

DEFERRED COMMENCEMENT CONSENT

Environmental Planning and Assessment Act 1979

Application Number: DA15/1345

Authority: Joint Regional Planning Panel

APPLICATION DETAILS

Applicant: Mr K Pitkanen
White And Partners
Level 17
135 King Street
SYDNEY NSW 2000

Land Description Lot 1 DP 212353
34 Railway Crescent, Jannali

Proposed Development: Demolition of existing structures, construction of a mixed use development containing 2 buildings with one commercial unit and 89 residential units and basement carparking

Date of Determination: 03 May 2016

Date of Operation Deferred Commencement

Date of Lapsing 3 November 2016

Under Section 80(3) of the Environmental Planning and Assessment Act 1979 Sutherland Shire Council grants a “**DEFERRED COMMENCEMENT**” consent for DA4 as described above, subject to the conditions specified in this notice. This consent does not operate until the applicant satisfies Council, in accordance with the Regulations, as to the matters specified in the deferred commencement condition/s.

The following conditions of consent have been imposed to reduce or eliminate any detrimental effects that the proposed development might have on the environment or the amenity of the area.

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 80(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Council as to the following matters.

The required information must be submitted within 6 months of the date of issue of this development consent.

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

1. Deferred Commencement Sydney Trains Approval/Certification (**UNI1012**)

The following must be submitted to Council:

- i) Approval/certification in writing from Sydney Trains that all matters detailed in the letter from Sydney Trains "Attachment A" dated 15 December 2015 have been resolved to the satisfaction of Sydney Trains.

PART 2 - CONDITIONS OF CONSENT

2. Approved Plans and Documents (UNI2005)

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

Plan number	Reference	Prepared by	Date
Architectural Plans			
A100- C	Cover	Mijollo International	19 April 2016
A(E)200-C	Basement 2 (East)	Mijollo International	19 April 2016
A(W)200-C	Basement 2 (West)	Mijollo International	19 April 2016
A(E)201-C	Basement 1 (East)	Mijollo International	19 April 2016
A(W)201-C	Basement 1 (West)	Mijollo International	19 April 2016
A(E)202-C	Level 1 (East)	Mijollo International	19 April 2016
*A(W)202-C	Level 1 (West)	Mijollo International	19 April 2016
**A(E)203-C	Level 2 (East)	Mijollo International	19 April 2016
A(W)203-C	Level 2 (West)	Mijollo International	19 April 2016
A(E)204-C	Levels 3-4 (East)	Mijollo International	19 April 2016
A(W)204-C	Levels 3-4 (West)	Mijollo International	19 April 2016
A(E)205-C	Level 5 (East)	Mijollo International	19 April 2016
A(W)205-C	Level 5 (West)	Mijollo International	19 April 2016
A(E)206-C	Level 6 (East)	Mijollo International	19 April 2016
A(W)206-C	Level 6 (West)	Mijollo International	19 April 2016
A(E)207-C	Level 7 (East)	Mijollo International	19 April 2016
A(W)207-C	Level 7 (West)	Mijollo International	19 April 2016
A(E)208-C	Level Roof (East)	Mijollo International	19 April 2016

A(W)208-C	Level Roof (West)	Mijollo International	19 April 2016
A301-C	Elevations North	Mijollo International	19 April 2016
A302-C	Elevations South	Mijollo International	19 April 2016
A303-C	Elevations East & West	Mijollo International	19 April 2016
A304-C	Elevations East Internal	Mijollo International	19 April 2016
A305-C	Elevations West Internal	Mijollo International	19 April 2016
A401-C	Sections A-A (Building A)	Mijollo International	19 April 2016
A402-C	Sections A-A (Building B)	Mijollo International	19 April 2016
A403-C	Sections B-B	Mijollo International	19 April 2016
A901-A	Façade Details	Mijollo International	9 October 2015
A601-C	Adaptable unit layouts.	Mijollo International	19 April 2016
<i>Landscape Plans</i>			
LA-DA-00B	Contents Page	360 degrees Landscape Architect	27 October 2015
LA-DA-01	Existing Trees Plan (West)	360 degrees Landscape Architect	27 October 2015
LA-DA-02	Existing Trees Plan (East)	360 degrees Landscape Architect	27 October 2015
LA-DA-03	Key Plan	360 degrees Landscape Architect	27 October 2015
LA-DA-04	Landscape Plan-Level 1 (Building A)	360 degrees Landscape Architect	15 March 2016
LA-DA-05	Landscape Plan-Level 2 (Building B)	360 degrees Landscape Architect	27 October 2015
LA-DA-06	Landscape Plan-Level 2 and Level 6 balcony planters	360 degrees Landscape Architect	27 October 2015

LA-DA-07	Landscape Elevation- North (Level 1 Building A)	360 degrees Landscape Architect	16 March 2016
LA-DA-08	Landscape Elevation- North (Level 2 Building B)	360 degrees Landscape Architect	16 March 2016
LA-DA-09	Planting Palette	360 degrees Landscape Architect	27 October 2015
<i>Drainage Plans</i>			
SW00	Stormwater Services Cover Sheet & Legend	Insync Services	19 October 2015
SW01	Stormwater Services Site Plan	Insync Services	19 October 2015
SW02	Basement 1 Inground Stormwater Services Plan	Insync Services	19 October 2015
SW03	Basement 1 Stormwater Services Plan	Insync Services	19 October 2015
SW04	Level 01 Stormwater Services Plan	Insync Services	19 October 2015
SW05	Level 02 Stormwater Services Plan	Insync Services	19 October 2015
SW06	Level 03 Stormwater Services Plan	Insync Services	19 October 2015
SW07	Level 04 Stormwater Services Plan	Insync Services	19 October 2015
SW08	Level 05 Stormwater Services Plan	Insync Services	19 October 2015
SW09	Level 06 Stormwater Services Plan	Insync Services	19 October 2015
SW10	Level 07 Stormwater	Insync Services	19 October 2015

	Services Plan		
SW11	Level 08 Stormwater Services Plan	Insync Services	19 October 2015
SW12	Site Sediment and Erosion Plan	Insync Services	19 October 2015
SW12	Stormwater Detention Tank Detail Sheet	Insync Services	19 October 2015
Construction Management Plan			
SK001	Stage 1 Setup- Early Works Demo& Bulk Excavation	Built	22 October 2015
SK002	Stage 2 Setup- Construction	Built	22 October 2015

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

*** With the exception of the detailed front setback “Entry Plaza” design which is subject to the future agreement with Councils Stormwater Management Branch Manager.**

**** With amendments indicated on the plan marked “Attachment A” amended by Sutherland Shire Council on 14.03.2016.**

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building or subdivision work. (###Roff to delete if no subdivision)

- i) A Construction Certificate. (### delete and renumber if subdivision only)
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority. (### delete and renumber if subdivision only)
- iii) Notification of the commencement of building works with a minimum of 2 days notice of such commencement.

3. Public Place Environmental, Damage & Performance Security Bond (FIN1015)

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 \$20,200.00.

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 (FIN3000)

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.

4. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities (FIN2005)

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 \$756,148.59 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 [89 proposed Residential Flat Units](#), with a concession for [1 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.

5. Community Facilities, Shire Wide 2003 Plan (FIN2010)

A. Before Construction

A monetary contribution of \$[125, 426.32](#) 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 [89 proposed Residential Flat Units](#), with a concession for [1 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. Approvals Required under Roads Act or Local Government Act (ENG1005)

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.

7. Design and Construction of Works in Road Reserve (Council Design) (ENG2005)

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 vehicle crossing 7m wide,
- iii) Remove redundant layback, crossing and reinstate kerb and gutter and returf to match existing natural surface levels,
- iv) Road pavement construction,
- v) Kerb & gutter/edge strip where required,
- vi) Alter / install street signage where required,
- vii) Regrade, topsoil, turf and landscape the footpath verge to final design levels,
- viii) Provide three (3) *Syncarpia glomulifera* (Turpentine) street trees in the approximate locations shown on the approved Landscape Plan.
- ix) Adjust public services infrastructure where required,
- x) Ensure there are adequate transitions between newly constructed and existing infrastructure.

Evidence of the approved 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.

8. Site Management Plan (ENG2010)

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

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.

9. Supervising Engineer (ENG4005)

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.

10. Internal Driveway Profile (ENG4015)

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.

11. Parking Areas and Access (ENG4020)

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:

- 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.
- 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.

12. Basement Car Park Design (ENG4025)

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) 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.
- iii) A parking bay within each double garage must have a clear width of 3.8m, a clear length of 5.4m and a head height clearance in compliance with figure 2.7 of AS2890.6:2009, and

B. Before Construction

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

13. Drainage Design - Detailed Requirements (ENG5015)

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) Install a minimum 6m³ rainwater tank; the harvested water must be used for irrigation purposes and within the car wash bay; and
- iv) 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.

B. Before Construction

- i) Certification and approval must be sought from Council's Stormwater Branch Manager Guy Amos for the connection to the existing public piped system. This certification must form part of any construction certificate application. Please contact Guy on 0434327746.
- ii) 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.
- iii) A certification/compliance certificate from Council's Stormwater Branch Manager must be obtained for the private connection to the existing public piped system has been constructed to their satisfaction.

D. Ongoing

- i) The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting, rainwater reuse and stormwater treatment shall be maintained in good operating order at all times.
- ii) The stormwater detention and treatment facility shall be:
 - Kept clean and free from silt, rubbish and debris.
 - Be maintained so that it functions in a safe and efficient manner.
 - Not be altered without prior consent in writing of the Council.

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

14. Stormwater Treatment (ENG5025)

A. Before Construction

An appropriate stormwater treatment measure, selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", must be provided as part of the permanent site stormwater (water quality) management system. Details must accompany the application for a Construction Certificate.

B. Before Occupation

The above work must be completed in accordance with 'A' above to the satisfaction of the supervising engineer before the issue of any Occupation Certificate.

C. Ongoing

The stormwater treatment measure must be maintained in accordance with the manufacturers' specification.

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 (ENG6010)

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 (ENG6015)

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 (ENG7005)

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. Flood Study

A flood study must be undertaken by a suitably qualified civil engineer of the overland flow path within the existing drainage easements; the study must comment on the extent and depth of overland flow path up to the 1% AEP event. The study must also comment and where applicable provide recommendations relating to the overland flow impacts to adjoining properties and any adverse affects the proposed development will cause. The conclusions of this report shall inform the future Development Application for the front setback design.

19. Approved Landscape Plan (ENV2005)

A. Design Changes

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

- i) The landscape plan shall be updated as per the Architectural Plan labeled A(E) 203-B "Attachment A" amended by Sutherland Shire Council on 14.03.2016, and detailed below:
 - In the COS in the NE corner of the site reduce the area of paving and planting and enlarge the area of grass to provide a more open, visually accessible space with better surveillance. Relocate the large indigenous trees 3m from the line of the basement.
 - To Level 1 of Building B, reduce the Private Open Space (POS) of Unit 2.17 and provide a shared pathway between the corridor on the eastern side of Unit 2.17 and the path on the southern side of the courtyard of Unit 2.09.
 - Provide rear gates between the private courtyards of Units 2.09, 2.10, 2.11, 2.13, 2.14, 2.16 and 2.17 and the adjoining shared pathways or Common Open Space (COS).
 - In the COS between Units 2.01 and 2.11, replace the planter box on the western side of the breakoff space with paving to improve surveillance to and from this area.

- In the COS between Units 2.02, 2.03 and 2.10 delete the breakoff space on the western side of Unit 2.10 and reconfigure the area. Provide a larger BBQ area, some all-weather protection and a toilet, with a small area of POS on the western side of Unit 2.10.
- ii) Ensure that the existing soil levels are maintained around the base of all trees and shrubs to be retained on the eastern side and along the northern boundary on the neighbour's property. If necessary relocate the residential entry path against the building and increase the width of the planting bed on the northern side of the path to protect existing tree roots.
- iii) Ensure that all canopy trees in planter boxes on slab are provided with a minimum soil depth of 1000mm and minimum soil area of 2.5 x 2.5m.
- iv) 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 tank, to enable effective landscape maintenance.
- v) 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.
- vi) Each ground floor unit must be provided with a clothes line within their POS. Each unit above the ground floor must be provided with a clothes line on a balcony. Ensure that clothes lines are not visible above the balustrade.
- vii) As the subject site is identified as being within a Greenweb Restoration area, all new tree plantings must be indigenous species and 50% of understorey plants must be indigenous species. All indigenous species must be selected from Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au <<http://www.sutherlandshire.nsw.gov.au>> and search for Native Plant Selector.

The following tree species shall be substituted:

Railway Crescent frontage -

- Two (2) *Syncarpia glomulifera* (Turpentine) for one (1) *Brachychiton acerifolius* in the NW corner of the site.
- One (1) *Glochidion ferdinandi* (Cheese Tree) for one (1) *Lagerstroemia indica*.

Pedestrian Entry Courtyard (lower level)

Two (2) *Glochidion ferdinandi* (Cheese Tree) for one (1) *Plumeria rubra* and one (1) *Acer palmatum*.

Central COS (Level 1)

- Three (3) *Ceratopetalum gummiferum* (NSW Xmas Bush) for three (3) *Acer palmatum*.
- Four (4) *Banksia serrata* (Old Man Banksia) for four (4) *Lagerstroemia indica*.

Rear Garden (Eastern boundary)

Two (2) *Eucalyptus punctata* (Grey Gum) for *Eucalyptus haemastoma* (Scribbly Gum)

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 (Projects larger than Dual Occupancies)
(ENV2030)****A. Tree Removal**

The removal of the following trees is approved:

- i) Trees identified on the approved Landscape Plans prepared by 360 Degrees (Dwg Nos. LA-DA-01 and 02, dated 27/10/15) as "existing tree to be removed".
- 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.

21. Tree Retention and Protection (ENV2040)

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 trees as marked on the approved Landscape Plans prepared by 360 Degrees (Dwg Nos. LA-DA-01 and 02, dated 27/10/15) to ensure the installation and adequacy of all tree protection measures.

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 with the approved 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 trees 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 (HLT2005)

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 (HLT3015)

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) (HLT3025)

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 (HLT4005)

To minimise the noise impact on the surrounding environment:

A. Design

Air conditioners and hot water heat pumps 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) Air conditioners and hot water heat pumps 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 from this equipment must not be heard within any residence with its windows and/or doors open or closed.

26. Noise Control - Design of Plant and Equipment (HLT4015)

To minimise the impact on the surrounding residents within the development and adjacent to the development, all sound producing plant, equipment, machinery, mechanical ventilation systems or refrigeration systems:

A. Design

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

- i) 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
- ii) 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).

B. 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 and that the recommendations made in the acoustic report dated 26 October 2015 and updated on 15 March 2016, carried out by Acouras Consultancy (doc ref: SYD2015-1043-R002B), have been completed.

C. Ongoing

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

27. Rail Noise and Vibration Design Criteria (Residential & Noise Sensitive Receivers) (HLT4035)

To minimise the impact of noise on the occupants from the adjoining rail corridor:

A. Design

The building must be designed in accordance with the recommendations contained in the Acoustic DA Assessment Report prepared by Acouras Consultancy, dated 26.10.2015.

B. Before Construction

Details of the acoustic attenuation treatment 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.

28. Noise and Vibration Control - Residential Car Park (HLT4060)

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.

29. Building Ventilation (HLT5005)

To ensure adequate ventilation for the building:

A. Design

The building mechanical and / or natural ventilation systems must be designed, in accordance with the provisions of:

- i) The Building Code of Australia;
- ii) AS 1668 Part 1 - 1998;
- iii) AS 1668 Part 2 - 1991;
- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 - 2002;
- vii) AS 3666.2 - 2002; and
- viii) AS 3666.3 - 2000.

B. Before Construction

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

C. Before Occupation

- i) 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.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for any cooling tower / warm water system

D. Ongoing

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

30. Car-Park Ventilation - Alternate System (HLT5010)

To ensure adequate ventilation for the car park:

A. Design

As the basement car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -1991, 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.

31. Demolition Work (HLT5015)

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. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

32. Dilapidation Report - Adjoining Properties (ORD1005)

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 28-32 Railway Crescent and 40-42 Railway Crescent, 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.

33. Design Requirements for Adaptable Housing (ORD4010)

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.

34. Verification of Design for Construction - SEPP 65 (ORD4015)

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.

35. Certification Requirement of Levels (ORD4035)

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.

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.

36. Sydney Water Tap in™ & Compliance Certificate (ORD4040)

A. Before Construction

The plans approved as part of the Construction Certificate must be submitted to a Sydney Water Tap in™ 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.

37. Dial Before You Dig (ORD4050)

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.

38. Noise Control and Permitted Hours for Building and Demolition Work (ORD5006)

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.

On ten (10) occasions, only for the purpose of pouring large floor or roof slabs, work may be carried out on the site from 7.00am to 8pm Monday to Friday, excluding Public Holidays on a week day.

In order to activate the extended hours of operation both Council and affected neighbours must be notified a minimum of 48 hours prior to commencement. Affected neighbours include those in the immediate vicinity, adjacent or adjoining the development site. Notification must be by way of written advice including:

- Date/s the extended hours will be utilised.
- The purpose of the extended hours - pouring large slab.
- Address of the development works / site.
- Contact name and number of appropriate site officer (supervisor or manager) for enquiries.

Notification to Council must include a copy of the letter and a map or list identifying those affected neighbours who have been notified.

39. Toilet Facilities (ORD5010)

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

40. Containment of Fill (ORD5015)

A. Design

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

B. Before Construction

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

41. Street Numbering and Provision of Letter Box Facilities (ORD6005)

A. Before Occupation

- i) Street / unit / shop numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The dwellings must have the following street address format:
 - Ground Floor = G01/34 Railway Parade, Jannali
 - First Floor = 101/34 Railway Parade, Jannali

- The Commercial Tenancy = Shop 1/34 Railway Parade, Jannali

42. Certification - of Approved Ground Levels (ORD7010)

Verification of approved ground levels

A. Before Occupation

Upon completion of the development certification must be provided by a registered surveyor verifying that the ground levels of the site are in accordance with the approved plans.

43. Car parking Areas (ORD7015)

A. Ongoing

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

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

44. Car Parking Allocation (ORD7020)

A. Before Subdivision

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

Loading Bay facility and car wash bays must be designated as common property on any strata plan.

Parking must be allocated on the following basis:

Parking Allocation	No. spaces
Residential dwellings	129
Retail/commercial	33
Car wash bay	2
Loading Bay	1
Motorcycle Parking	7
Bicycle parking	13

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.

45. Loading and Unloading (ORD7035)

To preserve the amenity and ensure the safety of the public:

A. Ongoing

All loading and unloading of vehicles must be carried out within the site and not from the public roadway. All service/delivery vehicles must enter and leave the site in a forward direction.

46. Garbage Collection (ORD9001)

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 site.

47. Seperate DA for commercial use and front setback detail

A seperate DA must be submitted for the use and fitout of the ground floor commercial premise and including any furniture etc. in the front setback treatment. The DA must include a detailed plan of the front setback "entry plaza", including proposed levels and the method of achieving pedestrian and disabled access into the tenancy across the existing drainage easement. The plans must ensure active frontage at footpath level, and good connectivity between the public footpath in Railway Crescent and the tenancy.

Consultation with Councils Stormwater Management Engineer should be undertaken prior to the submission of the DA to ensure Councils requirements regarding the easement are satisfied.

48. Sydney Trains Operational Conditions

The development must be undertaken in accordance with the operational conditions detailed in "Attachment B" of the Sydney Trains letter dated 15 December 2015.

49. Design Requirements for Accessibility

A. Design

Details shall be included with the Construction Certificate, demonstrating compliance of the proposal with the recommendations of the Accessibility Report, prepared by ABE Consulting, dated 27 October 2015.

50. Verification of Design for Construction - SEPP 65 (ORD4015)

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 architectural plans submitted with the Construction Certificate. This design verification must accompany the application Construction Certificate.

B. Before Occupation

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

51. Crime Prevention Through Environmental Design

A. During Construction

Security lighting and/or a security company shall be incorporated to protect the site during the construction phase.

B. Before Occupation

To minimise the opportunity for crime, and in accordance with Crime Prevention Through Environmental Design (CPTED) principles, the development shall incorporate the mitigation measures:

- i. Access control shall be installed to the car parking area and residential foyers to permit admission of authorised persons only. An intercom system shall be installed to enable controlled access for visitors.
- ii. Security lighting shall be installed to the entry and exit points, pathways, footpaths and car parking areas. External Lighting must satisfy AS1158.3.1.
- iii. The ceiling of the parking areas shall be painted white and the concrete floor shall be shined to increase light bounce.
- iv. A CCTV system shall be installed with a focus on monitoring the "entry plaza", parking and storage areas and access points to the buildings.
- v. Signage shall be installed to assist in way finding through the development.
- vi. All Graffiti is removed as soon as is practical from the time of reporting.

52. Works etc. in Site Frontage - Easement (ORD9007)

Prior to the issue of a Construction Certificate, the applicant is to secure the agreement of Council's Stormwater Management Branch Manager for a design which must include a detailed plan of the front setback "entry plaza", including proposed levels and the method of achieving pedestrian and disabled access into both the residential apartment component and the ground floor commercial tenancy across the existing drainage easement. The plans must ensure active frontage at footpath level, and good connectivity between the public footpath in Railway Crescent and the development itself. The use of landscaping and furniture and decking, which may be designed in collaboration with Council, is encouraged, but must be designed so as to not obstruct stormwater in the easement.

Consultation with Council's Stormwater Management Engineer must be undertaken prior to the submission of the design to ensure Council's requirements regarding the easement are satisfied.

53. North Facing Balconies

All balconies facing toward the northern boundary shall be fixed with balustrades which comprise obscure glass.

Peter Barber
Sutherland Shire Council

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

PRESCRIBED CONDITIONS

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

S98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

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

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

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

S98A Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and

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

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

S98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

S98E Condition relating to shoring and adequacy of adjoining property

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

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

NOTES

1. The cutting down, lopping, injury and destruction of trees is regulated by #####Sutherland Shire Local Environmental Plan 2006 and Sutherland Shire Development Control Plan 2006 **OR ON OR AFTER 23 JUNE 2015**#####Sutherland Shire Local Environmental Plan 2015 and Sutherland Shire Development Control Plan 2015. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.
2. Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development Integrated Development or any applications determined by the Joint Regional Planning Panel or the Land and Environment Court.
3. Division 8 (Appeals and Related Matters) of Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
4. This consent will lapse unless the development is physically commenced within 3 years from the Date of Operation of this consent (i.e. the date on which the Deferred Commencement condition is deemed to have been satisfied by Council), in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.

DECISION

Pursuant to the provisions of Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, Development Application No DA15/1345 is determined by the granting of approval subject to the conditions outlined in the Development Assessment Report attached to Council's file.

Signed: Signatory2
(Delegated Officer)

Date: 03 May 2016