *Angophora costata* – smooth bark apple and *Eucalyptus racemosa* – scribbly gum. Appropriate replacements for the *Tristaniopsis* include *Synoum glandulosum* – rosewood; *Endiandra sieberi* – corkwood and *Banksia serrata* – old man banksia.
- b) To maintain the setting of the heritage-listed Attwell's Boatshed building, the un-numbered existing tree shown between T15 and T16 on Drawing No 70/10 Issue c-DA, dated 28.02.2011 'Land Plan- Waterside' over the heritage steps and palm trees T16 and T17 shall be retained *in situ*.
- c) The natural exposed rock outcrop in the foreshore area of the site shall be retained and protected.
- d) The vehicular access aisle of the basement car park must be widened to a clear width of 6.2m; which is to be achieved by moving the southern wall of floor slab "RL12.85" in a southerly direction, by approximately 600mm.

- e) The fence line between the 'Attwell's parking' area and the property known as No. 325 Woollooware Road shall extended eastward to meet the rear fence of the adjoining property at No. 323 Woollooware Rd.
- f) The path and stairs to the Attwell's Boatshed building which run along the northern side of the site shall be screened (or provided with some alternative treatment such as selected landscaping) as appropriate, to provide privacy and security to the main dwelling. The design of any screening shall also consider safety and security and incorporate visually permeable materials or landscaped sections.

Details of these design changes shall accompany the Construction Certificate.

11. Stormwater Treatment Device

The operation of the stormwater treatment device/pit constructed as part of the stormwater drainage system for the development approved by this consent as required by conditions, shall be maintained in good operating order at all times.

12. Swimming Pools New and Alterations

To minimise the impact of the swimming pool on the amenity of adjoining properties and to ensure the safety of the pool area, the design and construction of the swimming pool or spa pool and associated equipment shall comply with the following requirements:

- a) The *Swimming Pools Act & Regulations* applicable at the time of construction.
- b) Australian Standard 1926 Swimming Pool Safety as prescribed under the Building Code of Australia.
- c) Protection of the Environment Operations Act 1997.
- d) The swimming pool/spa pump and associated equipment shall 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:
- i) The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.
 - ii) Additional information is available from Sutherland Shire Swimming Pool Environmental Specification 2007.

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 shall be shown on the Construction Certificate plans. The information is required for recording in Sutherland Shire Pool Register.

Where the wall of a building is to be used as part of the required child-resistant barrier, the plans shall indicate if the wall has any openings and how they comply with pool safety requirements.

Landscaping and ancillary structures are not to intrude into the child-resistant barrier Non-Climbable Zone.

Council must be notified of any changes to the child-resistant barriers indicated on the approved plans.

Public Utility Authorities Requirements

These conditions are imposed to avoid problems in servicing the development and reduce adverse impacts on the lot layout or the design of buildings or associated facilities.

13. Sydney Water - Referral Requirements

The plans approved as part of the Construction Certificate shall be submitted to a Sydney Water Quick Check agent or Customer Centre to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Plans will be stamped appropriately.

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

- Quick Check agents details – see Building Development and Plumbing then Quick Check; and
- Guidelines for Building Over / Adjacent to Sydney Water Assets – see Building Development and Plumbing then Building and Renovation.

14. Drainage Design (Stormwater Disposal)

The drainage for this development proposal shall be designed in accordance with the Institution of Engineers' publication "Australian Rainfall and Runoff" (1987), Council's "Urban Drainage Design" Manual together with Council's "Stormwater Management Policy and Guidelines" and "On-Site Stormwater Detention Policy and Technical Specification".

The stormwater/rainwater drainage system shall be discharged at/adjacent to the MHW. Suitable anti-scouring and filtration measures shall be incorporated with the design.

A design certificate issued by an appropriately accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate.

15. Stormwater Drainage & Rainwater Harvesting System

The stormwater drainage, rainwater harvesting and rainwater reuse systems shall be designed and constructed in accordance with AS/NZS3500.3:2003, the BASIX Certificate issued against this development and the approved stormwater drainage design drawing.

16. Vehicular Access-way, Vehicular Access-way & Car Park Layout

The vehicular access-way and car park layout shall be designed and constructed to comply with the approved architectural design drawings, except where modified by the following;

- a) The vertical alignment of the driveway shall comply with AS2890.1:2004 to ensure a B85 vehicle will not scrape the surface of the crossing, driveway, basement floor or car park hard stand area,
- b) Align with Council's vehicular crossing profile,
- c) The maximum grade of the ramp to the basement shall be 20%, and
- d) Provide a maximum grade of 5% for the first 3 metres inside the property boundary.

Note: Be advised that item a) is based on Council's minimum standard of a B85 vehicle (Ford Falcon Sedan). The recommended condition will not necessarily protect exotic or altered cars or boat trailers etc. from "scraping" the vehicular access-way.

PRE-COMMENCEMENT CONDITIONS

The following conditions are imposed to ensure that all pre-commencement matters are attended to before work is commenced.

17. Pre-Commencement - Notification Requirements

No works in connection with this development consent shall be commenced until:

- a) A Construction Certificate / Subdivision Certificate has been issued and detailed plans and specifications have been endorsed and lodged with Council;
- b) A Principal Certifying Authority has been appointed. Council shall be notified of this appointment along with details of the Principal Certifying Authority, and their written acceptance of the appointment; and
- c) Notice of commencement has been provided to Council 48 hours prior to commencement of construction work on the approved development.

18. Sign to be Erected on Building and Demolition Sites

Where proposed works affect the external walls of a building, a rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on any work site on which building work, subdivision work or demolition work is being carried out. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

The signage, which must be able to be easily read by anyone in any public road or other public place adjacent to the site, must:

- a) show the name, address and telephone number of the principal certifying authority for the work, and

- b) show 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) state that unauthorised entry to the work site is prohibited.

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.

19. Remedial Works

The recommendations outlined in the submitted Preliminary Environmental Site Assessment (dated February 2011, prepared by EIS), being the removal of the UST, AST and fuel lines, shall be completed under the supervision of an appropriately qualified environmental scientist prior to the commencement of the work approved by this development consent.

Certification from an appropriately qualified person verifying that the site has been fully remediated in accordance with NSW DECC & EPA guidelines shall be completed and submitted to Council within 30 days of the completion of the remedial works.

20. Dilapidation Report

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site and buildings upon adjacent properties (excluding the waterway), through the submission of a current dilapidation report supported by photographs. This information shall be submitted at least two (2) days prior to the commencement of works (including demolition). Should any public property or the buildings upon adjacent properties sustain damage during the course of the works Council may carry out any works necessary to repair or stabilize the damage and the cost of these works will be deducted from the security.

A copy of the dilapidation report with photographs must be given to the Owners of all adjacent properties (excluding the waterway), prior to the commencement of work (including demolition).

21. Appointment of a Supervising Arborist

Prior to the commencement of any demolition or works on site the applicant shall engage a suitably qualified and experienced Arborist (a person with current membership of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life Member or alternatively a person who has obtained a TAFE Certificate in Horticulture (Arboriculture) Level 2 or higher).

The Supervising Arborist shall:

- a) Be present during any works within the dripline of any tree marked for retention and have the authority to direct works to ensure the trees long term preservation.
- b) Ensure any excavation within the dripline of the tree/s is hand dug and to oversee works and strictly supervise that there is no disturbance or severing of roots greater than 50mm and to cleanly cut and treat those roots between 10-50mm in diameter.

CONSTRUCTION CONDITIONS

These conditions are imposed to ensure the development does not unreasonably impact on the amenity of the locality during the construction or demolition phase.

22. Environmental Site Management DCP

All construction work approved by this development consent shall be undertaken in accordance with the objectives and controls in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

23. Permitted Hours for Building and Demolition Work

To minimise the noise impact on the surrounding environment all building and demolition work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 1.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays.

24. Toilet Facilities

Toilet facilities shall to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) shall be a standard flushing toilet, and
- b) shall be connected:
 - i) to a public sewer, or
 - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause shall be completed before any other work is commenced.

25. Demolition Work

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

- a) The demolition of the existing building shall be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- b) It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a dilapidation report supported with suitable photographic records. This information shall be submitted to Council prior to the commencement of work. Any damage other than that noted prior to commencement of the demolition shall be the responsibility of the owner of the property for repair or reinstatement.
- c) The applicant shall 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.
- d) If demolition is to commence prior to the issue of a Construction Certificate, the applicant shall submit to Council a Site Management Plan – Demolition for assessment prior to the commencement of any demolition work. This plan shall satisfy the objectives of Council's Environmental Site Management Development Control Plan and shall consider the following:
 - i) What actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from demolition activities, crossings by heavy equipment, plant and materials deliveries and the like;
 - ii) The proposed method of loading and unloading demolition machines within the site;
 - iii) The proposed areas within the site to be used for the storage of demolished material and waste containers during the demolition period;
 - iv) How it is proposed to ensure that soil / demolished material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
 - v) The requirements of any site specific Development Control Plan that may affect this development site.
- e) **Pre-Commencement Inspection**
If demolition is to commence **prior** to the issue of a Construction Certificate, the Builder/principal contractor shall undertake a pre-commencement site inspection with Council's Engineering Compliance Officer and Council's Civil Asset Manager. The purpose of this inspection is to facilitate the implementation of the consent specifically with regard to the impact on the public way and to clarify any matters of concern.

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

26. Demolition – Removal of Asbestos Material

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

- a) Occupational Health and Safety Act 2000;
- b) Occupational Health and Safety Regulation 2001;
- c) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- d) Workcover NSW 'Working with Asbestos – Guide 2008'; and,
- e) Protection of the Environment Operations Act 1997.

Should 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 the NSW Workcover Authority. Asbestos waste in any form shall be disposed of at a waste facility licensed by the Department of Environment Climate Change & Water to accept asbestos waste.

The applicant shall notify Council's Environment & Health Regulation Unit (phone (02) 97100333 during normal business hours) of any proposed removal of asbestos material not less than 72 hours prior to the commencement of the work.

27. Excavation and site safety

- a) All earthworks shall be executed safely and in accordance with appropriate professional standards.
- b) The building site must be properly guarded and protected to prevent it from being dangerous to life or property.
- c) All canopy, trunk and root system of all trees to be retained on site and neighbouring properties shall be protected from damage during excavation.

28. Support for Neighbouring Buildings & Structures

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or structure on an adjoining allotment of land, the person causing the excavation to be made:

- a) Shall preserve and protect the building or structure from damage.
- b) If necessary, shall underpin and support the building in an approved manner.
- c) Shall, at least 7 days before excavating below the level of the base of the footings of a building or structure on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

- d) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Note: In this clause, allotment of land includes a public road and any other public place.

29. Protection of Public Places

To protect public safety and convenience during the course of constructing the works covered by this consent, the following matters shall be complied with:

- a) If the work involved in the erection or demolition of a building:
- i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed, inconvenienced, or rendered unsafe; or
 - ii) building involves the enclosure of a public place,
- A hoarding or fence shall be erected between the work site and the public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning shall be removed and any damage to any public place reinstated to Council's satisfaction when the work has been completed.

30. Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

31. Vibration damage

To minimise vibration damage and loss of support to the buildings in close proximity where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report shall be prepared by a qualified geotechnical engineer detailing the maximum size of hammer to be used for excavation purposes. This report shall accompany the Construction Certificate.

32. Dewatering of Excavation

Any water from excavations to be discharged must meet the following criteria:

- a) It shall not contain a concentration of suspended sediment exceeding 50 mg/L.
- b) It shall have a pH of between 6.5-8.

- c) It shall comply with the ANZECC Guidelines for Marine and Freshwater Quality, for Protection of Aquatic Ecosystems (95% protection level).

Water testing shall be carried out to ensure compliance with the above by a suitably qualified environmental scientist, and results provided to Council upon request. A permit may be required to discharge water to Council's stormwater system. Consultation with Council shall be undertaken prior to discharge of any water to stormwater.

33. Construction of Road Frontage Works

The following road frontage works shall be constructed in accordance with the requirements of Council's adopted "Specification for Civil Works Associated with Subdivisions and Developments":

- a) Construct a 3.5m wide vehicular crossing and associated layback to serve the proposed vehicular access-way that traverses No.325 Woollooware Road,
- b) Reconstruct a 3.5m wide vehicular crossing and associated layback to serve the vehicular access-way that traverses No.323 Woollooware Road,
- c) Turf all denuded areas of the footpath,
- d) Remove all redundant vehicular crossings,
- e) Adjust public services infrastructure where required,
- f) Construct a new double grated gully pit with EKI and adjust the redundant pit as required, and
- g) Reinstatement of the Road carriageway shoulder where damaged.

Permission shall be obtained from the Council for the carrying out of the proposed works, under the Roads Act, 1993 prior to the commencement of works or the issue of a Construction Certificate.

34. Removal of Trees

The issue of the Construction Certificate gives approval for the removal of the following trees:

- a) Any trees specifically identified in the approved landscape plan "existing tree to be removed", except for as modified by Condition 11 above.
- b) Any trees growing within the building footprint of the approved structures.
- c) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- d) Any tree species listed in Clause 57 of the SSLEP 2006 Council's Controls for Preservation of Trees and Bushland Vegetation.
- e) Any approved tree removals within the road reserve shall be organised in consultation with Council's Parks Tree Maintenance Officers (contact Customer Service Call Centre 9710 0333 to create CRMS request).

All other vegetation not specifically identified above, and protected by Council's Controls for Preservation of Trees and Bushland Vegetation shall be retained and protected from construction damage. These Controls for Preservation of

Trees and Bushland Vegetation protects any vegetation unless written consent is obtained.

35. Tree Retention and Protection

Trees identified for retention in the approved landscape plan and as amended by Condition 11, above, shall be protected by the following measures:

- a) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts shall be installed at a minimum radius (as recommended by the supervising Arborist or otherwise prescribed by AS4970 [2009]) from the trunk of each tree referenced above. This fencing shall be installed prior to the commencement of any works subject to this consent and remain in place until all works are completed. Signage shall be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- b) The tree protection zone within the protective fencing shall 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.
- c) 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.
- d) Any approved works within this tree protection zone shall be under the direction of, and to the satisfaction of, a suitably qualified and experienced Arborist.

36. Rainwater Harvesting and Use

Tank Installation

The tank and support structure shall be placed on a suitable foundation in accordance with the manufacturer's or engineer's details. It must not rest (in full or part) on the footings of any building or structure or on a retaining wall without being specifically designed for.

The tank shall not be installed over or immediately adjacent to a stormwater drainage easement, water or sewer main or associated infrastructure without the consent of the appropriate authority.

The tank may be free standing, partially or wholly below ground level, incorporated into the building eaves or fixed to a wall.

The tank installation and all plumbing works shall be carried out by a plumber licensed with the NSW Department of Fair Trading.

Plumbing Connections

Pipes that may be in contact with rainwater for extended period are to comply with AS/NZS4020. In general, this does not apply to guttering or downpipes that deliver rainwater directly by gravity into the top of the rainwater tanks because contact with the water is transient.

Underground pipework delivering water to the tank, or between tanks, or from tanks to houses (for reuse in toilets and laundries) shall comply with AS/NZS4020.

Polyethylene pipes used for such pressure applications shall comply with AS/NZS4130.

The installation of tanks and associated pipework infrastructure shall comply with the following standards:

1. AS/NZS2179 – Specifications for rainwater goods, accessories and fasteners.
2. AS2180 – Metal rainwater goods – selection and installation.
3. AS/NZS3500 – National Plumbing and Drainage Code.
4. AS/NZS4130 – Polyethylene (PE) pipes for pressure applications.

Potable Water Back-up

Potable water from the back-up system shall be introduced directly to the rainwater tank/s and not to the distribution system. Potable water is to be supplied via a dry break connection.

For the developments where a single rainwater tank is used, this tank shall be considered as the Potable Water Make-up Tank. Should a development include more than one (1) rainwater tank, a single rainwater tank shall be nominated as the Potable Water Make-up Tank.

The Potable Water Make-up Tank shall be installed such that potable water is supplied when the storage level is reduced to between 5% and 10% of installed rainwater storage capacity.

At this level, an approved mechanical float device or electrical float switch is to be used to make up potable water.

Overflow

Intense or prolonged rainfall will exceed the capacity of the rainwater tank therefore a (gravity) overflow system shall be provided to an appropriate approved Council storm water drainage system and via any OSD or retention facility if required.

37. Protection of Aquatic Habitat

In order to minimise environmental impacts associated with sedimentation, a floating silt curtain shall be provided that encompasses and encloses the entirety of the works area at all times when works are likely to disturb the seabed or banks.

POST CONSTRUCTION CONDITIONS

These conditions are imposed to ensure all works are completed in accordance with the Development Consent prior to either the issue of an Occupation Certificate, a Subdivision Certificate or habitation / occupation of the development.

38. Section 73 Compliance Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, shall be submitted to Council by the PCA prior to the issue of an Occupation Certificate or before the issue of a Subdivision Certificate. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. 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.

Need for Certification

To ensure that all works are completed in accordance with the Development Consent, certification from an Accredited Certifier shall accompany the Occupation Certificate, to the effect that the following works have been completed.

39. Set out of Building

Certificate from a Registered Surveyor certifying that the building has been set-out in relation to location and levels, in accordance with the requirements of the development consent.

40. General Compliance

Certification shall be submitted from the Principal Certifying Authority certifying that all works have been completed and comply with the approved plans, conditions and specifications.

41. Validation

Validation reporting from an appropriately qualified person verifying that the site has been fully remediated in accordance with NSW EPA & DECC guidelines, must be completed and submitted to Council within 30 days of completion of the remediation works.

42. Prior to Occupation or Use of the Development

The Development shall not be occupied or used until:

- a) A Final Occupation Certificate is issued and provided to Council for the development; or
- b) An Interim Occupation Certificate is issued and provided to Council for the development. This shall clearly identify the part of the development to which the Interim Occupation Certificate relates.

Subdivision Plan Requirements

The following conditions have been imposed in relation to the preparation and release of the Linen Plans of Subdivision.

43. Endorsement of Linen Plan of Subdivision for Consolidation

To facilitate the issue of the Plan of Subdivision for the consolidation of Lot 9A in Deposited Plan No.307110, Lot 2 in Deposited Plan No.600577 and Lot 2 in Deposited Plan No.562829 into one lot, following completion of the requirements detailed in the condition of this Development Consent and the issue of the Subdivision Certificate by Council, a film eight (8) paper copies of the Plan of Subdivision shall be submitted together with any necessary Instrument under the *Conveyancing Act*, where required for ultimate lodgement of the Land Titles Office.

OPERATIONAL CONDITIONS

These conditions are imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood and the environment.

44. Maintenance and Operational Efficiency of BASIX Requirements

The operation of all devices or appliances installed within the development approved by this consent as stipulated in the BASIX Certificate shall be maintained in good operating order at all times.

45. Car Parking Allocation

Parking shall be allocated in accordance with the plans submitted and approved under Condition 5 above. The parking spaces allocated to the Attwell's Boatshed use shall not be used by residential occupants or visitors of the approved new dwelling, and the basement storage/compactus areas shall not be converted to car parking areas.

46. Noise Control - Plant & Equipment (Continual Operation)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems, shall be operated so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

The Project Specific Noise level shall be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the Department of Environment and Climate Change Industrial Noise Policy.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

47. Noise Control

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation or refrigeration systems, shall be operated and maintained in such a manner so that the noise emitted does not exceed a LAeq sound pressure level of 5 dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Notwithstanding the above requirements, any noise generated by plant or equipment must not be heard within a habitable room in any sole occupancy unit or other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8am or after 10pm on any Saturday, Sunday or public holiday, or
- (b) before 7am or after 10pm on any other day.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1

48. Noise Control – Residential Air Conditioning Unit / Heat Pump Water Heater

To minimise the noise impact on the surrounding environment, the use of the air conditioning unit and / or heat pump water heater shall not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level, at any time the unit operates, when measured at the most affected point on or within any residential property boundary.

Notwithstanding the above requirements, 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 shall not be heard within any residence or sole occupancy unit with its windows and/or doors open or closed.

49. Noise from Swimming Pool Pumps and Associated Equipment

The swimming pool / spa pump and associated equipment shall be maintained and operated so that the noise emitted does not exceed an LAeq (15min) of not more than 5 dB(A) above the background level when measured at the most affected point on or within any residential property boundary. Notwithstanding the above levels, the swimming pool / spa pump(s) and any associated equipment shall not be operated between 8.00pm and 7.00am on weekdays and 8.00pm and 8.00am weekends and Public Holidays if the noise they generate can be heard within a habitable room in any other residential premises regardless of whether any door or window to that room is open.

END OF DETERMINATION



for John Roseth
Chair
Sydney East Regional Planning Panel

NOTES

This Notice of Development Consent is issued by Sutherland Shire Council as the Authority responsible in respect of development under the provisions of the Sutherland Shire Local Environmental Plan 2006.

A Tree Preservation Order had been proclaimed in the Sutherland Shire. A person who contravenes or causes or permits the Tree Preservation Order to be contravened is guilty of an offence. Trees, the subject of this Order other than those which have become dangerous shall not be cut down, topped, lopped, injured or wilfully destroyed except with the consent of Council. However, unless specified otherwise in this consent, those trees designated to be removed on the approved plans under this consent may be so removed.

Section 82A 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 six (6) months from this 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. Please note also that you cannot request a review under S82A for any applications for Integrated Development, or any Land and Environment Court determined applications.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development and Integrated Development.

Section 97 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.

This development consent which has been granted subject to a deferred commencement condition under section 80 (3) of the Environmental Planning and Assessment Act 1979, will lapse if the applicant fails to satisfy the consent authority as to the matter specified in the condition within three (3) years from the granting of the consent.