

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No:	2015SYE108
DA No:	DA15/0936
Local Government Area:	Sutherland Shire
Proposed Development:	Demolition of existing dwellings and ancillary structures and construction of two residential flat buildings containing 77 apartments
Street Address:	Lot 18 Sec A DP 2499, Lot B DP 384089, Lot 21 DP 881235, Lot 22 DP 881235, S/P 63259, Lot 1 S/P 63259, Lot 2 S/P 63259, Lot 3 S/P 63259 – 11 & 11A – 15 Veno Street and 30 Rosebery Street, Heathcote
Applicant/Owner:	Globuild Pty Ltd
Number of Submissions:	Twelve (12)
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) • State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) • Apartment Design Guidelines (ADG) • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015) • Section 94 Developer Contributions Plans: <ul style="list-style-type: none"> - Shire-Wide Open Space and Recreation Facilities 2005 - Section 94 Community Facilities Plan
Recommendation:	Approval
Report By:	Charlotte Lowe, Planner Sutherland Shire Council

Assessment Report and Recommendation Cover Sheet

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

The application is referred to the JRPP as the development has a capital investment value of more than \$20 million and is nominated under Schedule 4A (3) of the Environmental Planning and Assessment Act 1979. The applicant's submission indicates that the proposed development has a value of \$22,190,000.

1.2 Proposal

The application is for the demolition of existing structures and the construction of 2 residential flat buildings comprising 77 apartments and 4 storeys at the above property. Two basement levels will accommodate 132 car parking spaces, accessed from Rosebery Street.

1.3 The Site

The land is regular in shape and is located on the north-west corner of Veno Street and Rosebery Street in Heathcote. The site has a total area of 3673.4m², with a primary frontage to Veno Street of 60.33m and a western frontage to Rosebery Street of 60.96m. The site is relatively flat with a moderate slope to the north-western corner. The site is located at the periphery of the Heathcote Centre and is within close proximity to the railway station and local shops.

1.4 The Issues

The main issues identified are as follows:

- Non-compliance with SSLEP 2015 – building height.
- Non-compliance with Draft SSDCP 2015 including building setbacks
- Non-compliance with ADG in terms of building setbacks and solar access
- Integration of proposal with the existing streetscape and established character of the locality, particularly given its location at the interface between 3 different land use zones.

1.5 Conclusion

Following assessment of the proposal and having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, the development is generally considered worthy of support as it reflects the desired future character of development within the Sutherland Shire as envisaged under SSLEP 2015.

The proposal entails several departures from the relevant LEP, DCP and ADG controls being mainly building height, separation and setbacks. On balance, this assessment considers that the site is suitable for a building of the type, use and size proposed, subject to the imposition of appropriate conditions of consent, including minor increases in building setback at the most sensitive edges and the modification of some units to improve solar access, as well as a significantly improved scheme of landscaping.

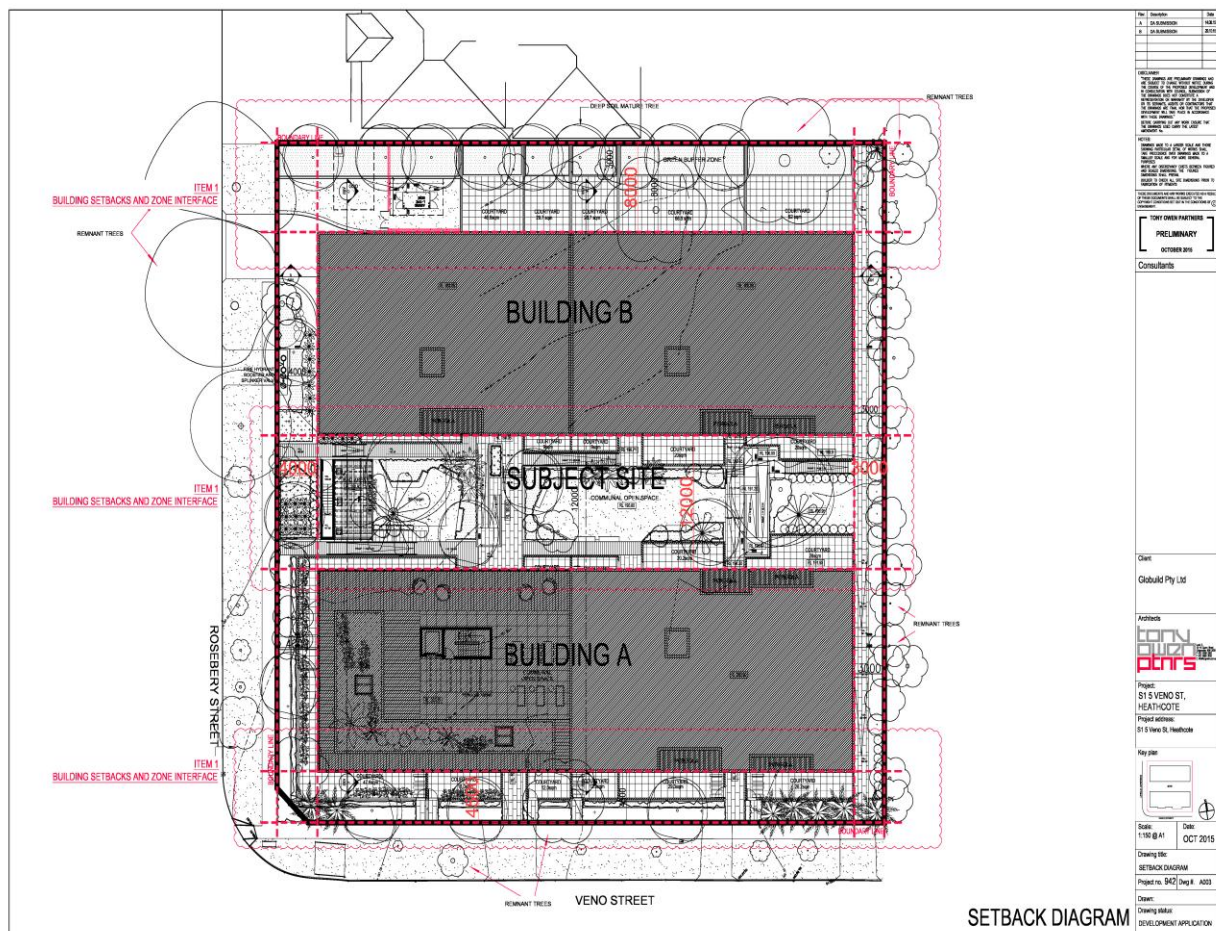
The applicant has modified the building as originally proposed in response to concerns raised by Council staff.

2.0 DESCRIPTION OF PROPOSAL

The application is for the demolition of existing structures and the construction of a 2 x 4 (four) storey residential flat buildings accommodating 77 units at the above property. The development includes a mix of 1, 2 and 3 bedroom apartments. Two (2) levels of basement car parking 132 parking spaces are accessed from Rosebery Street.

A communal open space area is provided within the development at ground level in the space between the proposed buildings. A roof top terrace is to be provided on the western portion of the southern building (Building A). All trees are to be removed within the building

footprint and a strip of deep soil is maintained along the northern boundary. A site plan is provided below.



3.0 SITE DESCRIPTION AND LOCALITY

The subject land is located at 30 Rosebery Street, and 11-15 Veno Street, Heathcote. The site comprises five (5) separate residential allotments located on the northern side of Veno Street and eastern side of Rosebery Street in Heathcote. The site is a regular shape by consolidation of land with a combined site area of approximately 3673.4m². The site has a width of 60.33m, and depth of 60.96m. There is a slight fall to the rear (north-west) of the site and stormwater from the existing allotments is directed to both Veno Street and Rosebery Street. The land is currently occupied by single and two storey dwellings and, with seniors' housing villas on Rosebery Street, detached ancillary structures and numerous established trees and shrubs. Vehicular access is obtained via both Veno Street and Rosebery Street.

The site is located at the periphery of the Heathcote Centre and is within close proximity to the railway station and local shops. The site to the north contains a recently constructed detached dwelling house. Immediately to the east is a large nursery operation on two allotments. Opposite Veno Street to the south is Heathcote Public (primary) School. To the west on Rosebery Street are low density detached dwellings of various architectural designs and eras.

The site shares the same zoning and development standards with sites to the east and south within the Heathcote Town Centre. Zoning to the north is a lower density zone, R3 – Medium Density Residential and to the west is zoned R2 - low density residential. Beyond the low density housing to the west and south is the Heathcote National Park.



4.0 BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD) was held on 24 April 2015 regarding a similar but slightly smaller development. As formal letter of response was issued by Council dated 12 May 2015. A full copy of the advice provided to the Applicant is contained within Appendix "B" of this report and the main points contained in this letter are as follows:
 - Exploration of site amalgamation.
 - Development should be designed to transition appropriately to lower density zones.
 - Massing, built form and setback required further consideration and possible redesign.
- The current application was submitted on 24 August 2015.
- The application was placed on exhibition with the last date for public submissions being 24 September 2015. Twelve (12) submissions were received.

- An Information Session was held on 16 September 2015 and 5 parties attended.
- The application was considered by Council's Submissions Review Panel on 10 November 2015.
- Council officers in their letter dated 14 October 2015 requested that the following additional information be provided:
 - Improved transition to lower density zones and increased setback to the north (as required by ADG).
 - Compliance with the ADG in terms of solar access and setbacks.
 - Improved landscaping design and provision of ADG compliant communal open space area.
 - Car parking and manoeuvring improvements.
- Amended plans and information was lodged on 30 October 2015.

5.0 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 enable an assessment of this application, including a SEPP 1 Objection requesting a variation to the height standard.

6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Council's DCP and other relevant provisions.

63 adjoining or affected owners were notified of the proposal and 12 submissions were received as a result.

Submissions were received from the following properties:

Address	Date of Letter/s	Issues
14 Larkspur Place, Heathcote	28 August 2015	1
N/A	28 August 2015	1 & 3
N/A	28 August 2015	1
N/A	9 September 2015	1, 3 & 8
N/A	17 September 2015	1, 2, 3 & 8
N/A	18 September 2015	1 & 2
19 Rosebery Street, Heathcote	22 September 2015	3 & 9
1929 Princes Highway, Waterfall	22 September 2015	1, 2, 3, 4, 5, 6, 7 & 10
Heathcote Public School	25 September 2015	1, 2, 3, 4, 5, 6, 7 & 10
Heathcote Public School P&C	24 September 2015	1, 2, 3, 4, 5, 6, 7 & 10
N/A	24 September 2015	1, 3, 7 & 8
7-9 Veno Street, Heathcote	25 September 2015	1, 5, 8, 9, 12 & 13

The issues raised in these submissions are as follows:

6.1 Issue 1 – Parking and Traffic Impacts including pedestrian safety

Concern has been raised as to the adequacy of parking provided within the site and the impacts on the surrounding street network to accommodate an increase in population and traffic. The impacts of increased traffic on pedestrians and safety were also of concern. The

methodology of the submitted traffic report was also questioned in terms of the times that the traffic counts were recorded.

Comment: The proposal has been reviewed by Council's Traffic Engineer who is satisfied that the proposal will not adversely affect the surrounding street network. The parking provided is compliant with Council's Draft SSDCP 2015 requirements. The methodology used to assess the traffic impacts are considered to be satisfactory. Whilst it is acknowledged that there will be an increase in vehicle movements, given that vehicular access to the site is provided via Rosebery Street, direct impacts on the School have been minimised.

6.2 Issue 2 – Solar Access/Overshadowing

Comment: This matter is discussed and addressed below in the "Assessment" section of this report.

6.3 Issue 3 - Noise and dust during construction and impacts on school children/Damage to adjoining property

Concern has been raised in relation to the detrimental impacts the construction will have on adjoining residents and school children in terms of noise and dust and the roll on effect this will have on classroom ventilation (having to close windows during this time).

Comment: The site management plan during construction has been reviewed by Council's Engineer and is considered adequate. Council's standard conditions of consent in respect of hours of work, noise and construction management are adequate to control the relatively short-term impacts of construction to adjoining residents and school children. There is little Council can do to regulate damage caused by a private entity such as a building company to another party's property beyond the imposition of conditions of consent. However, in order to promote best practice between neighbours and developers it is recommended that a condition requiring the submission of a dilapidation report (which documents the pre- and post-construction state of the neighbouring properties) be imposed on the consent, should the application be approved.

6.4 Issue 4 - Noise from development once operating

The ongoing acoustic impacts of mechanical plant/ventilation equipment on adjoining residents and the school have been raised as a concern.

Comment: The proposal has been reviewed by Council's Health Officer who has provided no objections to the proposal, subject to the imposition of appropriate conditions of consent to ensure that the proposal complies with relevant regulations and standards in this regard.

6.5 Issue 5 - Height/Bulk/Scale

The proposed height and bulk of the proposal has been raised in submissions. The proposal is considered to be inconsistent with the objectives of the SSLEP 2015 and Draft SSDCP 2015.

Comment: The proposal largely complies with development standards specified in SSLEP 2015 in terms of height and bulk (floor space ratio) apart from the lift overrun as discussed below. The development is consistent with the objectives of SSLEP 2015 and Draft SSDCP 2015 in that it encourages residential development within Heathcote Centre and provides adequate landscaping that contributes to the Sydney Turpentine Ironbark Forest.

6.6 Issue 6 - Inaccurate information

Comment: The information provided is accurate to enable Council to undertake a thorough assessment of the proposal.

6.7 Issue 7 - Out of character

Comment: This matter is discussed and addressed below in the “Assessment” section of this report.

6.8 Issue 8 - Lack of infrastructure to support increased population

Comment: The existing infrastructure is considered to be adequate to support the introduction of residents resulting from the proposal. Conditions of consent are recommended that require the applicant to consult with various government services in this regard. Significant internal community facilities are provided also.

6.9 Issue 9 - Privacy

Comment: This matter is discussed and addressed below in the “Assessment” section of this report.

6.10 Issue 10 - Glare/Reflection impacts of building material

Comment: The proposed materials are considered appropriate and do not promote reflection or glare. In any case, a condition of consent requiring building materials to be non-reflective is recommended.

6.11 Issue 11 - ‘Wind Tunnel’ forming within communal open space and impacts on adjoining properties

Comment: The location of the communal open space is not expected to create abnormal wind or weather impacts that would detrimentally affect adjoining properties.

6.12 Issue 12 - Economic Waste due to demolition of existing structures

Comment: Council has reviewed the submitted ‘Waste Management Plan’ and is satisfied with the information in regards to the demolition and recycling proposed.

6.13 Issue 13 - Setbacks from Street frontages

Comment: This matter is discussed and addressed below in the “Assessment” section of this report.

Submission Review Panel (SRP)

The above submissions were considered by Council’s SRP on 10 November 2015. The SRP concluded that all matters raised were either not substantive, had been resolved via conditions or had been dealt with by design changes in response to the ARAP comments. The one exception was in relation to a non-compliant building height.

Revised Plans

The applicant lodged revised plans 30 October 2015. Amongst others, the changes included the introduction of a communal rooftop terrace and a height breach due to the lift overrun serving this area. Given the timeframe of the assessment, these plans were not publicly exhibited however parties that made submissions during the original notification period have been notified of the changes.

Should the JRPP be of the opinion that full exhibition of the amended plans and documentation is warranted in light of the height increase, Council would recommend that the matter be subject to a deferred commencement condition to amend the building to ensure the height complies with relevant development standards.

7.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone B2 – Local Centre pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a residential flat building, is a permissible land use within the zone with development consent from Council.

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

- Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015)
- Section 94 Developer Contributions Plans:
 - Shire-Wide Open Space and Recreation Facilities 2005
 - Section 94 Community Facilities Plan

8.0 STATEMENT OF COMPLIANCE

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

8.1 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development – Design Quality Principles

The provisions of SEPP 65 apply to the residential flat building development. Sutherland Shire Council engages its Architectural Review Advisory Panel (ARAP) to guide the refinement of development to ensure design quality is achieved in accordance with SEPP 65. A brief assessment of the proposal having regard to the design quality principles of SEPP 65 is set out below:

Design Quality Principles	Assessment
Principle 1: Context	This proposal, being a residential flat building, is an appropriate response to the “mid-rise” desired future character of Heathcote Centre. Whilst it is acknowledged that there is a disconnect with the existing character of the area, the design of the proposal is considered to provide an appropriate degree of transition to surrounding lower density development, subject to design amendments provide increased setbacks at the most sensitive edges in accordance with the ADG.
Principle 2: Scale	The proposed scale is generally a positive response to the site and setting, subject to conditions in relation to building setbacks. The proposed increased setback will ensure the scale of the proposal provides a balance to adjoining residential development and desired future building form.
Principle 3: Built Form	The built form is distributed appropriately across the site. Whilst the 4 storey urban scale will be somewhat confronting in the existing context, appropriate separation and landscape treatments could ensure that the development transitions appropriately to the streetscape and scale of buildings on adjoining land given the future character envisaged in this location.
Principle 4: Density	The proposed density is distributed appropriately across the site.
Principle 5: Resource,	The development incorporates BASIX requirements and

Energy & Water Efficiency	sustainability measures into its overall design so as to enhance water and energy efficiency and to provide suitable amenity to the building's future occupants.
Principle 6: Landscape	The proposed development includes adequate deep soil areas for planting/retention, podium landscaping within common/terrace areas and a roof top terrace which reinforce the existing and desired future character of the locality. However, further planting and appropriate species selection is required and has been included as a condition of consent.
Principle 7: Amenity	The proposal adequately satisfies the provisions of the Apartment Design Guide in terms of residential amenity, including appropriate building and floor plan layout, and visual/acoustic privacy. Conditions are required to achieve adequate solar access, see below.
Principle 8: Safety and Security	The proposed development incorporates suitable Crime Prevention Through Environmental Design (CPTED) Principles in the design. However, conditions of consent have been recommended to ensure further compliance with CPTED principles.
Principle 9: Social Dimensions & Housing Affordability	The proposal provides a mix of apartment types including 30% adaptable dwellings, which encourages diversity.
Principle 10: Aesthetics	An appropriate composition of building elements, textures, materials and colours within the development has been generally achieved.

8.2 Apartment Design Guide (ADG)

The proposal is affected by the ADG. The following table contains an assessment of the proposal against key controls of the ADG. Refer to the Assessment section of this report for further details with respect to performance of the proposal against the ADG.

Apartment Design Guide (ADG) – Key Controls			
	Control	Proposed	Complies
Building separation/Setbacks	<p><i>Up to 4 storeys:</i> 3m non habitable 6m habitable</p> <p>Additional 3m setback required when site adjoins a lower density zone 9m setback required to the northern boundary</p>	<p><i>Western setback:</i> 4m (habitable) to Rosebery Street</p> <p><i>Eastern setback:</i> 3m (habitable)</p> <p><i>Northern setback:</i> 8m (habitable) – adjoins lower density zone</p> <p><i>Southern setback:</i> 4.5m (habitable) to Veno</p>	<p>No (33%) – See 'Assessment' section of this report</p> <p>No (50%) – See 'Assessment' section of this report</p> <p>No (11%) – See 'Assessment' section of this report</p> <p>No – (25%) –</p>

		Street <i>Setback between buildings:</i> 12m (habitable)	See 'Assessment' section of this report Yes
Solar access	Living rooms and private open space, 2 hours direct sunlight in mid winter to 70% of units. Maximum 15% of units receive no sunlight to habitable rooms	50 /77 (65%) 20%	Yes No - See 'Assessment' section of this report
Natural ventilation	60% of apartments to be naturally cross ventilated. Max. Depth 18m	47/77 units (61%) 18m max depth	Yes Yes
Single aspect apartment depth	8m	Majority of apartments comply	Yes - acceptable
Apartment size	1br: 50m ² 2br: 70m ² 3br: 90m ²	1br: 50m ² 2br: 70m ² 3br: 99m ²	Yes
Ceiling heights	2.7m	2.7m	Yes
Private open space: – 1 br apartment – 2 br apartment – 3 br apartment – Ground level apartments (or on a podium)	<i>Primary balconies:</i> 8m ² , min. 2m depth 10m ² , min. 2m depth 12m ² , min 2.4m depth 15m ² with min 3m depth	13m ² min, >2.5m depth 12m ² min, >2.5m depth 73.2m ² , >2.5m depth 15m ² minimum	Yes Yes Yes Yes
Communal open space – size	25% of site area (918.4m ²)	Ground level: 554.4m ² Level 4: 419m ² Total: 973.7m ² (26.5%)	Yes
Communal space - solar access	50% of communal open space to receive 2hrs of direct sunlight in mid winter	Minimal sunlight provided to ground floor communal open space. The rooftop terrace receives full sunlight.	Yes
Residential storage	6m ³ per 1br apartment 8m ³ per 2br apartment 10m ³ per 3br apartment At least 50% of storage to be located within the apartments	6m ³ min. 8m ³ min. 10m ³ min. 50% of storage is located within apartments	Yes Yes Yes Yes

8.3 Local Controls – SSLEP 2006 and SSDCP 2006

The statement of compliance below contains a summary of applicable development controls and a compliance checklist relative to these. It should be noted that the proposal was lodged under the original draft SSDCP 2015 which has since been amended and adopted by Council as of 21 September 2015. As such, some minor non-compliance has resulted and has been detailed below:

Standard/Control	Required	Proposed	Compliance
Sutherland Shire Local Environmental Plan 2015			
Building Height	13m	Building parapet – 12.85m Balustrade – 13.6m Pergola – 14.8m Lift overrun -15.8m	No –24% Variation (See ‘Assessment’ Section of report)
Floor Space Ratio	Max. 2:1	1.66:1	Yes
Draft Sutherland Shire Development Control Plan 2015			
Landscaped Setback Ch 14.4.2	6m to Veno Street 6m to Rosebery Street	4.5m max. setback 4.0m max. setback	No – 15% Variation (See ‘Assessment’ Section of report) Yes – complies with previous Draft SSDCP 2015 (at the time of lodgement a 4m setback to Rosebery Street was required).
Side and Rear Setbacks Ch 14.9.3	Setback from boundary where the façade contains windows from bathroom and/or laundry, storage, or highlight windows only = 4.5m Setback from boundary where the façade contains windows from habitable rooms including living rooms, kitchens, bedrooms, or studies, and/or balconies = 6m	<i>Western setback:</i> 4m (habitable) to Rosebery Street <i>Eastern setback:</i> 3m (habitable) <i>Northern setback:</i> 8m (habitable) – adjoins lower density zone <i>Southern setback:</i> 4.5m (habitable) to Veno Street	Yes – discussed above No – discussed in ‘Assessment’ section of this report Yes No – discussed above
Daylight Access Ch 14.9.7	Min 70% get 2 hours 9am–3pm midwinter	65% achieved	No – discussed in ‘Assessment’ section of this report
Primary Balcony	Min Area and	Min 12m ² with width	Yes

Ch 14.9.10	Dimension 12m ² / 2.5m	/ depth min 2.5m	
Secure Storage Ch 14.9.14	6m ³ per 1br apartment 8m ³ per 2br apartment 10m ³ per 3br apartment	Adequate storage provided	Yes
Communal Open Space Ch 14.9.17	25% of the site Min. Dimension 3m	Ground level: 554.4m ² Level 4: 419m ² Total: 973.7m ² (26.5%) Dimension 12m max.	Yes Yes
Adaptable and Liveable Housing Ch 14.10	Min 20% adaptable Min 10% liveable	Min 30% adaptable (including parking)	Yes (at the time of lodgement the Draft SSDCP 2015 required 30% adaptable dwellings)
Car Parking Residential Ch 14.13	Min. 1 space per unit Max. 2 space per unit No visitor car space	132 spaces provided 3 car wash bays	Yes
Motor Cycle/ Bicycle Parking Ch 35	1 per 10 car spaces	14 bike spaces 4 motorcycle spaces	Yes

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

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

9.1. NSW Police (Sutherland Local Area Command)

Comment: The proposal was referred to NSW Police for review. No comments were received within the statutory timeframe.

9.2. Architectural Review Advisory Panel (ARAP)

Comment: The development has been reviewed by the ARAP on 2 occasions (Pre-DA and during the DA assessment process). The proposal was modified prior to lodgement of the DA in response to the Panel's Pre-DA comments. At the latest meeting during assessment of the DA, the Panel indicated their general support for the scheme subject to the further resolution of the following matters:

- The improved transition in scale in regards to the zone interface to the north and surrounding locality.
- The refinement and reconfiguration of the communal open space area and suggestion of a rooftop garden.
- Improved presentation to each street frontage, including the removal of excessive, closed fencing and;
- Ensuring compliance with ADG, in particular, solar access, percentage of south facing units, apartments depths and floor to ceiling height requirements.

A copy is attached at Appendix C.

9.3. Architect

Comment: A review of the amendments made to the proposal in response to the recommendations of ARAP has been undertaken by Council's Architect. Overall, the revised design has adequately adopted the recommendations of ARAP. Further revision of setbacks and landscaping is desirable and has been recommended as conditions of consent (discussed below in 'Assessment'). Nevertheless, the development proposal is appropriate in its site planning, mass and design and reasonable amenity will be afforded to future occupants and adjoining properties. The application is supported on its urban design quality and architectural merit.

9.4. Landscape Architect

Comment: Council's Landscape Architect has undertaken an assessment of the application with respect to landscaping, tree removal and retention, the endangered ecological community (STIF) and general site planning. No objections to the development proposal have been raised subject to the imposition of appropriate conditions of development consent including the requirement for a detailed landscape plan, tree retention and replacement, reinforcement of the Sydney Turpentine Iron Bark Forest and frontage improvements.

It should be noted that the applicants revised Architectural plans were not accompanied by a landscape plan. As such, the landscape scheme has been largely designed by Council's Landscape Architect. See 'Appendix D' for annotated plans.

9.5. Traffic Engineer

Comment: Council's Traffic Engineers have undertaken an assessment of the proposed development with regards to parking provision, traffic impact, pedestrian safety, waste services and site access. No objections have been raised with regards to external traffic and safety impacts and adequate on-site parking is provided in conjunction with the proposed development.

9.6. Engineering (Assessment Teams)

Comment: Council's Engineer has undertaken an assessment of the application with respect to stormwater disposal, car parking design, provisions, access arrangement and manoeuvrability, site management and excavation. Generally, no objections to the development proposal have been raised, subject to suitable conditions of development consent.

9.7. Communities Unit

Comment: Council's Communities Unit has undertaken an assessment of the proposed development with respect to social impact, crime risk and prevention, adaptable housing and general accessibility. Generally, no objections to the development proposal have been raised, subject to suitable conditions of development consent.

9.8. Environmental Health

Comment: Council's Area Environmental Health Officer has undertaken an assessment of the application with respect to noise and amenity impacts and ventilation and advised that no objection is raised to the development proposal, subject to the imposition of suitable conditions of development consent.

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

10.1 Height

A maximum building height of 13m applies to the site pursuant to Clause 4.3 and the Height of Buildings Map of SSLEP 2015. The proposal has a maximum height of 15.8m within the southern portion of the site. The isolated area of encroachment includes only the lift overrun, fire stairs, balustrade and pergola proposed on the rooftop communal open space area on the western portion of Building A which was added in response to Council's Architectural Review Panel's comments. Therefore the proposal fails to comply with the height of buildings development standard of SSLEP 2015.

The objectives of the height of buildings development standard set out in clause 4.3 (1) of SSLEP 2015 are as follows:

- (a) *to ensure that the scale of buildings:*
 - (i) *is compatible with adjoining development, and*
 - (ii) *is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and*
 - (iii) *complements any natural landscape setting of the buildings,*
- (b) *to allow reasonable daylight access to all buildings and the public domain,*
- (c) *to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,*
- (d) *to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,*
- (e) *to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones,*
- (f) *to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas.*

Objectives (a), (b), (c) and (d) are relevant to the proposal and are considered to be achieved. Given that the non-compliance is isolated to the lift over run, pergola and fire stairs, there are no detrimental effects to adjoining properties in terms of views, privacy, overshadowing and visual intrusion as a result of the departure. The non-compliance is located in such a way that it will not be readily visible from the street and adjoining properties and will not impede on views, vistas or result in detrimental overshadowing impacts. In order to further minimise the non-compliance when viewed from the street and surrounding properties, a condition of consent is recommended to 'flip' the fire stairs and lift to ensure the lift over run (the highest point) is setback further within the roof plane and to the east of the rooftop. This is because Rosebery Street is the more sensitive, low density edge of the development site and so the height must be kept to a minimum at that side.

The proposed development is located within zone B2 – Local Centre. The objectives of this zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To create an attractive, vibrant and safe public domain that has both a high standard of urban design and public amenity that is designed to cater for the needs of all ages and abilities.*
- *To encourage housing suitable for the needs of an ageing population.*
- *To allow for residential dwellings while maintaining active land uses at street level.*
- *To provide a mix of compatible land uses and building forms that act as a transition to the surrounding residential neighbourhood.*

The development proposed is consistent with the objectives of the zone as it encourages a

suitable mix of housing in an accessible location, close to public transport and community facilities.

The applicant has lodged a written request in accordance with the requirements of clause 4.6 of SSLEP 2015.

A full copy of this request is held at Appendix E and the most relevant points are summarised below:

“...the entire proposal complies with the applicable height limit and the proposal will generally appear in the streetscapes of Veno Street and Rosebery Street as a form that is compliant and envisaged by the planning controls. The area of non-compliance is setback towards the centre of building and will not be visible from adjoining properties. Accordingly, it is considered that the proposed height breach will not result in a building form that is antipathetic to the character objectives of the height control. Compatibility with adjoining development is driven more so by boundary setbacks, landscape treatments, materiality and the general massing of the building, all of which are considered acceptable. In addition, the proposed height non-compliance does not relate to parts of the building that contribute to calculable floor space.

...The areas of the proposed height breach will not result in any additional shadow on adjoining properties beyond that which is cast by the compliant parts of the building. Similarly, the public domain will not be additionally affected...

...The location of the proposed roof terrace occupies the part of the roof that is separated by greatest distance to adjoining properties. There will be no view lines from the terrace into adjoining properties, there are no views that will be affected, overshadowing is not increased beyond the compliant parts of the building and the non-compliant building element will in fact not be visible from adjoining properties...

...The area of non-compliance will not be visible from adjoining residential properties and will in no way dominate the building form when visible from limited vantage points in the public domain. The site is not visible from any waterways or public reserves.

Whilst the subject site is at the boundary between two zones, the height breach relates to an isolated element of the roof which is the furthest removed part of the roof from the adjoining residential properties. Accordingly, the proposed area of height breach is not considered to have any negative implication for the transition of development to the adjoining residential zone”

The communal terrace area was highly recommended by ARAP in order to satisfy communal open space requirements of the ADG in terms of both space and solar access. The inclusion of the rooftop communal open space therefore, has environmental planning grounds as it provides an appealing north-facing space for future residents. Further, the proposed non-compliance does not add to the bulk of the proposal or contribute to floor space.

To minimise the impacts from its use on the amenity of surrounding residential properties it is proposed to place limitations on the use of the communal roof top area (i.e. not before 6am on any day and end no later than 9pm Sundays-Wednesdays or 10pm Thursdays-Saturdays, and no amplified music). Further, suitable edge treatment has been proposed to limit direct views to the internal areas of the adjoining properties, including 1.5m setback of the communal open space from the western and southern sides of the building.

The non-compliance is considered to be in the public benefit as it increases the amenity future residents to utilise the communal space. Furthermore, the lift over-run is required for accessibility to the rooftop and so cannot simply be deleted as this would exclude mobility

impaired users of the communal open space.

As such, the applicant's written submission demonstrates that compliance with the height development standard is unnecessary in the circumstances and satisfies the Clause 4.6 criteria. It also demonstrates sufficient environmental planning grounds to justify varying this development standard. The proposed variation does not raise any matters of State or regional environmental planning significance.

In conclusion the variation to the height development standard satisfies all relevant parts of clause 4.6 and therefore the variation can be supported, subject to the imposition of appropriate conditions of consent.

10.2 Zoning and Context

The site is located within the area identified by SSLEP2015 as the Heathcote Centre. Buildings of the scale and density proposed are permissible in the centre, although few sites have been redeveloped at this stage and the proposal will be the first to realise anything close to the development standards within the newly gazetted SSLEP 2015. The land adjoining to the east fronting Veno Street are able to be developed to the same scale and with minimal landscaping and setback requirements, as is typical of 'centre zones' under SSLEP 2015.

It should be noted that the site was similarly zoned under the previous SSLEP 2006 (Zone 9 – Local Centre). The site had a density of 2:1 and a height limit of 3 storeys. As such, with the gazettal of SSLEP 2015, the height limit was increased to 13m to allow a 4 storey development, whilst the FSR remained the same.

The proposal is located on the periphery of the zone and there is little in the way of transition between the 'Centre' and the surrounding, lower-density residential land. Providing this transition whilst still realising a commercially acceptable yield is the major challenge for redevelopment of the site.

The development is mostly compliant with the numeric requirements contained within the Apartment Design Guidelines and Council's LEP and Draft DCP. However, the location of the site at the currently under-developed periphery of the centre highlights a fundamental disconnect between the desired future character of the centre and the existing character of the area. The development reads, and is likely to for some time, as an isolated larger residential development, surrounded by smaller, low density buildings.

As the subject site is at the very edge of the Centre, any new building should relate as closely to the scale and proportions of the nearby residential development as to the desired future built form of the Centre. The subject site is located at the most prominent interface between the Centre and the more 'suburban' parts of Heathcote, where it is important for buildings to create a more sensitive and less abrupt, transition in scale and density.

Whilst the 4 storey design of the development is relatively abrupt in its transition to surrounding 1 and 2 storey buildings, it has been adequately demonstrated through the design of the building that its scale and appearance can provide a transition between the centre and its surrounds through increased setbacks and landscaping treatment. Given the zoning and the desired future character of the locality, it is considered that the proposed development is appropriate. However, as discussed in the sections below, minor modifications are required to setbacks in the most sensitive sections to achieve appropriate relationships with neighbouring site, and the landscaping scheme needs significant revision in order to read as a less "urban" response to the area.

10.3 Street Setbacks

The provisions of Draft SSDCP 2015 require a minimum 6.0m landscaped setback be provided to Veno Street and Rosebery Street. The proposed development is sited at a minimum setback of 4.5m to Veno Street and 4.0m to Rosebery Street. It should be noted that the proposal complies with the previous version of Draft SSDCP 2015 with regard to the 4m setback to Rosebery Street.

Whilst the eastern side of Rosebery Street has an established street setback of 7.5m, the 'open' design of the basement at ground level and the landscaped 8m setback to the northern boundary ensures the proposal provides a degree of transition in this respect.

The setback of 4.5m to Veno Street is compatible with the existing and desired future streetscape character, as it is anticipated that should redevelopment occur on allotments adjoining to the east, a similarly reduced setback will be provided. A 'shop top housing' development exists at a nil setback approximately 50m to the east of the subject site along Veno Street and there will need to be some transition along the street edge to this building line. The deficient setbacks do not inhibit the development's ability to satisfy the objectives of the setback control and enables the development to maximise building internal separation and improve the transition and its future relationship to the lower density zone to the north.

The frontage design and façade treatment incorporate suitable articulation and architectural detailing maintaining appropriate perceptions of openness and transition between the development and its surrounds.

10.4 Building Separation and Setbacks

The proposal involves non-compliance with the ADG building separation controls on the northern and western sides. The applicant seeks to rely on the non-habitable room definition as stated in Draft SSDCP 2015, where a highlight window is recognised as a 'non-habitable' room.

As previously discussed, the site adjoins a lower density zone to the north. For buildings up to 4 storeys, the ADG recommends a setback of 6m to habitable rooms from the boundary and an additional 3m setback where the site adjoins a lower density zoning. In this regard, a 9m setback to the north is required. The development provides an 8m setback to the north. Whilst the development does not strictly comply with the recommended setbacks, the landscaping provided along the northern boundary (provided to reinforce the STIF community) will offer increased privacy and contribute to the transition of the development and is therefore considered acceptable.

In accordance with the ADG, a setback of 6m is recommended from the eastern boundary to habitable rooms, whereas the current proposal provides a 3m setback. The eastern elevation contains habitable rooms (predominately living areas) with highlight windows. Given the sensitivity of the northern boundary and the undeveloped site adjoining to the east, it is recommended that the eastern setback to the northern building (Building B) should comply with the 6m requirement of the ADG, resulting in an additional 3m setback. This will ensure that the impacts of the proposal to existing development to the north and north-east will be minimised. The increased setback will also allow the required building separation to be achieved by future redevelopment of the site adjoining the east. A condition of consent has been recommended in this regard.

The increased setback will not necessarily result in an overall reduction in apartment yield, however, it may result in the loss of bedrooms for some apartments. The southern building (Building A) is to remain as proposed. Given the location of this building at the street frontage away from residential uses the reduced setback will not directly affect adjoining developments. Other internal amenity benefits of this recommended change are discussed below.

10.5 Residential Amenity

The proposal does not comply with the solar access requirements specified in the ADG (see compliance table), in terms of both solar access to living areas and units that do not receive direct solar access. As specified in the compliance table above, the proposal includes 12 units (20%) that do not receive direct sunlight. In order to slightly improve the proposal in this regard, a condition of consent that requires the amalgamation of units G10 and G11 into a two bedroom unit has been recommended. This is to improve the outlook, functionality and solar access requirements for unit G10 in particular, which is considered a very poor apartment.

In addition to the increased eastern boundary setback to 6m (discussed above in 'Building Separation and Setbacks' and recommended as a condition). Opportunities to provide solar access to poorly orientated units in the south-eastern corner of Building B will arise. The windows provided on the eastern elevation of 'Building B' should be amended to be 'floor to ceiling' to increase solar access to corner units and reflect the proposed window treatment proposed on the western, southern and northern elevations. A condition of consent has been recommended in this regard. 'Building A' is recommended to remain as proposed.

The remaining units that do not satisfy the above requirement are a product of the orientation and layout of the proposed buildings. The 2 east-west buildings are designed to maximise the building's northern elevation to ensure maximum solar access. Louvered panels on the roof have been provided to enable sun to be provided to private balconies for south facing units on level 3, which aids in improving the amenity for future residents.

10.6 General Urban Design

SEPP 65, ADG, SSLEP 2015 and Draft SSDCP 2015 contain relevant matters of consideration relating to urban design and residential amenity. The development incorporates a notably more modern aesthetic than surrounding buildings, however it respects the zoning and desired future character of the area as a local centre. The application was considered by the Architectural Review Advisory Panel (ARAP) and amendments have been made in response to the recommendations made. The proposal is generally of a density, height, bulk and scale anticipated in the zone.

Given its location at the periphery of the 'centre' zone and being the first site to realise the height and density controls of the recently gazetted SSLEP 2015, the proposal must ensure it integrates appropriately with the adjoining lower density residential context, public domain and future centre development. In this respect, the proposal is considered to integrate appropriately with the surrounding area, subject to the increased setback to the north and eastern boundary (discussed above in 'Building Separation and Setbacks'). Minor variations to the ADG in terms of plan depths and separation are considered to be acceptable.

Matters relating to ecologically sustainable development, energy efficiency and sustainable building techniques have been considered and the proposal incorporates appropriate measures and construction techniques in conjunction with the development.

The Crime Prevention through Environmental Design (CPTED) principle aims have been considered with regards to potential safety and security issues associated with the design of the development. The proposed new works provide suitable opportunities for both active and passive surveillance. The development is considered appropriate subject to suitable conditions of consent incorporating additional CPTED treatment measures.

The provision of adaptable housing and an accessible built environment are required to be provided in accordance with Draft SSDCP 2015. The residential entries respond appropriately to the existing levels in the public domain. Adequate facilities and provisions (e.g. parking, sanitary facilities) are accommodated within the development to enable an accessible built environment (including parking).

10.7 Overshadowing

Submissions were received during the exhibition period by No. 7-9 Veno Street and Heathcote Public School. The submissions state that both properties will be adversely impacted by the proposal due to overshadowing.

The classrooms located to the north of the school site will be impacted by overshadowing during the morning period on the winter solstice; however, the school maintains full solar access at midday and during the afternoon. The proposed development will allow the school site to maintain adequate solar access and is therefore fully compliant with Draft SSDCP 2015. It should be noted that the playground and 'open' vegetated areas within the school will not be affected by overshadowing from the proposal.

The proposal will result in overshadowing to No. 7-9 Veno Street during the afternoon of the winter solstice. Given the overshadowing of this site is isolated only to the afternoon period, the proposal retains an acceptable and sufficient level of solar access to the adjoining site and therefore satisfies Draft SSDCP 2015.

10.8 Privacy

Privacy and overlooking to surrounding residential properties and the school site has been highlighted in submissions as being of concern. Given the setbacks of the proposal, the closest distance between the development and surrounding residential properties along Rosebery Street and the school is approximately 20m and 30m respectively. The site also adjoins a dwelling house to the north.

Overlooking to the north is mitigated through increased setbacks and landscape treatment. Upper levels of the proposal will have sight lines over the dwelling house and will not directly windows or private open space areas of this property.

Given the approximate distance between the proposal and surrounding dwellings along Rosebery Street and the school, overlooking and expected to be minimal and it is considered that such properties will retain an adequate amount of privacy.

10.9 Natural Environment

The subject site is located on the eastern periphery of the Georges River Catchment and is subject to the provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. Stormwater from the development is proposed to be collected and discharged to Council's existing infrastructure within Rosebery Street.

The stormwater treatment measures are considered appropriate and are supported, subject to suitable conditions of development consent. This includes the provision of rainwater harvesting to be utilised for irrigation of the new landscaped areas. Suitable site environmental site management details have been provided with the application so as to protect the environmental quality of the catchment area and to minimise adverse impacts which may be presented to water quality during construction. It is considered that no detrimental impact is presented to the environmental quality of the catchment.

10.10 Road Noise

The subject site is identified as a noise sensitive development as it is located within 200m of the Princes Highway. The annual average daily traffic (AADT) volume is greater than 40,000 vehicles, and the provisions of Draft SSDCP 2015 and the Infrastructure SEPP 2007 apply.

The development application has been accompanied by a noise assessment, which indicates that the development is capable of being occupied without an unacceptable impact on residential amenity. Noise attenuation measures and design criteria are required to be

adopted in accordance with the NSW Department of Planning's publication *Development near Rail Corridors and Busy Roads – Interim Guidelines* and the relevant Australian and International Standards should the application be supported.

10.11 Archeologically Sensitivity

Council records indicate that the subject site is rated "low" in terms of Archaeological Sensitivity and the immediate locality has been previously surveyed. There is no apparent evidence of shell material or archaeological features within the site at present. The site has been disturbed previously.

Nevertheless, a condition is recommended to be imposed on the development consent to ensure that appropriate steps be taken should archaeological discoveries be made during the course of works. The requirement for an Archaeological Study to be undertaken is considered to be unwarranted.

11.0 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 Contributions Plans. These contributions include:

Open Space:	\$585,870.84
Community Facilities:	\$99,018.80

These contributions are based upon the likelihood that this development will require or increase the demand for local and district facilities within the area. It has been calculated on the basis of 76 new residential apartments (in accordance with conditions of consent) with a concession of 5 existing allotments.

12.0 DECLARATION OF AFFILIATION

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 a declaration has been made that there is no affiliation.

13.0 CONCLUSION

The proposed development is for a residential flat building at 30 Rosebery Street, Heathcote and 11-15 Veno Street, Heathcote.

The subject land is located within *Zone B2 – Local Centre* pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a residential flat building, is a permissible land use within the zone with development consent.

The development is generally worthy of support as it reflects the desired future character of development within the Heathcote Centre as envisaged under SSLEP 2015. The buildings are generally well designed and, subject to minor amendments at the more sensitive edges, will sit comfortably within the desired future context of the Heathcote Centre.

It is acknowledged, however, that the buildings will result in an abrupt transition between the centre zone within which they are located and the surrounding lower density zones. This report recommends a substantially upgraded scheme of landscaping and slightly increased setbacks at one corner of the site in order to improve this relationship.

In response to public exhibition, 12 submissions to the proposal were received and whilst concerns raised cannot be satisfied in full with any re-development of the land in a capacity

as envisaged and anticipated under SSLEP2015, where appropriate suitable design changes have been made or conditions of development consent are recommended to minimise impacts and to improve amenity.

The proposed variations (including building height, setbacks and separation between adjoining developments) are considered acceptable with resolution of the final design and recommended conditions of consent. Whilst the development presents a modern design that does not directly reflect the existing context of the locality, in light of the desired future character of Heathcote Centre, the proposal is acceptable. On balance, this assessment considers that the site is suitable for a building of the type, use and size proposed, subject to the imposition of appropriate conditions of consent.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the provisions of Sutherland Shire Local Environmental Plan and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that Development Application No. DA15/0936 may be supported for the reasons outlined in this report.

14.0 RECOMMENDATION

- 14.1 That pursuant to the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the Objection submitted in relation to the requested variation of the building height development standard (13m) under Clause 4.3 of Sutherland Shire Local Environmental Plan 2006 is considered to be well founded and is therefore supported. Accordingly, the provisions of Clause 4.6 are invoked and this development standard is varied to 15.8m in respect to this development application.
- 14.2 That Development Application No. DA15/0936 for the demolition of existing structures and the construction of a residential flat building comprising 77 apartments Lot 18 Sec A DP 2499, Lot B DP 384089, Lot 21 DP 881235, Lot 22 DP 881235, S/P 63259, Lot 1 S/P 63259, Lot 2 S/P 63259, Lot 3 S/P 63259 30 Rosebery Street, Heathcote, 13 Veno Street, Heathcote, 15 Veno Street, Heathcote, 11 Veno Street, Heathcote, 11A Veno Street, Heathcote, 1/30 Rosebery Street, Heathcote, 2/30 Rosebery Street, Heathcote, 3/30 Rosebery Street, Heathcote be approved, subject to the draft conditions of consent detailed in Appendix "A" of the Report.

DRAFT CONDITIONS OF DEVELOPMENT CONSENT
Development Application No. DANo9

1. Approved Plans and Documents

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

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
A005 Rev. B	Site Plan	Tony Owen	Prepared 29 October 2015
A090 Rev. B	Basement 2 Plan	Tony Owen	Prepared 29 October 2015
A091 Rev. B	Basement 1 Plan	Tony Owen	Prepared 29 October 2015
A100A Rev. B	Ground Floor Plan	Tony Owen	Prepared 29 October 2015
A100 Rev. B	Ground Floor Plan	Tony Owen	Prepared 29 October 2015
A101 Rev. B	Level 1 Floor Plan	Tony Owen	Prepared 29 October 2015
A102 Rev. B	Level 2 Floor Plan	Tony Owen	Prepared 29 October 2015
A103 Rev. B	Level 3 Floor Plan	Tony Owen	Prepared 29 October 2015
A110 Rev. B	Roof Plan	Tony Owen	Prepared 29 October 2015
A130 Rev. B	Adaptable Units 1	Tony Owen	Prepared 29 October 2015
A131 Rev. B	Adaptable Units 2	Tony Owen	Prepared 29 October 2015
A132 Rev. B	Adaptable Units 3	Tony Owen	Prepared 29 October 2015
A200 Rev. B	Building A South Elevation	Tony Owen	Prepared 29 October 2015
A201 Rev. B	Building A North Elevation	Tony Owen	Prepared 29 October 2015
A202 Rev. B	Building B South Elevation	Tony Owen	Prepared 29 October 2015
A203 Rev. B	Building B North Elevation	Tony Owen	Prepared 29 October 2015
A204 Rev. B	Building B + A West Elevation	Tony Owen	Prepared 29 October 2015
A205 Rev. B	Building B + A	Tony Owen	Prepared 29

	East Elevation		October 2015
A300 Rev. B	Section AA	Tony Owen	Prepared 29 October 2015
A301 Rev. B	Section BB	Tony Owen	Prepared 29 October 2015
A302 Rev. B	Section CC	Tony Owen	Prepared 29 October 2015
A404 Rev. B	Waste Management Plan	Tony Owen	Prepared 29 October 2015
A411 Rev. B	Construction Waste Management Plan	Tony Owen	Prepared 29 October 2015
D200 Rev. 2	Hydraulic Design Ground Water Stormwater Drainage Plan	Jones Nicholson Consulting Engineers	Prepared 30 October 2015
D100 Rev. 2	Hydraulic Design Basement 2 Stormwater Drainage Plan	Jones Nicholson Consulting Engineers	Prepared 30 October 2015
A110 Rev. B	Annotated Roof Plan	Tony Owen/Councils Landscape Architect	Prepared 29 October 2015
A400 Rev. B	Annotated Landscape Calculation Plan	Tony Owen/Councils Landscape Architect	Prepared 29 October 2015
001 Rev. C	Landscape Works Site Plan	Formed Gardens	Prepared 18 August 2015
002 Rev. C	Landscape Works Central Communal Space	Formed Gardens	Prepared 18 August 2015
003 Rev. C	Landscape Works Elevations/Details	Formed Gardens	Prepared 18 August 2015

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 or subdivision 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 and/or subdivision works with a minimum of 2 days notice of such commencement.

Under section 109E(2) 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.

2. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) 'Building B' shall have an increased setback to the eastern side boundary of 6m.
- ii) All windows on the eastern elevation of 'Building B' are to be floor to ceiling (with glazing up to 1200mm fristed or similarly treated for privacy) to improve solar access.
- iii) The fire stairs and lift shaft located in the South-Western portion of 'Building A' should be 'flipped'. The lift shaft shall be at the east and the fire stairs on the western side in order to reduce any visibility of the lift overrun which exceeds Council's height limit, from the west.
- (iv) The balustrade located on the rooftop communal open space shall be setback 1.5m from the western and southern edge of the roof of 'Building A'.
- (v) Unit's G10 and G11 should be combined and reconfigured to be one 2 bedroom unit.

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

3. Extinguish 'SEPP No. 5' restriction

A. Before Construction

The restriction on SP 63259 (No. 30 Rosebery Street) under SEPP No. 5 should be prior to obtained a Construction Certificate.

4. Public Place Environmental, Damage & Performance Security Bond

A. Before Construction

Prior to the issue of a Construction Certificate, the person acting on this consent must provide security to Sutherland Shire 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 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 two (2) days prior to the commencement of works.

In the event that the dilapidation report is not submitted two 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 \$20,000.00.

Note: Bond amount includes a non refundable administration fee which must be paid separately.

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 multiply 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.

The Contributions Plan may be viewed on line on Council's web page (search for S94 Contributions Plan). A copy may also be viewed or purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

5. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$585,870.84 must be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 76 new residential apartments, with a concession for 5 existing allotments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

6. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$99,018.89 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis of 76 new residential apartments, with a concession for 5 existing allotments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate

7. 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.

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.

8. Design and Construction of Works in Road Reserve (Council Design)

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end an application under the Roads Act shall be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate, for a road frontage design drawing and consent to undertake the required frontage works. This design will generally comply with the approved architectural design drawings, except where amended and/or addressing the following;

- i) Establish the property alignment levels and crossing profiles,
- ii) Construct a 9m wide vehicle crossing within Roseberry Street,
- iii) Remove redundant driveway crossings and reinstate kerb & gutter
- iv) Construct new kerb inlet pit and associated lintel within Roseberry Street

- between the proposed driveway crossing and the existing crossing to No.26 Roseberry Street.
- v) Construct new stormwater pipeline from proposed pit within Roseberry Street to existing Council pit (Id#2849) at the intersection with Strickland Street.
 - vi) Reconstruct road pavement where required
 - vii) Kerb & gutter/edge strip where required,
 - viii) Construct footpath pavement and associated pram ramps along the frontage of Veno Street from the intersection with Roseberry Street to the existing footpath pavement at the boundary between No.5 & No.7 Veno Street. The footpath pavement must be located directly adjacent to the kerb & gutter.
 - ix) Alter / install street signage where required,
 - x) Regrade, topsoil, turf and landscape the footpath verge to final design levels,
 - xi) Adjust public services infrastructure where required,
 - xii) Install three (3) street trees as indicated on the Landscape Calculation Plan (Revision B, dated 29/10/15), and
 - xiii) Ensure there are adequate transitions between newly constructed and existing infrastructure.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Construction Certificate.

B. Before Construction

Prior to the release of the Construction Certificate property alignment levels and crossing profiles must be obtained from Sutherland Shire Council.

C. Before Occupation

Prior to the occupation of the building or the issue of an Occupation/Subdivision Certificate the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify the road frontage works were constructed to their satisfaction and in accordance with the development consent and associated Roads Act consent.
- ii) The supervising arborist, landscape designer or landscape architect must certify the street trees are the correct species and were installed in accordance with the development consent and associated Roads Act consent.

9. 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 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
- vii) In addition to the requirements above, a 'Construction Traffic Management Plan' is to be commissioned for the development and is to take into account, among other things, measures to specifically avoid clashes with traffic associated with the adjacent school. All construction and trades vehicles, but particularly large heavy vehicles should avoid moving about the site during the hours of 8.30am-9.30am and 2.30pm-3.30pm on weekdays and when such movements are unavoidable or when large heavy vehicles must access the site (for example, concrete pours) traffic wardens are to be engaged. The safety of children, other pedestrians and parents in the surrounding streets should inform this plan.

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.

10. 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.

11. Internal Driveway Profile

A. Before Construction

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.

B. Design

The internal driveway profile must be designed to:

- i) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- ii) Align with Council's issued footpath crossing levels.
- iii) Provide a maximum grade of 5% for the first 3 metres inside the property boundary.
- iv) Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- v) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the ### vehicle.
- vi) The maximum longitudinal grade of the driveway must not exceed 25%.

Certification by an appropriately qualified person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

12. Parking Areas and Access

A. Design

All vehicular access, parking and manoeuvrability including loading areas for the proposed development must be designed and constructed to comply with AS2890.1 - 2004.

The following specific requirements must be incorporated into the design:

All vehicular access, parking and manoeuvring areas including loading areas must be designed and constructed to comply with AS2890.1 - 2004.

The following specific requirements must be incorporated into the design:

- i) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- ii) The ingress and egress crossing must be clearly identified by signage.
- iii) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings.
- iv) The car park must be line marked to accommodate ### vehicles.
- v) The internal driveway and car parking area must be paved using materials other than plain or exposed aggregate concrete.

B. Before Construction

Certification of the above must accompany the application for a Construction Certificate.

13. Basement Car Park Design

A. Design

The basement car park must be designed in accordance with AS 2890 and must incorporate the following:

- i) 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.
- ii) Any garage must have a minimum width of 3m with a minimum door opening of 2.75m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.
- iii) The proposed 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.
- iv) Where a remote controlled garage door is fitted when fully opened it not encroach into the space envelope specified in figure 2.7 of AS2890.6:2009.
- v) The adaptable residential parking spaces must comply with AS4299
- vi) The adaptable visitor's parking spaces must comply with AS2980.6

B. Before Construction

Certification of the above must accompany the application for a Construction Certificate.

14. Drainage Design - Detailed Requirements

A. Design

The stormwater drainage system must be connected to Council's existing piped system and designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued for this development.

The design must include;

- i) A detailed drainage design supported by drainage calculations
- ii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- iii) A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- iv) Water from pathways and access drives shall be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.
- v) The rate of discharge of stormwater from the site to a drainage system under Council's control shall be controlled so that it does not exceed the

- pre-development rate of discharge.
- vi) Where pipelines are located within the “tree protection zone” of significant vegetation to be retained, the lines shall be excavated by hand or by directional underboring techniques to reduce any adverse impact on the root zone of the trees.
 - vii) Install a rainwater tank with the minimum volume of 10m3

B. Before Construction

Certification issued by an appropriately accredited person to the effect that these design requirements have been met must accompany the application for a 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 the pipelines, pits and rainwater tanks. 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 stormwater drainage works, rainwater harvesting facility and rainwater reuse systems 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 shall be maintained in good operating order at all times.

Note: Upon approval of the stormwater management designs a notation will be added to the 149 certificate in relation to any required detention facility or stormwater treatment device.

15. Noise Control During Construction and Demolition

To minimise the impact on the surrounding environment:

A. During Works

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.

16. 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.

17. Public Utilities - Subdivision

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.

18. Allocation of Common Property

A. Ongoing

Common property must not be allocated by the Owners Corporation for the exclusive use of a proprietor. No modification may be made to a Plan of Strata Subdivision without the prior development consent of Council.

19. 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:

Itemise specific additional landscape details - must be prescriptive

- i) The detailed design changes as shown in yellow on the Landscape Calculation Sheet (Revision B, dated 29/10/15) as well as the Roof Plan (Revision B 29/10/15).
- ii) Tree Protection Zones (TPZ) must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- iii) 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/OSD tank, to enable effective landscape maintenance.
- iv) 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/OSD tank.

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, Gympie
Ph: 02 9524 5672

20. Trees on Private Land

A. Tree Removal

The removal of the following trees is approved:

- i) Trees identified in the Arboricultural Assessment Report prepared by Jacksons Nature Works, Annexure C: Tree Impact Plan and as listed below:

Tree No.	Tree Species (botanical and common name)	Location
3	<i>Melia azedarach</i> (White Cedar)	Refer to Annexure C of the Arboricultural Assessment Report prepared by Jacksons Nature Works
4	<i>Melia azedarach</i> (White Cedar)	“
5	<i>Howea fosteriana</i> (Kentia Palm)	“
6	<i>Howea fosteriana</i> (Kentia Palm)	“
7	<i>Archontopheonix cunninghamiana</i> (Bangalow Palm)	“
8	<i>Archontopheonix cunninghamiana</i> (Bangalow Palm)	“
9	<i>Pheonix canariensis</i> (Date Palm)	“
25	<i>Pittosporum undulatum</i> (Hairy Pittosporum)	“
30	<i>Erythrina sykesii</i> (Coral Tree)	“
37	<i>Acacia baileyana</i> (Cootamundra Wattle)	“
38	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	“

- 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 Development Control Plan 2015 requires indigenous replacement canopy tree planting at a ratio of 4 to 1 on private land.
- ii) 32 replacement trees are required to be planted.
- iii) A minimum number of 32 indigenous trees must be planted on the site. The trees selected must be planted within 3m of the front or rear setback of the subject property and not within 3m of a building or proposed building or swimming pool.
- 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.

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 (SSCDP 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 Boulevarde, Gymea
Ph: 02 9524 5672

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

21. 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 the Landscape Calculation Sheet (Revision A, dated 14/08/15) 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)	Refer to Landscape Calculation Sheet
19	<i>Banksias serrata</i> (Old Man Banksia)	"

20	<i>Banksias serrata</i> (Old Man Banksia)	“
21	<i>Banksias serrata</i> (Old Man Banksia)	“
22	<i>Banksias serrata</i> (Old Man Banksia)	“
23	<i>Angophora costata</i> (Sydney Red Gum)	“
24	<i>Banksias serrata</i> (Old Man Banksia)	“
26	<i>Acer palmatum</i> (Japanese Maple)	“
27	<i>Michela figo</i> (Port Wine Magnolia)	“
28	<i>Glochidion ferdinandi</i> (Cheese Tree)	“
29	<i>Ceratopetalum gummiferum</i> (NSW X-mas Bush)	“
31	<i>Castenospermum australe</i> (Blackbean)	“
32	<i>Pheonix reclinata</i> (Wile Date Palm)	“
33	<i>Pittosporum undulatum</i> (Hairy Pittosporum)	“
34	<i>Castenospermum australe</i> (Blackbean)	“
35	<i>Fraxinus spp.</i> (Ash)	“
36	<i>Melia azedarach</i> (White Cedar)	“
39	<i>Angophora costata</i> (Sydney Red Gum)	“
40	<i>Eucalyptus nicholii</i> (Narrow Leaved Peppermint)	“

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

- i) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance Arborist report Tree Protection Zones listed in Annexure A prepared by Jacksons Nature Works dated 12/08/15. Signage must be erected on the fence with the following words clearly displayed “TREE PROTECTION ZONE, DO NOT ENTER”.
- ii) 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.
- iii) 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.
- iv) 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.

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.

22. Car Wash Bays

To prevent contamination of the stormwater drainage system a car-wash bay must be provided on site:

A. Design

The wash-bay must be graded to an internal drainage point and connected to the sewer.

B. Before Construction

Details of the design satisfying 'A' above must accompany the application for a Construction Certificate.

C. Before Occupation

The Principal Certifying Authority must be satisfied that

- i) 'A' above has been complied with and
- ii) any discharge to the sewer from the premises is in accordance with the requirements of Sydney Water.

D. Ongoing

All car-wash, engine degreasing and steam cleaning must be conducted in the wash-bay detailed in 'A' above. Wastewater must be treated in accordance with the requirements of Sydney Water.

23. Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Details of compliance with 'A' above must form part of the documentation accompanying the applications for a Construction Certificate.

C. Before Occupation

The works must be completed prior to the issue of any Occupation Certificate.

D. Ongoing

All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

24. External Lighting - (Amenity)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

25. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater

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.

26. Noise and Vibration Control - Residential Car Park

To minimise noise and vibration from use of the security door in the car park:

A. Design

The proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads or otherwise installed to prevent vibration noise transmission through the concrete walls and / or columns.

B. Before Occupation

The Principal Certifying Authority must be satisfied that 'A' above has been complied with.

27. Car-Park Ventilation - Alternate System

To ensure adequate ventilation for the car park:

A. Design

The car-park must be either mechanically ventilated by a system complying with AS1668.2 -1991 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at anytime it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

Details of compliance with 'A' above must form part of the application for a Construction Certificate.

C. Before Occupation

Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

The ventilation system must be operated and maintained in accordance with 'A' above.

28. 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 the NSW Workcover Authority.

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) Workcover 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 Department of Environment Climate Change & Water to accept asbestos waste.

Noise Control - Design of Plant and Equipment

To minimise the impact on the surrounding residents of all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems:

A. Design

All plant and equipment must be acoustically attenuated so that the noise emitted:

does not exceed an LAeq sound pressure level of 5dB above the ambient background noise level when measured

- a) at the most effected point on or within any residential property boundary or
- b) at the external edge of any sole occupancy unit balcony within the premises itself at any time the units operate.

and

- before 8am or after 10pm on any Saturday, Sunday or public holiday, or
 - before 7am or after 10pm on any other day
- cannot 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):

* As defined in the Building Code of Australia

Note: Noise measurement must be carried out in accordance with Australian Standard 1055.1.

B. Before Construction

Acoustic attenuation required to comply with 'A' above, must be prepared by a qualified acoustic engineer. These details must accompany the application for a Construction Certificate.

C. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

D. Ongoing

All plant and equipment must be operated and maintained in accordance with 'A' above.

29. Dilapidation Report - Adjoining Properties

A. Before Works

To assist in the resolution of any future disputes about damage to properties adjoining the development site, prior to commencement of any work on site the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings at No.s X & Y ### Street, including any basements and ancillary structures. The reports must be provided to the Principal Certifying Authority and to the owners of the properties that are the subject of the report.

The reports must be prepared by a suitably qualified and experienced person, such as a structural engineer.

30. 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.

31. Verification of Design for Construction - SEPP 65

A. Design

Design verification must be provided by a registered Architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the building / architectural plans submitted with the Construction Certificate. This must accompany the application for a Construction Certificate.

B. Before Occupation

Prior to the issue of the final Occupation Certificate design verification must be provided in accordance with SEPP 65.

32. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,
- ii) Upon completion of the roof frame.
- iii) Prior to the pouring / installation of the swimming pool shell (###)

A registered surveyor must provide the Principal Certifying Authority with Certification that the stage of structure complies with the development consent in respect of levels.

B. Before Occupation

The certification referred to above must form part of the application for an Occupation Certificate.

33. Sydney Water Tap inTM & Compliance Certificate

A. Before Construction

The plans approved as part of the Construction Certificate must be submitted to a Sydney Water Tap inTM 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. Customers will receive an approval receipt. Please refer to the web site www.sydneywater.com.au.

B. Before Occupation / Prior to issue of Subdivision Certificate

A Compliance Certificate under s73 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.

Sydney Water Advice on Compliance Certificates:

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.

34. 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.

35. 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.

36. 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

37. 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 street address for both buildings will be 11 Veno Street. The unit numbers must be addressed in accordance with the approved architectural plans

38. Car parking Areas

A. Ongoing

To ensure that the car parking area satisfies the demands of the development:

- i) it must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles
- ii) any parking nominated as visitor parking or common property must be continually available as common property.

39. Car Parking Allocation

A. Before Subdivision

Car parking must be allocated to individual strata lots as part of their unit entitlement.

Visitor parking facilities and/or car wash bays must be designated as common property on any strata plan.

Parking must be allocated on the following basis:

- Residential dwellings: 117 spaces
- Residential visitors: 15 spaces
- Car wash bay(s): 3 spaces
- Loading/servicing: 1 space

B. Ongoing

The car-parking provided must only be used in conjunction with the dwellings and/or tenancies contained within the development and not for any other purpose.

40. Hours of Operation of Rooftop Terrace

A. Occupation

The rooftop terrace may only be occupied by residents between 6am and 9pm Sunday to Wednesday and between 6am and 10pm Thursday to Saturday. No amplified music is to occur.

41. Garbage Collection

A. Ongoing

A private garbage contractor must be engaged to carry out all garbage, recycling and green waste collections. The collection must take place within the loading bay located within subject property.

42. Basement Car Park Security Requirements

A. Design

The following design requirements must be satisfied:

- i) Security shutters / roller door must be installed at the main entry to the basement car park levels. An intercom system must be installed for visitors to gain entry.
- ii) Storage rooms within the basement car park levels must be fitted with deadlocks.
- iii) The basement car park levels must be painted white to reflect light (thereby improving security), appear larger and more spacious and reduce the number of lights required to illuminate the basement.

43. Security and Crime prevention

A. Design

- i) Access control devices must be fitted to all doors and windows for each unit. All security and access control devices are to be installed to meet or exceed Australian Standards.
- ii) All car parking spaces, pedestrian routes, communal areas and entry and exit points to dwellings must be adequately lit to meet Australian Standard 1158.3.1.
- iii) Exterior fixtures and fitting must be made from robust and vandal resistant materials.

44. Undergrounding of Power Lines

B. Before Occupation

All power lines along the frontage of the site (Veno Street and Rosebery Street) must be placed underground and street lighting installed to the satisfaction of Ausgrid prior to the issue of any Occupation Certificate. A copy of certification from Ausgrid that the works have been completed to Ausgrid's satisfaction must accompany an application for any Occupation Certificate.

END OF CONDITIONS