

MINUTES

of a meeting of the
Bayside Local Planning Panel
held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 9 July 2019** at **6.00 pm**

Present

Robert Montgomery, Chairperson
Jan Murrell, Independent Expert Member
Anthony Reed, Independent Expert Member
Jesse Hanna, Community Representative

Also present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Christopher Mackay, Coordinator Development Assessment
Ben Latta, Coordinator Development Assessment
Andrew Ison, Senior Development Assessment Planner
Angela Lazaridis, Senior Development Assessment Planner
Patrick Nash, Senior Development Assessment Planner
Nitin Thomas, Development Assessment Planner
Gary Choice, Development Assessment Planner
Anne Suann, Governance Officer
Taif George, IT Technical Support Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6.00 pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

3.1 Bayside Local Planning Panel Meeting 9 July 2019 - Declarations of Interest

There were no disclosures of interest.

Attachments

- 1 Bayside Local Planning Panel 9 July 2019 - Declarations of Interest - Redacted

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Local Planning Panel Meeting - 25 June 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 25 June 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

5 Reports – Planning Proposals

Nil

6 Reports – Development Applications

6.1 DA-2013/10056/C - 13A Church Avenue, Mascot

The following person spoke:

- Shane Mohebbaty, applicant, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to S4.55(1) of the Environmental Planning and Assessment Act 1979 is satisfied that the proposed modification:
 - i) *is to correct a minor error, misdescription or miscalculation.* of minimal environmental impact;
 - ii) is substantially the same development as the development for which consent was originally granted and before that consent was modified;

- iii) has not been notified as the modifications are minor in nature; and
 - iv) has been assessed having regard to the relevant matters in S4.15 of the Environmental Planning and Assessment Act 1979.
- 2 That the Bayside Local Planning Panel takes into consideration the reasons of the consent authority that granted the consent that is sought to be modified.
- 3 That modification application DA-2013/10056/C seeking to modify Development Consent DA-2013/10056 to amend Conditions 1, 65 and 77 relating to updated supporting documents at 13A Church Avenue, Mascot is APPROVED. The proposal is modified in the following manner;
- (a) *Amend Condition 1 to now read:*

The development is to be carried out 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 (DA13/056/01).

Drawing N°	Author	Date Received
<i>Architectural Plans</i>		
S96 101	Bureau SRH	28 November 2017
S96 101.5	Bureau SRH	28 November 2017
S96 102	Bureau SRH	28 November 2017
S96103	Bureau SRH	6 April 2018
S96 104	Bureau SRH	28 November 2017
S96 105	Bureau SRH	28 November 2017
S96 106	Bureau SRH	28 November 2017
S96 107	Bureau SRH	6 April 2018
S96 108	Bureau SRH	28 November 2017
S96 200	Bureau SRH	28 November 2017
S96 201	Bureau SRH	6 April 2018
S96 202	Bureau SRH	6 April 2018
S96 203	Bureau SRH	6 April 2018
S96 300	Bureau SRH	28 November 2017
Architectural Plans	Simmons Architects	13 May 2014

11170-01 Issue A		
11170-02 Issue I		
11170-03 Issue O		
11170-04 Issue F		
11170-05 Issue D		
11170-06 Issue D		
11170-07 Issue A		
11170-08 Issue E		
Landscape Plans L/01 Issue A L/02 Issue B L/03	ATC	15 November 2013
Survey Plan Ref No. 582AA 01	Mitchell Land Surveyors Pty Ltd	28 March 2013
Stormwater Plans C01_B C02_B C03_B C04_A	Alan L Wright & Associates	15 November 2013

Documents	Author	Date Received
Statement of Environmental Effects	LJB Urban Planning Pty Ltd	27 March received by Council 28 March 2014
Statement of Environmental Effects (DA-2013/10056/C)	LJB Urban Planning Pty Ltd (DA-2013/10056/C)	23 November 2017 (DA-2013/10056/C)
State Environmental Planning Policy No.1 (SEPP 1) Objection	LJB Urban Planning Pty Ltd	November 2013 received by Council 15 November 2013 – amendment received 30 April 2014
Preliminary Geotechnical Report	Grant Alexander & Associates Pty Ltd	30 July 2009 received by Council 28 March 2013
Ground Water Levels	Grant Alexander & Associates Pty Ltd	30 July 2009 received by Council 28 March 2013
Traffic Report Traffic and Parking Impact Assessment (DA- 2013/10056/C)	Integral Services group Motion Traffic Engineers (DA-2013/10056/C)	August 2009 received by Council 20 May 2013 November 2017 (DA-2013/10056/C)

Estimated Construction Cost	Newton, Fisher & Associates Pty Ltd	20 January 2014 received by Council 22 January 2014
Soil Contamination Investigation	Pacific Environmental	30 October 2009 received by Council 28 March 2013
Addendum to Soil Contamination Audit Investigation	Pacific Environmental	1 January 2010 received by Council 28 March 2013
Addendum to Soil Contamination Audit Investigation – Groundwater Investigation	Pacific Environmental	13 May 2013 received by Council 28 March 2013
Acid Sulphate Soil Assessment	Pacific Environmental	2 November 2009 received by Council 28 March 2013
Pedestrian Wind Statement	Windtech	22 October 2009 received by Council 28 March 2013
BASIX Certificate No. 474684M 47468M_02 (DA-2013/10056/C)	Department of Planning Gradwell Consulting (DA-2013/10056/C)	28 March 2013 received by Council 28 March 2013 23 November 2017 (DA-2013/10056/C)
Access Report Access Compliance Report (DA-2013/10056/C)	PSE Consulting	7 May 2013 received by Council 20 May 2013 22 November 2017 (DA-2013/10056/C)
Design Verification	Simmons Architects Bureau SRH Architecture (DA-2013/10056/C)	21 March received by Council 28 March 2013 20 November 2017 (DA-2013/10056/C)
Aircraft Noise Assessment	Acoustic Services Pty Ltd	14 May 2013 received by Council 20 May 2013
Letter regarding Offer of VPA	Norton Rose Fulbright	20 March 2014

No construction works (including excavation) shall be undertaken prior to the issue of the Construction Certificate. (DA13/056/02) (DA13/056/03) **(Amended 9 July 2019 DA-2013/10056/C)**

(b) Condition 65 to be amended to now read:

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 experience civil engineer and be in accordance with Council's 'Development Control Plan – "Stormwater Management Technical Guidelines"', AS/NSZ 3500

– Plumbing and Drainage Code and the BCA. All drawing shall correspond with the approved architectural plans. The plans shall incorporate:

- a) the provisions made in the stormwater drainage drawings C1-C4, by Alan. L. Wright & Associates, dated Oct 2013;
- b) the provision for the connection of the overflow pipe from Storage Tank 1 to either Pit C or Pit D of the Absorption Tank and the deletion of Pit A;
- c) the provision for new kerb inlet pit(s) with a minimum 1.8 metre lintel, in accordance with City of Botany Bay Standard Drawing E-09 to facilitate connection of stormwater outlet to Council's stormwater drainage system; and
- d) the provisions meet or exceed the BASIX Certificate ~~No. 474684M issued 28 March 2013~~ **474684M_02 dated 22 November 2017.**

Note: All underground parking structures are to be "tanked" so that there is no intrusion of waters into the structure. **(Amended 9 July 2019 DA-2013/10056/C)**

(c) Condition 77 to be amended to now read:

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 Certificate No. ~~474684M~~ **474684M_02 dated 28 March 2014** ~~20 November 2017~~ **received by Council 28 March 2014** for the development are fulfilled.

- 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*.
(Amended 9 July 2019 DA-2013/10056/C)

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reid	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Jesse Hanna

**Reason for the Panel's Determination**

- The Panel is satisfied in relation to the matters contained in Section 4.15 of the Environment Planning and Assessment Act 1979.
- The applicant provided evidence to the satisfaction of Council and the Panel that the consent was secured by commencement on the 31 May 2019.

6.2 DA-2015/427/B - 4 Warialda Street, Kogarah

An on-site inspection took place at the property earlier in the day.

Determination

- 1 That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to S4.55(1A) of the Environmental Planning and Assessment Act 1979 be satisfied that the proposed modification:
 - a) is of minimal environmental impact;
 - b) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - c) has been notified (or not notified because not required); and
 - d) has been assessed having regard to the relevant matters in s4.55(1A) of the Environmental Planning and Assessment Act 1979.
- 2 That the Bayside Local Planning Panel takes into account the reasons of the consent authority that granted the consent that is sought to be modified.
- 3 That modification application DA-2015/427/B seeking to modify development consent DA-2015/427 to change the external brick colour at 4 Warialda Street, Kogarah is APPROVED. The proposal is modified in the following manner:
 - a) By amending condition 2;
 - b) By deleting condition 13..

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reid	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

The Panel is satisfied in relation to the matters contained in Section 4.15 of the Environment Planning and Assessment Act 1979.

6.3 DA-2018/333 - 1109 Botany Road, Mascot

An on-site inspection took place at the property earlier in the day.

Determination

- 1 That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 not support a variation to the building height standard prescribed by clause 4.3 of the Botany Bay Local Environmental Plan 2013, as it is not satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by clause 4.6 of that Plan, and the proposed development would not be in the public interest because it is not consistent with the objectives of that particular development standard and the objectives for development within the zone.
- 2 That Development Application No. 2018/333 for the demolition of the existing building and construction of two (2) x five (5) storey residential flat buildings containing 16 x 2 bedroom units; at grade and basement parking and roof top terrace at the rear at 1109 Botany Road, Mascot is REFUSED pursuant to Section 4.6(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:
 1. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, does not satisfy State Environmental Planning Policy (Infrastructure) 2007 in that the RMS has not issued its concurrence for the proposed vehicular access arrangement.
 2. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, does not satisfy State Environmental Planning Policy No.55 – Remediation of Land as insufficient information has been provided to satisfy the provisions of clause 7 of that Policy.
 3. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is not consistent with the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment and the design criteria and guidelines of the following sections of the Apartment Design Guide with respect to the following:
 - a) Part 2F - Building Separation
 - b) Part 3D - Communal Open Space
 - c) Part 3E – Deep soil zones
 - d) Part 4B – Natural Ventilation

- e) Part 4C – Ceiling heights
4. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is not consistent with the Design Quality Principles within State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment. Additionally, the Design Verification Statement provided does not satisfy clause 50(1B) of the Environmental Planning and Assessment Regulation 2000.
 5. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy the objectives of the B2 – Local Centre zone within Botany Bay Local Environmental Plan 2013.
 6. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy Clause 4.3 of the Botany Bay Local Environmental Plan 2013 relating to non-compliance with the height of building development standard of 14 metres. The Panel is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Botany Bay Local Environmental Plan 2013 in regards to building height.
 7. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy Clause 4.4 of the Botany Bay Local Environmental Plan 2013 relating to non-compliance with the floor space ratio development standard of 2:1. No clause 4.6 exception has been provided. Therefore, the consent authority has no statutory power to consent to the application.
 8. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy Clause 6.1 – Acid sulfate soils, Clause 6.2 – Earthworks and Clause 6.3 – Stormwater management of the Botany Bay Local Environmental Plan 2013.
 9. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy Clause 6.15 - Active Street frontages of the Botany Bay Local Environmental Plan 2013 as the development provides insufficient active street frontage along Botany Road.
 10. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the following sections of the Botany Bay Development Control Plan 2013 with respect to the following:
 - a) Part 3A – Car Parking and Access.
 - b) Part 3B – Heritage.
 - c) Part 3G – Stormwater Management.
 - d) Part 3K – Contamination

- e) Part 3L – Landscaping and Tree Management
- f) Part 3N – Waste Minimisation and Management
- g) Part 4C.4.1- Dwelling Mix and Layout within High Density Residential
- h) Part 5 – Business Centres. The proposed development do not comply with the objectives and controls of Part 5.2.2.8- Mascot Local Centre (Botany Road) of the Botany Bay Development Control Plan 2013

11. The proposed development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, results in an undesirable and unacceptable impact on the streetscape and adverse impact on the surrounding built environment.
12. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is excessive in terms of bulk, scale, size, height, density, inconsistent with local character and would adversely impact upon the amenity of the locality.
13. The proposed development, pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, is not considered suitable for the site.
14. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the impacts and submissions made, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

3 That the submitters be notified of the Bayside Local Planning Panel's decision.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reid	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The Panel agrees with the Council officer's assessment of this application, and in particular that it fails to satisfy various requirements of the Local Environmental Plan and other statutory requirements.
- It is noted that concurrence has not been received from the RMS and therefore the application must be refused.
- The proposal fails to recognise the significant constraints presented by the site and therefore should be refused.

6.4 DA-2018/319/A - 10-12 Sarah Street, Mascot

The following person spoke:

- Christopher Croucamp, town planner speaking on behalf of the applicant, spoke for the officer's recommendation.

Determination

- 1 That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to S4.55(1A) of the Environmental Planning and Assessment Act 1979 is satisfied that the proposed modification:
 - i) is of minimal environmental impact;
 - ii) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - iii) has been notified; and
 - iv) has been assessed having regard to the relevant matters in s4.15 of the Environmental Planning and Assessment Act 1979.
- 2 That modification application DA-2018/319/A seeking to modify development consent DA-2018/319 to an approved hotel development which includes realignment of windows along the western façade and modifications to Condition Nos. 1, 55(b), 96 and 98 at 10-12 Sarah Street Mascot is APPROVED by the Bayside Local Planning Panel.

The proposal is modified in the following manner:

- i) By amending Condition No. 1 to reflect the amended plans;
- ii) By amending Condition No. 55(b) relating to construction works;
- iii) By deleting Condition No. 96 relating to creation of easements; and
- iv) By amending Condition No. 98 relating to lot consolidation timing.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reid	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The Panel is satisfied in relation to the matters contained in Section 4.15 of the Environmental Planning and Assessment Act 1979.

6.5 DA-2019/94 - 12 O'Connell Street, Monterey

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- Rabi Moussawel, applicant, spoke against the officer's recommendation and responded to the Panel's questions.
- Alex Rigby, owner, spoke against the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That development application DA-2019/94 for Construction of a two (2) storey dwelling, including basement car parking, roof top terrace, in-ground swimming pool and removal of trees in the rear yard at 12 O'Connell Street, Monterey is APPROVED as a deferred commencement consent pursuant to s4.16(3) of the Environmental Planning and Assessment Act 1979 subject to the Schedule of Conditions in Attachment 1.

The amended plans and any supporting documents must be submitted to Council within 28 days for Council for approval by the Director City Futures.

- 2 That the submitter(s) be notified of the Bayside Local Planning Panel's decision.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reid	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- It is acknowledged that in its current form the application should not be approved due to the non-compliances and impacts created by the proposed dwelling.
- The Panel considers that compliance with the matters listed in the deferred commencement conditions will achieve an acceptable outcome for the site with regard to building height, privacy, overshadowing and bulk and scale.
- The Panel has taken into consideration the objection received from a neighbouring property owner in arriving at this decision.

The Chairperson closed the meeting at 6.44 pm.

Certified as true and correct.

Robert Montgomery
Chairperson

Attachment 1 – Schedule of Conditions – 12 O’Connell Street, Monterey**SCHEDULE OF CONSENT CONDITIONS****DEFERRED COMMENCEMENT CONDITIONS**

1. Amended plans are to be submitted for the approval of the Director City Futures which achieve the following design outcomes:
 - compliance with the height limit of 8.5 m;
 - compliance with the maximum of FSR of 0.6:1;
 - lowering of the building so that the ground floor is no greater than one step above ground level at the front of the building and no greater than two steps at the rear of the building and that no part of the building exceed the 8.5 m height limit;
 - the swimming pool coping is to be no higher than two steps above ground level;
 - the roof material is to be of a non-trafficable nature outside of the roof terrace area.
2. An amended landscape plan is to be submitted for the approval of the Director City Futures which provides for two canopy trees, one in the rear and one centrally located in the front setback area;

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 No.	Author	Dated
Site plan TBC subject to deferment	TBC Subject to deferment	TBC subject to deferment
Ground floor plan TBC subject to deferment		
First floor plan TBC subject to deferment		
Rooftop plan TBC subject to deferment		
Elevations & Sections TBC subject to deferment		
Sediment Control Plan TBC subject to deferment		
Demolition plan TBC subject to deferment		
Roof plan TBC subject to deferment		

Drawing No.	Author	Dated
Stormwater drainage plan TBC subject to deferment		
Finishes Schedule TBC subject to deferment		
Windows & Doors Schedule TBC subject to deferment		
Ramp Section TBC subject to deferment		
Landscape Plan TBC subject to deferment		

Reference Documents	Author	Dated
Geotechnical Assessment Report	Eswnman Pty Ltd	28 October 2018
BASIX Certificate 1001288S	Envision Energy	TBC

2. This Consent relates to land in Lot 3 DP 6524 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 (BCA);
 - 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 (dwelling). 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 a valid BASIX Certificate must be obtained demonstrating the development will meet the minimum thermal commitments, as well as reductions in energy and water consumption. All plans must reflect the commitments listed in the relevant BASIX Certificate for the development to ensure they 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 by:-
 - i) The consent authority; and
 - b) 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
 - c) The person having the benefit of the development consent:-
 - i) Has appointed a 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.
6. The dwelling is to be provided with a smoke alarms complying with Part 3.7.2 of the BCA/NCC - Volume 2. Works are to be completed to the satisfaction of Council prior to the issue of a Building Information Certificate.
7. The rooftop terrace shall be non-trafficable beyond the balustrade. The roof area surrounding the balustrade shall be surfaced with non-trafficable material such as pebble aggregate or metal deck.
8. The alfresco shall not be enclosed at any future time without prior development consent.

DEVELOPMENT SPECIFIC CONDITIONS

9. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
10. Balustrades shall be constructed from a solid/opaque material to a minimum height of 1000mm.
- The top of the balustrade shall be a minimum height of 1200mm.
11. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the retention system. The registered proprietor will:
- i) permit stormwater to be retained by the system;
 - ii) keep the system clean and free of silt, rubbish and debris;

- iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
- iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
- v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
- vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
- vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.

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

12. A 'Value of Assessment' prepared by a Quantity Surveyor shall be provided to Council with the amended plans to show the estimated cost of works including works already completed and all associated future works.
13. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - a) A Footpath Reserve Restoration Deposit of \$2,720.00 . This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - b) An environmental enforcement fee of 0.25% of the cost of the works.
 - c) A Soil and Water Management Sign of \$20.00.
14. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
15. Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 and Rockdale Section 94A (Section 7.12) Development Contributions Plan 2008, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:
16. Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or

17. Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications. This report is to be prepared in the form specified in Rockdale Section 94A Development Contributions Plan 2008 and the costs must be determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.
18. 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 assessment and approval. The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Rockdale Technical Specifications 'Stormwater Management, AS/NZS 3500 – Plumbing and Drainage Code and the BCA. All drawings shall correspond with the approved architectural plans.

Additionally, the plans shall incorporate the following measures:

19. Any provisions of a valid BASIX Certificate in accordance with Condition No.4 of this Schedule. Any rainwater tank shall service the toilets, clothes washers and any external taps in accordance with the requirements of Sydney Water and AS/NZS 3500 – National Plumbing and Drainage Code. First flush device shall also be incorporated into the tank systems. Overflow from the rainwater tank shall connect to the proposed site drainage system.
20. Design Certification, in the form specified in Rockdale Technical Specifications Stormwater Management, and drainage design calculations must be submitted with the detailed plans.
21. Prior to the issue of any Construction Certificate, a revised landscape plan shall be submitted to the Council for assessment and approval. The detail drawings shall include two (2) canopy trees (1 x central front setback zone and 1 x rear yard). All drawings shall correspond with the approved architectural plans.
22. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be designed in accordance with AS/NZS2890.1:2004. Existing levels at the property boundary must be retained, cut or fill is prohibited beyond the property boundary within council land. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
23. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap-in TM online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

24. Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Certifying Authority. All utilities within the work zone shall be protected during construction.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

25. Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, 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 may result in the applicant/developer 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.

26. A Waste Management Plan prepared in accordance with the *Rockdale Development Control Plan 2011* shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The Waste Management Plan shall include the size and storage of bins, the collection point for the waste contractor recycling contractor, maintenance of the bins and the provision of recycling and composting facilities.

27. The design and construction of the swimming pool and associated fencing and equipment must comply with:

- a) Swimming Pools Act 1992;
- b) Swimming Pools Regulation 2008;
- c) National Construction Code (formally known as the Building Code of Australia);
- d) AS 1926.1-2012 – Swimming Pool Safety – Safety Barriers for Swimming Pools;
- e) Rockdale Development Control Plan 2011; and
- f) Protection of the Environment Operations Act 1997.

No water must be placed in the pool/spa until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the Principal Certifying Authority. Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

28. As the basement floor is being proposed closer to existing built structures on neighbouring properties, which may be in the zone of influence of the proposed works and excavations on this site, a qualified practicing geotechnical engineer must:

(a) That the all recommendations contained in the Geotechnical assessment report prepared by ESWNMAN PTY LTD, Reference No. ESWN-PR-2018-310, dated 28th October 2018 shall be implemented.

(b) Provide a certificate that the construction certificate plans are satisfactory from a geotechnical perspective and

(c) Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate for the relevant stage of works.

(d) Inspect the works as they progress. The Inspections are to occur at frequencies determined by the geotechnical engineer.

(e) Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council, once the Construction Certificate is issued for the relevant stage of works.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.

29. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.

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

30. 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.
- c) And is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

31. 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.
32. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the 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.
33. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
34. 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:
- a) stating that unauthorised entry to the work site is prohibited, and
 - b) 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.
Any such sign is to be removed when the work has been completed.
This condition does not apply to:
 - c) building work carried out inside an existing building or
 - d) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
35. This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
36. 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.
37. Erosion and sediment control devices shall be installed and in function 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 public stormwater drainage systems, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices 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.

38. Trees located within the footprint of the proposed buildings may be removed.
39. The existing street tree located at the front of the property is not to be removed or pruned, including root pruning, without the written consent of Council.
40. No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
41. Trees located within adjoining properties or Council's nature strip shall not be removed or pruned without the written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.
42. Any pruning of branches or roots of trees growing from within adjoining properties requires the prior written consent of the tree's owners and the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011. The work must be carried out in accordance with AS4373:2007 by an experienced Arborist with minimum AQF Level 2 qualifications in Arboriculture.
43. Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.
44. Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.
45. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.
46. Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.
47. At least two (2) native or ornamental trees of at least 100 litre pot or container size and capable of growing to a minimum height of three (3) metres shall be planted in suitable locations within the property on completion of the building works and prior to the final inspection.
48. Prior to the commencement of work, Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with protective fences at least 1.8 metres high erected at least 1.5 metres from the trunks around each tree or group of trees which are required to be retained. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins, storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are not permitted within the Tree Protection Zones at any time.

49. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.

DURING WORKS

50. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

The principal contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

Note: Professional engineer has the same mean as in Clause A1.1 of the BCA.

Note: Building has the same meaning as in section 4 of the Act i.e. "building includes part of a building and any structure or part of a structure".

Note: Supported land has the same meaning as in section 88K of the Conveyancing Act 1919.

51. Any demolition work shall be carried out in accordance with Australian Standards AS 2601-2001 Demolition of Structures and the requirements of the NSW WorkCover Authority.
52. Any material containing asbestos found on site during the demolition process 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.
53. No demolition materials shall be burnt or buried on the site.
54. All services (Utility, Council, etc.) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
55. 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 Certifying Authority including an after-hours contact telephone number.
 - b) Any such sign is to be removed when the work has been completed.
56. 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. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.
57.
 - 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 (e.g. Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with: -
 - The additional load on the system; and
 - 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.
58. Should the construction 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.
59. 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.
60. The approved Waste Management Plan shall be complied with at all times during construction and on-going use of the site.
61. 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.
62. If any excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- a) Must preserve and protect the building/ fence from damage; and,
 - b) If necessary, underpin and support such building in an approved manner;
 - c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
 - d) 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.
 - e) If the soil conditions required it:

- i) Retaining walls associated with the erection of a building (swimming pool) or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided and:-
 - ii) Adequate provision must be made for drainage.
 - f) 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.
63. Any dewatering is not permitted on this site without NSW-EPA approval.
64. 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 Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.
 - b) Level Restrictions
 - i) Construction period of 4 weeks and under:

The L_{10} 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 28 weeks:

The L_{10} 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 07:30am to 06.30pm
 - 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.
65. Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:

- i) must be standard flushing toilet; and,
 - ii) must be connected:
 - to a public sewer; or
 - if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
66. The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls as required by this consent and the Protection of the Environment Operations Act 1997.
67. 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.
- 68.
- 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 (e.g. concrete pumps) or equipment (e.g. 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.
69. 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 made 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.

70. 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.
71. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

72. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- i. Sediment control measures
 - ii. Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - iii. Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
 - iv. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.

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

73. The width of the single driveway shall be minimum width of 3.0m and maximum of 4.5m at the property boundary.
74. At least two (2) native trees capable of growing to a minimum height of six (6) metres shall be planted in suitable locations within the property on completion of the building works and prior to the final inspection.
75. Prior to occupation a Chartered Professional Engineer competent in geotechnics shall certify that the construction works has been constructed in accordance with the approved geotechnical report and include an evaluation of the completed works. A copy of the certificate shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
76. All absorption trenches must be inspected prior to back filling and proceeding to subsequent stages of construction to the satisfaction of principal Certifying Authority. Supporting evidence shall be issued by a professional Civil Engineer experienced in stormwater system design and construction. Copies of documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.
77. 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.
78. Prior to the issue of the Occupation Certificate, the following is required:
 - a) High-level overflows from the swimming pools 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.

- e) 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.

- f) 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.
- g) The Principal Certifying Authority shall confirm that a pool cover is installed across the entirety of the swimming pools to minimise evaporation.
- h) 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.
- i) 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.

- 79. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater retention/detention facility to provide for the maintenance of the retention/detention facility.
- 80. The following works will be required to be undertaken in the road reserve at the applicant's expense:
 - i) construction of a new fully constructed concrete vehicular entrance/s;
 - ii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iii) removal of redundant paving;
 - iv) smooth transition with new driveways and footpath areas
- 81. Prior to issue of any Occupation Certificate, Principal Certifying Authority shall confirm that all the safety barriers enclosing the new swimming pool are installed and satisfy AS1926.1 Swimming Pool Safety – Safety Barriers for Swimming Pools.
- 82. Prior to use and occupation of the building and swimming pool, an Occupation Certificate must be obtained under Sections 6.3 (1)(c) and 6.9 of the Environmental Planning and Assessment Act, 1979.

83. Prior to the issue of any Occupation Certificate, satisfactory inspection reports (formwork and final) for any works on the road reserve shall be obtained from Council's engineer and submitted to the Certifying Authority.
84. Prior to the issue of the Occupation Certificate, 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.
85. 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.
86. The Council nature strip at any site frontage 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.

ROADS ACT (New vehicular crossing/ works in Road reserve)

87. The following works will be required to be undertaken in the road reserve at the applicant's expense:
 - i) construction of a new fully constructed concrete vehicular entrance/s;
 - ii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iii) removal of redundant paving;
 - iv) smooth transition with new driveways and footpath areas

DEVELOPMENT CONSENT ADVICE

88. All wastewater and the stormwater system (including all pits, pipes, absorption, detention structures, treatment devices and rainwater tanks) shall be regularly maintained (at least once per year) in order to ensure that they remain effective. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
89. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.
90. Section 88E Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.

91. *Dial Before You Dig*

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

92. *The rainwater tank water will not be for drinking.*

93. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.

94. 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. 2019/94 dated as 9 July 2019 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.