



## DEVELOPMENT CONSENT

Environmental Planning and Assessment Act 1979

**Application Number:** DA16/1239

**Authority:** Sydney South Planning Panel

### APPLICATION DETAILS

**Applicant:** Winim Funds Management Pty Ltd  
Se 106 40 Yeo St  
NEUTRAL BAY NSW 2089

**Land Description** Lot 1 DP 122354  
Lot 2 DP 210456  
Lot B DP 356417  
Lot X DP 388636  
Lot Y DP 388636  
17, 19, 21 & 23 Mitchell Avenue, Jannali  
78 Sutherland Road, Jannali

**Proposed Development:** Demolition of existing structures and construction of a new residential flat building

**Date of Determination:** 06 March 2017

**Date of Operation:** 06 March 2017

**Date of Lapsing:** 06 March 2020

Under Section 80 of the Environmental Planning and Assessment Act 1979, Sutherland Shire Council has determined DA16/1239 as described above, by the granting of development consent subject to the conditions specified in this notice.

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.

# CONDITIONS OF CONSENT

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## 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>
TP00.02 - A	Site Plan	RotheLowman Property Pty Ltd	22.12.16
TP00.03	Demolition Plan	RotheLowman Property Pty Ltd	09.15.16
TP01.01	Basement 1	RotheLowman Property Pty Ltd	14.09.16
TP01.02 - A	Ground Level	RotheLowman Property Pty Ltd	22.12.16
TP01.03 - A	Ground Upper	RotheLowman Property Pty Ltd	22.12.16
TP01.04 - A	Level 1	RotheLowman Property Pty Ltd	22.12.16
TP01.05 - A	Level 2	RotheLowman Property Pty Ltd	22.12.16
TP01.06 - A	Level 3	RotheLowman Property Pty Ltd	22.12.16
TP01.07 - A	Level 4	RotheLowman Property Pty Ltd	22.12.16
TP01.08 - A	Roof Plan	RotheLowman Property Pty Ltd	22.12.16
TP02.01 - A	Elevations 1/2	RotheLowman Property Pty Ltd	22.12.16
TP02.02 - A	Elevations 2/2	RotheLowman Property Pty Ltd	22.12.16
TP03.01 - A	Sections 1 and 2	RotheLowman Property Pty Ltd	22.12.16
TP03.02 - A	Sections 3 and 4	RotheLowman Property Pty Ltd	22.12.16
TP03.03 - A	Section 5	RotheLowman Property Pty Ltd	22.12.16
TP06.01 - A	Adaptable Livable Unit Plans	RotheLowman Property Pty Ltd	22.12.16
LDA-01 - B	Landscape Master Plan	Ground Ink Landscape Architects	22.12.16
LDA-02	Tree Removal & Retention Plan	Ground Ink Landscape Architects	22.12.16
LDA-03	Sutherland Road	Ground Ink Landscape Architects	22.12.16
LDA-04	Northern Communal	Ground Ink Landscape Architects	22.12.16
LDA-05	Central Garden	Ground Ink Landscape Architects	22.12.16
LDA-06	Mitchell Avenue	Ground Ink Landscape Architects	22.12.16
LDA-07	Landscape Areas	Ground Ink Landscape Architects	22.12.16
LDA-08	Landscape Details	Ground Ink Landscape Architects	22.12.16
CC001 - C701 Revision A	Civil Works Plans	Sellick Consultants	01.08.16

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.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.

- iii) Notification of the commencement of building works with a minimum of 2 days notice of such commencement.

## **2. Design Changes Required**

### **A. Before Construction**

The following design changes must be implemented:

- i. Deleted
- ii. Deleted
- iii. The security fence depicted on the Ground Upper plan shall extend around the Sutherland Road frontage immediately adjoining the excavation to enhance safety. Fencing shall be visually open form and have a maximum height of 1.5m.
- iv. Skylights / openings shall be provided within the roof form above the voids adjoining Unit 305 and 307.
- v. Motorcycle parking spaces shall be provided adjoining the internal ramp and car spaces 49, 71 and 74.
- vi. The balustrade depicted on the western elevation plan extending beyond the southern side of the building shall be deleted.
- vii. Privacy screens shall be constructed on the eastern terrace edges of Units UG02 and UG03.
- viii. A minimum of 4 car parking spaces generally located at the rear of spaces 23, 24, 25 and 26. Tandem spaces shall be allocated to the same units.

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

## **3. Drainage Easement**

### **A. Before Construction**

Prior to issue of any Construction Certificate an easement for drainage must be registered with NSW Land & Property Information over a neighbouring downstream property to facilitate the private connection to Oxley Avenue.

## **4. Public Place Environmental, Damage & Performance Security Bond**

### **A. Before Issuing of any Construction Certificate**

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

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

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

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

The value of the bond is \$65,200.00.

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

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

#### **B. After Occupation**

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

## **SECTION 94 CONTRIBUTIONS**

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

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

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

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

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$494,449.77 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 64 units, with a concession for 5 allotments.

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

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

## **6. Community Facilities, Shire Wide 2003 Plan**

### **A. Before Construction**

A monetary contribution of \$83,963.15 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 64 units, with a concession for 5 allotments.

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

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

## **7. Approvals Required under Roads Act or Local Government Act**

### **A. Before Construction**

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

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

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

### **A. Design**

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant, in the road reserve, in conjunction with the development. 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.

An overall fee applies for the relevant inspections, assessment, co-ordination, development and creation of a design brief and the issue of permits, providing consent to undertake frontage works. This is calculated using Council's adopted schedule of Fees and Charges.

Note: The design costs will be quoted separately by Council's Design Services Unit utilising the design brief.

This design will generally comply with the approved, architectural design drawings, the SSC Specification for Civil Works, and the SSC Public Domain Design Manual, except where amended and/or addressing the following:

- i) Establish the property alignment levels and crossing profiles,
- ii) Construct a 5.5m wide driveway crossing in Mitchell Avenue for accessing basement levels.
- iii) Remove all redundant driveway crossings fronting Mitchell Avenue and Sutherland Road and reinstate kerb and gutter and verge to match existing levels,
- iv) Construct a new kerb inlet pit on the southern side of the existing driveway to No.43 Oxley Avenue to facilitate the private drainage connection.
- v) Construct stormwater pipeline from the existing kerb inlet pit located on the western side of Oxley Avenue in front of No 37 to the new kerb inlet pit located on the southern side of the driveway crossing to No. 43 Oxley Avenue.
- vi) Reconstruct kerb and gutter, driveway laybacks and road pavement where required within Oxley Avenue due to the construction of the Stormwater pipeline and pit construction
- vii) Reconstruct footpath pavement and any damaged sections of kerb & gutter along both frontages
- viii) Underground powerlines across both subject frontages
- ix) Road pavement construction where required,
- 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.

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

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

- i) Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Construction Certificate.
- ii) Prior to the release of the Construction Certificate property alignment levels and crossing profiles must be obtained from Sutherland Shire Council.

#### **C. Before Occupation**

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

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

## **9. Site Management Plan**

### **A. Before Commencement of Works including Demolition**

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

- i) Safe access to and from the site during construction and demolition from the existing driveway crossing to No. 19 Mitchell Avenue,
- ii) The heritage listed trees must be protected,
- iii) Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting,
- iv) Method of loading and unloading excavation machines, building materials.
- v) How and where, construction materials, excavated and waste materials will be stored,
- vi) Methods to prevent material being tracked off the site onto surrounding roadways,
- vii) 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.

## **10. Pre-commencement Inspection**

### **A. Before Works**

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

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements;

- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

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

## **11. 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.

## **12. 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) Comply with AS2890.1(2004) and AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- iv) 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.



### **13. Basement Car Park Design**

#### **A. Design**

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

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position.
- ii) 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.

### **14. 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 system must be relocated to the north to be below the floor of units UG02 & UG03 and partially protruding into the Communal Open Space adjacent to the eastern boundary,
- ii) Access/openings to the on-site detention tank must be located within the footpath pavement of the Communal Open Space adjacent to the eastern boundary. These openings must lockable,
- iii) The discharge flow rate shall be increased to a maximum 60L/S to help reduce the volume of the on-site detention tank,
- iv) A detailed drainage design supported by a drainage calculation.
- v) 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.
- vi) All levels reduced to Australian Height Datum.
- vii) The pipeline within the footpath verge of Oxley Avenue must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres, or reinforced concrete.

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

- i) Prior to issue of any construction certificate an easement for drainage must be registered with NSW Land & Property Information over a neighbouring downstream property to facilitate the private connection to Oxley Avenue,
- ii) 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**

Prior to the issue of an Occupation Certificate:

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits and the detention facilities. An original or a colour copy must 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 must 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 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:** 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.

## **15. 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.

## **16. Public Utilities**

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

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

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

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

### **17. Registration of Plan of Consolidation**

#### **A. Prior to Construction**

Prior to the issue of any Construction Certificate a Plan of Subdivision for the Consolidation of Lot 1 DP 122354, Lot 2 DP 210456, Lot B DP 356417, Lot X DP 388636 and Lot Y DP 388636 must be registered with NSW Land and Property Information.

### **18. Loading Bay Size**

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

Certification from an Accredited certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that a “MRV” sized loading bay and suitable manoeuvring for a “MRV” 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 “MRV” vehicle size limit for the entire site in accordance with AS2890.2.

### **19. Approved Landscape Plan**

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

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

- i) Tree species must be amended as per ‘Attachment A\_Landscape Amendments’ dated 24/01/17.
- ii) Shrub planting immediately east of Units UG02 and UG03 must be deleted and replaced with a combination of privacy screens to the eastern edge of the terraces and climbers /ground covers.

- iii) Tree Protection Zones (TPZ) must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- 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/OSD tank, to enable effective landscape maintenance.
- v) The private open space of each dwelling at ground level must be provided with one tap with a removable water key, connected to mains.

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

**Notes:**

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

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

**C. 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.

**D. Ongoing**

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

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

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

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

## 20. Trees on Private Land

### A. Tree Removal

The removal of the following trees is approved:

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

Tree No.	Tree Species (botanical and common name)	Location
6	<i>Cupressus sempervirens</i> (Cypress) <b>EXEMPT</b>	Refer to Attachment B_Tree Protection, dated 24/01/17
8	<i>Livistona australis</i> (Cabbage Tree Palm)	“
9	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	“
10	<i>Livistona australis</i> (Cabbage Tree Palm)	“
11	<i>Lophostemon confertus</i> (Brush Box)	“
11C	<i>Melalueca linariifolia</i> (Snow in Summer)	“
11D	<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree)	“
11E	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	“
11G	<i>Melalueca quinquenervia</i> (Broad Leaf Paperbark)	“
11K	<i>Ligustrum lucidum</i> (Broad Leaf Privet) <b>EXEMPT</b>	“
11J	<i>Melalueca quinquenervia</i> (Broad Leaf Paperbark)	“
11L	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	“
11M	<i>Agonis flexuosa</i> (WA Willow Myrtle)	“
11P	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	“
11Q	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	“
11R	<i>Strelitzia nicholii</i> (Bird of Paradise)	“
11S	Dead tree <b>EXEMPT</b>	“
14	<i>Eucalyptus sideroxylon</i> (Red Ironbark)	“
15	<i>Liquidambar styraciflua</i> (Liquidambar) <b>EXEMPT</b>	“
16	<i>Jacaranda mimosifolia</i> (Jacaranda)	“
17	<i>Melalueca bracteata</i> (Black Tea Tree)	“
18	<i>Eucalyptus sp.</i>	“
19	<i>Agonis flexuosa</i> (WA Willow Myrtle)	“
20	<i>Corymbia gummifera</i> (Bloodwood)	“

- ii) Trees growing within the 3 metres of the building footprint of the approved structures.

- iii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iv) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

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

## **B. Design**

- i) Fourteen (14) 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 8:1 on private land.
- ii) One hundred and twelve (112) replacement trees are required to be planted.
- iii) A minimum number of forty three (43) indigenous trees must be planted on the site as per 'Attachment A\_Landscape Amendments' dated 25/01/17.
- iv) Trees must have a minimum container size of 5 litres.

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

**Note:** For the remaining sixty nine (69) replacement trees required by "B ii)" above, Council offers offsite planting under a 'Deed of Agreement' as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council's Green Street Program. 'Deed of Agreement' forms can be downloaded from Council's website at [www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement](http://www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement). A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

## **C. Prior to Occupation/Occupation Certificate**

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

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

## **D. Ongoing**

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

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

Sutherland Shire Council Nursery

345 The Boulevarde, Gymea

Ph: 02 9524 5672

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

## 21. Removal and/or Pruning of Trees on Council Land

### A. Design

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal / Pruning of the tree/s listed below must only be undertaken using Council's preferred supplier at the applicant's expense. The applicant is responsible for contract management and payment of the arborist prior to works being undertaken.

Select from Council's list of preferred suppliers listed on Council's website:

<http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land>. Payment of the quoted amount provided must be made prior to any works commencing on site.

The following trees have been approved for removal within the road reserve:

Tree No.	Tree Species (botanical and common name)	Location
16A	<i>Agonix flexuosa</i> (WA Willow Myrtle)	Sutherland Road verge
6	<i>Cupressus sempervirens</i> (Cypress)	Mitchel Road verge

## 22. Tree Retention and Protection

### A. Before Works

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

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

Prior to the commencement of any works, including demolition, the supervising Arborist must oversee the protection of the following tree/s as listed in the table below / as marked on 'Attachment B\_Tree Protection' dated 24/01/17 to ensure the installation and adequacy of all tree protection measures.

Tree No.	Tree Species (botanical and common name)	Location
1	<i>Lophostemon confertus</i> (Brushbox)	Mitchell Avenue verge
2	<i>Lophostemon confertus</i> (Brushbox)	Mitchell Avenue verge
3	<i>Lophostemon confertus</i> (Brushbox)	Mitchell Avenue verge
4	<i>Lophostemon confertus</i> (Brushbox)	Mitchell Avenue verge
5	<i>Lophostemon confertus</i> (Brushbox)	Mitchell Avenue verge
7	<i>Lophostemon confertus</i> (Brushbox)	Mitchell Avenue verge
11C	<i>Melaleuca linariifolia</i> (Snow in Summer)	Eastern boundary of 19 Mitchell Ave
11D	<i>Leptospermum petersonii</i> (Tea Tree)	Eastern boundary of 19 Mitchell Ave
11H	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	NE corner of 19 Mitchell Ave
11I	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	NE corner of 19 Mitchell Ave
13	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Center of 19 Mitchell Ave
20A	<i>Grevillea hybrid</i>	Verge Sutherland Rd
21	<i>Corymbia gummifera</i> (Bloodwood)	NW corner of 78 Sutherland Rd
22	<i>Leptospermum laevigatum</i> (Coastal Tea Tree)	SW corner of 76 Sutherland Rd

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 'Attachment B\_ Tree Protection' dated 24/01/17. 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) Trunk protection for street trees 1-7 must consist of a padding material such as hessian or thick carpet underlay wrapped around the trucks. Hardwood planks (50mmx100mm or similar) shall be placed over the padding and around the trunk of the tree at 150mm centers. The planks shall be secured with 8 gauge wire or hoop steel at 300mm spacing. Trunk protection must extend a minimum height of 2m or to the maximum possible length permitted by the first branches.
- v) 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.
- vi) All site access/egress throughout construction must be via the existing driveway of 19 Mitchell Avenue.

#### **B. During Construction**

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

### **23. Car Wash Bays**

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

#### **A. Design**

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

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

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

#### **C. Before Occupation**

The Principal Certifying Authority must be satisfied that

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

#### **D. Ongoing**

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

## **24. Garbage, Recycling and Green-waste Storage Area**

To ensure the proper storage of waste from the premises:

### **A. Design**

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

### **B. Before Construction**

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

### **C. Before Occupation**

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

### **D. Ongoing**

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

## **25. 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.

## **26. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater**

To minimise the noise impact on the surrounding environment:

### **A. Design**

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

### **B. Ongoing**

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

## **27. 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.

## **28. Noise and Vibration Control - Residential Car Park**

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

### **A. Design**

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

### **B. Before Occupation**

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

## **29. Car-Park Ventilation - Alternate System**

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.

# **30. 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 NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> 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>.

### **31. 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 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.

### **32. Design Requirements for Adaptable Housing**

#### **A. Design**

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

### **33. 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.

### **34. 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.

### **35. Sydney Water Tap in™ & Compliance Certificate**

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

Prior to the issue of the Construction Certificate, a copy of the Sydney Water Tap in™ approval must be submitted to the Accredited Certifier. This is 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) <<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.

### **36. 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.

### **37. 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.

### **38. 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

### **39. 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 dwellings must have the following street address format:

The Residential address must be known as 17 Mitchell Avenue, Jannali  
The units must be numbered in a hotel style format eg. LG01, G01, 101 & 201 etc.

### **40. Car parking Areas**

#### **A. Ongoing**

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

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

### **41. 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: 84 spaces (minimum 1 per unit and 2 per 3 bedroom unit)
- Residential visitors: 13 spaces
- Loading/servicing: 1 MRV 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.

## 42. Safety and Security

### A. Design & On-Going

- a) All security and access control devices installed should meet or exceed Australian Standard 4806.
- b) Security systems and CCTV cameras must be installed in and around the property particularly at all entry / exit points by a licensed security professional, and suitable sign posting shall be placed to deter potential offenders.
- c) All levels of the car park, pedestrian routes, communal areas and entry and exit points must be adequately lit to meet Australian Standard 1158.3.1.
- d) Lighting must be compatible with the CCTV system.
- e) Exterior fixtures and fittings must be made from robust and vandal resistant materials.
- f) All graffiti is to be removed within 7 days.
- g) Emergency evacuation plans shall be implemented and maintained to assist residents and emergency services in the event of an emergency. This plan shall be prominently displayed.



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

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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

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1. The cutting down, lopping, injury and destruction of trees is regulated by 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) 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, in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.