
Bayside Planning Panel

28/11/2017

Item No	6.6
Application Type	Section 96(2) Application – Modification to semi-detached dwellings
Application Number	DA-16/116/02
Lodgement Date	28 August 2017
Property	124 Banksia Street, Botany Lot 2 in DP 308859
Owner	John and Matthew Hassarati
Applicant	Pinnacle Plus
Proposal	Section 96(2) Application to amend Development Consent No. 16/116 to reduce the size of the dwellings, delete the swimming pools and replace with a cabana at the rear of each dwelling
No. of Submissions	Nil
Cost of Development	N/A
Report by	Angela Lazaridis- Senior Development Assessment Officer

Officer Recommendation

- 1 That Section 96(2) Application to modify Development Consent No. 16/116 to amend Development Consent No. 16/116 to reduce the size of the dwellings, delete the swimming pools and replace with a cabana at the rear of each dwelling at 124 Banksia Street, Botany, be determined in the following manner:
 - a Amend Condition No. 1 to refer to the amended plans;
 - b Amend Condition No. 11 which relates to proposed changes to the approved plans regarding to eaves and balcony sizes by deleting clause a) and b) and adding clause c) relating to privacy screening on the balconies fronting the street;
 - c Amend Condition No. 13 which relates to the driveway and vehicular crossing dimensions to refer from one crossing to two;
 - d Delete Condition No. 59 as easements are not required for a shared driveway which is being deleted;
 - e Delete Condition Nos. 62, 63, 70, 71, 72, 73 and 74 which relate to swimming pool conditions;
 - f Amend Condition No. 67 to refer to the use of the cabanas to not be habitable;
 - g Add Condition Nos. 11A, 11B, 24A, 27A and 54A which relates to the protection of neighbouring trees and planting of new trees; and
 - h Amend Condition No. 76 to refer to the Subject Application.

- 2 That any objectors be notified of the determination made by the Planning Panel.
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Attachments

- 1 Planning Assessment Report
 - 2 Site Plan
 - 3 East Elevation
 - 4 West Elevation
 - 5 South Elevation
 - 6 North Elevation
 - 7 Section D-D
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Location Plan



Figure 1: Locality Plan

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA/16/116/02
Date of Receipt:	28 August 2017
Property:	124 Banksia Street Botany Lot 2 in DP 308859
Owner:	John and Matthew Hassarati
Applicant:	Pinnacle Plus
Proposal:	Section 96(2) Application to amend Development Consent No. 16/116 to reduce the size of the dwellings, delete the swimming pools and replace with a cabana at the rear of each dwelling
Recommendation:	Approval
Value:	N/A
No. of submissions:	Nil
Author:	Angela Lazaridis- Senior Development Assessment Officer
Date of Report:	8 November 2017

Key Issues

The key issue with this application relate to FSR and site coverage. The amended proposal will increase the approved FSR of 0.5:1 to approximately 0.66:1 (this includes the cabanas at the rear of the development). A discussion on the exceedance to the development standard has been discussed in greater detail in Note 1 below however is acceptable as the bulk and scale that is proposed has been reduced from the original approval. Additionally, the amended site coverage proposed is approximately 58.8% which is an increase from the approved 52%. As each site has a site area of 301.5sqm and is close to the site coverage threshold of 250sqm and 300sqm, the slight increase in site coverage is consistent with the surrounding developments on the street. This has been discussed in greater detail in the report below.

The Section 96(2) Application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval, subject to conditions of consent.

Recommendation

Approve the Section 96(2) Application to modify Development Consent No. 16/116 to reduce the size of the dwellings, delete the swimming pools and replace with a cabana at the rear of each dwelling at 124 Banksia Street, Botany.

It is recommended that Council resolve to modify Development Consent No. 16/116 under Section 96(2) of the Environmental Planning and Assessment Act 1979 as follows:

1. Amend Condition No. 1 to refer to the amended plans;
2. Amend Condition No. 11 which relates to proposed changes to the approved plans regarding to eaves and balcony sizes by deleting clause a) and b) and adding clause c) relating to privacy screening on the balconies fronting the street;
3. Amend Condition No. 13 which relates to the driveway and vehicular crossing dimensions to refer from one crossing to two;
4. Delete Condition No. 59 as easements are not required for a shared driveway which is being deleted;
5. Delete Condition Nos. 62, 63, 70, 71, 72, 73 and 74 which relate to swimming pool conditions;
6. Amend Condition No. 67 to refer to the use of the cabanas to not be habitable;
7. Add Condition Nos. 11A, 11B, 24A, 27A and 54A which relates to the protection of neighbouring trees and planting of new trees; and
8. Amend Condition No. 76 to refer to the Subject Application.

Background

History

Development Application No. 16/116 was approved under delegated authority on 31 January 2017 for the demolition of the existing dwelling and structures, subdivision into two Torrens Title lots and construction of two semi-detached dwellings with a swimming pool on each lot.

Description of the Proposed S96 Modifications

The Section 96(2) Application seeks consent to amend the approved semi-detached dwelling houses as follows:

- Reconfiguration of the approved dwelling houses to reduce the bulk of the dwellings by increasing the rear setback;
- Reduction in the height of the development from 8.4 metres to 7.2 metres and the roof is modified from a pitched roof to a predominantly flat roof;
- Removal of the approved swimming pools located within the rear yard and construction of individual cabanas on each site;
- Amendment to the front setback so that each dwelling has individual driveways and vehicular crossings;
- Removal of the skylights from the roof; and
- Removal of street tree on Council street verge.

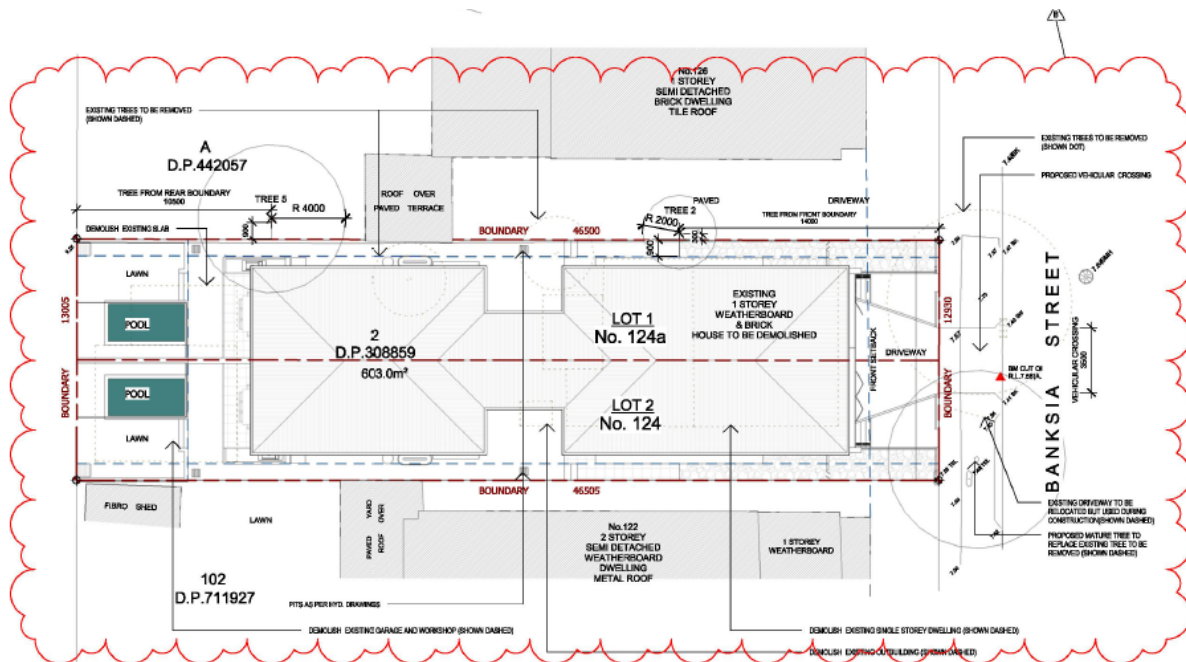


Figure 1. Approved development of the semi-detached dwellings

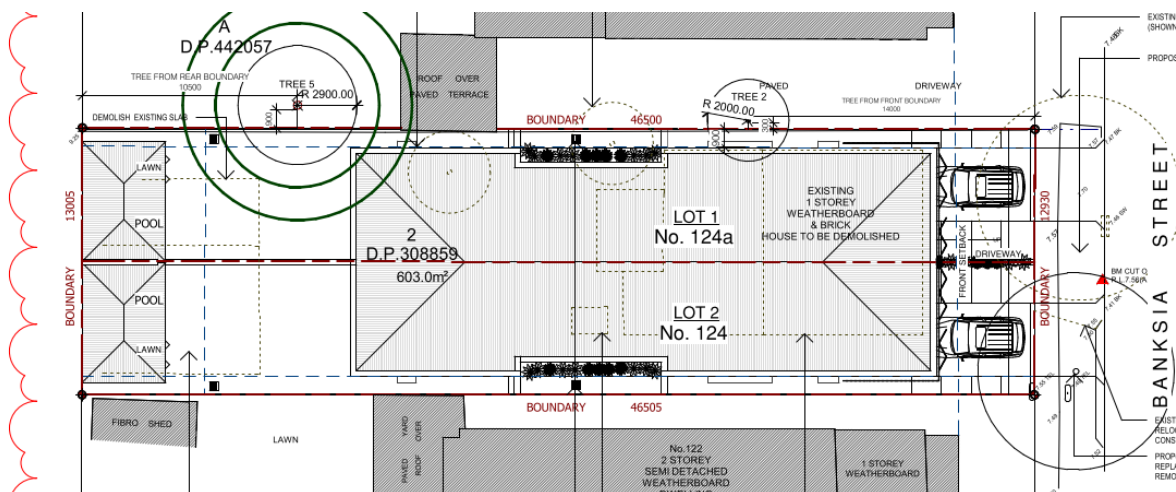


Figure 2. Proposed modification to the approved development

Site Description

The site is legally known as Lot 2 in DP 308859. The subject site is located on the north-western side of Banksia Street between Jasmine Street to the west and Ellis Street to the east. The site has a north-west to south-east orientation with north-west being the rear of the site and south-east being the front of the site (Banksia Street). The site is located in the R2 Low Density Residential zone.

The subject site is rectangular in shape with a total area of 603sqm. The site has a street frontage width of 12.93 metres, a rear boundary width of 13 metres, an eastern boundary depth of 46.5 metres and a western boundary depth of 46.5 metres. The site has a gradual slope of 1.7 metres down to the rear of the site.

The site currently consists of a single storey detached fibre cement clad construction with a metal roof. A detached outbuilding (workshop and garage) is located at the rear of the site. There is a large street tree located at the front of the site which is proposed for removal.

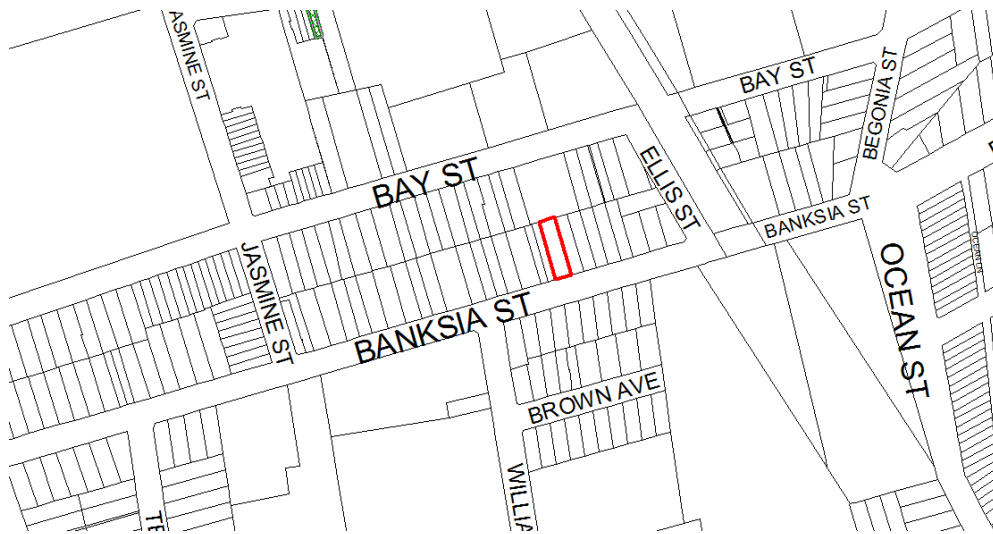


Figure 3. Locality Plan

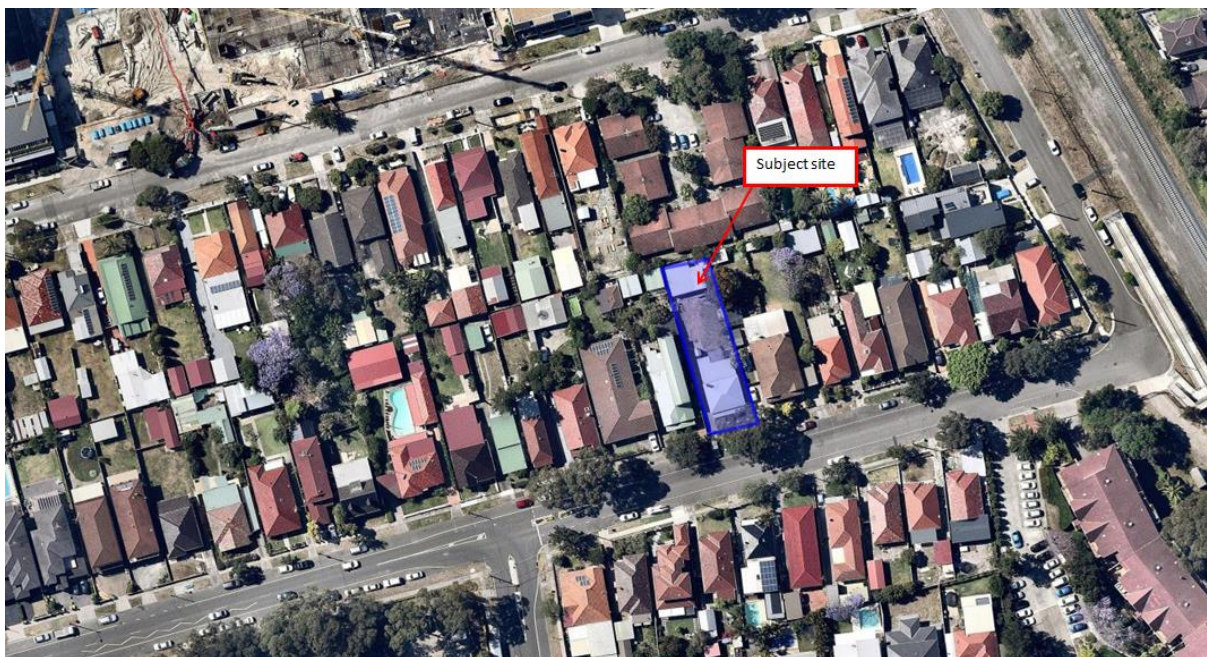


Figure 4. Aerial Map of site

The adjoining sites to the west each contain a semi-detached weatherboard dwelling, with 122A Banksia Street being two storey in nature and the other being single storey. Both dwellings have a shed/outbuilding at the rear of the property. The adjoining site to the east (126 Banksia Street) comprises of a single storey semi-detached brick dwelling with terracotta tiled roof. The dwelling forms one of a pair of dwellings with 128 forming the other dwelling within the pair. The rear of the site contains an outbuilding and a large tree.

Development surrounding the site consists of a mix of single storey and two storey detached dwellings located within the R2 Low density Residential zone. Surrounding development on Bay Street consists of residential flat buildings located within the R3 zones. Directly behind

the subject site are villas (multi dwelling). Botany Goods Train Line is situated 120m to the east.



Figure 5. Front Elevation of Subject Site

Assessment of the Proposed S96 Modifications

The amended proposal will decrease the size of the two dwelling houses, remove the two approved swimming pools in the rear and have them replaced with cabanas. An assessment of the key controls within the LEP and DCP have been summarized in the report below in greater detail. Overall, the amended development reduces the bulk and scale as originally approved, increases the rear setback from the dwellings, reduces the height of the development so that it is lower than typical two storey pitched roof dwelling houses. The amended proposal continues to provide adequate surveillance and articulation and maintains the visual privacy and solar amenity to the neighbouring properties. The amended proposal does not increase the impact of the development to the surrounding neighbours and from the street but pulls the dwellings together in a better and usable floor plan with minimal impact. Therefore the amended proposal is recommended for approval.

Modification to Conditions

Condition No. 1

Condition No. 1 contains a table with all the approved plans. As a result of the amended plans, the tables have been updated with the new revisions of the plans and any relevant documentation.

Condition No. 11

Condition No. 11 of the consent currently states the following:

11. Prior to the issue of the Construction Certificate, revised plans are to be provided to the Principal Certifying Authority demonstrating that:
 - a) The rear first floor balconies and the roof over the balconies are to be reduced to a maximum width of 1.5 metres;
 - b) 450mm wide eaves are provided on the roof of the development to the entire perimeter on all sides, including to that part of the proposal affected by (a);

Clause a) and b) of the condition has been deleted as the conditions was originally imposed to address issues within the original design. As the proposal seeks to change the design of the dwellings, the changes do not apply to the proposal no longer. However, the amended proposal incorporates operable privacy screening along the balconies of the first floor fronting the street. The extent of the privacy screening is not supported therefore a condition has been imposed as c) to delete the screening. The new part to the condition is worded as follows:

- c) The operable privacy screening along the front first floor balconies is to be deleted as it prevents surveillance to the street and enclosure of the balconies.*

Therefore the condition is acceptable to be amended.

Condition No. 13

Condition No. 13 of the consent currently states the following:

13. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04 and E-07. As part of this development, a new concrete driveway shall be constructed. A new three (3) metre wide driveway layback shall be constructed as part of each new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter.

The condition has been amended to reflect the changes to the vehicular crossing and new driveways to be proposed therefore the condition is to be read as follows:

13. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04 and E-07. As part of this development, a new concrete driveway shall be constructed **for each dwelling**. A new three (3) metre wide driveway layback shall be constructed as part of each new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter.

Condition No. 59

Condition No. 59 of the consent currently states the following:

59. Prior to the issue of any Occupation Certificate, to enable vehicular access, the following easements shall be created in conjunction with Council:
- a) Register a new 1.00m wide "Right of Carriageway" 3.89m long part over the new driveway burdening Lot 1 and benefiting Lot 2 in conjunction with Council, and
 - b) Register a new 1.00m wide "Right of Carriageway" 3.89m long part over the new driveway burdening Lot 2 and benefiting Lot 1 in conjunction with Council.

Note: As-built drawings shall accompany proposed easements supporting any submissions to Council. The dimensions above are subject to change with respect to provided as-built drawing details. These documents shall be approved by Council prior to the registration of any easements and the issue of Any Occupation Certificate.

Similar to what is proposed in Condition No. 13 above, the changes to the driveway and the vehicular crossings does not apply with amended proposal therefore the condition is to be deleted.

Condition No. 62, 63, 70, 71, 72, 73 and 74

Condition Nos. 62, 63, 70, 71, 72, 73 and 74 relate to the approved swimming pools that were approved at the rear of the site. As the swimming pools have been deleted from the amended plans, the conditions do not apply to the consent therefore the deletion of the conditions is acceptable.

Condition No. 67

Condition No. 67 of the consent currently states the following:

67. The building is approved as a single dwelling on each site for use and occupation by a single family. It shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council.

It is recommended that the condition be modified to include that the cabanas are not to be approved for habitable purposes. The condition will be modified as follows:

67. The building is approved as a single dwelling on each site for use and occupation by a single family. It shall not be used for separate residential occupation or as separate residential flats. ***The cabanas at the rear of the site are not to be used for habitable uses.*** No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council.

Condition No. 76

Condition No. 76 of the consent currently states the following:

76. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/116 dated as 25 July 2016 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

The condition has been amended to reflect the current application and is to be read as follows:

76. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/116 dated as 25 July 2016 ***and as further amended by DA-16/116/02 dated 28 August 2017*** and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.

Statutory Considerations

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*.

Section 96(2) Modification Considerations

Section 96(2) of the *Environmental Planning & Assessment Act 1979* states that “a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:”

- a) ***It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and***

The Section 96(2) modification application relates to amendments/reconfiguration to the approved semi-detached dwelling houses, removal of the approved swimming pools and construction of new cabanas, and as such, the modifications will result in substantially the same development as approved under DA-16/116 and then subsequently modified. It is considered that the proposed amendments are suitable in the context of the site and the locality.

- b) ***It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and***

The modification does not require consultation with the Minister.

- c) ***It has notified the application in accordance with (i) the regulations, if the regulations so require, and (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and***

In accordance with Part 2 – Advertising & Notification of the Botany Bay Development Control Plan (BBDCP) 2013, the development application was notified and advertised for 14 days from 18 September to 2 October 2017.

- d) ***It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.***

No objections were received as part of the notification period.

Section 96(2)(3) Modification Considerations

Section 96(2)(3) of the Environmental Planning and Assessment Act 1979 states that “In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.”

An assessment of the application has been carried out under the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979. The matters of relevance to this application have been considered.

a) *Section 79(C)(1)(a) the provisions of any Environmental Planning Instrument and Development Control Plan and any other matters prescribed by the Regulations.*

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the amended development. The development application was accompanied by an amended BASIX Certificate No. 852143M prepared by Eco Certificates Pty Ltd committing to environmental sustainable measures.

Botany Bay Local Environmental Plan 2013

The provisions of the Botany Bay Local Environmental Plan 2013 (BBLEP 2013) have been considered in the assessment of this Modification Application and the following information is provided:

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Land use Zone	Yes	The site is zoned R2 Low Density Residential zone under the Botany Bay Local Environmental Plan 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed use is permissible with Council's consent under the Botany Bay Local Environmental Plan 2013.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development continues to be consistent with the objectives of the R2 zone which are: <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low density residential environment;</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents;</i> • <i>To encourage development that promotes walking and cycling.</i>
What is the height of the building?	- Yes	A maximum height of 8.5 metres applies to the subject site. The original height of development was approved at 8.4m and 8m. The height proposed in the modified plans is 7.2m for both sites;

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Does the height of the building comply with the maximum building height?		The maximum height of the dwellings continues to comply with Council's requirements under the Botany Bay Local Environmental Plan 2013.
What is the proposed Floor Space Ratio? Does the Floor Space Ratio of the building comply with the maximum Floor Space Ratio?	- No – Refer to Note 1	The maximum Floor Space Ratio requirement is 0.5:1. Both Lots have a site area of 301.5sqm. <u>Approved FSR for each dwelling</u> 0.5:1 <u>Proposed Gross Floor Area for each lot:</u> 180.1sqm (excl. cabana) 199.1sqm (incl. cabana) <u>Proposed Floor Space Ratio for each lot:</u> 0.59:1 (excl. cabana) 0.66:1 (incl. cabana) The proposal increases the approved FSR on each site. As the application is for a modification, a clause 4.6 variation is not required however Note 1 provides a justification for the non-compliances.
Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000m2 min and maximum height of 22 metres and maximum Floor Space Ratio of 1.5:1?	N/A	The site is not located within the R3 Medium Density Residential or R4 High Density Residential zone.
Is the site within land marked "Area 3" on the Floor Space Ratio Map? If so, does it comply with the sliding scale for Floor Space Ratio in Clause 4.4A?	No – Refer to Note 1	The site is located in the 'Area 3' zone. The proposed modifications to the semi-detached dwelling houses increase the FSR to be non-compliant. A discussion relating to the FSR is found in Note 1 below.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The site is not listed as a heritage item, nor is it located within a Heritage Conservation Area.

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
<p>The following provisions in Part 6 of Botany Bay Local Environmental Plan apply–</p> <ul style="list-style-type: none"> • 6.1 – Acid Sulfate Soils • 6.2 – Earthworks • 6.3 – Stormwater Management • 6.9 – Development in areas subject to aircraft noise 	N/A	<p>Clauses 6.1, 6.2, 6.3 and 6.9 were assessed as part of the original application. There is no change to the assessment of these clauses other than the excavation has been reduced because of the removal of the approved swimming pools.</p>

Note 1 – Clause 4.6 Variance to the FSR Standard

The proposed modification seeks to increase the FSR of each dwelling from 0.5:1 to approximately 0.66:1 (including the cabana). As the application is a modification application, the applicant was not required to provide a clause 4.6 variation to justify the FSR of the development. However Council's officer has carried out a justification of the breach in the FSR.

Council Officer Comments:

The site is located within 'Area 3' on the FSR map and therefore Clause 4.4A of the BBLEP 2013 applies to the proposal. The objectives of this clause are as follows:

- a) *To ensure that the bulk and scale of development is compatible with the character of the locality; and*
- b) *To promote good residential amenity.*

Pursuant to Clause 4.4A(3)(d), the proposal is defined as a 'semi-detached dwelling' and not defined as a 'dwelling house' or 'multi-dwelling' housing, and as such would fall under the category of 'all other development for the purpose of residential accommodation'. Therefore the maximum permitted FSR is 0.5:1. The FSR for a detached dwelling house on the subdivided site is 0.7:1.

The amended proposal relates to the reconfiguration of the approved semi-detached dwelling houses. The changes result in a reduction in the bulk of the dwellings by increasing the rear setbacks approved as well as the addition of cabanas at the rear of the site. The cabanas have been included within the calculation of the FSR as the cabanas are enclosed with a small portion open with timber slats.

The amended proposal increases the FSR which is considered suitable in lieu of the density permissible for a dwelling house on the site. For dwelling houses on the subdivided lots, a dwelling house with an FSR of 0.7:1 is permitted by the BBLEP 2013. The amended FSR of 0.66:1 is less than that permissible for dwelling houses. Therefore, the proposed semi-detached dwellings exhibit a density bulk and scale significantly less than that which could otherwise be provided if the land was developed for the purpose of a dwelling house. Accordingly, the proposed density and scale of development is considered highly commensurate with the local context.

Further to the above, the amended development has been architecturally designed to achieve the appearance of two separate but complementary and integrated dwellings joined by a common wall and provided with consistent landscaping schemes. Therefore the proposal resembled the general form and design of a dwelling house whilst providing a lesser building bulk than what was originally approved.

- The development will provide for significant improvements to the approved development, profoundly improving the current state of the site as viewed from the public domain and adjoining sites.
- The development will maintain consistency in terms of visual impact within the Banksia Street streetscape. The amended proposal will provide adequate amenity without any significant corresponding negative impacts on the streetscape or surrounding properties.
- There will be reduced impacts from what was approved to any neighbouring properties in terms of visual bulk, height, adequate light, acoustics, solar access and privacy.
- The built form of the development in terms of architectural language, massing and materials responds to its surrounding environment, allowing to the development to seamlessly fit in.

Additionally the amended proposal further enforces the approved development as follows:

- The amended proposal will create an appropriate built form which is consistent with surrounding low density residential developments whilst the proposal does not exceed Council's height control;
- The amended proposal will introduce an architectural feature to Banksia Street which incorporates quality facade treatments and an articulated form through the use of balconies and windows, roof form mix and a range of different materials incorporated within the facades. This creates a visually pleasing alternative to what currently exists on the subject site;
- The dwellings will comprise of high internal amenity with moderate sized rooms, sufficient solar access, natural ventilation and visual privacy;
- The departure from the maximum FSR control will not result in any significant adverse amenity impacts such as overshadowing as the site has a north to south orientation, privacy impacts or any significant view loss to the surrounding neighbours and this has been addressed through the amended proposal and conditions;
- The development would comply with the maximum FSR of 0.7:1 for a single detached dwelling house on the site with subdivision and is similar in bulk and scale of developments fronting Banksia Street;
- The proposal will provide the minimum one off-street car parking space for both dwellings. This number will not generate to significant traffic impact;
- The proposed semi-detached dwellings comply with all other standards and planning controls including height, setbacks, landscaped area, private open space and stormwater management.

Summary

The bulk and scale of both lots are compatible with a number of the criteria within the desired future character of the Botany Precinct. The dwellings comply with the 8.5 metre maximum height limit, and are consistent with the setbacks approved in other developments in the street. The dwellings are articulated on the front and side

elevations, thereby minimising visible bulk and maintaining an appropriate visual relationship along the streetscape. Additionally the bulk and scale has been reduced from the approved development. On this basis, it is recommended that the development standard relating to the maximum FSR for the site pursuant to Clause 4.4 of the BBLEP 2013 should be varied in the circumstances as discussed above.

Botany Bay Development Control Plan 2013

The applicable sections of the BBDCP 2013 that relate to the proposed modification to the approved development are provided below:

Part 3A- Parking and Access

Part	Control	Proposed	Complies
3A.2. Parking Provisions of Specific Uses	C2 Semi-detached dwelling house = 1 space	The proposal has been amended to demonstrate that each dwelling will have a single garage within the building footprint and an additional car space can be accommodated within the driveway.	Yes
3A.3.1 Car Park Design	C26 The minimum width of the access driveway at the property boundary shall be:- (i) For dwelling houses: ▪ 3 metres	The proposal includes two vehicular crossing and driveways to each property which have a minimum 3 metre width.	Yes

Part 3L – Landscaping and Tree Management

The amended proposal seeks to remove an existing street tree that is located within the front of the site. This tree was proposed for removal as part of the approved plans however was retained as there was a modification in the driveways and crossings as originally amended. With the original comments provided by Council's Landscape Architect, the Safe Useful Life Expectancy (SULE) of the tree is relatively short with only 3 years life expectancy. As the amended proposal proposes the vehicular crossings in close proximity to the tree, the tree is approved for removal and a replacement street tree is to be planted at the front of the site. Additionally, a condition has been added so that there is at least one small tree planted within the front and rear setbacks of each dwelling site.

Part 4A- Dwelling Houses

The development application has been assessed against the controls contained in *Part 4A of the DCP – Dwellings*. The following table compares the amended proposal with the relevant provisions of this policy.

Part	Control	Proposed	Complies
4A.2.4 Streetscape Presentation	C1 New dwellings must be designed to reflect the Desired Future Character of Botany.	The proposed development is consistent with the desired future character of Botany. This is further discussed in Part 8 below.	Yes

Part	Control	Proposed	Complies
	C3 Dwellings must reflect dominant roof lines and patterns of the existing streetscape.	The amended proposal incorporates a predominantly flat roof which has a slight slope in the centre of the roof plain. While it is not consistent with the predominant pitched roof character of the street, the height and nature of the roof is lower than the adjoining two storey pitched roof dwelling.	Acceptable
	C4 Buildings must address the street.	Both dwellings front onto Banksia Street.	Yes
4A.2.7 Site Coverage	C2 Sites greater than 300sqm, the maximum site coverage is 50%.	The approved development had a site coverage of 158sqm on each dwelling which equaled 52%. The amended proposal results in a total site coverage of each site at 177.36sqm or 58.8%.	No – Refer to Note 2
4A.2.8 Building Setbacks	<p>C1 Dwelling houses must comply with the following minimum setbacks as set out in Table 1.</p> <p>Less than 12.5m lot width:</p> <ul style="list-style-type: none"> • Front – comply with prevailing street setback or 6m min. • Side – merit. • Rear – 4m min. <p>Note: The subject site has an average lot width of 12.19m however after subdivision each lot will have a street frontage width of 6.465 metres.</p>	<p>Front: <u>Ground floor:</u> 6 metres <u>First floor:</u> 4.78- 4.8 metres</p> <p>Side: <u>Eastern side:</u> Ground and first: 900mm-1.2 metres</p> <p><u>Western side:</u> Ground and first: 900mm-1.2 metres</p> <p>Rear: Ground Floor: 16 metres First Floor: 13 metres</p> <p>Nil setbacks: N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
	C5 Side and rear setbacks should be modulated to avoid the appearance of bulky or long walls. Side and rear setbacks should be stepped or walls articulated by projecting or recessing window elements.	The amended proposal continues to provide articulation along the side boundaries by stepping the centre of the dwellings in addition to proposing a range of materials to break up the form.	Yes
4A.2.9 Landscape Area	C2 Development shall comply with the following minimum landscaped area requirements, based on the area of the site in Table 2 .	Both sites have a total site area of 301.5sqm. Therefore a minimum of 20% landscaped area is required for each site. The amended proposal will provide a total of 117.2sqm of	Yes

Part	Control	Proposed	Complies
	Table 2 requires the following minimum landscaped area: (i) 20% for sites that have an area between 250sqm-350sqm	landscaped area which equates to 39% for each dwelling.	
	C8 The front setback is to be fully landscaped with trees and shrubs and is not to contain paved areas other than driveways and entry paths. Paving is restricted to a maximum of 50% of the front setback area.	The front setback contains a driveway and footpath for each dwelling. The hard-paved area does exceed the 50% control therefore a condition has been included to convert a portion of the front setback to permeable landscaped area.	Conditioned
4A.3.1 Materials and Finishes	C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade must accompany all Development Applications involving building works (refer to Council's Development Application Guide for further detail).	An amended Schedule of Colours and Finishes was submitted with the amended application. The Schedule demonstrates that the proposal will continue to utilise stone tile, timber cladding and screens, and rendered brick walls	Yes
4A.3.2 Roofs and Attics/Dormer	C1 Where roof forms in a street are predominantly pitched, then any proposed roof should provide a similar roof form and pitch. C3 A variety of roof forms will be considered, provided that they relate appropriately to the architectural style of the proposed house and respect the scale and character of adjoining dwellings.	The amended proposal incorporates a predominantly flat roof with a slight pitch in the centre. The roof form change has reduced the bulk of the development from what was originally approved. The flat roof, while it is not the predominant roof form in the street, generally fits in with the desired future character along the street and is similar to a number of flat roofs that are found in the area. Therefore the roof is acceptable.	Yes
4A.4.1 Visual Privacy	C2 Visual privacy for adjoining properties must be minimised by: <ul style="list-style-type: none"> using windows which are narrow or glazing Ensuring that windows do not face directly on to windows, balconies or courtyards of adjoining dwellings Screening opposing windows, balconies and courtyards; and Increasing sill heights to 1.5 metres above floor level. 	The amended proposal alters some of the windows along the side elevations of each dwelling. The proposal now incorporates long, highlight window on the first floor which is acceptable as the window is separated by a void. The ground floor window is also acceptable as it is a low lying window which will be predominantly obstructed by the side fences. Visual privacy continues to be maintained to the neighbouring properties. The southern elevation	Yes- Conditioned

Part	Control	Proposed	Complies
		continues to have balconies facing the street however there are operable screens along the entire length of the balcony. This is considered not appropriate as the screening for the entire length obstruct surveillance onto the street and is not consistent with the streetscape presentation existing. Therefore a condition of consent is proposed requiring the screening to be removed.	
	C3 First floor balconies are only permitted when adjacent to a bedroom.	The first floor balconies continue to be located off bedrooms and not living areas.	Yes
4A.4.3 Solar Access	C1 Buildings (including alterations/additions/extensions) are to be designed and sited to maintain approximately 2 hours of solar access between 9am and 3pm on 21 June to windows in living areas (family rooms, rumpus, lounge and kitchens) and the principal open space areas such as swimming pools, patios and terraces, and drying areas of both the subject site and adjoining properties.	The applicant has submitted amended shadow diagrams of the proposal. The amended proposal does not significantly alter the amount of overshadowing cast to the neighbouring properties which will continue to receive the minimum 2 hours of sunlight to their private open space and living areas.	Yes
4A.4.4 Private Open Space	C2 For sites greater than 250sqm, a minimum area of 36sqm applies.	Both sites continue to have in excess of 36sqm of private open space at the rear open area.	Yes
4A.4.7 Vehicle Access	C1 Driveways within a property shall have a minimum width of 3 metres.	The sites will have one driveway each which complies with the minimum width.	Yes
	C6 The number of vehicle crossings is to be limited to one (1) per allotment.	There is one vehicle crossing for each site with access off Banksia Street.	Yes
4A.4.8 Car Parking	C1 Development must comply with Part 3A – Car Parking	Refer to Part 3A above.	Yes

Part	Control	Proposed	Complies
	C10 Garages, parking structures (carports and car spaces) and driveways are not to dominate the street. Note: Existing situations where garages dominate the street may not be used as a precedent to justify approval of other similar proposals.	The amended proposal has been designed so that there are hard stand spaces located in front of the single garages which are positioned 6 metres from the front boundary. The first floor is forward of the ground floor therefore the garages do not dominate the front façade and the setback.	Yes
4A.5 Ancillary development	C1 The principal dwelling plus any ancillary structures are to comply with the controls for site coverage, minimum landscaped area, private open space and setback and height controls.	The cabanas on each site comply with controls except for site coverage which is discussed in detail in Note 2 below. The site coverage non-compliance was previously approved.	Acceptable
	C4 Outbuildings must be setback 900mm from the sites boundaries. A nil setback may be used for masonry buildings.	The cabanas have a nil setback along the northern boundary which bounds the rear yard of the neighbouring property to the north. The sides of the cabanas are setback from the boundaries. The structures will be masonry built.	Yes

Note 2- Site Coverage

Control C1 of Part 4A.2.7 – *Site Coverage* of the BBDCP 2013 restricts site coverage to a maximum of 50% for sites with an area greater than 300sqm. The approved lots have an area of 301.5sqm. The amended development will have a total covered area of 177.36sqm or 58.8% site coverage per lot. Site coverage in this instance has included each dwelling and cabana at the rear.

The site area of 301.5sqm is only 1.5sqm higher than the higher threshold which allows a maximum of 60% for sites with a site area between 250sqm and 300sqm. Given this, it is reasonable that the amended site coverage requirement could be varied on merit and in conjunction with other merit issues. The cabanas are an acceptable size and do not contribute to excessive site coverage. The reduction in the bulk of the development on each site for the dwellings is a better outcome than what was approved. The sites continue to exceed the minimum amount of landscaped area and private open space that are applicable for both sites, and continue to be consistent with the site coverage that is characteristic of the surrounding area. Therefore, the departure in the site coverage control is acceptable in this instance.

Part 8 – Character Precincts

Part 8.4.1 Botany Character Precinct of the BBDCP 2013 has been considered in the assessment of the modification application. This section provides a rationale for determining whether the proposal fits into the desired future character for the area.

The desired future character relevant to the proposed modification to the proposal continues to:

- Encourage site layout and building styles and designs that promote commonality and a visual relationship with the surrounding built form and dwelling styles;
- Encourage dwelling styles that maintain and complement existing development patterns;
- Maintain and enhance low density residential low density residential accommodation in the form of detached/attached dwellings with a maximum height of 2 storeys in the remainder of the precinct;
- Encourage new development or alterations and additions to existing development to complement the height and architectural style found in the immediate vicinity, particularly where there is an established character.

The amended proposal will improve the appearance of the subject site from the public domain through the presentation of high quality designed and constructed semi-detached dwellings and deep soil landscaping. The built form facilitates general visual continuity along the streetscape through the use of materials, colours and design elements complimentary to the existing character of development to the site.

Therefore, the proposal continues to be compatible with the existing and desired future character of the Botany Character Precinct.

S.79C(1)(a)(iv) - Provisions of regulations

The proposed development is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

S.79C(1)(b) - Likely Impacts of Development

The proposed modification relates to reconfiguration and reduction of the size of the approved semi-detached dwelling houses and construction of cabanas to the rear, and as such, it is considered that the proposed amendments will have no significant adverse environmental, social or economic impacts on the locality. The original application addressed any impact to the natural and built form and the social and economic impact to the Botany area.

S.79C(1)(c) - Suitability of the site

The proposed modifications do not alter previous conclusions regarding site suitability.

S.79C(1)(d) - Public Submissions

In accordance with Part 2 – Advertising & Notification of the Botany Bay Development Control Plan (BBDCP) 2013, the development application was notified and advertised for 14 days from 18 September to 2 October 2017. No objections were received.

S.79C(1)(e) - Public interest

The proposed amendment will have no significant adverse impact upon the public interest.

Conclusion

Section 96(2) Application to modify Development Consent No. 16/116 to amend Development Consent No. 16/116 to reduce the bulk and length of the dwellings, delete the swimming pools and replace with a cabana at the rear of each dwelling at 124 Banksia Street, Botany, has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to the conditions of consent. The amended proposal reduces the bulk of the development by providing greater rear setbacks from what was originally approved and reduce the height of the development. The impacts from the proposal is less than the impacts provided on the approved plan. Support is also provided to the modification of conditions resultant from a change in the plans.

Attachment

Schedule 1 – Conditions of Consent

Premises: 124 Banksia Street, Botany

DA No: DA-16/116/02

SCHEDULE OF CONSENT CONDITIONS

GENERAL CONDITIONS

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Drawing N°	Author	Dated Received
DA201 Rev A-D Site Analysis		Dated 12 July 2016; Received 25 July 2016 Dated 17 August 2017; Received 28 August 2017
DA202 Rev B D Site Plan		Dated 26 October 2016; Received 27 October 2016 Dated 17 August 2017; Received 28 August 2017
DA203 Rev B D Subdivision Plan		Dated 26 October 2016; Received 27 October 2016

		<i>Dated 17 August 2017; Received 28 August 2017</i>
DA204 Rev B D - Streetscape	<i>Technik Haus Pty Ltd Pinnacle Plus</i>	<i>Dated 26 October 2016; Received 27 October 2016</i> <i>Dated 17 August 2017; Received 28 August 2017</i>
DA301 Rev C D - Ground Floor Plan		<i>Dated 18 November 2016; Received 21 November 2016</i> <i>Dated 17 August 2017; Received 28 August 2017</i>
DA302 Rev B D - First Floor		<i>Dated 26 October 2016; Received 27 October 2016</i> <i>Dated 17 August 2017; Received 28 August 2017</i>
DA303 Rev C D - Yard Plan		<i>Dated 18 November 2016; Received 21 November 2016</i> <i>Dated 17 August 2017; Received 28 August 2017</i>
DA304 Rev B D - Roof Plan		<i>Dated 26 October 2016; Received 27 October 2016</i> <i>Dated 17 August 2017; Received 28 August 2017</i>
DA401 Rev C D - Section AA		<i>Dated 18 November 2016; Received 21 November 2016</i> <i>Dated 17 August 2017; Received 28 August 2017</i>
DA402 Rev B D - Section BB		<i>Dated 26 October 2016; Received 27 October 2016</i> <i>Dated 17 August 2017; Received 28 August 2017</i>
DA403 Rev C D - Section CC		<i>Dated 18 November 2016; Received 21 November 2016</i> <i>Dated 17 August 2017; Received 28 August 2017</i>
DA404 Rev A- Section DD		<i>Dated 17 August 2017; Received 28 August 2017</i>
DA501 Rev C D - East Elevation		<i>Dated 18 November 2016; Received 21 November 2016</i> <i>Dated 17 August 2017; Received 28 August 2017</i>
DA502 Rev C D - West Elevation		<i>Dated 18 November 2016; Received 21 November 2016</i> <i>Dated 17 August 2017; Received 28 August 2017</i>
DA503 Rev B D - South Elevation		<i>Dated 26 October 2016; Received 27 October 2016</i> <i>Dated 17 August 2017; Received 28 August 2017</i>

DA504 Rev C D - North Elevation		Dated 18 November 2016; Received 21 November 2016 Dated 17 August 2017; Received 28 August 2017
DA604 Rev B- Driveway Plan and Section		Dated 26 October 2016; Received 27 October 2016
DA605 Rev C- Pool Plan and Section		Dated 18 November 2016; Received 21 November 2016
DA701 Rev B D - Calculations		Dated 26 October 2016; Received 27 October 2016 Dated 17 August 2017; Received 28 August 2017
DA702 Rev B D - Construction Management Plan		Dated 26 October 2016; Received 27 October 2016 Dated 17 August 2017; Received 28 August 2017
DA801 Rev B D - Materials/Window Schedules		Dated 26 October 2016; Received 27 October 2016 Dated 17 August 2017; Received 28 August 2017

(DA-16/116/02)

Reference Document(s)	Author	Date Received
Arboricultural Impact Assessment	Advanced Treescape Consulting	Dated 15 November 2016; Received 21 November 2016
Cover letter addressing Council RFI	Avenue Studios Pty Ltd	Dated 27 October 2016; Received 27 October 2016
Waste Management Plan	Technik Haus	Dated July 2016; Received 25 July 2016
Statement of Environmental Effects	Avenue Studios Pty Ltd	Received 25 July 2016
BASIX Certificate Nos. 731025S and 731046S	Prepared by BASIX Certificate Centre	Dated 14 July 2016; Received 25 July 2016
Geotechnical Investigation and Acid Sulfate Soil Assessment	STS Geo Environmental Pty Ltd	Dated June 2016; Received 25 July 2016

(DA-16/116/02)

2. This Consent relates to land in Lot 2 in DP 308859 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
3. The following shall be complied with:
 - a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
 - b) In accordance with Clause 94 *Environment Planning & Assessment Regulation 2000*, an automatic smoke detection and alarm system for early warning of occupants must be installed in the building (dwellings). The installation must satisfy the following:-
 - i) smoke alarms must comply with AS3786 - 1993;

- ii) smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building; and
 - iii) be located in a position as required by Vol 2. BCA.
- 4. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificates (as referenced at Condition No. 1) for the development are fulfilled.

Note:

- a) Relevant BASIX Certificate means:
 - i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.
5. The consent given does not imply that works can commence until such time that:
- a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:-
 - i) The consent authority; or,
 - ii) An accredited certifier; and
 - b) The person having the benefit of the development consent:-
 - i) Has appointed a principal certifying authority; and
 - ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 6. Prior to the issue of the Construction Certificate the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.

7. The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:-
 - a) Builders Security Deposit \$13,400.00 (Condition No. 9)
 - b) Development Control \$1,260.00
 - c) Section 94 Contributions \$20,000.00 (Condition No. 8)
8. The payment of the following monetary contributions in accordance with Council's Section 94 Contributions Plan 2016. This result is a total contribution of **\$20,000.00**, to be paid to Council prior to the issue of the Construction Certificate.
9. Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of \$13,400.00 (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.
10. Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant's expense.
11. Prior to the issue of the Construction Certificate, revised plans are to be provided to the Principal Certifying Authority demonstrating that:
 - a) ~~**The rear first floor balconies and the roof over the balconies are to be reduced to a maximum width of 1.5 metres.**~~
 - b) ~~**450mm wide eaves are provided on the roof of the development to the entire perimeter on all sides, including to that part of the proposal affected by (a);**~~
 - c) **The operable privacy screening along the front first floor balconies is to be deleted as it prevents surveillance to the street and enclosure of the balconies.**

(DA-16/116/02)

11A. One (1) new street tree shall be installed in the nature strip by Council at the Applicant's expense. The Applicant shall make a payment to Council of \$325.00 for the purchase and installation of the new street tree in accordance with the Street Tree Masterplan, and establishment costs, prior to the issue of the Construction Certificate. The new street tree will be planted by Council once construction work is complete, including public domain works. It is the Applicant's responsibility to notify Council when construction is complete and the new street tree may be planted without risk of further damage. (DA-16/116/02)

11B. Prior to the Commencement of Demolition/Issue of Construction Certificate, the applicant is to submit payment for a Tree Preservation Bond of \$9400.00 to ensure protection of the street tree and Fiddlewood trees from damage during construction. The duration of the Bond shall be limited to a period of 24 months

after issue of the Occupation Certificate. At the completion of the 24 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection of the trees by Council and/or a qualified Arborist. If a tree was found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then all or part thereof of the bond shall be forfeited. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method. (DA-16/116/02)

12. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, a full photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and the Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
13. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04 and E-07. As part of this development, a new concrete driveway shall be constructed **for each dwelling**. A new three (3) metre wide driveway layback shall be constructed as part of each new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter. (DA-16/116/02)
14. Prior to the issue of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Principal Certifying Authority, showing the storage location of construction building materials and plants and the method of access to the property. No storage of construction materials and plants to be allowed in road reserve area.
15. Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval. *(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans. The plans shall incorporate but not limited to:*
 - a) The provision for an On-site Stormwater Infiltration Systems designed to retain all 1 in 100 year storm events and satisfying all relevant Council and Australian Standards;

Note: a Rainwater Tanks may be used as an alternative, for which up to half of the capacity may contribute towards the on-site detention system/infiltration trench.

 - b) All calculations shall be submitted to Council for assessment.
16. The building shall be constructed in accordance with AS2021- 2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to

Principal certifying authority prior to the release of the Construction Certificate and the building plans endorsed with the required acoustical measures.

The measures required shall be undertaken in accordance with the provisions of AS 2021 – 2000: *Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- a) Appropriate acoustic glazing to stated windows and doors,
- b) Detailed roof and ceiling construction,
- c) Wall and ceiling corner details and,
- d) External door specification,
- e) Acoustically treated mechanical ventilation.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT OR WORK

17. The Principal Certifying Authority must be satisfied that: -

- a) In the case of work to be done by a licensee under the Home Building Act: -
 - i) Has been informed in writing of the licensee name and contractor licence number, and;
 - ii) Is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or,
- b) In the case of work to be done by any other person: -
 - i) Has been informed in writing of the persons name and owner-builder permit number, or;
 - ii) Has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner builder work* in Section 29 the Home Building Act 1989.

18. Prior to the commencement of works, the applicant must inform Council, in writing, of:

- a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
- b) The name and permit number of the owner-builder who intends to do the work;
- c) The Council also must be informed if: -
 - i) A contract is entered into for the work to be done by a different licensee; or
 - ii) Arrangements for the doing of the work are otherwise changed.

19. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
20. Building plans must be lodged through a Sydney Water Tap In Service for approval prior to commencement of works.
21. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
22. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
23. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These device shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.
24. Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter for the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993 as appropriate: -

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- a) Permit to erect hoarding on or over a public place, including Council's property/road reserve
- b) Permit to construction works, place and/or storage building materials on footpaths, nature strips
- c) Permit for roads and footways occupancy (long term/ short term)
- d) Permit to construct vehicular crossings, footpath, kerb and gutter over road reserve
- e) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever
- f) Permit to place skip/waste bin on footpath and/or nature strip
- g) Permit to use any part of Council's road reserve or other Council lands

24A. Council's Tree Preservation Order applies to existing trees on the adjoining property to the east and the Eucalypt on Council's nature strip, accordingly they are required to be retained and protected. In order to ensure that trees # 2 (6m Lillypilly - adjoining property) and 5 (12m Fiddlewood - adjoining property) are protected during construction, and their health and structural stability ensured, the following is required:

- a) Prior to commencing demolition the Council street tree shall be physically protected by erecting fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete. The area within the fencing is to be mulched with leaf mulch to a depth of 100mm. Fencing shall be erected to ensure the public footway is unobstructed.**
- b) The portion of any overhanging eh boundary of tree 2 and 5 shall be fenced off with 1.8m high chainwire fence to ensure the tree canopies are not damaged during demolition or construction.**
- c) Before any works commence on site, the Applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced TPZ's. Council approval is required prior commencement of any work.**
- d) All detailed Construction Certificate plans shall show trees to be protected and the TPZ. (DA-16/116/02)**

DURING WORKS

25. The proposed development shall comply with the following:

- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i) Stating that unauthorised entry to the work site is prohibited;
 - ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - iii) The Development Approval number; and
 - iv) The name of the Principal Certifying Authority including an afterhour's contact telephone number.
- b) Any such sign is to be removed when the work has been completed.

26. The demolisher shall comply with Australian Standard 2601 - 2001 "Demolition of Structures".

27. Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.

27A. In order to ensure that trees # 2 (6m Lillypilly - adjoining property) and 5 (12m Fiddlewood - adjoining property) are protected during construction, and their health and structural stability ensured, the following is required:

- a) **Engage the Consultant Arborist - Advanced Treescape Consulting for all tree root and canopy work to trees on the adjoining property that are to be retained and protected.**
- b) **Comply with all building construction modifications and recommendations and requirements contained within the updated Arborist report dated 15th November 2016.**
- c) **All TPZ's are a "No-Go" zone. There shall be no access in the fenced areas, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer or Consultant Arborist.**
- d) **Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage.**
- e) **Excavation within the canopy dripline or within an area extending 3 metres outward of the canopy dripline of any tree shall be carried out manually using hand tools to minimise root damage or disturbance.**
- f) **Tree roots 35mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer or the consulting Arborist after a site inspection so as not to impact or stress the tree.**
- g) **The large root on the property from the Fiddlewood shall not be damaged or pruned.**
- h) **It is the Applicant's responsibility to ensure there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application. Any approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.**
- i) **Masonry boundary fencing/walls or retaining walls shall be of parged or bridged construction to minimise damage to roots of any tree. Trench or strip footings are not permitted. If a tree root 35mm diameter or greater is in the location of a pier and the root cannot be cut without compromising the tree (after Council inspection and advice), the pier will need to be relocated and the root bridged.**
- j) **There shall be no retaining walls, pavements, change in levels, trenching for subsurface services or the location of new overhead power services within the primary root zone or canopy of any of the 3 trees to be retained. Any such infrastructure in close proximity to these trees must accommodate tree roots without damage or pruning.**
- k) **The Applicant shall undertake any tree maintenance/remedial pruning as required by Council or the Consultant Arborist at the completion of construction.**

If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage. (DA-16/116/02)

28. Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – ‘Demolition of Structures’, the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
 - b) Induction training for on-site personnel;
 - c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
 - d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
 - e) Disconnection of Gas and Electrical Supply;
 - f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
 - g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
 - h) Waterproofing of any exposed surfaces of adjoining buildings;
 - i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
 - j) Working hours, in accordance with this Development Consent;
 - k) Confinement of demolished materials in transit;
 - l) Proposed truck routes, in accordance with this Development Consent;
 - m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
 - n) Sewer – common sewerage system ad08.
29. Precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
- a) Protection of site workers and the general public.
 - b) Erection of hoardings where appropriate.
 - c) Asbestos handling and disposal where applicable.
 - d) Any disused service connections shall be capped off.
 - e) The disposal of refuse is to be to an approved waste disposal depot.
30. Hazardous or Special Wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of the:
- a) Occupational Health and Safety Act, 2000;

- b) Occupational Health and Safety Regulation 2001;
 - c) Protection Of the Environment Operations Act 1997 (NSW); and
 - d) NSW Department of Environment and Climate Change Waste Classification Guidelines (2008).
31. Any material containing asbestos found on site during the demolition process the shall be removed and disposed of in accordance with:
- a) WorkCover NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m2 of bonded asbestos and/or any friable asbestos;
 - b) Protection of the Environment Operations Act 1997;
 - c) Protection of the Environment Operation (Waste) Regulation;
 - d) DECC Waste Classification Guidelines 2008.
 - e) No demolition materials shall be burnt or buried on the site.
32. The demolition and disposal of materials incorporating lead such as lead paint and dust shall be conducted in accordance with:
- a) AS2601-2001 - Demolition of structure.
 - b) AS4361.2-1998 – Guide to Lead Paint Management-Residential and Commercial Buildings
33. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is strictly prohibited.
34. No demolition materials shall be burnt or buried on the site.
- 35.
- a) To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall: -
 - i) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
 - ii) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with: -
 - 1 The additional load on the system; and
 - 2 The relocation and/or adjustment of the services affected by the construction.
 - b) Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

36. Should the demolition process require a building waste container(s) (builders' skip), then such container must not be placed or left upon the public road, footpath, reserve or the like without the prior approval of the Council. The use of any part of Council's road reserve must also have prior approval of Council.
37. Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.
38. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
39. All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
40.
 - a) All excavations and backfilling shall be executed safely and in accordance with appropriate professional standards; and all excavations shall be properly guarded and protected to prevent them from being dangerous to life or property;
 - b) Existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piercing, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - c) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i) Protect and support the adjoining premises from possible damage from the excavation, and
 - ii) Where necessary, underpin the adjoining premises to prevent any such damage.
41. The following shall be complied with during construction and demolition:
 - a) Construction Noise

Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

c) Time Restrictions

- i) Monday to Friday 07:00am to 05:00pm
- ii) Saturday 08:00am to 01:00pm
- iii) No Construction to take place on Sundays or Public Holidays.

d) Silencing

All possible steps should be taken to silence construction site equipment.

42. The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.

43.

- a) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion; and,
- b) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- e) Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.

44. During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery

vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

45. During construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
46. Inspections must be conducted by Council's Engineer at the following occasions:
 - a) Formwork inspection of driveway layback and adjacent kerb and gutter prior to laying of concrete,
 - b) Formwork inspection of Council's kerb and gutter prior to laying of concrete,
 - c) Formwork inspection of Council's footpath prior to laying of concrete,
 - d) Final inspection of driveway layback and adjacent kerb and gutter,
 - e) Final inspection of Council's kerb and gutter,
 - f) Final inspection of Council's footpath.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE

47. For compliance with the conditions of consent, a separate application must be made for a subdivision certificate. The application is to be accompanied by documentary evidence demonstrating compliance with all conditions of consent. Submission of a subdivision certificate application accompanied by a linen plan with six (6) copies and appropriate fees.
48. Prior to the issue of a Subdivision Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.
 - a) Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be timed consuming and may impact on other services and building, driveway or landscape design.
 - b) The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the linen plan or occupation of the development.
49. Prior to the issue of Subdivision Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority showing all the structures are wholly located within the property boundary.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A OCCUPATION CERTIFICATE

50. Prior to the issue of any Occupation Certificate, the approved subdivision is to be registered. The linen plans are to be submitted to Council prior to the release of the

Occupation Certificate, and proof of registration with the Land and Property Information is to be submitted prior to occupation and use of any building.

51. Prior to the issue of any Occupation Certificate, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.
52. Prior to release of the Occupation Certificate the developer must submit to the Principal Certification Authority an acoustic report to verify that the measures stated in the required acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
53. Prior to the issue of an Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.
54. Prior to the issue of any Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
- 54A. ***No more than 50% of the street setback of each dwelling shall be hard paved (including stepping stones and large expanses of gravel). Paving shall be confined to the driveway and a pathway to the dwelling only in accordance with the approved landscape plan Rev C, splaying within the property, no additional paving shall be provided. The remainder of the setback shall be deep soil and soft landscaped. (DA-16/116/02)***
55. Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:
 - a) On Banksia Street, adjacent to development, reconstruct the existing footpath for the full length of the proposed new properties in accordance with Council Infrastructure Specifications; and
 - b) On Banksia Street, adjacent to development, reconstruct the existing kerb and gutter for the full length of the proposed new properties in accordance with Council Infrastructure Specifications.
56. Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.
57. Prior to the issue of Occupation Certificate, maintenance schedule of the on-site detention system shall be prepared by a qualified engineer and included in the Positive Covenant of the 88B Instrument, as a cross-reference or appendix.
58. Prior to the issue of any Occupation Certificate(s), a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants

shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- a) Restriction on Use of Land for On-Site Infiltration System. Refer to Appendix A of the Stormwater Management Technical Guidelines for suggested wording.

~~59. Prior to the issue of any Occupation Certificate, to enable vehicular access, the following easements shall be created in conjunction with Council:~~

- ~~a) Register a new 1.00m wide "Right of Carriageway" 3.89m long part over the new driveway burdening Lot 1 and benefiting Lot 2 in conjunction with Council, and~~
- ~~b) Register a new 1.00m wide "Right of Carriageway" 3.89m long part over the new driveway burdening Lot 2 and benefiting Lot 1 in conjunction with Council.~~

~~**Note: As-built drawings shall accompany proposed easements supporting any submissions to Council. The dimensions above are subject to change with respect to provided as-built drawing details. These documents shall be approved by Council prior to the registration of any easements and the issue of Any Occupation Certificate. (DA-16/116/02)**~~

- 60. Prior to the issue of any Occupation Certificate(s), inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.

- 61. The Council nature strip in Banksia Street shall be repaired and/or replaced and maintained in accordance with Council Specification at the completion of all construction work at the Applicant's expense.

~~62. Prior to the issue of the Occupation Certificate, the swimming pools are to be registered with the NSW Government at www.swimmingpoolregister.nsw.gov.au and a registration certificate is to be submitted to the Council. (DA-16/116/02)~~

~~63. Prior to the issue of the Occupation Certificate, the following is required:~~

- ~~a) High-level overflows from the swimming pool shall be gravity fed and connected to Sydney Water's sewer via an approved system. The connection must not directly vent the receiving sewer. Upon completion, certification from a licence plumber shall be submitted to the Principal Certifying Authority to certify that the connection has been made in accordance with Sydney Water's requirements and the current plumbing codes.~~
- ~~b) The Principal Certifying Authority shall confirm the concourse area surrounding the swimming pool have been constructed at minimum 1.0% grade towards the pool to prevent surface water overflowing into the adjoining properties.~~
- ~~c) Where a dividing fence, being a dividing fence that separates the lands of adjoining owners or a public place, is to form part of the safety enclosure in which the swimming pool is to be located, then such fencing must be a minimum of 1.8m in height from the finished surface level surrounding the pool, sound and in a state of good repair and condition. The boundary fencing shall be installed prior to the completion of the swimming pool.~~

- ~~d) The swimming pool shall be fenced in accordance with Section 7 of the Swimming Pools Act 1992 and Australian Standard AS1926 (2012), prior to the filling of water in the pool or use of the pool. Such fence shall be provided with a self-latching and self-closing gate, opening outwards, capable of being opened from the poolside only and with provision for permanent locking when not in use. The fence shall be installed to the satisfaction of the Principal Certifying Authority, prior to the filling of water in the pool/use of the pool.~~

~~The fence required surrounding the swimming pool and in relation to any gate that forms part of such fence shall be erected in accordance with the approved plans and specifications, together with the standards set out in AS1926 entitled "Fences and Gates for Private Swimming Pools".~~

~~Note: The definition of "swimming pool" is that given under Clause 3 of the Swimming Pools Act 1992.~~

- ~~e) The pool shall be provided with at least two depth markers above the water line, being of numerical figures or at least 75mm in height, and shall be located in two locations on either side of the pool, indicating the corresponding depth of the pool.~~
- ~~f) The Principal Certifying Authority shall confirm that a pool cover is installed across the entirety of the swimming pool to minimise evaporation.~~
- ~~g) The provision of a suitable poster showing the details of resuscitation techniques shall be erected. This poster should also contain the advice that "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the relevant provisions of the document entitled "Cardio Pulmonary Resuscitation", according to the AS 1926.1 2012 and the Swimming Pool Regulation 2008.~~
- ~~h) An approved resuscitation poster, outlining life-saving resuscitation procedures, shall be erected and displayed in a prominent position adjacent to the pool.~~

~~Note: The above notices shall be kept in a legible condition and at a visible location on the pool side at all times. (DA-16/116/02)~~

64. Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109N of the Environmental Planning and Assessment Act, 1979.

CONDITIONS WHICH MUST BE SATISFIED FOR THE ONGOING USE

65. Ongoing maintenance of the grass nature strips shall be undertaken by the occupier, strata or owner. Maintenance includes mowing, watering and maintaining an even coverage of grass. Maintenance **does not include** pruning, trimming or any work to Council's street tree assets located on the Council nature strip under any circumstances at any time, including new street trees. All pruning is undertaken by Council only.
66. The buildings are not be used as a boarding house.

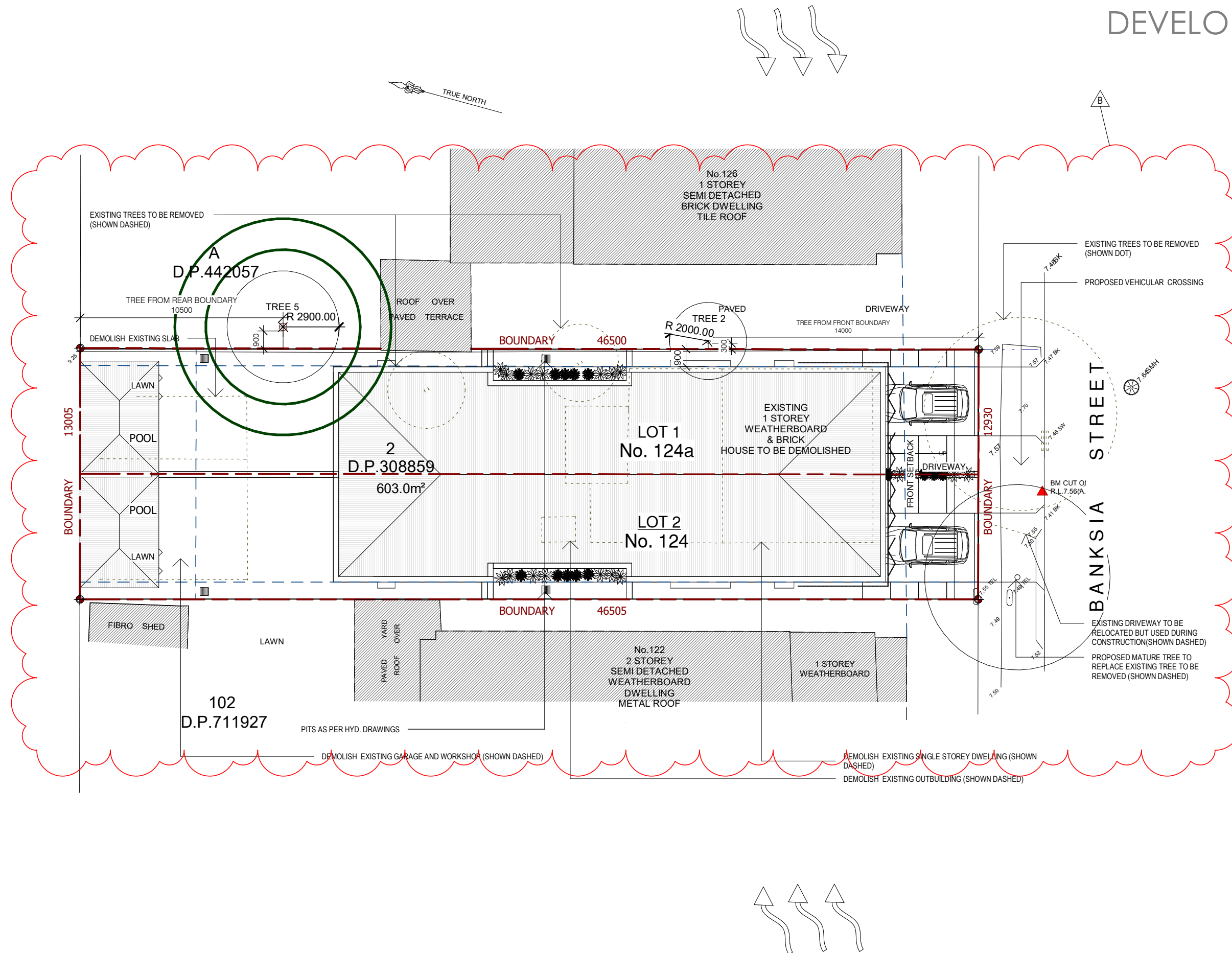
67. The building is approved as a single dwelling on each site for use and occupation by a single family. It shall not be used for separate residential occupation or as separate residential flats. ***The cabanas at the rear of the site are not to be used for habitable uses.*** No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council. (DA-16/116/02)
68. The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
69. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.*
- ~~70. The pool filtering equipment must be encased by a soundproof cover and be located as far as practical from adjoining properties. Pool equipment must not operate between 10:00pm and 7:00am. (DA-16/116/02)~~
- ~~71. The pool must not be filled with bore water or groundwater. (DA-16/116/02)~~
- ~~72. Access to an area in which a swimming pool is located shall not be through any garage, outbuilding or dwelling. (DA-16/116/02)~~
- ~~73. Prior to use or operation of the swimming pool, any filtration equipment or pump(s) shall be enclosed with appropriate sound insulation materials to ensure noise levels do not exceed 5dBA above the ambient background noise level when measured at the side and rear boundaries of the property. (16/116/02)~~
- ~~74. The fence including any access gate or other boundary construction that encloses the swimming pool for the purpose of child safety must at all times be maintained in a state of good repair and condition. (DA-16/116/02)~~
- 75.
- a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.
 - b) Noise from any air-conditioning units (measured as the $L_{aeq\ 15\ minute}$) is not to exceed the background level (measured as the $L_{a90\ 15\ minute}$) by more than 5dBA at any time. The measurement is to be taken at boundary of the property. If the noise from the air conditioner contains any annoying characteristics, the measurements are to be corrected in accordance with the New South Wales Industrial Noise Policy. In addition noise from any air conditioning units are not to be audible within habitable room of other residence before 7am or after 10pm (Monday to Friday) or before 8am or after 10pm (Sat/Sun/Public Holidays).
- Note: In order to meet this condition, the compressors and any other noise generating part of the air conditioning unit, are to be located a sufficient distance from any residential boundary to permit the sound from the unit to

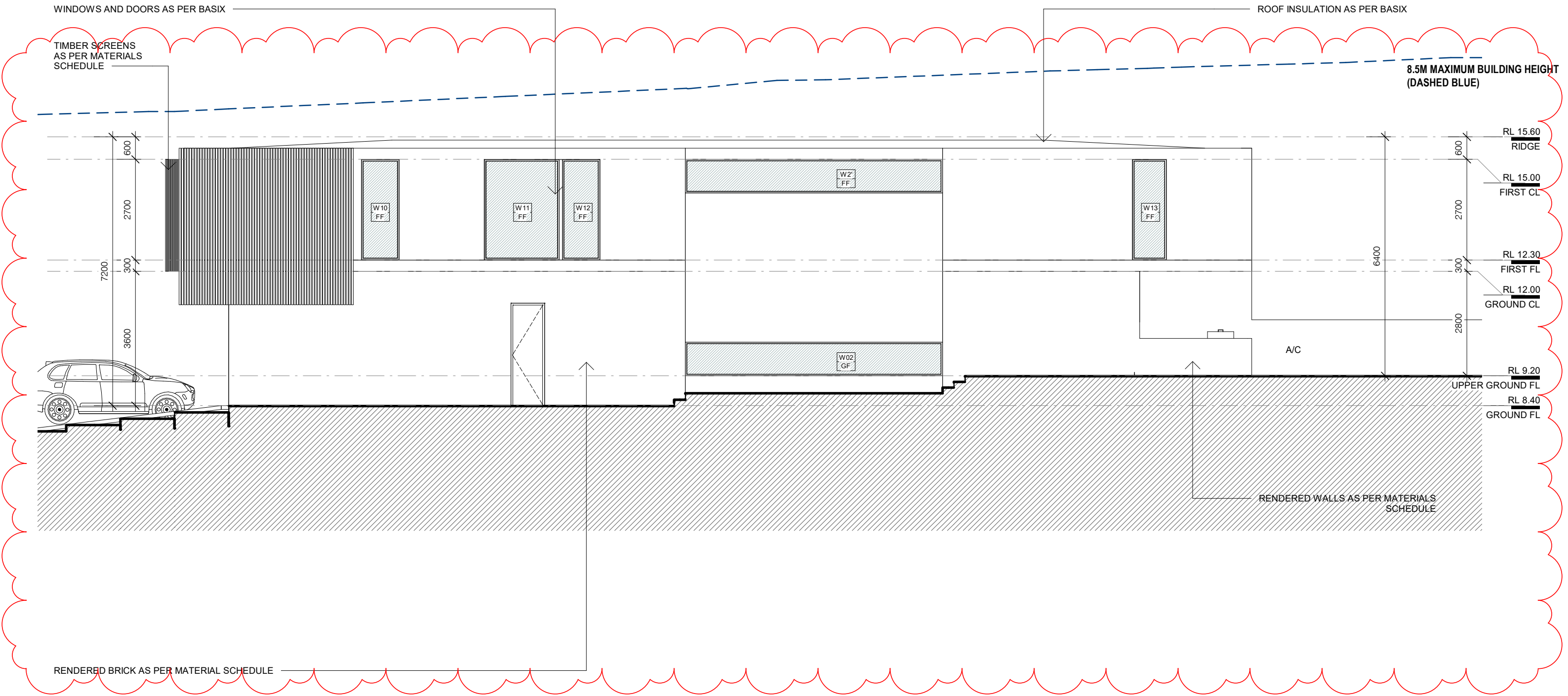
decay sufficiently to meet the standard, or enclosed in a suitable acoustic enclosure.

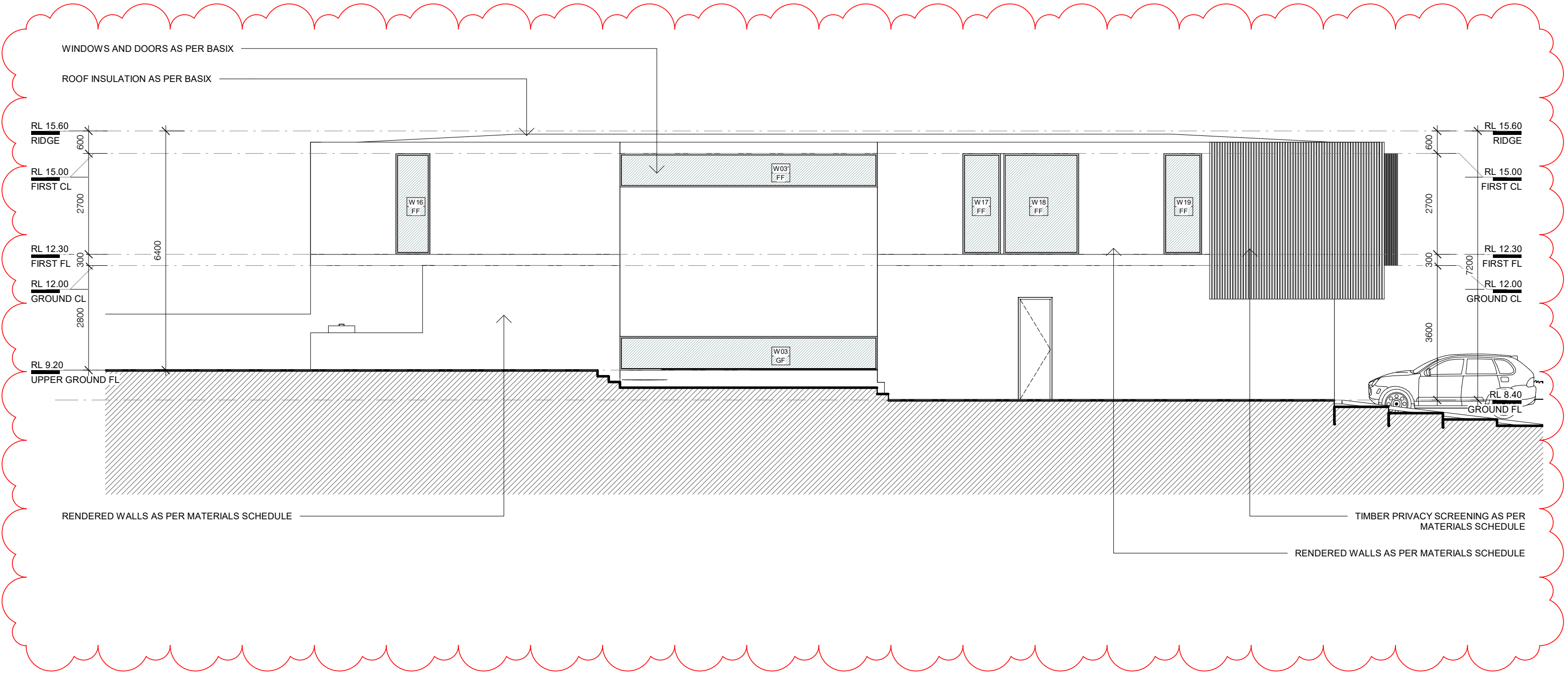
76. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 16/116 dated as 25 July 2016 **and as further amended by DA-16/116/02 dated 28 August 2017** and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council. **(DA-16/116/02)**

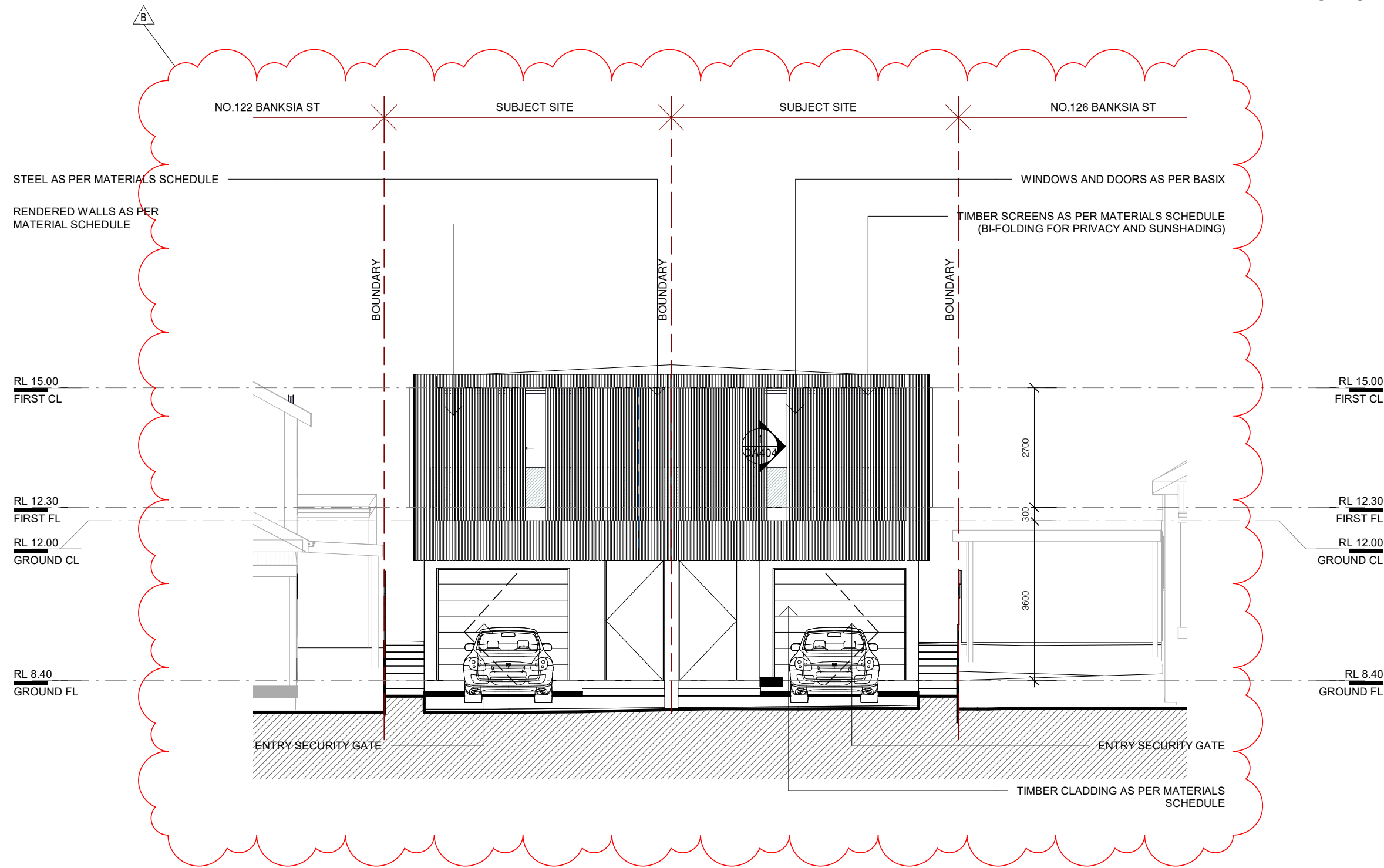
DEVELOPMENT APPLICATION

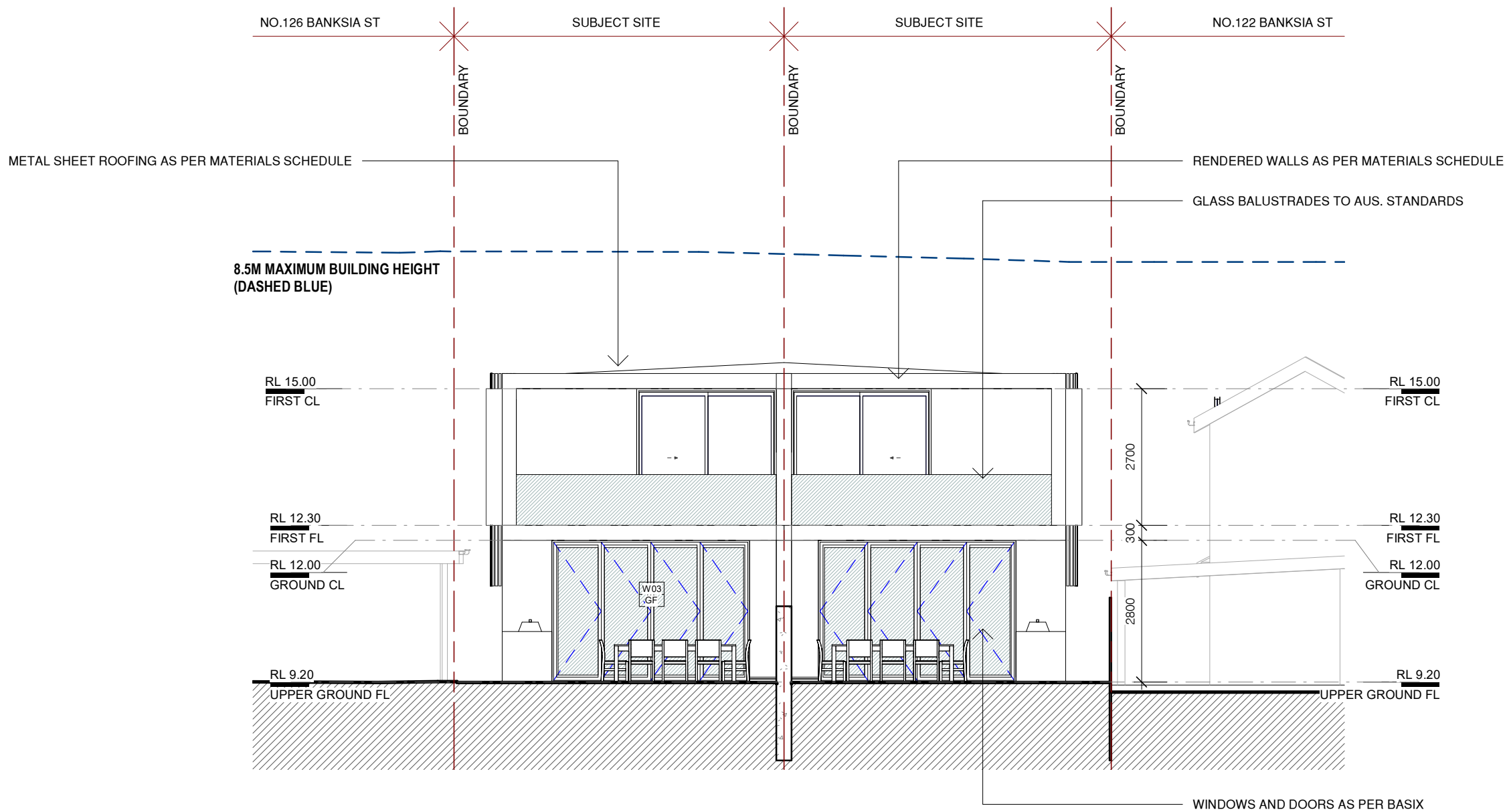
NOT FOR CONSTRUCTION

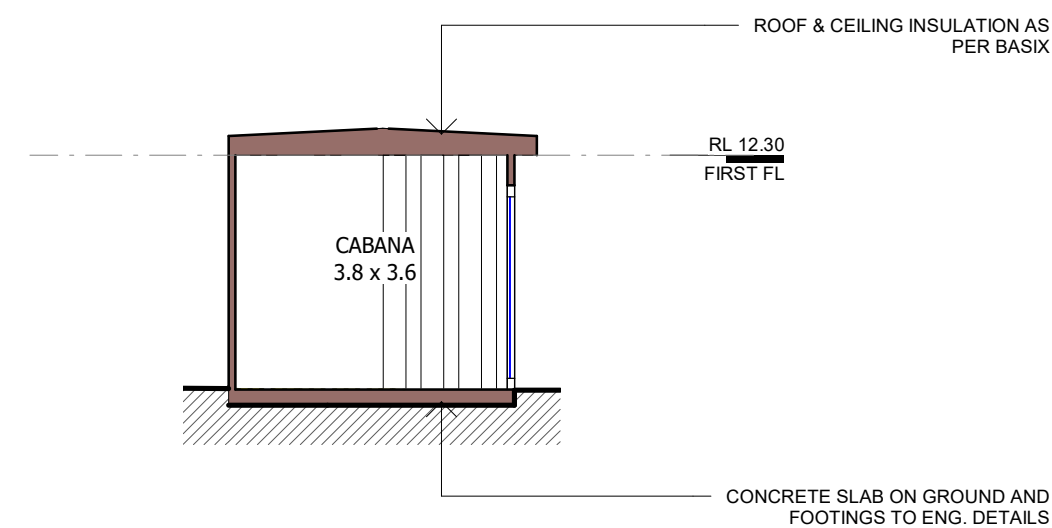




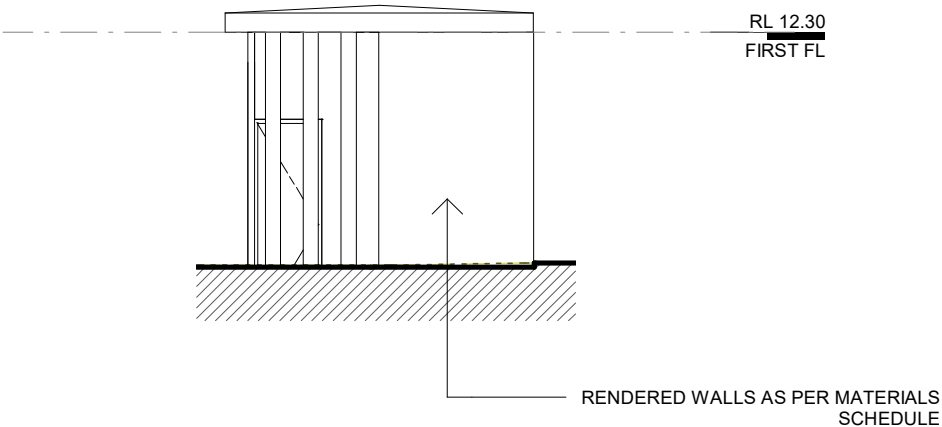








1 CABANA SECTION
1 : 100



2 CABANA ELEVATION
1 : 100

