

2015SYE163 – 138 Acacia Road, Kirrawee

(DA15/1393)

## ASSESSMENT REPORT APPENDICES

Appendix	A	Conditions of Consent
	B	Pre-Application Discussion dated 10 August 2015
	C	Architectural Review Advisory Panel Report dated 21 January 2016

**DRAFT CONDITIONS OF DEVELOPMENT CONSENT**  
**Development Application No. DAno15/1393**

**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>
DA001	Demolition Plan	PBD Architects	1 October 2015
DA201 Issue A	Elevations 1	PBD Architects	1 October 2015
DA202 Issue B	Elevations 2	PBD Architects	21 March 2016
DA300 Issue C	Section 1	PBD Architects	21 March 2016
DA301 Issue A	Detailed Façade Section	PBD Architects	1 October 2015
DA302 Issue A	Overland Flow Detailed Sections	PBD Architects	31 March 2016
DA100 Issue D	Basement Level 2	PBD Architects	21 March 2016
DA101 Issue E	Basement Level 1	PBD Architects	21 march 2016
DA102 Issue E	Ground Floor Plan	PBD Architects	31 March 2016
DA103 Issue A	Level 1 Plan	PBD Architects	1 October 2015
DA104 Issue A	Level 2 Plan	PBD Architects	1 October 2015
DA105 Issue A	Level 3 Plan	PBD Architects	1 October 2015
DA106 Issue A	Level 4 Plan	PBD Architects	1 October 2015
DA107 Issue A	Roof Plan	PBD Architects	1 October 2015
L/01	Proposed ground floor landscape plan	PBD Architects	31 March 2016
L/02	Proposed canopy tree & existing tree plan	PBD Architects	31 March 2016
L/03	Proposed ground floor layout & level plan	PBD Architects	31 March 2016
L/04	Section (sheet 1/3)	PBD Architects	21 March 2016
L/05	Section (sheet 2/3)	PBD Architects	21 March 2016
L/06	Section (sheet 3/3)	PBD Architects	21 March 2016
DA519 Issue C	Podium Level Landscape	PBD Architects	21 March 2016
DA511 Issue C	Private Open Space - Ground Floor	PBD Architects	21 March 2016
C02 P2	Stormwater drainage plan	Jones Nicholson Consulting	31 March 2016

		Engineers	
C05 P2	Typical Culvert Sections	Jones Nicholson Consulting Engineers	31 March 2016
HDA01/P1	Street Location Plan	AJ Whipps Consulting Group	2 October 2015
HDA05/P1	Western Ground Floor Plan	AJ Whipps Consulting Group	2 October 2015
HDA06/P1	Eastern Ground Floor Plan	AJ Whipps Consulting Group	2 October 2015
HDA07/P1	Western Street Frontage Plan	AJ Whipps Consulting Group	2 October 2015
HDA08/P1	Eastern Street Frontage Plan	AJ Whipps Consulting Group	2 October 2015
HDA09/P1	Western Roof Plan	AJ Whipps Consulting Group	2 October 2015
HDA10/P1	Eastern Roof Plan	AJ Whipps Consulting Group	2 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.

**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) The “MRV” loading bay must be redesigned to a “HRV” loading bay to satisfy AS2890.2.
- ii) The loading bay must be fitted with lockable bollards to restrict use of the bay to loading/waste collection vehicle only.
- iii) Additional landscaping must be provided to reduce the visual impact of

the loading bay hard stand area on the Acacia Road frontage. Screen landscaping up to a maximum height of 1.2m must be provided along this section of street frontage and between the interface with Units AG11 and AG12.

- iv) A minimum of 17 bicycle parking spaces must be provided in accordance with Chapter 35 of Draft Sutherland Shire Development Control Plan 2015.

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

### **3. Requirements of Roads and Maritime Services**

#### **A Requirements from Roads and Maritime Services**

The development must be undertaken in accordance with the requirements of the Roads and Maritime Services as follows:

1. The driveway on President Avenue shall be designed and constructed in accordance with AS2890.1 - 2004 and to the satisfaction of the Council.
2. All vehicles shall enter and exit the site in a forward direction. A swept path plan, demonstrating vehicles entering and exiting the site in a forward direction, shall be submitted to Council. The submitted swept path plan demonstrates that the driveway needs to be widened to allow vehicles to enter and exit in a forward direction.
3. Any redundant driveways on Acacia Road shall be removed and replaced with kerb and gutter to match the existing. The design and construction of the kerb and gutter on Acacia Road shall be in accordance with Roads and Maritime's requirements. Details of these requirements should be obtained from Roads and Maritime's Statewide Delivery Section (8849 2138).

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the commencement of any road works.

A plan checking fee and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

4. All buildings and structures, together with any improvements in integral to the future use of the site, are to be wholly within the freehold property (unlimited in height or depth) along the Acacia Road boundary.
5. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

Telephone 8849 2114

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

6. Detailed design plans and hydraulic calculations of any changes to the Roads and Maritime's stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114.

7. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Acacia Road during construction activities.
8. A construction zone will not be permitted on Acacia Road.

These requirements must be incorporated in the application for Construction Certificate where required. Any inquiries in relation to this application can be directed to Pahee Rathan on 8849 2219 or by email at [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au) <<mailto:development.sydney@rms.nsw.gov.au>>.

#### 4. **Relocation of existing drainage easement**

Prior to the issue of Construction Certificate, it must be demonstrated that the existing drainage easement is to be relocated to the satisfaction of Council's Stormwater Management Branch Manager (9710 0857) and the Property Services Unit (9710 0614). The relocation and subsequent creation of a new drainage easement must be registered with the Land and Property Information prior to the issue of occupation certificate.

#### 5. **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 \$50,200.00.

**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**

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.

## **6. 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 \$764,806.75 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 105 proposed Residential Flat Units, with a concession for 10 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. Community Facilities, Shire Wide 2003 Plan**

### **A. Before Construction**

A monetary contribution of \$130,771.20 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 105 proposed Residential Flat Units, with a concession for 10 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

## **8. Bulk Earthworks Security Bond**

### **A. Before Construction**

Prior to the issue of a Construction Certificate, the person acting on this consent must provide security against damage caused to any Council property or adjoining land in private ownership as a consequence of the bulk excavation works. 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.

Should any public property and / or neighboring / nearby buildings / structures sustain damage as a result of the bulk excavation works, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred may be deducted from the bond.

The value of the bond is \$50,200.00

## **B. After Occupation**

The bond will be released upon satisfactory completion of the construction of the basement level, sufficient to ensure stability of the surrounding ground, as certified by an Accredited Certifier or a Chartered Structural Engineer. Such request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to act on the consent, accompanied by the certification.

**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.

## **9. Trunk Drainage Security Bond**

### **A. Before Construction**

Prior to the issue of a Construction Certificate, the person acting on this consent must provide security against damage caused to any Council property as a consequence of the trunk drainage works. 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.

Should any public property and / or neighboring / nearby buildings / structures sustain damage as a result of the trunk drainage works, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred may be deducted from the bond.

The value of the bond is \$120,200.00



## **B. After Occupation**

The bond will be released upon satisfactory completion and registration of the drainage easement and associated works. Such request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to act on the consent, accompanied by the certification.

**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.

## **10. 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.**

## **11. 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 a Detailed Frontage Works application under the Roads Act must be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate. The form is available on Council's website. A fee applies for the relevant inspections, assessment, coordination, creation of design brief and the issue of permits providing consent to undertake frontage works. The design can be completed either externally by an appropriately qualified firm, or by Council's Design Services Unit. The cost of the design is not included in the Detailed Frontage Works Application Fee.

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. These levels must take into account proposed carriageway widening by Roads and Maritime Services in Acacia Road and President Avenue and the Transport for NSW proposal for the Sutherland to Cronulla Active Transport Link (SCTAL),

- ii) Construct a 14m wide vehicle crossing at the kerb and 6.5m wide at the property boundary,
- iii) Remove all redundant driveway crossings & associated laybacks on Acacia Road and President Avenue,
- iv) Reconstruct kerb & gutter for the entire frontage of President Avenue from the intersection with Acacia Road to the eastern boundary.
- v) Reconstruct a 3.5m wide footpath/cycleway pavement for the entire frontage of President Avenue from the intersection with Acacia Road to the intersection with Fauna Place and associated pram ramps.
- vi) Reconstruct a 2.5m wide shared path, pavement and verge along the entire frontage of Acacia Road.
- vii) Reconstruct road pavement for the entire frontage of President Avenue (from the intersection with Acacia Road to the eastern boundary), for the full width of the northern-most lane.
- viii) Remove existing kerb inlet pit and lintel (Pit Id# 17985) that is located within the proposed driveway crossing and construct new kerb inlet pit and lintel east of the proposed driveway crossing.
- ix) The stormwater trunk drainage lines within President Avenue must be upgraded from proposed Pit 5 to Council's pit within President Avenue pavement (Pit Id#17982) to a Ø750mm pipeline in accordance with Council's Standards.
- x) Alter / install street signage where required,
- xi) Regrade, topsoil, turf and landscape the footpath verge to final design levels,
- xii) Adjust public services infrastructure where required,
- xiii) Ensure there are adequate transitions between newly constructed and existing infrastructure.
- xiv) Adjust street lighting infrastructure if determined to be required by the Roads Authority.
- xv) Retain as many existing street trees as possible,
- xvi) Install *Syncarpia glomulifera* (Turpentine) and *Eucalyptus paniculata* (Grey Ironbark) street trees where space allows and where there are no overhead wires, and

## **B. Before Construction**

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

- ii) Concurrence approval must be sought from Roads & Maritime Services for all works on Acacia Road and President Avenue frontages.
- iii) A Detailed Frontage Works Application must be submitted and a brief for the design of the works in the Road Reserve must be obtained from Council's Public Assets Unit (9710 0609).

### **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.

## **12. 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

### **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.

### 13. 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.

### 14. 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 HRV 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.

### 15. Parking Areas and Access

#### **A. Design**

All vehicular access, parking and manoeuvring areas including loading areas must be designed and constructed to comply with AS2890.1, AS2890.2 &

AS2890.6.

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 171 vehicles.

#### **B. Before Construction**

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

### **16. 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) 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.

#### **B. Before Construction**

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

### **17. Drainage Design - Detailed Requirements**

#### **A. Design**

The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued for this development. Except where modified by the following:

- i) The on-site detention tank must be reduced to 155m<sup>3</sup>.
- ii) 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.
- iii) The rate of discharge of stormwater from the site to a drainage system under Council's control must be controlled so that it does not exceed the pre-development rate of discharge.
- iv) The rainwater tank must have a minimum capacity of 30m<sup>3</sup>.

- v) All levels reduced to Australian Height Datum,
- vi) Harvested rainwater must be used for irrigation purposes

## **B. Before Construction**

Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in “A” above 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 pipelines, pits, the rainwater tanks and the detention facilities. An original or a colour copy shall be submitted to Sutherland Shire Council.
- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, 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**

- i) The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
- ii) The stormwater detention and treatment facility must 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 1:** 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 facility.

**Note 2:** 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 retention facility, installed to fully / partly off-set provision of a detention facility.

**Note 3:** Upon submission of the Certified 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 treatment device that must be maintained, serviced and cleaned.

## 18. 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.

## 19. Public Utilities - Subdivision

This condition is imposed to facilitate the provision of services to the subdivision 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.

## 20. 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.

## 21. Endorsement of Linen Plan of Subdivision for Consolidation

### **A. Before Construction**

To facilitate the issue of the Plan of Subdivision for the consolidation of Lots 1, 2, 3 & 4 in Deposited Plan No.18292, Lot 2 in Deposited Plan No.505154, Lot 2 in Deposited Plan No.505628, Lot 2 in Deposited Plan No.503095, Lot 2 in Deposited Plan No.523840 & Lot 2 in Deposited Plan No.510778 into one lot, a film eight (8) paper copies of the Plan of Subdivision shall be submitted together with any necessary Instrument under the Conveyancing Act, where required for ultimate lodgement with the Land Titles Office.

## 22. Loading Bay Size

### **A Before Construction**

Certification from an Accredited certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that a “HRV” sized loading bay and suitable manoeuvring for a “HRV” vehicle has achieved forward entry/exit within the site was prepared having regard to the conditions of development consent and Australian Standard AS2890.2. This certification shall accompany the application for construction certificate.

### **B Before Occupation**

- i) A Works-As-Executed drawing (WAED) of the loading bay shall be prepared by a Registered Surveyor. This drawing must detail the dimensions of the loading bay. An original or a colour copy shall be submitted to Sutherland Shire Council.
- ii) The supervising Engineer must certify the WAED of the loading bay was constructed to their satisfaction and in accordance with the development consent and Australian Standard AS2890.2. Prior to the occupation or use of the building the Applicant/Owner shall submit to Council a copy of the aforementioned letter of certification.

**Note:** Upon submission of the Works-As-Executed drawing for the loading bay a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a “HRV” vehicle size limit for the entire site in accordance with AS2890.2.

## 23. Design and construction of stormwater drainage lines (trunk drainage)

### **A. Design**

The trunk stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing.

### **B. Before Construction**

- i) The stormwater design and certification from an Chartered Civil Engineer, to the effect that the stormwater drainage design was prepared having regard to the conditions of development consent, shall be submitted to Sutherland Shire Council’s Director of Shire Infrastructure for review and approval prior to application for the construction certificate.
- ii) The applicant must enter into a deed of agreement with Council for the realignment of the trunk stormwater drainage pipeline prior to any application for construction certificate.

### **C. Before Occupation**



- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system shall be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines & pits. An original or a colour copy shall be submitted to Sutherland Shire Council.
- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner shall submit to Council a copy of the aforementioned letter of certification.
- iii) Evidence of a registered drainage easement 3m wide from Land & Property Information must be submitted to Council and must accompany any application for occupation certificate.

#### 24. Approved Landscape Plan

##### **A. Design Changes**

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

- i) Show correct trunk location, species and canopy spread for all existing trees on neighbouring properties along the N and E boundaries to be retained and protected.
- ii) Show Tree Protection Zones (TPZ) on plan for all existing trees to be retained and protected including trees on adjoining properties.
- iii) Delete the path and incorporate the planting beds along the eastern boundary and in the NE corner of the site as Private Open Space (POS) for Units BG08, BG09, BG10 and BG11. Extend side fences between the units to the boundaries. Replace the inner row of shrubs to Units BG08 and BG09 with lawn.
- iv) Replace the bottom row of shrubs with lawn in the raised bed on the northern edge of the multi-purpose recreation area.
- v) Provide a 1500mm wide x 900mm high planter box with screen planting across the northern edge of the basement driveway to provide visual enclosure and noise reduction for the outdoor entertainment area.
- vi) 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.
- vii) 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.
- viii) 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) <<http://www.sutherlandshire.nsw.gov.au>> and search for Native Plant Selector)

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

**Notes:**

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

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

**B. Prior to Occupation/Occupation Certificate**

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

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

**C. Ongoing**

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

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

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

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

**25. Trees on Private Land (Projects larger than Dual Occupancies) (ENV2030)**

**A. Tree Removal**

The removal of the following trees is approved:

- i) All trees identified on the approved Landscape Plan as “existing tree to be removed” must be retained and protected.
- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iii) 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) 24 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) 96 replacement trees are required to be planted.  
**In determining this application, the extent of compensatory planting has been reduced as the development has been sensitively designed to reinforce existing bush land or trees such that it makes a positive contribution to the local landscape character.**
- iii) A minimum number of 40 indigenous trees must be planted on the site. The trees selected must not be planted within 3m of a building or proposed building or swimming pool.
- iv) Trees must have a minimum container size of 5 litres.

**Note:** For the remaining 56 replacement trees required by “B ii)” above, Council offers offsite planting under a ‘Deed of Agreement’ as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council’s Green Street Program. ‘Deed of Agreement’ forms can be downloaded from Council’s website at [www.sutherlandshire.nsw.gov.au/forms](http://www.sutherlandshire.nsw.gov.au/forms) <<http://www.sutherlandshire.nsw.gov.au/forms>>. A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

## **C. 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, Gympie  
Ph: 02 9524 5672

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

## 26. 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 trees as listed in the table below and as numbered on the Tree Management Plan, Appendix 8 of the arborist report prepared by Naturally Trees (dated 18 August 2015) to ensure the installation and adequacy of all tree protection measures.

Tree No.	Tree Species (botanical and common name)	Location
28	<i>Eucalyptus saligna</i> (Blue Gum)	Middle of northern boundary
To be confirmed	Location and species to be confirmed and landscape plan updated prior to CC	Boundary of adjoining properties

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 Arborist report prepared by Naturally Trees (dated 18 August 2015). Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iii) 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.
- iv) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- vi) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

### 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.

## **27. 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.

## **28. 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.

## **29. Noise Control - Residential Air Conditioning Unit**

To minimise the noise impact on the surrounding environment:

### **A. Design**

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

### **B. Ongoing**

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

## **30. Noise Control - Design of Plant and Equipment (General Use)**

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems:

### **A. Design**

All plant and equipment must be designed and / or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

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

### **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.

### **C. Ongoing**

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

## **31. Noise from Road**

To minimise the impact of noise from the adjoining major roads on the occupants:

### **A. Design**

The building design must be in accordance with the recommendations of the acoustic report by Renzo Tonin & Associates dated 30 September 2015 approved as part of this application.

### **B. Before Construction**

Details of the acoustic attenuation treatment must accompany the documentation forming part of the Construction Certificate.

### **C. Before Occupation**

Details of the acoustic attenuation treatment must accompany the application for a Construction Certificate in accordance with 'A' above and must include all post construction validation test results.

## **32. Building Ventilation**

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.

## **33. 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.

## **34. 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 469-471 Presidnet Avenue, 12, 14, 16 and 18 Fauna Place, and 136 Acacia Road, Kirrawee 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.

## **35. 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 and in accordance with the Disability and Discrimination Act 1992, Building Code of Australia and relevant disability access standards including AS 1428.1 and AS2890.6. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C



Adaptable House.

### 36. 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.

### 37. 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.

### 38. Sydney Water Tap in<sup>TM</sup> & Compliance Certificate

#### **A. Before Construction**

The plans approved as part of the Construction Certificate must be submitted to a Sydney Water Tap in<sup>TM</sup> 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](http://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](http://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.

#### 39. 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](http://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.

#### 40. 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.

On ### 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.

#### 41. 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

#### 42. Street Numbering and Provision of Letter Box Facilities

##### **A. Before Occupation**

- i) Street / unit numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The development must be known as 473 President Avenue, Kirrawee. The units must be numbered in a hotel format G01, 101, 201 etc.

#### 43. Car parking Areas

##### **A. Ongoing**

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

- i) any parking nominated as visitor parking or common property must be continually available as common property.

#### 44. 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: 141 spaces
- Residential visitors: 26 spaces
- Car wash bay(s): 4 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.

### **45. Loading and Unloading**

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**

#### **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 basement of the subject property.

### **47. 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.

### **48. 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 fittings, mail boxes and waste receptacles must be made from robust and vandal resistant materials.
- iv) Large spans of blank walls should be green screened and/or treated with an anti-graffiti coating. Any graffiti is the responsibility of the owner and should be removed as soon as possible.

## **END OF CONDITIONS**

Peter Brooker - 9710 0571  
File Ref: PAD15/0086

10 August 2015

PBD Architects  
L2 52 Albion Street  
SURRY HILLS NSW 2010

Dear Sir

**Pre-Application Discussion No. PAD15/0086**

**Proposal: Demolition of existing dwelling and construction of a residential flat building containing 105 units with basement carpark**

**Property: 138 Acacia Road, Kirrawee, 473 - 489 President Avenue, Kirrawee**

Council refers to the pre-application meeting (PAD) held on 10 August 2015 regarding the above development proposal. Luke Murtas (Team Leader), Bruce Powe (Traffic Manager), Barbara Buchanan (Landscape Architect) and Peter Brooker (Environmental Assessment Officer) attended the meeting on behalf of Council and Theo Krallis (Architect), Michael Watson, Robert Varga (Traffic Consultant), and Sue Francis (Planning Consultant) attended on behalf of the applicant.

The purpose of this letter is to provide a summary of the issues discussed at the meeting and provide information that will assist you should you proceed with preparing a development application (DA). Council cannot provide you with certainty on the determination of the proposal until a DA has been lodged and assessed.

Your DA will need to be supported by a Statement of Environmental Effects addressing all relevant Environmental Planning Instruments, and the detailed planning controls contained in Council's Draft Development Control.

**The Site and Proposal:**

The site is located off the north eastern corner of the intersection of Acacia Road and President Avenue. The property is 50.29m to 55.17m wide, 120.71m deep and has an area of 6,290m<sup>2</sup>. The land slopes moderately 3.0m down from the northern rear boundary to the southern President Avenue frontage. A significant natural feature of the site includes substantial native trees near the rear boundary and along the President Avenue frontage.

The proposal is to develop a complex of new four to five storey residential flat buildings containing 105 units. Basement parking over two levels for 171 cars and a loading area for garbage collection and other sundry services is to be provided with vehicular access from midway along the site's President Avenue frontage. There is a

Council's stormwater drainage pipeline and drainage easement across the western portion of the development site.

The property is within Zone R4 – High Density Residential under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed Residential Flat Building is a permissible form of development within this zone.

SSLEP2015 indicates that the site is mapped as being Greenweb Restoration and is bordered by roads affected by very high traffic volumes. These specific characteristics of the site will need to be taken into consideration when preparing your DA.

#### Comments on the Proposal:

The following comments are provided in respect to the concept plans presented for consideration at the meeting.

##### 1. SSLEP 2015 Compliances

Having consideration of the large size and relatively unconstrained nature of the site, compliance with all the development standards of SSLEP2015 will be anticipated to be achieved by the proposed development.

##### 2. Design

A specific challenge for redevelopment of the land is that any built form must both reinforce the desired direction of the relatively new SSLEP2015 zone objectives but also respond appropriately to the neighbourhood context, site constraints and to future development on adjoining lands. It is strongly recommended that advice and refinement of the proposal with specific regard to SEPP65, the Apartment Design Guide (ADG) and comments from Council's Architectural Review Advisory Panel (ARAP) be given. An appointment with ARAP prior to the lodgement of a development application would be of benefit with progression of the development proposal.

The provision of adequate and reasonable solar access to units, natural ventilation and the like needs consideration to ensure ADG compliance.

##### 3. Landscape Design

Residential land within the Sutherland Shire prominently exhibits deep soil areas and significant canopy vegetation. These corridors of vegetation between buildings assist in providing visual relief and enhance residential amenity, and contribute greatly to the visual appeal of the LGA for residents and users of its major arterial roads. The retention of established trees within the site as part of the approved development scheme on the adjoining land will reinforce the landscaped character of the locality.

Vegetation on adjoining lands may have roots extending into the site and root mapping and technical advice will be required to be sought to ensure that vegetation is not destabilised by the proposed excavation for the basement carpark.

The site is located within a Greenweb 'Restoration' area that requires all new tree plantings to be indigenous species and understorey plantings to be 50% indigenous species. Suitable plant species for the site can be selected from Native Plant Selector available on Council's website.

Council's landscaping development controls seek for planting on slab to be contiguous with deep soil planting. Additionally, as much of the common open space planting is on slab, care should be taken to camouflage the number of raised planter boxes by setting them down in the slab or alternatively raising the walkways and grassed areas around them.

Ensure that canopy trees in planter boxes on slab are provided to create shade and scale within the space. Planter boxes for small trees should have a minimum soil depth of 1000-1200mm.

Council's Public Domain Design Manual will require footpaths and the provision of large indigenous street trees to be planted as part of the development. President Avenue has been considered for the creation of a cycleway network and in this respect it is likely that the verge will be excavated to achieve the required levels which could impact on the final floor levels of the development. The consequences of these works may also include a requirement of the development to relocate light poles and underground any wires into the development. Early consultation with Council's Traffic and Public Domain Engineers is strongly recommended.

It is noted all the existing trees on the President Ave verge, except the two large Brush Box near the intersection with the Princes Highway, will be affected and consequently require removal and replacement.

#### 4. Acoustic Treatment

Given the proximity of the site to main arterial roads, an acoustic assessment is required to accompany any development application detailing the proposed noise attenuation measures consistent with State Environmental Planning Policy (Infrastructure) 2007. This may influence the architectural treatment of the building facades and positioning of rooms.

Council is concerned with the ability of highway-side developments to provide adequate residential amenity in terms of adequate solar access, natural ventilation and acoustic privacy and also satisfy the requirement to treat buildings for noise intrusion according to the SEPP. Over-reliance on mechanical ventilation and physical screening can lead to unattractive streetscapes and inferior living spaces for future residents.

#### 5. Driveway and Traffic

The position of the driveway to be located centrally to the site along President Avenue raised issues for vehicle access and egress safety at close proximity to a major traffic intersection and relative to the high traffic flows of the roadway. It is suggested that consideration be given to positioning the proposed driveway further to the east along President Avenue to provide additional length of roadway for vehicles to negotiate safely. However, at the pre-DA discussion it was suggested that a balance between urban design, pedestrian and cyclist safety and the need to negotiate safe traffic movements to, from and around the site must be struck.

The driveway to the garage should be as discrete as possible when viewed from the street and driveway walls to the street must have a high quality finish.

#### 6. Stormwater and Easement

The site is affected by an existing significant stormwater drainage system of pipework and an associated easement in favour of Council. Early discussion and resolution of alternate solution(s) for any redirection of this service with the relevant Council officers is recommended to ensure an acceptable and workable outcome is achieved for both the design of the development and the functioning of the stormwater drainage system.

In this regard, an initial contact should be with Council's Stormwater Manager (ph 02 9710 0857) and Property Services Manager (ph 02 9710 0614)

#### 7. Crime Prevention through Environmental Design (CPTED) and Adaptability

Consideration to the principle aims of CPTED contained within Chapter 3 of SSDCP2006 is required to be given. Paths and entry points (including basement) must be secure, visible and designed to be clearly legible from the public way. The residential entry should be prominently treated and given appropriate access control and safety treatment without detracting from its visual appeal.

The design will also need to consider the provisions of the Building Code of Australia (BCA), the fitout of basement spaces (e.g. exhaust discharge), relevant sanitary, accessibility and adaptable housing requirements. Council's Draft DCP requires a minimum 30% of dwellings to be adaptable, and this requirement has a flow-on effect for car parking.

#### 8. Engineering Matters

The parking requirements for the development are subject to Council's Draft DCP 2015. A detailed Traffic Report which assesses the site suitability including the surrounding road and pedestrian routes, site access/ egress, parking provision and the design of the parking area should also be prepared. The report will need to demonstrate that the development will not result in any adverse traffic, safety or amenity impacts to the locality and to future residents.

Car parking areas are to be designed to comply with Council's Draft DCP and applicable Australian Standards. Suitable details shall be submitted demonstrating compliant manoeuvring, secured storage, adaptable provisions, and mechanical ventilation / exhaust discharge points. Providing adequate parking (including visitor) is highly recommended given the general nature of the adjoining road reserve and high general unavailability of public/ street parking around the site. Suitable loading facilities and access for a Medium Rigid Vehicle (MRV) are also required.

Suitable geo-technical investigation should be undertaken demonstrating site suitability and supporting the extent of basement excavation and earthworks proposed. This should include any impacts on the roadways adjacent to the site (including from dewatering etc) and measures to mitigate/eliminate these, given the critical, arterial nature of these roads.

#### 9. Utilities and Infrastructure

You are advised to make enquiry early with the various infrastructure and utility providers to ensure relevant considerations for the provision of services have been taken into account early in the building design. Urban infrastructure and utilities are



reaching, or have reached maximum capacity in some localities in the Sutherland LGA. Electricity substations are required on occasion to ensure sufficient power to buildings and to meet flow requirements for sprinkler systems; NSW Fire have required substantial water tanks in other instances. Infrastructure to support these requirements will not be approved in the front boundary set back, or at the expense of landscaping or parking requirements.

#### 10. Construction Management

A well considered management plan of the construction process must be provided with the development application given the extent and locality of the proposed development to ensure minimal disruption to traffic, adjoining residents and to the construction itself.

#### Conclusion:

In principle, the provision of 'mid-rise' residential apartments on the site is acceptable and the general scale is in keeping with Council's recently adopted LEP. However, having regard to that LEP, variations sought to development standards will not be supported, particularly as the site is relatively unconstrained. An early (ie. pre-DA) presentation to Council's design review panel is recommended as Council needs to be satisfied that the scheme, which is one of the first in the locality commissioned under the new LEP, exhibits design excellence. Coming to an accord with Council's Architectural panel is an essential step in demonstrating design excellence. Traffic and public domain details around the edges and entries of the site require further detailed resolution before full support could be offered for the proposed development.

It is important to note that the information provided in this letter is based on the planning instruments applicable at the time of writing. You should make yourself aware of any subsequent changes to legislation or local planning controls before lodging your development application. For detailed information about how to prepare and lodge a development application, please refer to the "Development" section of Council's website ([www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)). On the web page a "DA Guide" is available and an online tool called "Development Enquirer" which searches the applicable planning instruments for the planning controls relevant to your site and development.

Please contact Council if you believe any of the above information to be incorrect or if you need clarification of the advice provided. Your initial point of contact should be Peter Brooker (02 9710 0571) as this is Council's assessment officer who will most likely be responsible for the assessment of your DA. Council's Development Enquiry Officers are also available to assist you with the lodgement requirements for your application (02 9710 0520).

Yours faithfully

Mark Adamson  
Manager – Projects and Development Assessment  
for J W Rayner  
General Manager

## Architectural Review Advisory Panel

Proposal:

**Demolition of existing dwellings and construction of a residential flat development containing 105 residential units and basement car parking**

Property:

**473-489 President Avenue KIRRAWEE NSW 2232**

**138 Acacia Road KIRRAWEE NSW 2232**

Applicant:

**Aplusgroup**

File Number:

**DA15/1393**

The following is the report of the Architectural Review Advisory Panel Meeting held on 21 January 2016 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

1. **"DA15/1393 – Demolition of Existing Structures & Construction of a Five (5) Storey Residential Flat Building Comprising One Hundred & Five (105) Residential Apartments & Basement Car Parking at 473-489 President Avenue & 138 Acacia Road, Kirrawee - JRPP**

Council's Peter Brooker, Frances Beasley and Barbara Buchanan outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

Theo Krallis, Paul Buljevic, Paul Storch and Albert Bonansea addressed the Panel regarding the aims of the proposal and the constraints of the site.

### **Description of the Site and Proposal**

The site is located approximately 400m from Kirrawee train station on the north-eastern corner of the intersection of Acacia Road and President Avenue, both of which are affected by very high traffic volumes. The property has an area of 6,290m<sup>2</sup>, with approximate frontages of 55m to Acacia Rd and 120m to President Avenue. The land slopes down 3m from the northern rear boundary to the southern President Avenue frontage. A significant natural feature of the site includes substantial native trees near the rear boundary and along the President Avenue frontage.

The proposal is to develop a complex of new five storey residential flat buildings containing 105 units. Basement parking is proposed over two levels for 168 cars, with vehicular access from midway along the President Avenue frontage. There is a Council stormwater drainage pipeline and drainage easement across the western portion of the development site.

### **Key Controls:**

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)

Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015)

Apartment Design Guide (ADG)/SEPP 65

### **Applicant's Submission**

The functions and responsibilities of the Panel were explained to the applicant.

The Panel notes that the proposal has previously been reviewed by Council (PAD15/0086), but not by ARAP.

### **PRINCIPLE 1 – CONTEXT AND NEIGHBOURHOOD CHARACTER**

The proposed development represents a significant change from the existing single storey residential development located immediately north of President Avenue to a substantial five storey residential complex.

The site is located adjacent to one of the busiest intersections in Sutherland, given the junction of President Avenue and Acacia Road marks the transition that ultimately leads to the Princes Highway.

There are 3 storey RFBs opposite and detached houses adjacent to the north, but the precinct is undergoing transition to increased densities permissible under SSLEP 2015. President Avenue has a strong landscape character and will have a cycle path; Acacia Road is much more bleak on the eastern side, though the western side has the benefit of large mature trees which shield the existing residential development from the busy road.

The proposal will be comfortable in its future context, with a 4-storey articulated façade and a recessed upper floor, and the use of face brick also echoes the built context.

The site is within a restoration area of the Greenweb.

### **PRINCIPLE 2 – SCALE AND BUILT FORM**

The units are arranged in two L-shaped perimeter blocks that define the street well and create a generous, sheltered common open space to the north forming a buffer to the northern neighbours. The corner is well expressed with sweeping curved balconies.

The linear built form maximises the development potential and maximises solar access from the north, both for the apartments as well as the communal open space.

The Panel questioned the complex and defensive forms that had been designed to face both President Avenue and Acacia Road, with high brick walls restricting balcony openings and scaled as four storey elements. The applicant advised that, given the high traffic volumes experienced on both Acacia Road and President Avenue, the acoustic studies suggest that noise abatement can, in part, be addressed by reflecting generated sound using varied built form. This has resulted in a number of awkward spaces on balconies facing both President Avenue and Acacia Road, where solid built form walls return against glazed openings to living areas or bedrooms which potentially result in narrow almost non-usable spaces. There is a need to undertake further assessment and to potentially better utilise a number of the spaces generated by the curved four storey high projecting wing walls. At the same time, thought should be given to developing a less severe character for the proposal. In this process of re-consideration, the Panel suggests that the possibility of wintergarden balconies be contemplated, which might achieve improved daylight and more generous views of the well landscaped streets as well as afford the acoustic protection necessary. The process would also need to resolve the potential GFA implications with Council.

Advantage has been taken of the cross-site fall from north to south to determine an optimum ground floor level of around RL104, which sets most of the ground floor at around 1.5m above the footpath level along the President Avenue frontage. This is more than optimum under normal circumstances, but the Panel considers it reasonable given the busy nature of the street and the generous sloped landscaped setback to the terrace retaining walls. Care should be taken with detailing and landscape here, including appropriate balustrades on top of the retaining walls, to achieve a comfortable street edge for the frontage of the proposal.

The vehicle entry is centrally located but presents as a void with severe side walls. The applicant is encouraged to bring the roller shutter forward if possible and to soften what will be a major view corridor to the feature tree beyond. The path systems on both sides of the access road should be further investigated and be diminished or deleted, with landscape introduced to enhance and soften the harsh vertical walls proposed. This has the potential to reduce the height of the ramp walls and enhance the landscape experience on entering the site by vehicle as well as improve the landscape treatment of those apartments immediately adjacent to the vehicular entrance.

The development has to accommodate a redirected drainage easement around the NW corner which, as presented, will restrict the extent of large screen planting along Acacia Road. The Panel believes sizeable planting along Acacia Road is important - the benefits of this can be seen on the western side of the street, where large mature trees shield the buildings from the hostile street environment. The underground carpark proposes a small second level under an extensive first level. The Panel suggests evening out the footprint for both levels, which would result in a greater setback under the building for root growth. To ensure aeration for roots, porous paving should be used in private courtyards.

### **PRINCIPLE 3 – DENSITY**

While the density appears to comply with the control, there are questions regarding the inclusion or exclusion of the breezeways and lobbies in GFA. Their status should be confirmed with Council officers and any necessary adjustments made to comply with the density control.

### **PRINCIPLE 4 - SUSTAINABILITY**

The proposal provides for a high level of solar accessibility given the general orientation of living areas and terraces in the two building groups. Together with the north-facing communal area and the extensive nature of the communal area, there is a high level of amenity provided within the complex. Small amounts of eastern and western glazing help reduce thermal load.

The extensive use of face brick will reduce maintenance.

It is not clear to what extent provision has been made for the collection of stormwater for irrigation purposes and the way in which it will be stored and utilised. Little information is provided about the proposed reticulation to common open space, as well as landscape areas between and adjacent to the buildings and the perimeter landscaping. It is suggested that further work be undertaken to address these issues.

The Panel suggests the consideration of a Sedum roof to reduce the Urban Heat Island effect.

#### **PRINCIPLE 5 - LANDSCAPE**

Generally, the landscape is inappropriate for the location and size of the development. The planting is too small and fussy; it lacks structural strength around the boundaries and does not reinforce the environmental context.

##### **Acacia Road**

The need for large trees on Acacia Road requires consideration to integrate with the redirected drain and swale (see Principle 2). It is recommended that the drainage easement (1m wide) be moved west to the site boundary and that the private courtyards be reduced by 1m for the length of Acacia Road, resulting in a 2m wide deep soil strip from north to south. As the power lines are to be undergrounded, this should allow for a strong row of STIF forest species as street trees and a second row east of the drainage easement in this deep soil planting strip.

##### **President Avenue**

Existing trees on President Avenue are an effective screen at present however the proposed cycle way may impact them. To prepare for this, much larger trees than those proposed are needed within the site boundary. The proposed planting design is not strong enough on either street.

##### **Walls, Fences and Levels**

Fences need to be detailed in larger scale cross sections and all retaining walls, including on boundaries, need to be identified. The proposal should demonstrate how retaining walls to President Avenue and Acacia Road are integrated with the approach to each primary lobby.

It is not clear what level changes are being accommodated and why walls have been indicated. The plans need clear sections and details of walls etc. This is especially relevant to the central planter over the driveway.

The arboriculture report indicates that five significant trees can be retained however the large *E. saligna* could be affected by potential root damage. The root locations need to be mapped. Once located, the 'arboricultural method statement' explained in the report must be followed.

##### **Central Driveway**

The ramped pedestrian access along both sides of the underground parking driveway is harsh and uninviting (refer to comments under Principle 2).

##### **Common Open Space**

The large common open space has the potential to be an attractive feature however the planting design has not made best use of the areas of deep soil where large Eucalypts and STIF species can be planted to augment the Greenweb as well as provide privacy and aesthetic amenity. The extensive use of cluttered low plantings and magnolias undermine the sense of space, it is suggested that more use be made of lawn. Magnolias and Pyrus are not acceptable in restoration Greenweb areas of the Shire. The plan as

presented, especially without sections and levels, does not clearly show where there are walls and why.

#### Eastern Boundary

The compromised setback for deep soil along this boundary will create privacy issues for this development. This can be partially addressed with the redesign of the carpark levels (see Principle 2) so that there is deep soil under the building edge; nevertheless the lack of oxygen for root systems should be addressed. The Panel recommends that private open spaces on the eastern side use porous paving solutions. The planting design for this area needs to be reconsidered so that some tall STIF species are planted and the Pyrus are removed.

#### **PRINCIPLE 6 - AMENITY**

The Panel supports the location and nature of the proposed communal open space area given the northern focus of the space, although communal facilities and seating need more consideration and detail.

Most apartments achieve high quality solar access, ground floor units have generous private open space, and dual aspect units have dual balconies.

Entries from the street are deep slots spaces 4-5 storeys high and would benefit from overhead devices such as pergolas to humanise the scale of these spaces, as well as provide weather protection at the entry doors.

Letterboxes need to be provided.

#### **PRINCIPLE 7 - SAFETY**

There is good surveillance of the street from both lobbies and units. Breezeway lobbies from the street need security gates.

#### **PRINCIPLE 8 – HOUSING DIVERSITY AND SOCIAL INTERACTION**

The proposal provides for a range of 1, 2 and 3 bedroom apartments, with a communal open space that will foster social engagement.

The four lift cores serve to break up the large number of units into manageable 'neighbourhoods', resulting in multiple points of entry from President Avenue and Acacia Road.

#### **PRINCIPLE 9 – AESTHETICS**

While the façades are articulated and the main corner is well considered, the high curved brick wall elements set at angles to the street alignment, composed as 4 storey frames, lend a defensive and severe character to the street elevations. As noted above, they have apparently been developed as a response to the difficult acoustic environment, and they also have resulted in unresolved spaces (see Principle 2). In re-considering and developing the facades, the Panel suggests that some thought be given to softening the character of the elevations. The possibility of wintergarden balconies, as noted above, might facilitate this.

In this vein, the Panel was provided with updated graphics which showed less sombre colours for the street elevations than those contained in the original drawings. The Panel

is supportive of the lighter toned materials being proposed as a good start to this process.

**RECOMMENDATIONS/CONCLUSIONS:**

There was general support for the proposal subject to a review of the following issues of concern:

- A detailed review of the way in which the curved wall structures could be better integrated with effective space utilisation as well as the reduction of narrow non-effective external spaces between glass and curved walls.
- Further consideration of the character of the street facades, including the adoption of the lighter coloured materials that were tabled at the meeting.
- The need to cross-check GFA compatibility, particularly given the possible inclusion of part of the circulation space in lobbies.
- A review of the landscape proposals and related building adjustments as noted above.
- A review of the design approach associated with the carpark entry sequence and possible deletion of the pedestrian ramps on either side of the vehicular entry.”

Harry Levine  
Acting ARAP Chairman

08 February 2016