

2017SSH038 – 945-947 Old Princes Highway &
2-4 Anzac Avenue, Engadine

DA17/1307

ASSESSMENT REPORT APPENDICES

- Appendix
- A Draft Conditions of Consent
 - B Pre-Application Discussion dated 28 February 2017
 - C NSW Rural Fire Service letter dated 30 October 2017
 - D Design Review Forum Report dated 13 December 2017
 - E Design Changes
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DRAFT CONDITIONS OF CONSENT
Development Application No. 17/1307

1. Approved Plans and Documents

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

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
DA-02 (Revision B)	Site & Roof Plan	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-02.01 (Revision B)	Ground Floor Plan Driveway Section	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-03 (Revision B)	Basement Plan	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-04 (Revision B)	Ground Floor Plan	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-05 (Revision B)	Level 1 Floor Plan	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-06 (Revision B)	Level 2 Floor Plan	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-07 (Revision B)	North & East Elevations / Finishes	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-07.a (Revision B)	North & East Elevations 2 / Finishes	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-08 (Revision B)	South & West Elevations / Finishes	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-08.a (Revision B)	South & West Elevations 2	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-09 (Revision B)	Section A-A Section B-B	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-10 (Revision B)	Section C-C Section D-D	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-12 (Revision B)	Adaptable Townhouse Plans	Bechara Chan & Associates Pty Ltd	16.02.2018
DA-16 (Revision B)	Driveway Section	Bechara Chan & Associates Pty Ltd	16.02.2018
Sheet 1 of 5 (Issue 1)	Landscape Masterplan	Paul Scrivener Landscape Architects	13.02.18
Sheet 2 of 5 (Issue 1)	West Detail Plan	Paul Scrivener Landscape Architects	13.02.18

Sheet 3 of 5 (Issue 1)	East Detail Plan	Paul Scrivener Landscape Architects	13.02.18
Sheet 4 of 5 (Issue 1)	Soil Calculation / Planting Plan	Paul Scrivener Landscape Architects	13.02.18
Sheet 5 of 5 (Issue 1)	Section AA & BB / Details	Paul Scrivener Landscape Architects	13.02.18
D1 (Revision C)	Basement Stormwater Drainage Concept Plan	LMW Design Group P/L	15.02.2018
D2 (Revision C)	Site & Ground Floor Stormwater Drainage Concept Plan	LMW Design Group P/L	15.02.2018
D2A (Revision C)	OSD Tank Detail and Calculation	LMW Design Group P/L	15.02.2018
E1 (Revision B)	Site Management Plan - Demolition & Excavation	LMW Design Group P/L	June 17
E2 (Revision B)	Construction Phase (1 of 2)	LMW Design Group P/L	June 17
E3 (Revision B)	Construction Phase (2 of 2)	LMW Design Group P/L	June 17

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 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 subdivision 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 (refer also to approved annotated plans)

- i. The basement egress stairs to the Anzac Avenue frontage shall be re-orientated to turn and exit in a southerly direction adjoining the common level entry path of the development. The common entry stair adjoining the level entry path shall be deleted and replaced with planted landscaped area. All garden beds within the sites frontage shall be maintained at ground level to maintain site lines for

vehicles and pedestrians into / exiting the basement driveway.

- ii. An 8m wide vehicular crossing shall be constructed. To achieve this, the driveway shall be widened in a southerly direction towards the common entry path.
- iii. Any fire hydrant boosters, gas and electricity meters (and substation if required) must be located discretely in the landscape. The fire hydrant booster (if required) and all meters shall be located in an alcove on the southern side of the driveway and screened by non-lockable gates. These provisions shall be coordinated with the fire stair return to the common entry path as required above.
- iv. The street setback to the entry / pergola structure shall be increased to a minimum 4m.
- v. To increase the deep soil planting area on the corner of Anzac Ave and the Princes Hwy, the private entry path to Dwelling 13 from Anzac Ave shall be deleted and replaced with planted landscaped area. The letter boxes shall be relocated to the northern side of the common entry and an access path into the Private Open Space (POS) of Dwelling 13 is to be provided from the common entry path.
- vi. The front fence along the Princes Hwy and Anzac Ave shall be redesigned in accordance with the annotated plan and be a maximum height of 1.5m, constructed out of solid sandstone (minimum 200mm thick) with open form metal panels (aperture between panels equal to the width of the panel). The southern and eastern edges of the entry portico fronting the Princes Hwy shall have 1.5m high glass panelling to reduce road noise.
- vii. To reduce the height of the internal retaining walls adjoining the southern boundary of Dwellings 14 - 22 inclusive, where possible the excavated sandstone rockface shall replace the proposed constructed masonry retaining wall.
- viii. The amphitheatre steps and seating walls must be pier and beamed to protect the existing Angophora tree to be retained.
- ix. The ground levels within the Communal Open Space (including to the north of dwelling 1) shall be maintained as existing.
- x. The external paved areas to dwellings 8 - 12 inclusive, shall be in accordance with the approved architectural plans. The landscape plan shall be amended accordingly.
- xi. The floor plan to Dwelling 1 shall be flipped to replicate the floor plan of Dwelling 2. The location of the entry door shall be adjusted accordingly.
- xii. The floor level to Dwelling 2 shall be lowered by 450mm to RL178.1. Steps accessing the front entry / POS from the common pedestrian zone shall be provided from the eastern alignment of the POS.
- xiii. The elevated rear terrace areas of Dwellings 1 and 2 where immediately adjoining the internal bedroom areas shall be deleted. The terrace areas shall be enlarged where adjoining the living rooms to achieve a minimum 9m² of paved surface.
- xiv. The extent of fill and alteration to the existing site levels adjacent to western boundary shall not exceed 300mm and within the TPZ of existing trees 1-5 shall be retained at the existing levels (refer tree protection condition).
- xv. With agreement of the adjoining property owner(s) an additional 300mm of privacy screening shall be erected above the 1.8m boundary fencing along the side and rear boundaries. This fencing must not be constructed forward of the building alignment or along the Princes Highway.
- xvi. The balcony balustrades on the northern side of dwellings 13 - 18 shall be treated with an opaque / translucent finish.

- xvii. Signage shall be erected at the exit of the basement and arrow depicted on the driveway surface (within the property) advising residents / visitors and service vehicles to exit in a left hand direction only. Right hand turning onto Anzac Avenue is not permitted.

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

3. Integrated Development Approval - Requirement of Approval Bodies

A. General Terms of Approval from Other Approval Bodies

The development must be undertaken in accordance with all General Terms of Approval (GTA) of the following approval bodies under Section 91A of the Environmental Planning and Assessment Act 1979:

NSW Rural Fire Service

A copy of the GTA and any further requirements of the approval body is provided below and attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

4. Affordable Rental Housing - Restriction as to User

A. Before Occupation

A Restriction as to User must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919. This restriction must be registered, before the date of the issue of the Occupation Certificate, against the title of the property on which development is to be carried out. This restriction is to ensure that the 5 dwellings depicted in the approved plans (nos. 2, 7, 11, 15, 16) shall be affordable rental housing as defined by State Environmental Planning Policy (Affordable Rental Housing) 2009. The restriction shall contain the following wording:

Clause 17(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 entitled 'Must be used for affordable housing for 10 years' states:

(1)(a) for 10 years from the date of the issue of the occupation certificate:

- (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
- (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider.

B. Ongoing

That the Restriction as to User require the dwellings, for a period of 10 years from the date of issue of an Occupation Certificate, to be Affordable Housing as defined by State Environmental Planning Policy (Affordable Rental Housing) 2009, namely:

"affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument

5. 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 \$10,210.00

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 dedications 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.

6. S94A 2016 Plan - Sutherland Shire

A. Before Construction

Pursuant to s.80A(1) of the Environmental Planning and Assessment Act 1979, and Sutherland Shire Council Section 94A Plan 2016, a contribution of \$78,000.00 must be paid to Sutherland Shire Council towards the cost of works contained in the contribution plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

The rate used to index the contribution rate and outstanding contributions is the Consumer Price Index (All Groups Index) for Sydney. Outstanding levies will be adjusted on the first of July each year in accordance with the following formula:

The formula to review a contribution rate is:

$$\text{Adjusted Contribution} = \text{Current Contribution} \times \frac{\text{Current CPI}}{\text{Previous year's CPI}}$$

Payment must be made before whichever is the first to occur:

- the issue of a construction certificate, or
- the release of the subdivision certificate/ linen plan, or
- the commencement of the use/occupation of the premises.

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. These approvals must be to the satisfaction of Council for the required development works and may include but are not limited to the following:

- Frontage Works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and Hoardings.
- Skip Bins.
- Shoring / Anchoring.
- Standing of cranes, concrete pumps, etc.

Note: All Plans and Permits are required to be on site, at all times and may be requested by council officers at any time.

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

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

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end a Detailed Frontage Works application under the Roads Act 1993 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 will be quoted separately by Council's Design Services unit.

This design will generally comply with the approved architectural design drawings and the current website version of Council's Public Domain Design Manual (PDDM) and Public Domain Technical Manual (PDTM) except where modified by/or addressing the following:

- i. Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- ii. Grades - regrade footpath verge to final design levels including topsoil, turf and all associated soft landscaping.
- iii. Vehicle Crossings - construct a single vehicle crossing 8m wide.
- iv. Redundant Laybacks and Crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
- v. Stormwater Connection - construct a new kerb inlet pit over Council's existing stormwater pipeline within Anzac Avenue to facilitate drainage for the proposed development.
- vi. Footpath - install new footpath pavement along the full frontages for Princes Highway and Anzac Avenue.
- vii. Kerb Ramps - reconstruct the existing kerb ramp fronting Anzac Avenue providing suitable transitions to new footpath pavement.
- viii. Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- ix. Retaining Structures - construct retaining/slope stability walls as required.
- x. Road Pavement - construct road pavement as required.
- xi. Median Strip - a median strip shall be installed within Anzac Avenue from the prolongation of the northern boundary of No.4 Anzac to the intersection of the Princes Highway.
- xii. Kerb and Gutter - reconstruct damaged kerb and gutter as required including associated road reconstruction.
- xiii. Street Signage - alter existing and/or install new street signage as required.
- xiv. Trees - remove one existing Scribbly Gum street tree in Anzac Avenue and install new street trees along Princes Highway and Anzac Avenue frontages.
- xv. Utility Services - adjust public services infrastructure as required.
- xvi. NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

NBN is the IPOLR (infrastructure provider of last resort) in developments of 100 lots or more within its fixed-line footprint and in new development where its fixed-line network is available, or the NBN rollout has been announced (www.nbnco.com.au/learn-about-the-nbn/rollout-map.html).

If you use NBN, you will need to provide six months' notice before your network needs to be available.

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

B. Before Construction

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

C. Before Occupation

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

- i) The supervising engineer must certify that the road frontage works were constructed in accordance with the development consent and associated approval under the Roads Act 1993 including the approved drawings and specification.

9. Site Management Plan

A. Before Commencement of Works including Demolition

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

- i) Safe access to and from the site during construction and demolition.
- ii) Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting.
- iii) Method of loading and unloading excavation machines, building materials.
- iv) How and where, construction materials, excavated and waste materials will be stored.
- v) Methods to prevent material being tracked off the site onto surrounding roadways.
- vi) Erosion and sediment control measures.

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 Public Domain 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 Council's 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, Parking and Manoeuvring

A. Design

The internal driveway profile, parking and manoeuvring areas must be designed in accordance with the approved architectural plans except where modified by the following:

- i) Align with Access and Alignment levels issued by Council's Public Domain Unit.
- ii) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- iii) The proposed waste collection area must be clearly defined with suitable signposting and pavement markings.

- iv) The car park must be line marked to accommodate vehicles as per approved plans.
- v) The internal driveway and car parking area must be paved or concreted and must be finished in materials other than plain or exposed aggregate concrete.
- vi) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- vii) Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- viii) Comply with AS2890.2(2002) in relation to the design of vehicular access and garbage collection area general manoeuvring for the 'SRV' vehicle.
- ix) The maximum longitudinal grade of the driveway must not exceed 15.4%.

B. Construction

Certification from an appropriately qualified engineer to the effect that the design requirements of "A" above have been met must accompany the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any occupation certificate a suitably qualified engineer must certify that the works required in "A" above were undertaken and completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy also provided to Council.

D. On-going

The approved parking must be used exclusively for car parking as approved for the life of the development.

13. Basement Car Park Design & Construction

A. Design

The basement car park must be designed in accordance with the approved architectural drawings, subject to the following modifications:

- 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 in accordance with clause 5.3 of AS2890.1.
- ii) Parking bays must not be enclosed, caged or a door provided.
- iii) All parking bays must provide a minimum clear parking envelop in accordance with figure 5.2 of AS2890.1.
- iv) Parking bays provided for liveable units must have the minimum clear dimensions of 3.2m wide by 5.4m long or comply with AS2890.6.
- v) The 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. Prior to Construction

Certification from a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design has been prepared in accordance with A above must accompany the application for the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate a Chartered Civil Engineer or a Registered Surveyor must certify that the works required in "A" above have been completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy provided to Council.

D. On-going

The approved parking must be used exclusively for car parking as approved for the life of the development.

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) A detailed drainage design supported by calculations is to demonstrate that the drainage system can cater for the 100 year ARI storm event.
- 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 grate/s of the OSD tank are to be located outside of the basement ramp such that OSD surcharge will not enter the basement in the event of a blockage.
- v) The rainwater tank must have a minimum capacity of 5m³.
- vi) All levels reduced to Australian Height Datum.
- vii) The pipeline within the footpath verge must be a reinforced concrete pipe.

B. Before Construction

- i) 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, the rainwater tanks 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, 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 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 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.

15. Stormwater Treatment

A. Before Construction

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

B. Before Occupation

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

C. Ongoing

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

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

16. Damage to Adjoining Properties

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report must be implemented.

17. Public Utilities

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 (including NBN) and the like, and any necessary underground conduits are provided. The Australian Government has issued a new policy on the provision of telecommunications infrastructure in new development. This policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network. NBN is the IPOLR (infrastructure provider of last resort). NBN require 6 months' notice in order to make the network available.

A copy of the agreements/contracts with the utility providers must form part of the supporting construction certificate documentation.

B. Before Occupation/Subdivision

Prior to issue of any Occupation/Subdivision certificate, certification must be provided from each utility service provider/approved agent to the effect that each lot has been serviced to their satisfaction.

Prior to the issue of any Occupation/Subdivision certificate, evidence satisfactory to the Certifying Authority that arrangements have been made for:

- i) The installation of fibre-ready facilities (conduits and pits) to all individual lots and/or premises/dwelling to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Certification from each carrier/provider must be provided to the PCA that they are satisfied that the fibre ready facilities are fit for purpose.

- ii) The provision of fixed-line telecommunications infrastructure (cables) in the fibre-ready facilities to all individual lots and/or premises/dwellings must be installed and certification from the carrier/provider must be provided to the PCA stating that the infrastructure has been provided and to their satisfaction.
- iii) Installation of gas and/or electricity must be constructed/installed by the utility service provider/approved agent to each allotment. Certification must be provided from each provider/agent stating that all allotments have been serviced to their satisfaction.
- iv) WAE drawings must to be prepared by a registered surveyor detailing location and depth of conduits/pits and connection points/ties within allotments. A copy of the WAE drawings must form part of any Occupation/Subdivision certificate documentation.

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

18. Plan of Subdivision to conform with Development Consent

A. Before Subdivision

The Plan of Subdivision must conform with this development consent.

All works required by this development consent must be completed prior to the release of a subdivision certificate.

19. Endorsement of Plan of Consolidation

A. Construction

- i) Prior to the issue of any Construction Certificate a Plan of Subdivision for the Consolidation of Part Lot A of DP 386887, Lot 2 of DP 394270, Lot Y of DP 446347, Lot X of DP 446347 & Lot B of DP 405057 is to be registered with Land and Property Information
- ii) All land identified for acquisition under the SSLEP2015 is to be dedicated to Sutherland Shire Council as a Road Widening.

20. Waste Management

A. Design

Waste Collection point must be designed in accordance with the following requirements:

- i) A "SRV" sized loading bay must be provided in accordance with AS2890.2 within the subject property for waste collection use
- ii) The maximum long and cross section grade of the loading bay must be $\pm 5\%$
- iii) Clear and direct access must be provided from the bin holding areas to the loading bay
- iv) Any permanent communal garbage and/or 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

Prior to the issue of any construction certificate a suitable qualified civil engineer must certify that the Waste Collection Point has been design in accordance with part “A” above. A copy of this certification must form part of the construction certificate

C. Before Occupation

Prior to the issue of any occupation certificate a suitable qualified civil engineer must certify that the Waste Collection Point has been constructed to their satisfaction and in accordance with part “A” above. A copy of this certification must form part of the occupation certificate

D. On-going

All ongoing management, maintenance and cleaning of all waste and recycling management facilities, including suitable collection arrangements and how bins are to be moved from waste storage area/s to collection area/s are to carried out in accordance with the approved Waste Management Plan for the development.

Waste collection shall be managed by a Private Contractor and be collected wholly within the site. Waste bins shall be stored wholly within the designated basement storage areas when not being collected. The aforementioned waste collection requirement shall be adopted as a By-Law in any future Strata Plan.

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 “SRV” waste vehicle size limit for the entire site in accordance with AS2890.2.

21. Landscaping Works

A. Design

The landscaping works must be designed in accordance with the approved Landscape Plan except where modified by the following:

- i) Tree Protection Zones (TPZ) must be shown on plan for all existing trees to be retained and protected.
- ii) All retaining walls, steps and the walls of planter boxes must be of cut (excavated) sandstone, masonry or gabion construction, except in northwest corner of the lower garden where the Communal Open Space (COS) is located.
- iii) Amend the front fence and retaining wall to the Princes Hwy and Anzac Ave in accordance with the architectural conditions. Adjust the planting box at the base of the wall and plant species to suit. Ensure a minimum depth of soil in the planters at the base of the wall and at street level of 900mm.
- iv) To increase solar access and the area of Private Open Space to the dwellings, delete the *Syzygium australe* ‘Pinnacle’ trees and Cabbage Tree Palms. Plant vines such as *Parthenocissus tricuspidata* (Virginia Creeper) that will cling to the sandstone and wall to create a ‘green wall’.

Alternatively, tuck tubestock indigenous ferns, shrubs and grasses where possible into small pockets and cracks in the excavated sandstone wall.

- v) Delete Detail 7 for synthetic grass. In the all rear gardens of Dwellings 1-13 provide a shade tolerant Buffalo grass.
- vi) All edging to garden to beds and paths must be aluminium, steel or timber. Timber edging must be hardwood or treated pine and be a minimum size of 100 x 50mm.
- vii) Provide minimum soil depths in planter boxes as follows:
 - 1200mm for large trees.
 - 900mm for small trees and tall shrubs.
 - 600mm low shrubs.
 - 450mm grass and ground covers.
- viii) Each townhouse must be provided with a clothes line easily accessible from the laundry.
- ix) 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.
- x) The private open space of each ground floor dwelling must be provided with one tap, connected to mains water.
- xi) To reduce weeds and ensure full coverage of the soil area in planting beds and planter boxes throughout the site a density of 4 plants per sq m must be provided.
- xii) In the planter boxes on slab in the central walkway, delete the Cabbage Tree Palm and plant an additional 3 x *Waterhousia floribunda* (weeping Lilly Pilly).
- xiii) Substitute the following plant species:
 - To the planting bays in the front wall along the Princes Hwy frontage substitute a mixture of *Eucalyptus oblonga* (Sandstone Stringybark) and *Melaleuca nodosa* (Ball Honeymyrtle) trees with an understorey of *Banksia oblongifolia* (Banksia), *Lambertia formosa* (Mountain Devil), *Dianella caerulea* and *Lomandra 'Tanika'* for the *Elaeocarpus reticulatus* and *Ficinia nodosa*.
 - In the rear gardens of Dwellings 1-12 substitute a mixture of *Eucalyptus sieberi* (Silver Top Ash) and *Corymbia gummifera* (Bloodwood) for *Banksia integrifolia* (Coast Banksia) and *Cupaniopsis anacardiodes* (Tuckeroo).
 - 40 x *Backhousia myrtifolia* for 40 x *Murraya paniculata* hedging
 - 1x *Eucalyptus piperita* (Sydney Peppermint) for 1x *Syncarpia glomulifera* (Turpentine).

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 tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other conditions within this consent, 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 \$230 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$103 each.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date. 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 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 Boulevarde, Gympie
Ph: 02 9524 5672

22. Tree Removal on Private and Council Land

The removal of the following trees is approved:

i) Trees as listed below:

Tree No.	Tree Species (botanical and common name)	Location
6	<i>Callistemon citrinus</i> (Crimson Bottlebrush)	SW corner of site
7	<i>Eucalyptus robusta</i> (Swamp Mahogany)	SW corner of site
8	<i>Eucalyptus robusta</i> (Swamp Mahogany)	SW corner of site
9	<i>Eucalyptus racemosa</i> (Narrow Leaf Scribbly Gum)	SW corner of site

10	<i>Camellia japonica</i> (Japanese Camellia)	SW corner of site
11	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	Middle of site near large Angophora trees to be retained
13	<i>Ligustrum lucidum</i> (Large Leaf Privet)	Middle of site near large Angophora trees to be retained
14	<i>Jacaranda mimosifolia</i> (Jacaranda)	Middle of site near large Angophora trees to be retained
16	<i>Ligustrum lucidum</i> (Large Leaf Privet)	Middle of Northern boundary
18	<i>Ficus benjamina</i> (Weeping Fig)	Middle of Northern boundary
19	<i>Ligustrum lucidum</i> (Large Leaf Privet)	Middle of Northern boundary
20	<i>Photinia robusta</i> (Photinia)	Middle of site
21	<i>Camellia japonica</i> (Japanese Camellia)	Middle of site
22	<i>Camellia japonica</i> (Japanese Camellia)	Middle of site
23	<i>Camellia japonica</i> (Japanese Camellia)	Middle of site
24	<i>Eucalyptus nicholli</i> (Narrow-leaved Black Peppermint)	Middle of southern boundary (near Princes HW)
25	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	Southern boundary (near Princes HW)
26	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	Southern boundary (near Princes HW)
27 Note: wrongly numbered on plan as 24	<i>Cupressus x leylandii</i> (Leyland Cypress)	Middle of site
28	<i>Cupressus x leylandii</i> (Leyland Cypress)	Front setback, Anzac Ave
29	<i>Cupressus x leylandii</i> (Leyland Cypress)	Front setback, Anzac Ave
30	<i>Cupressus x leylandii</i> (Leyland Cypress)	Front setback, Anzac Ave
31	<i>Cupressus x leylandii</i> (Leyland Cypress)	Front setback, Anzac Ave
32	<i>Eucalyptus racemosa</i> (Narrow Leaf Scribbly Gum)	Street tree, Anzac Ave

- 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.

A. Tree Replacement

- i) 14 trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council requires indigenous replacement canopy tree planting at a ratio of 8:1 on private land (medium density) and 4:1 on Council land (Council Resolution EHR003-17 of 18 July 2016).

- ii) 64 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 maintain existing bush land or trees such that it makes a positive contribution to the local landscape character.
- iii) A minimum number of 64 indigenous and other trees must be planted on the site and the street in accordance with the approved Landscape Plans.
- iv) Trees must have a minimum container size of 5 litres.

B. 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 (SSCDCP2015 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 Boulevard, Gympie

Ph: 02 9524 5672

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

23. Tree Retention and Protection

The following condition applies to all trees on the subject site, trees on the adjoining sites (which are potentially affected by the development works), as well as trees on the adjoining Council land that are not approved for removal.

A. Before Works

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

Note: A Consulting Arborist is a person with a current membership of the Institute of Australian Consulting Arboriculturalists (IACA) or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

All trees not approved for removal must be protected by the following measures:

- i) To preserve the trees numbered 12 and 15, the footings of the proposed amphitheatre steps, stairs and ramp on the southern and eastern sides of the trees must be isolated pier and beam construction within the Tree protection Zone or 8m of the trunks. The piers must be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process

of any site works during the construction period. The beam must be located on or above the existing soil levels. The location and details of any footings within the Tree Protection Zone (TPZ) shall be detailed in accordance with i) above and on the Construction Certificate Plans.

- ii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the approved Landscape Plan and supervising Consultant Arborist's advice. 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.
- 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) Tree trunk/branch batten protection boards are to be installed as per 4.5.2 of Australian Standard (AS4970-2009) - Protection of Trees on Development Sites.

B. During Works

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Consulting 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 Consulting Arborist must strictly supervise that there is no disturbance or severing of roots greater than 50mm diameter and to cleanly cut those roots between 10-50mm 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.
- v) The supervising Consulting Arborist must inspect the tree protection measures and maintain a record throughout the construction process. As a minimum an inspection must be undertaken at each hold point listed below:

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1.	Indicate clearly with spray paint trees approval for removal only	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment
2.	Establishment of tree protection fencing	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment

3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree
4.	Inspection of trees by Project Arborist	Principal Contractor	Supervising Arborist	Bi-monthly during construction period
5.	Final inspection of trees by project Arborist	Principal Contractor	Supervising Arborist	Prior to issue of interim/final Occupation Certificate

C. Before Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate the supervising Consulting Arborist must provide final certification that the tree protection measures required by this condition have been maintained throughout the construction process including that the inspections required by B(v) above have been undertaken. The final certification must be provided to the PCA and a copy must be provided to Council's Landscape Officer at the time of the final landscape inspection.

24. Protection for a Potential Item of Aboriginal Heritage

A. During Construction

Development consent from Council does not imply consent to destroy an Aboriginal site or object issued under the National Parks and Wildlife Act.

Should any Aboriginal objects be unearthed/exposed during the project, works must temporarily cease within the immediate vicinity and the Office of Environment and Heritage be contacted to advise on the appropriate course of action.

Requirements of National Parks and Wildlife Act 1974

The National Parks and Wildlife Act is the primary legislation for the protection of Aboriginal cultural heritage in NSW. Under the National Parks and Wildlife Act 1974 it is an offence to desecrate or harm an Aboriginal object without having obtained an Aboriginal Heritage Impact Permit (AHIP) under section 90 or without having exercised due diligence in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (NSW Department of Environment, Climate Change & Water (DECCW)).

25. Potential Contaminated Land - Unexpected Finds

A. During Works

If unexpected contaminated soil and/or groundwater is encountered during any works; all work must cease and the situation must be promptly evaluated by an appropriately qualified and experienced environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.

B. Prior to recommencement of works

If unexpected contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines.

The verification documentation must be provided to the satisfaction of the Principal Certifying Authority (PCA) and Sutherland Shire Council, Manager Environmental Science, prior to the recommencement of any works.

Note: An appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes, or demonstrate an equivalent standard:

- CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner.
- 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA)

26. 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.

27. 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.

28. Noise Control - Design of Plant and Equipment

To minimise impact on surrounding residents from noise sourced from air conditioners, heat pump hot water heaters and similar domestic equipment:

A. Design

This equipment must be either located &/or acoustically attenuated so that noise emitted

- between 8am and 10pm on any weekend or public holiday, or
- between 7am and 10pm on any other day

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

- a) at the most effected point on the subject property's perimeter land boundary &/ or
- b) at the external edge of any balcony of any sole occupancy unit within the subject complex itself or
- c) at the outside face of any window of any sole occupancy unit within the complex itself

at any time the units operate AND

outside of the aforementioned times the equipment cannot be heard within a habitable room in any sole occupancy unit or other residential premises regardless of whether any door or window to that room is open.

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

29. Noise Control - Design of Plant and Equipment (Continual Operation)

To minimise any impact of noise from the development's carpark exhaust system and lift motor:

A. Design

Such plant and equipment must be designed and / or located so that noise emitted:

- (i) does not exceed 44 dB(A) LAeq, 15 minutes when measured at any point on the subject property's land boundary at any time between the hours of 7am - 10pm weekdays and 8am - 10pm weekends and public holidays; and

- (ii) is at any other time not audible within a habitable room of any residential premises being residential premises within the subject complex or on any other property.

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

30. Noise from Road and / or Rail

To minimise the impact of noise from the adjoining major road and / or rail corridor on the occupants:

A. Design

The building design must be in accordance with the recommendations of the acoustic report by Acoustic Logic dated 30/6/2017 approved as part of this application and be designed to meet the internal noise level criteria provided in:

- i) State Environmental Planning Policy (Infrastructure) 2007; and,
- ii) 'Development near Rail Corridors and Busy Roads - Interim Guideline' produced by the NSW Department of Planning.

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.

31. 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 SafeWork NSW.

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) SafeWork 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 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

32. Dilapidation Report - Adjoining Properties

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 6 Anzac Avenue and 178 Princes Highway, including any basements and ancillary structures. The reports must be provided to the Principal Certifying Authority and to the owners of the properties that are the subject of the report.

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

33. Design Requirements for Adaptable Housing

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.

B. Before Occupation

A suitably qualified Adaptable Housing Specialist must certify prior to the issue of any Occupation Certificate that the development has been constructed in accordance with the requirements of AS4299 - Adaptable Housing for a Class C Adaptable House. A copy of this certification must accompany the Occupation Certificate.

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.

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 Requirements & Section 73 Compliance Certificate

A. Before Any Works

Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the Construction Certificate must also be approved by Sydney Water. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the Construction Certificate documentation.

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

B. Before Occupation / Subdivision Certificate

Prior to the issue of an Occupation Certificate or a Subdivision Certificate a Compliance Certificate under Section 73 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. This assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

Sydney Water Advice on Compliance Certificates:

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. 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.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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 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. Containment of Fill

A. Design

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

B. Before Construction

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

40. 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:
 - Dwelling 1 to be known as 1/2 Anzac Avenue, Engadine
 - Dwelling 2 to be known as 2/2 Anzac Avenue, Engadine
 - Dwelling 3 to be known as 3/2 Anzac Avenue, Engadine
 - Dwelling 22 to be known as 22/2 Anzac Avenue, Engadine

41. Car Parking Allocation

A. Before Subdivision

Car parking must be allocated to individual units on the following basis:

- i) Each dwelling - a minimum of one parking bay.
- ii) Each tandem carspace must be allocated to a single dwelling.

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. The security gate fitted to the basement entry must be closed with secure access for resident vehicles.
- 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.

END OF CONDITIONS

Administration Centre
4-20 Eton Street, Sutherland
NSW 2232 Australia

Please reply to:
General Manager,
Locked Bag 17,
Sutherland NSW 1499
Australia

Tel 02 9710 0333
Fax 02 9710 0265
DX4511 SUTHERLAND
Email ssc@ssc.nsw.gov.au
www.sutherlandshire.nsw.gov.au

ABN 52 018 204 808

Office Hours
8.30am to 4.30pm
Monday to Friday

Lisa Pemberton - 9710 0326
File Ref: PAD16/0142

28 February 2017

Bechara Chan & Associates Pty Ltd
Suite F
Level 6 Redmyre Road
STRATHFIELD NSW 2135

Dear Sir/Madam

Pre-Application Discussion No. PAD16/0142

Proposal: Demolition of existing structures and construction of a new affordable housing 28 townhouses and a level of basement parking

Property: 945- 947 Old Princes Highway, Engadine, and 2- 4 Anzac Avenue, Engadine.

Council is committed to achieving quality built outcomes for the benefit of residents and the broader community. The Pre-Application (PAD) process is intended to assist in this goal and I appreciate you taking the time to attend.

The PAD held on 6 February 2017 regarding the above development proposal was attended by Annette Birchall (Team Leader), Lisa Pemberton (development assessment officer), Barbara Buchanan (Landscape Architect) and Peter Brooker (Architect) who attended the meeting on behalf of Council and Gihad Bechara (Architect) and Kathy Pal (Architect) 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 complete 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.

It is noted that amended plans were submitted on 21 February 2017, to the Architectural Review Advisory Panel as a result of the PAD meeting held with Council Staff. Whilst the amendments to the original plans have been noted, the comments below relate to the original scheme presented at the PAD meeting.

The Site and Proposal:

The site is located on the south western corner of the Old Princes Highway and Anzac Avenue Engadine. The subject site is made up of four existing residential allotments, each containing single dwellings. The site is irregular in shape, with the frontage to Anzac Ave measuring approximately 22.3m wide with the rear boundary measuring approximately 44.4m wide. The corner of the site at Anzac Avenue and Old Princes Highway is splayed; the subject site has an approximate area of 3074.3m².

The subject side slopes down to the north of the site with a fall of approximately 5.5-6m, and contains a number of mature trees.

The proposal is to develop a multi-dwelling development with a level of basement car parking. Private and common open space is proposed at ground level. 28 townhouses are proposed, four of which are proposed to be adaptable. With a proportion of the dwellings proposed to be Affordable Rental Housing, pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

The property is within Zone R2 Low Density Residential under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed multi-dwelling housing is a permissible form of development within this zone.

SSLEP2015 indicates that the site is mapped as being bushfire prone. Council's Draft Development Control Plan 2015 (Draft DCP) identifies the site as being affected by road and rail noise. 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. Landscaping

In accordance with the Affordable Rental Housing SEPP the site is required to have a minimum of 30% the site area to be landscaped and 15% of the site must be deep soil.

An objective of the R2 Low Density Residential Zone is to protect and enhance existing vegetation. The plans submitted with this PAD indicate that all trees are to be removed from the site. There are several significant remnant trees on the site (Trees 7, 8, 9, 12 and 15) as identified in the Arborist report prepared by Horticultural Management Services (dated 23 November 2016), as well as some good screening trees and shrubs along the western and northern boundaries, and in places along the Old Princes Highway frontage, which should be kept.

There is an opportunity to retain Trees 12 and 15 (both *Angophora costata*) by reconfiguring the units and creating a central space around which all the units

are focussed. The *Angophora costata* are prominent from various points in the vicinity of the site. The removal of these trees is not supported.

Creation of a space around the *Angophora costata* would alleviate the impact of the development on the neighbours to the north and help to ventilate the underground car park. This space could be connected to a break in the dwellings along the Old Princes Highway frontage which would allow improved access to the railway station for all residents and would reduce the visual impact of the long row of dwellings along the Old Princes Highway. It may be possible to save Trees 7, 8 and 9 by creating the break where they now stand.

The proposed common open space in the north eastern corner of the site is a not supported as the sole common open space area; it will not provide a suitable level of amenity for the residents adjacent to a busy road. This use and landscaping of this space should be carefully considered.

As there are overhead wires on both frontages, street tree planting will be reliant on setbacks. Along the Old Princes Hwy, the staggered layout of the dwellings will allow trees to be planted between the dwellings and the boundary.

Consideration must be given to the treatment of the fencing along the Old Princes Highway frontage. Plantings along any fencing should be examined to soften the appearance of the expanse of fence required along this frontage.

Note: Amended Plans

A brief assessment of the amended plans lodged on 21 February 2017, to the Architectural Review Advisory Panel has been undertaken. It is noted that the amended plans have identified the creation of a common open space area around the *Angophora costata* trees, where by the layout of the basement and dwellings have been amended to retain these trees as a key focal point to this development. Council is supportive of the amendments shown to retain and protect these trees.

However whilst the amendments are considered a positive contribution to the amenity of the site, it is important to note that any future design of this proposal, in particular the basement, will need to carefully consider the retention of the trees. This includes the establishment of appropriate Tree Protection Zones, maintenance of existing levels, excavation and impact of any pruning upon the long term viability of the trees.

Regarding any future DA, Council will undertake a detailed assessment of the impacts of the development upon the trees and the measures required to ensure the long term viability of the trees. The layout of the development must be informed by an Arborist. The applicant will be required to work closely with Council during the assessment period regarding these trees.

2. Overall Design Comments

Any future development should be sited to address the constraints associated with having a long frontage to the Old Princes Highway, comments regarding the design of the development include:

Massing

The bulk of the proposed building along the Old Princes Highway should be reduced. As currently proposed, the scale and length of the building is excessive along this frontage. Separating the building (Units 15-21) into a number of separate built elements would relieve the apparent dominant mass and possibly provide a more convenient pedestrian access to the town centre, this also relates to the retention of a number of significant trees as discussed above in point 1. *Landscaping*.

To improve residential amenity, consideration should be given to locating a building along the rear western boundary. This would provide the opportunity for a defensive southern elevation to the highway, as well as provide the opportunity to protect the two *Angophora costata*. A building at this location would also resolve the unusable spaces between dwellings 1, 3 and 28; and dwellings 25, 26 and 27, and would assist in reducing amenity impact upon the neighbouring properties to the north.

Privacy

Any future DA must minimise impacts upon privacy to the neighbouring properties to the north. The windows and balconies on the northern facade of the proposed dwellings 1 -12 should be treated in a way to address privacy impacts to the north. These may include privacy screening, windows sizes and placement. Balconies off bedrooms for these dwellings are not supported given the privacy impacts upon neighbouring properties to the north.

Elevated decks are not supported along the northern elevation, such as proposed for units 9-12.

Common Open Space Core

The “gun - barrel” appearance of the common pedestrian zone at ground level will need reconsideration to create a more comfortable community engaging space. The current proposal provides little in the way of space for either active or passive activities and as such would not be utilised to its best advantage.

Height

The height of all dwellings across the site should be compliant with the 8.5m height limit as per the SSLEP 2015. When designing the development you should also consider the impact upon the surrounding development which is lower in scale to what is being proposed. The objectives of the R2 Low Density Residential zone should also be satisfied through the design.

Adaptable Dwellings

The adaptable dwellings as proposed will need to be reconsidered; the current layout resulting in two kitchens is unacceptable. The living, kitchen, bathroom and accessible bedroom should be at one level in order to provide a reasonable

and inclusive level of amenity for the future residents. Should providing these spaces at one level not be possible an internal lift should be installed to ensure that the residents have equitable access to these spaces.

Access

The proposed lift core is not centralised in the site, and is located in an awkward space between Units 14 and 15. The location of this space also raises safety issues, and the principles of *Crime Prevention Through Environmental Design* (CPTED) should be applied when locating this lift core, and when designing the overall layout of the site.

3. State Environmental Planning Policy (Affordable Rental Housing)

The proposed development will contain a number of Affordable Rental Housing dwellings. The following should be noted and applied to the whole development:

- The Floor Space Ratio should be calculated using Clause 13(2).
- A minimum of 30% of the site should be landscaped.
- 15% of the site is to be *deep soil zone*, with a minimum dimension of 3m.
- Car parking should be provided at a rate consistent with Clause 14(2)(a)(ii)
- In order to provide a reasonable level of amenity to future residents each dwelling must meet the minimum dwellings sizes as per Clause 14(2)(b)

4. Bushfire

The subject site is classified as bushfire prone. Any future development application should be accompanied by a bushfire report prepared by an appropriately qualified person. The outcomes of this report will determine the level of construction required to satisfy the *Rural Fires Act 1997* and *Planning for Bushfire Protection 2006*.

Any DA lodged will be referred to the NSW Rural Fire Service for comment.

5. Architectural Review Advisory Panel

The proposal will be subject to review by Council's Architectural Review Advisory Panel (ARAP). It is noted that a Pre - DA ARAP meeting (ARAP16/0033) has been held. These meetings are helpful in giving direction for an overall design outcome that is suitable to the locality and the use of the development.

6. Acoustic Report

The subject site is affected by both and rail noise. Any future DA should be accompanied by an acoustic report, and should include appropriate treatment and measures to mitigate noise impacts.

7. Engineering

Council's Engineers have reviewed the plans and have provided preliminary comments:

Drainage

- A suitable detailed stormwater plan must be undertaken by a suitably qualified civil engineer including OSD calculations in accordance with Councils DCP2015 and Stormwater specification 2009.
- The discharge must be directed to the piped system within Anzac Avenue.

Driveway

- The driveway must be 6m wide.
- Grades, aisles must comply with AS2890.2 where the garbage/removalist truck enters the basement
- The street tree within the subject frontage of No 4 Anzac Ave must be retained.

You should note that any DA for this site will be referred to the Roads and Maritime Services for comment.

Car Parking

- Car parking rates must comply with the Affordable Housing SEPP.
- Parking spaces must comply with AS2890.1

Waste Management

- The garbage collection bay at ground level along the Anzac Avenue frontage is not supported in this location.
- A Waste Management report must be provided with waste collection from within the site. The truck must enter/exit in a forward direction. On-street collection is not supported.
- Swept path diagrams must be provided for the garbage truck entering/exiting from Anzac Ave with the truck not crossing the centreline.

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. Electricity substations are required on occasion to ensure sufficient power to buildings and NSW Fire have required substantial water tanks in some instances to meet flow requirements for sprinkler systems.

Infrastructure to support these requirements in the front boundary set back at the expense of landscaping or parking requirements is not likely to be acceptable. So you are encouraged to make enquiries and plan in advance.

Conclusion:

Council supports quality, well considered development and the comments provided are intended to help you work toward this outcome.

The proposed development must retain the existing *Angophora costata* trees as a minimum, and these trees should become the central focus of the site and communal

open space area. It must be established that the *Angophora costata* trees will have the appropriate protection and maintenance measures in place to ensure the long term survival of the trees. Other existing trees should be retained as they provide established screening to neighbouring dwellings.

The mass of the building will need to be reduced, in particular the form along the Old Princes Highway. The development should be carefully sited to satisfy the objectives of the R2 Low Density Residential Zone, despite the busy corner location the surrounding area is dominated by low scale residential development.

The development should comply with all relevant development standards; a variation to height will not be supported. There are a number of constraints on the site which will impact upon the treatment of the building, including materials and finishes. The development should be designed to address the acoustic and bushfire constraints associated with the site.

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.

Council strongly recommends that you distribute this letter to all professionals within your design team including architects, landscape architects and engineers.

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). 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.

To make sure lodgement of your application is quick and easy, make an appointment with Council's Development Enquiry Officers on 9710 0520 when you are ready to lodge. Requests for appointments can also be made via Council's website.

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 Lisa Pemberton (9710 0326) as this is Council's development assessment officer who will most likely be responsible for the assessment of your DA.

Yours faithfully

Mark Adamson
Manager – Projects and Development Assessment

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15 Carter Street
Lidcombe NSW 2141

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Telephone: 1300 NSW RFS
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The General Manager
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Your Ref: DA17/1307
Our Ref: D17/3567
DA17101209680 EJ

ATTENTION: Lisa Pemberton

30 October 2017

Dear Sir/Madam

Integrated Development for 945 - 947 Old Princes Highway and 2 & 4 Anzac Avenue Engadine

I refer to your letter dated 5 October 2017 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.


Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Emma Jensen on 1300 NSW RFS.

Yours sincerely



Nika Fomin

Manager, Planning and Environment Services (East)

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Design Review Forum

Proposal: Demolition of existing structures and construction of 22 townhouses including 5 affordable housing dwellings (Units 14-18) and 1 level of basement parking

Property: 945 Old Princes Highway ENGADINE NSW 2233
 4 Anzac Avenue ENGADINE NSW 2233
 947 Old Princes Highway ENGADINE NSW 2233
 2 Anzac Avenue ENGADINE NSW 2233

Applicant: Bechara Chan & Associates Pty Ltd

File Number: DA17/1307

The following is the report of the Design Review Forum Meeting held on Thursday, 9 November 2017 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

2. "DA17/1307 - : Demolition of existing structures and construction of new affordable housing consisting of 22 townhouses (7x2 bedroom; 5x2 bedroom + study; 1x3 bedroom; 5x3 bedroom + study; 4x4 bedroom) and 1 level of basement parking at 945-947 Old Princes Highway & 2-4 Anzac Avenue Engadine

Council's Peter Brooker; Lisa Pemberton and Barbara Buchanan outlined the proposal for the Panel, including providing details of Council's relevant codes and policies

Mr Gihard Bechara (Applicant / Architect), Kirapat Khanrang (Architect), and Benjamin Black (Planner) addressed the Panel regarding the aims of the proposal and the constraints of the site.

Description of the Site and Proposal

Pre DA or DA: Development Application

File No:- DA17/1307

Proposal:- Demolition of existing structures and construction of new affordable housing consisting of 22 townhouses (7x2 bedroom; 5x2 bedroom + study; 1x3 bedroom; 5x3 bedroom + study; 4x4 bedroom) and 1 level of basement parking

Project Address:- at 945-947 Old Princes Highway & 2-4 Anzac Avenue Engadine

Zoning:- R2 Low Residential/ SP2 Classified Road

Applicant:- Peter Chan (Bechara Chan & Associates Pty Ltd)

Meeting Date:- 9 November 2017

PAD:- Yes (PAD16/0142)

ARAP Pre-DA:- Yes (ARAP16/003)

Responsible Officer/Team Leader:- Lisa Pemberton/ Luke Murtas

Consent Authority: Sydney South Planning Panel

Key Controls

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).

Sutherland Shire Council Development Control Plan 2015 (SSDDCP 2015)

Apartment Design Guide (ADG)

Applicant's Submission**PRINCIPLE 1 – CONTEXT AND NEIGHBOURHOOD CHARACTER**

The site consists of 4 lots on the corner of Princes Highway and Anzac Ave, with Royal National Park opposite to the SE, and very close to Engadine commercial centre to the SW.

THE site is within a low density residential precinct that generally consists of 1 and 2 storey individual dwellings. The southern boundary of the site is directly exposed to the heavily trafficked Princes Highway while site access is via Anzac Avenue. The site has a north-south cross fall of approximately 4-6 metres from the Princes Highway towards the north.

The neighbour to the west is a 1-2 storey townhouse development with a high masonry wall to the Highway. Anzac Avenue is a more agreeable streetscape with detached housing and open landscaping to verges and front setbacks. there is a current DA for 7 townhouses nearby at 5 Anzac Ave.

There are two significant angophora trees in the middle rear of the site, which are to be retained.

The main contextual issue is that the site is subject to high traffic noise impacts stemming from both the Princes Highway and the railway line and therefore takes on an architectural agenda that attempts to mitigate and address this hostile environment.

PRINCIPLE 2 – SCALE AND BUILT FORM

It is good to see that the comments from the Pre-DA ARAP have been taken seriously and explored in a meaningful and productive way.

The revised proposal has reduced the scheme by 6 townhouses to twenty-two townhouses, in three long rows of 2 and 3 levels, parallel with the three side boundaries. The proposal will appear as 2 storeys on the Highway due to excavation, an appropriate scale as well as a noise mitigation measure. However, the 3-storey scale will dominate the current single storey house at No. 6 Anzac Ave and some sensitivity in form still needs to be applied here.

The central courtyard respecting and showcasing the 2 significant mature angophoras to form the focus of the common open space is a much better outcome, but still needs some refinement, as will be suggested below.

To ensure this is done in an informed way, their TPZ should be shown accurately in all future drawings.

This is specially to gauge more accurately the impact of the proposed adjacent buildings and basement footprints to further refine design decisions in a fine grain way.

It was suggested that the ramp that links the lower central treed courtyard with the main pedestrian circulation aisle is blocky and commercial in its form and should be redesigned in a more linear and sensitive way - possibly incorporating steps and running around the courtyard rather than being pushed into one edge. It was suggested that this may be explored by the landscape designer as a more integrated feature of the landscape setting, rather than an architectural feature. A platform lift could also be considered. Following on from that change, unit 8 can address the courtyard in a more engaging way with its currently blank end wall mass being expressed with glazed openings to face the trees. Similarly, on the opposite end, units 1 and 2 could also engage more positively with the central space as the stair in front of TH 2, depending on the TPZ outcome, could be widened and extended to form a larger and grander stair. This new stronger stair gesture now aligns and concludes the sightline from the development's main entry on the Princess highway boundary with the central courtyard as a continuous experience.

The carpark has excessively high ceilings, in part being over 4m [refer section CC], and with sections AA and BB generally showing 3.4m. Reducing it with possibly ramped floors or flatter ramps, would appear to help in either lowering the building plates [hence reducing the impact from the form at roof level], or minimising excavation [which seems to be critical for the angophoras], or lowering all the interior central planter boxes [proving for a more relaxed, less constrictive and more gentle experience of the central aisle], or all of the above.

It should also be noted that there seems to be an extra 5 car spots provided, which needs to be justified, given the pressure on the trees.

The entry from Princes Highway, although practical and a generous and positive entrance experience that links visually with the central courtyard, sits clumsily in isolation and could be better resolved if it is a continuation of the end walling/materiality of TH 7. Again, there is a great opportunity to provide for extensive planting to address the street in this triangular portion for a better boundary resolution without unattractive fencing being seen, as well as for a better sense of entry and secure privacy for the Townhouses beyond down the western boundary.

The second pedestrian entrance off Anzac Avenue is clear and simple but suffers from an unacceptable pinch point between TH 12 and 14 which could be improved by the redesign of the 2 end Townhouse [13 and 14], with the private open space of one of the units being placed within the setback to Anzac Avenue. Another alternative that may be worth considering for both units is placing the Living areas on upper levels with private open space on roof terraces. Another idea is to absorb the impractical Common Open Space

[see Landscape] in front of TH 12 and redesign the whole townhouse to enter from the street and therefore open up this part of the site?. Worst case scenario would be to lose a unit if the above cannot be resolved.

The corner form could then take on a stronger expression and also help reduce the relentless zig-zag that might otherwise appear too monotonous from Princes Highway.

In any case, the Anzac Avenue entrance along the first few townhouses needs to be more generous and should not conflict with the POS of the townhouses.

The long fence to the Princes Highway boundary needs to be designed with more care. The wall needs to protect and ameliorate conditions for pedestrians and residents along this long and noisy boundary. Specifically, consider setting back the boundary wall, continuously or in segments, thereby providing a planting screen to address the street for both privacy and acoustic reasons. A stepped form terracing down the interior cutting, facing the townhouses, allows for internal planting and provides for a more positive, higher quality garden/open space outcome for those lower ground levels. (See 'Landscape' for further comments)

Townhouses 1- 7: The space in front of these dwellings could be designed as private open spaces mediating between the public access-way and the dwellings.

This row also struggles with reasonable siting/cut and fill and should be revisited across the whole row [especially TH 7], possibly take on one or more steps in form, fine-tuning the ground levels, with TH 5 and 6 forming at least a paired 4th step in the sequence terracing down this western boundary.

Finally, It should be noted that Council's new DCP control requires single-storey construction to the rear 40% of a site in this R2 zoning, to reduce the bulk impact on neighbours. While acknowledging that the applicant has treated windows to consider neighbours' privacy, to respond in some way to the principles of the DCP, the 2 western townhouses of the northern row (TH 8 & 9) should be reduced from 3 to 2-storeys (rather than the DCP required 1 storey), or alternatively have a room depth setback to the north at the top level, in order to reduce bulk and scale towards the rear.

PRINCIPLE 3 – DENSITY

Complies the with FSR (0.75:1 including affordable housing bonus) and height controls, but not with the single storey control for rear 40% of the site – refer to 'Scale and Built Form' above.

PRINCIPLE 4 – SUSTAINABILITY

Individual water tanks in private open space take up a significant amount of space. Water storage should be combined and stored outside potential deep soil areas and reused for irrigating soft landscape.

The townhouse layout provides good solar access and cross-ventilation, though north-facing private open spaces to living areas in the southern row are limited – see 'Amenity' below.

PRINCIPLE 5 – LANDSCAPE

The 1:14 series of ramps from the pedestrian zone to the Communal Open Space are bulky and inconvenient and will negatively impact on the angophora tree proposed to be retained; the Panel suggests relocating the ramp east-west along the edge of the basement, with a max of 2 flights, and associated with more generous steps, to form an amphitheatre effect.

Front fencing to the Highway could be more considered, with brickwork and steps in plan, for noise attenuation, and with some permeability at a higher level to avoid a barricade effect at street level.

The ground interface with the western and north-western boundaries on this steep site need to be carefully resolved so that retaining walls, fences and fill do not impact negatively on neighbours' privacy and solar access – the applicant needs to show these details in plan and section.

Fencing to Communal Open Space on Anzac Ave should be permeable and low, or deleted, to visually open up the front setback, as most neighbours in this street do. The Panel also recommends that Unit 12's Private Open Space extend to the east behind the front setback line, up to the driveway, since this portion is not convenient as Communal Open Space, allowing TH 12 to insert more glazing/openings to address Anzac Ave.

Planting areas to the podium should be dropped down where ceiling height permits, to de-clutter this ground plane.

The applicant should ensure that tree protection zones are identified and shown on all drawings, including landscape, architectural and engineering.

Ground level changes should be avoided within the tree protection zones to ensure the ongoing health and viability of the trees; and communal areas can be co-located with the existing trees to take advantage of the amenity that they offer. Generally, the carpark's storage boxes 9-15 and the aisle under TH 1 and 2 (RL174.50), appear to be lower than the existing levels within the tree protection zones.

As such, redesign to the carpark will be required and it would therefore be possible to provide level access to the communal open space by redesigning access to this space, avoiding the need for the double switchback ramping and the subsequent impact of this on the existing trees and the quality of the space. In the event that this is achieved, then the aspect and private open space of Unit 8 could be redesigned to take advantage of this.

It is likely that there will be families residing in the development. As such communal areas should be designed to also provide secure and engaging play areas for children. This can be done within the landscape without structured play equipment by including elements that will generate curiosity and engage children. For example, stepping stones, boulders, pavement patterned with colour or texture, running water. There should be areas where children can play and get messy. Ideally, townhouses should be oriented and designed so that there is good visual access from living areas to this space wherever possible.

The use of artificial turf in deep soil areas is discouraged as the level of compaction required will reduce the permeability and therefore remove many of the environmental benefits that deep soil areas provide.

It is unlikely that the existing street tree on Anzac Ave will tolerate the level changes that are needed for the driveway.

The design should mitigate the monotonously long Princess Highway boundary fence by designing street tree planting where possible – potentially in selected areas to be inset from the Princes Highway at the verge level. This would also help articulate and soften this long fence line.

The arrangement of the Anzac Avenue access is narrow and awkward, and does not present as the primary entry to the development. The entry for TH 13 and 14 should be redesigned so that an entry forecourt of appropriate scale and spatial quality can be provided. Townhouse 13 could have direct pedestrian access from Anzac Avenue.

Private open space should be provided at the north-east entries to TH 1 to 7 where possible. Planters in the central area should be set down to reduce obstacles and visual clutter.

It should be noted that its proximity to the National Park requires bushfire retardant species to be used (refer to NSW Rural Fire Service Tree Selection for Fire-Prone Areas 1999; and NSW Rural Fire Service/County Fire Authority of Victoria/Royal Botanic Gardens, Sydney). “

PRINCIPLE 6 – AMENITY

The proposal has responded to noise from the Highway by building townhouses as a barrier to the rest of the site. The Panel did not have access to the applicant's acoustic report; it is recommended that appropriate glazing and construction mass (eg double glazing and reverse brick veneer walls and suitable acoustic insulation in ceilings) are used, and that the Highway fencing includes some brickwork, to reduce noise impacts to the southern row.

The 2nd pedestrian entry to the Highway will improve the permeability of the site to its surrounds.

As noted elsewhere, the common pedestrian zone spine passes uncomfortably close to the Private Open Spaces and living room windows of TH 13, 14 and 15, affecting privacy; the Panel recommends greater

separation by a substantial landscaped buffer (as for units further west eg Unit 18) and a smaller, minimum 2m, Private Open Space depth (refer ADG minimum balcony depths for guidance). This could be achieved by moving these units further to the south and/or combining units to resolve this pinch-point.

The upper roof decks to TH13-18 need weather protection to doors and some shading to improve amenity; consider swapping ensuites and bedrooms at this level, so that more advantage can be taken of this sunny, quiet aspect.

TH 5 + 6 should be a level pair and form an extra intermediate step between TH 7 and 4 as this will ensure better solar amenity to those 2.

TH 19-22 – Level 1 northern bedrooms may be too narrow at 2800mm (as a guide, note that the ADG requires 3m min).

TH 15-18 – The north facing study on Level 1 could be improved by redesigning the laundry cupboard to face the stair.

TH 14 – 18, as shown, have very large terraces off the 3rd level bedroom and could improve acoustic issues by flipping bathroom and bedroom layout, whilst sliding these both more centrally over the roof plate [therefore reducing the terrace but providing acoustic protection to the bedroom- by putting the bathroom between it and the highway - whilst giving the bedroom the northern sun and view] – see also Aesthetics.

A BBQ area is recommended for the Communal Open Space.

PRINCIPLE 7 – SAFETY

Acceptable, however there is a fairly direct connection between the basement and the area of common open space, which may lead to children playing in the basement rather than the more public areas of the site.

Pedestrian/vehicle Surveillance of Anzac Ave entry needs to be improved – limit balustrade height to minimum around the driveway ramp.

Ground floor entry areas, especially to TH 8-12 would benefit from glazing either to or beside the front doors, for surveillance of the pedestrian zone.

PRINCIPLE 8 – HOUSING DIVERSITY AND SOCIAL INTERACTION

Large well-designed area of common open space will provide good space for interaction

There is a good range of townhouse bedroom sizes, and the planning is efficient which will encourage affordability, while the provision of affordable rental housing will also promote social diversity.

The 1:20 ramp adjacent to the letterboxes may not meet AS4299 Adaptable Housing gradient for an accessible circulation area.

PRINCIPLE 9 – AESTHETICS

Materials and building form have been well considered, though it is not clear from the drawings and Finishes Schedule whether upper floor, vertically-seamed cladding is weatherboard or metal. Some variation in the long row addressing Princess Highway would be good.

The 9 identical townhouses to the Highway, while simple, present as too regimented, and could be improved by subtle differences in façade treatment for more individual expression.

The expression of the long row of TH 13-22 is too repetitive, even though there is a variation in the type of townhouse - i.e., TH 19-22 have a small balcony on Level 2, TH 15-18 do not. See comments in Amenity about flipping the floorplan for TH 14 -18 and therefore create variety of forms.

The colours and material expression could be varied to express this distinction in type.

Similarly, townhouses 3 and 4 could have a grouping of more pronounced balconies at first floor level to differentiate their central location, to provide a feature at the end of the pedestrian zone, and to increase the sense of surveillance.

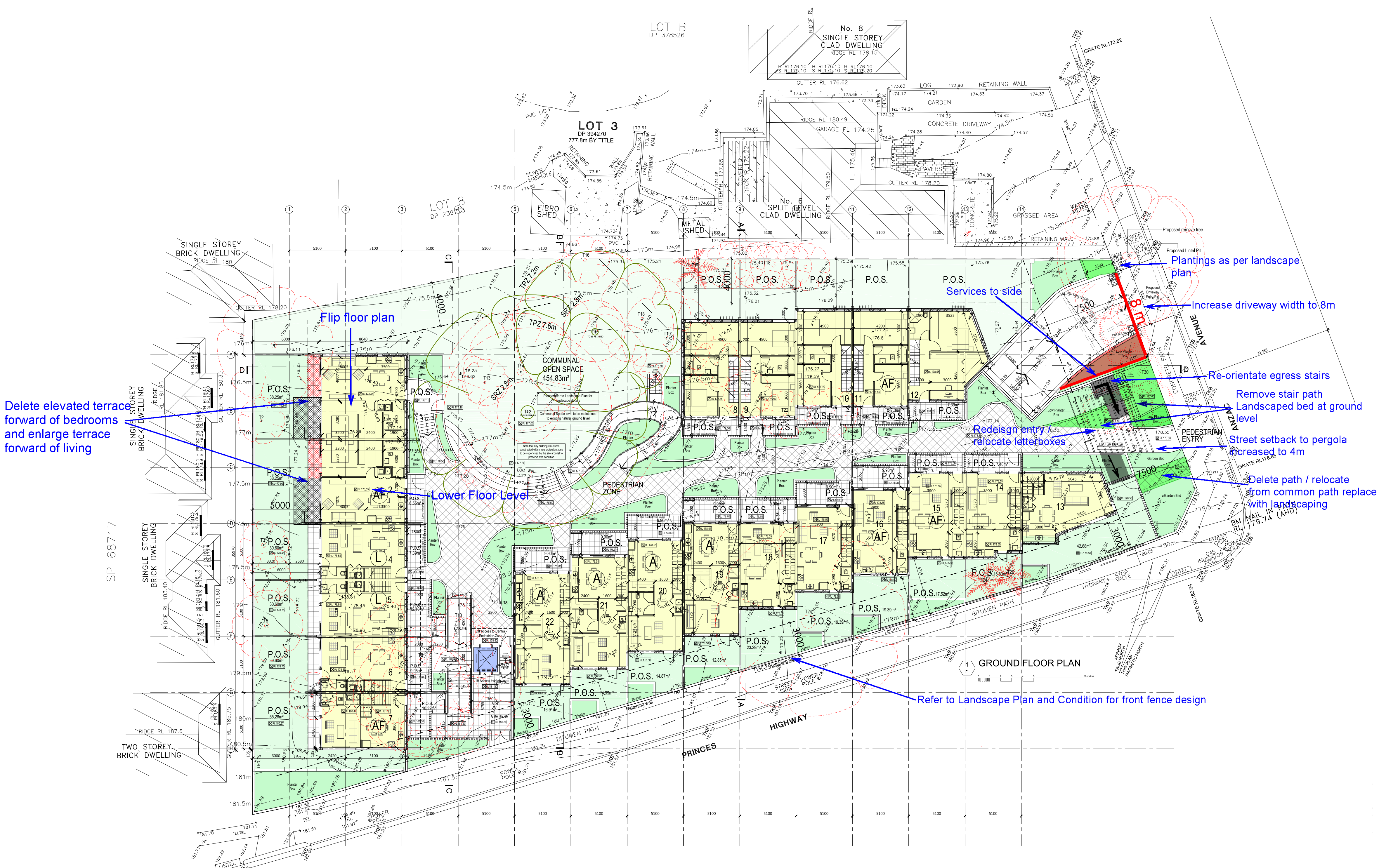
All elevations need to be shown, including elevations to the pedestrian zone.

RECOMMENDATIONS

This applicant has responded well to Council and ARAP Pre-DA recommendations, and the proposal has much improved. However, the Panel further recommends:

- Clarification and verification that the carparking box and surrounding buildings do not threaten the 2 angophoras in the central space by careful mapping of the TPZ.
- some reduction/treatment in bulk at the rear northern boundary to reduce impact on neighbours.
- easing of pinch point between the east-west rows to improve privacy and pedestrian amenity.
- better connection between Communal Open Space and Pedestrian Zone, including relocation of ramp.
- a more sensitive street edge response along the southern/Princess highway boundary.
- more sensitive and thoughtful resolution of the corner form and further articulation in the row of TH 13 – 22."

John Dimopoulos
DRF Chairman
13 December 2017



Revision

A ISSUED FOR DA
B ISSUED FOR DA RFI

26.06.2017
16.02.2018

Design by:



NOMINATED ARCHITECT: NICHOLAS LYCENKO
LICENSE NUMBER : 3010

Drawing

DRAWN KK KP
CHECKED GB
PROJ NO. 160615
SCALE 1:200 on A1
DATE JUNE 2016

GROUND FLOOR PLAN
DRIVE WAY SECTION

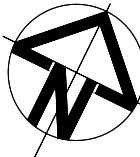
Do not scale from drawings.
Verify all dimensions on site before commencing work.

Project

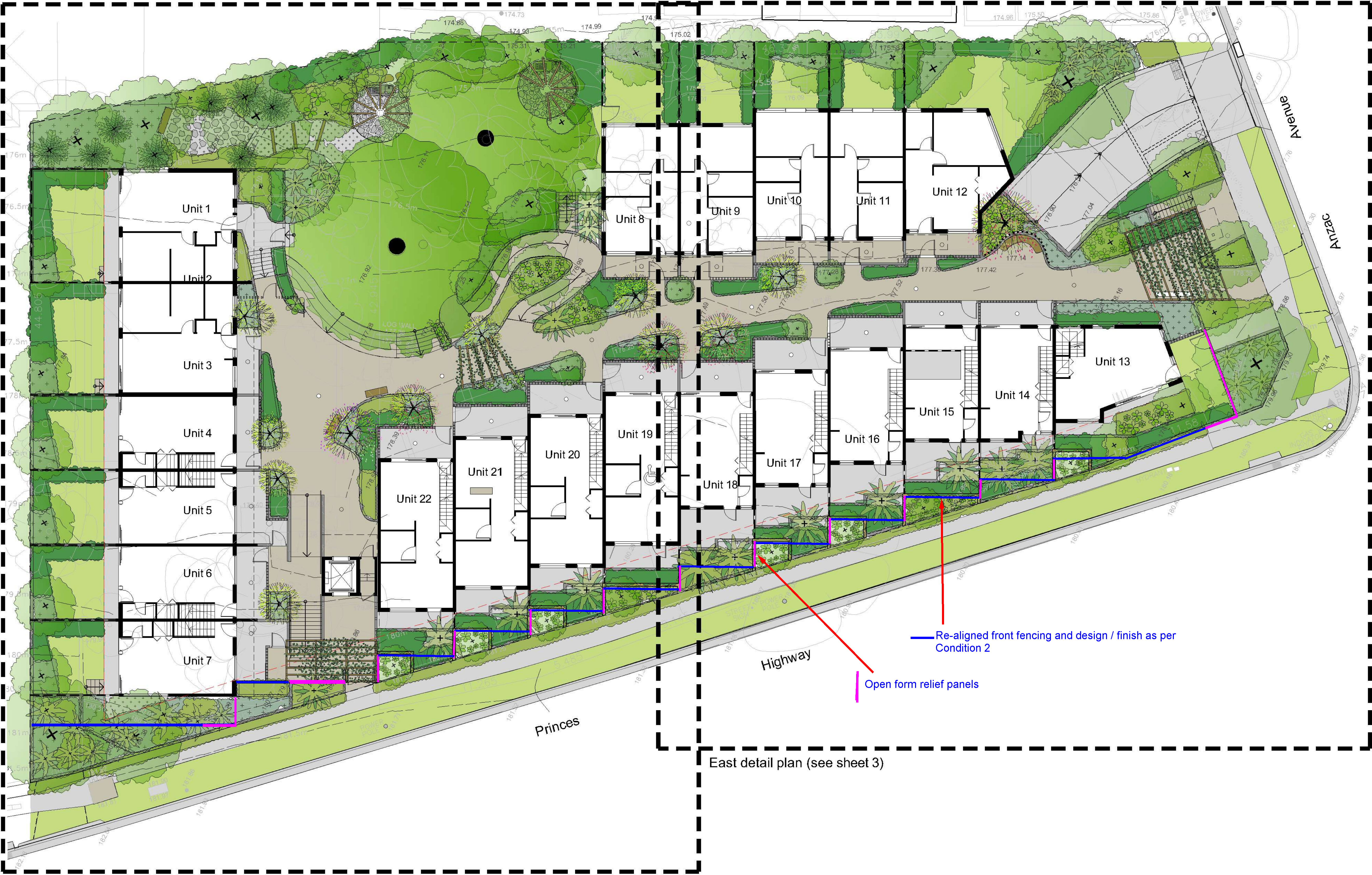
PROPOSED AFFORDABLE RENTAL HOUSING
2-4 ANZAC AVENUE, 945-947 PRINCES HIGHWAY, ENGADINE

DA-02.1

B



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West detail plan (see sheet 2)

East detail plan (see sheet 3)

Indicative images of planting selection



Legend

- Existing trees to be removed (Refer to Arborist's report)
- Existing trees
- Proposed evergreen trees
- Proposed Deciduous tree
- Low shrubs / ornamental grasses
- Larger shrubs
- Groundcovers
- Lawn areas
- Concrete
- Private open space tiles / pavers
- Common open space tiles / pavers
- Retaining walls
- Survey layer under


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PROJECT: PROPOSED RESIDENTIAL RENTAL HOUSING
2-4 ANZAC AVENUE,
945-947 PRINCESS HIGHWAY,
ENGADINE, NSW

DWG: MASTERPLAN

DATE: 13.2.18 SCALE: 1:150 @A1
JOB REF: 17/1934 SHEET No: 1 OF 5
ISSUE: 1

Builder must verify all dimensions of the site before work commences. Figured dimensions should be used in preference to those stated on the plan.
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AMENDMENTS

No.	Description

North

